

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

Be It Remembered that the Mayor and City Council of the City of Picayune, Pearl River County, Mississippi, met at City Hall, 203 Goodyear Blvd., in said City, Tuesday, August 19, 2014, at 5:00 p.m. in regular session with the following officials present: Mayor Ed Pinero, Council Members Tammy Valente, Lynn Bumpers, Jan Stevens, and Larry Breland, City Manager Jim Luke and City Clerk Amber Hinton.

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

Opening prayer was given by Chief Keith Brown, followed by the Pledge of Allegiance led by Mayor Ed Pinero.

*AT THIS TIME MAYOR PINERO OPENED THE FY2015 BUDGET HEARING TO THE PUBLIC FOR COMMENT. COPIES OF THE PROPOSED BUDGET WERE MADE AVAILABLE TO THE PUBLIC.*

**ORDER TO APPROVE MINUTES**

Motion was made by Council Member Stevens, seconded by Council Member Gouquet to approve the Minutes for the City of Picayune dated August 5, 2014.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouquet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ACKNOWLEDGE RECEIPT OF MONTHLY PRIVILEGE LICENSE REPORT**

Motion was made by Council Member Stevens, seconded by Council Member Gouquet to acknowledge receipt of monthly Privilege License report for the month of July 2014.

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**City of Picayune**  
**Browse Receipts [GENERAL FUND - OPERATING, Mail - Is, by Date]**

Receipt#	Date	Deposit To	Drawer	Type	Reference	Lookup	Citation	Name	Description	Void Reason	Received	Deposit Date	We b
Dep 433987	7/01/2014	GENERAL FUND - OPERATING	Mail - Is	Check	0001007	30719		ADORABLE MOMENTS 4.D. LLC	2013-2014 PRIV LICENSE		20.00	7/16/2014	
Dep 433991	7/01/2014	GENERAL FUND - OPERATING	Mail - Is	Check	0001083	30720		NEXTLINE COMMUNICATIONS, C & S AUTO REPAIR	PRIV LICENSE 2013-2014 PRIV LICENSE		25.00	7/16/2014	
Dep 436462	7/10/2014	GENERAL FUND - OPERATING	Mail - Is	Cash		30742		CHILDRENS INTERNATIONAL LLC	2013-2014 PRIV LICENSE		20.00	7/16/2014	
Dep 436657	7/11/2014	GENERAL FUND - OPERATING	Mail - Is	Cash		30744		SAYLOUS FUNERAL HOME	2013-2014 priv license		20.00	7/16/2014	
Dep 437540	7/15/2014	GENERAL FUND - OPERATING	Mail - Is	Check	0014343	03541		ARX DISASTER MANAGEMENT INC	PRIV LICENSE 2013-2014 PRIV LICENSE		23.80	7/16/2014	
Dep 438981	7/22/2014	GENERAL FUND - OPERATING	Mail - Is	Check	0005536	30785		CHICK N STICK SOUL FOOD	2014		5.00	8/01/2014	
Dep 439727	7/28/2014	GENERAL FUND - OPERATING	Mail - Is	Check	0001003	30796		WESTSTAR MORTGAGE CORP.	2013-2014 PRIV LICENSE		5.00	8/01/2014	
Dep 439804	7/29/2014	GENERAL FUND - OPERATING	Mail - Is	Check	0075271	30794					5.00	8/01/2014	
											<b>123.80</b>		

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The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gougnet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ACKNOWLEDGE RECEIPT OF MONTHLY PUBLIC RECORDS REQUEST REPORT**

REGULAR MEETING AUGUST 19, 2014

Motion was made by Council Member Stevens, seconded by Council Member Gouguet to acknowledge receipt of monthly Public Records Request report for the month of July 2014.

CITY OF PICAYUNE REPORT OF PUBLIC RECORDS REQUESTS JULY 2014				
DATE	PERSON REQUESTING	SUBJECT MATTER	DATE FILLED/ DENIED	ACTION
07/01/14	PICAYUNE HOUSING AUTHORITY	FINGERPRINTS FOR THE MONTH OF JULY	07/01/14	APPROVED
07/31/14	PRC YOUTH COURT	INCIDENT REPORT # 2014-07-2183	07/31/14	APPROVED
07/31/14	USDC SOUTHERN DISTRICT	BACKGROUND CHECK X 4	07/31/14	APPROVED
07/30/14	GREGORY & JUDITH WYATT	# 2 RECORD'S CHECK	07/30/14	APPROVED
07/30/14	ANGELA WILSON	RECORD'S CHECK	07/30/14	APPROVED
07/30/14	MATTIE GORMAN	RECORD'S CHECK	07/30/14	APPROVED
07/29/14	CASA FOR CHILDREN	RECORD'S CHECK	07/29/14	APPROVED
07/29/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-1333	07/29/14	APPROVED
07/29/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-1336	07/29/14	APPROVED
07/29/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-0359	07/29/14	APPROVED
07/29/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/29/14	APPROVED
07/29/14	METROPOLITAN REPORTING BUREAU	ACCIDENT REPORT # 2014-06-0056	07/29/14	APPROVED
07/29/14	LUKE BREELAND	ACCIDENT REPORT # 2014-07-1546	07/29/14	APPROVED
07/28/14	REBECCA HOBGOOD	RECORD'S CHECK	07/28/14	APPROVED
07/28/14	DUSTIN SIMMONS	RECORD'S CHECK	07/28/14	APPROVED
07/28/14	KYE GLOVER	ACCIDENT REPORT # 2014-07-1546	07/28/14	APPROVED
07/25/14	STRIPE A LOT OF AMERICA	INCIDENT REPORT # 2014-07-0055	07/25/14	APPROVED
07/25/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/25/14	APPROVED
07/24/14	SENTRY INSURANCE	ACCIDENT REPORT # 2014-07-0908	07/24/14	APPROVED
07/24/14	BITUMINOUS INSURANCE COMPANY	ACCIDENT REPORT # 2014-05-1283	07/24/14	APPROVED
07/24/14	FARM BUREAU	ACCIDENT REPORT # 2014-07-0652	07/24/14	APPROVED
07/24/14	CHRISTOPHER RUSSELL	RECORD'S CHECK	07/24/14	APPROVED
07/24/14	MARQUIDDA NIXON	RECORD'S CHECK	07/24/14	APPROVED
07/23/14	WILLIAM BRADLEY FRAZIER	RECORD'S CHECK	07/23/14	APPROVED
07/22/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-1032	07/22/14	APPROVED
07/23/14	MICHAEL & GLORIA EMELIO	RECORD'S CHECK	07/23/14	APPROVED
07/23/14	KATRINA FRAZIER	RECORD'S CHECK	07/23/14	APPROVED
07/23/14	RUBY CRONEY	INCIDENT REPORT # 2013-04-0751	07/23/14	APPROVED
07/23/14	DEDRA KITCHENS	RECORD'S CHECK	07/23/14	APPROVED
07/22/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-1176	07/22/14	APPROVED
07/22/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2217	07/22/14	APPROVED
07/22/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-1117	07/22/14	APPROVED
07/22/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-0670	07/22/14	APPROVED
07/22/14	RICARDO RAMOS JR.	ACCIDENT REPORT # 2014-07-0359	07/22/14	APPROVED
07/22/14	SHELBY YOUNG	RECORD'S CHECK	07/22/14	APPROVED
07/21/14	DEVIN CREDEUR	RECORD'S CHECK	07/21/14	APPROVED
07/21/14	JENNIFER DEVER	ACCIDENT REPORT # 2014-07-1176	07/21/14	APPROVED
07/18/14	LA STATE BUREAU OF INVESTIGATIONS	RECORD'S CHECK	07/18/14	APPROVED
07/18/14	HANCOCK CO YOUTH COURT	RECORD'S CHECK X 3	07/18/14	APPROVED
07/18/14	METROPOLITAN REPORTING BUREAU	ACCIDENT REPORT # 2014-05-1223	07/18/14	APPROVED
07/18/14	METROPOLITAN REPORTING BUREAU	ACCIDENT REPORT # 2014-07-0184	07/18/14	APPROVED
07/17/14	GINA MITCHELL	ACCIDENT REPORT # 2014-04-2323	07/17/14	APPROVED
07/17/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-05-0775	07/17/14	APPROVED
07/17/14	LEXIS NEXIS	INCIDENT REPORT # 2014-06-2217	07/17/14	APPROVED
07/17/14	JOSEPH JOHNSON	ACCIDENT REPORT # 2014-07-0732	07/17/14	APPROVED
07/17/14	LEXIS NEXIS	INCIDENT REPORT # 2014-07-0055	07/17/14	APPROVED
07/17/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-0581	07/17/14	APPROVED
07/17/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-05-1283	07/17/14	APPROVED
07/17/14	UNITED STATES DISTRICT	RECORD'S CHECK	07/17/14	APPROVED

REGULAR MEETING AUGUST 19, 2014

	COURT			
07/17/14	FARM BUREAU	ACCIDENT REPORT # 2014-06-0734	07/17/14	APPROVED
07/16/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-0730	07/16/14	APPROVED
07/16/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-0315	07/16/14	APPROVED
07/16/14	HANCOCK CO YOUTH COURT	RECORD'S CHECK	07/16/14	APPROVED
07/16/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/16/14	APPROVED
07/15/14	FBI NICS	RECORD'S CHECK	07/15/14	APPROVED
07/14/14	CODY DILLARD	ACCIDENT REPORT # 2014-07-0555	07/14/14	APPROVED
07/14/14	GINA MARTINEZ	RECORD'S CHECK	07/14/14	APPROVED
07/11/14	CHARLENE WILLIAMS	ACCIDENT REPORT # 2014-07-0275	07/11/14	APPROVED
07/11/14	FBI NICS	RECORD CHECK	07/11/14	APPROVED
07/11/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-07-0292	07/11/14	APPROVED
07/11/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2291	07/11/14	APPROVED
07/11/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/11/14	APPROVED
07/03/14	LEXIS NIEXIS	ACCIDENT REPORT # 2014-06-2375	07/03/14	APPROVED
07/03/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2355	07/03/14	APPROVED
07/10/11	JHANNE STASNEY	ACCIDENT REPORT # 2014-07-0184	07/10/11	APPROVED
07/11/14	KAYLA POUNDS	RECORD'S CHECK	07/10/11	APPROVED
07/10/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-1860	07/10/14	APPROVED
04/09/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2154	04/09/14	APPROVED
07/10/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK X 2	07/10/14	APPROVED
07/10/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/10/14	APPROVED
07/09/14	LEXIX NEXIS	ACCIDENT REPORT # 2014-07-0184	07/09/14	APPROVED
07/09/14	BRADLEY DUCOTE	ACCIDENT REPORT # 2014-07-0473	07/09/14	APPROVED
07/09/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/09/14	APPROVED
07/09/14	PATRICK ALLEN DEPORT	RECORD'S CHECK	07/09/14	APPROVED
07/080/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2293	07/08/14	APPROVED
07/08/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2293	07/08/14	APPROVED
07/08/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2547	07/08/14	APPROVED
07/08/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2448	07/08/14	APPROVED
07/08/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2448	07/08/14	APPROVED
07/08/14	METROPOLITAN REPORTING BUREAU	ACCIDENT REPORT # 2014-06-1752	07/08/14	APPROVED
07/08/14	FLORENCE MANGUNO	ACCIDENT REPORT # 2014-07-0476	07/08/14	APPROVED
07/08/14	METROPOLITAN REPORTING BUREAU	ACCIDENT REPORT # 2014-05-0395	07/08/14	APPROVED
07/08/14	JUAN VELASQUEZ	INCIDENT REPORT # 2014-06-2447	07/08/14	APPROVED
07/08/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/08/14	APPROVED
07/08/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK	07/08/14	APPROVED
07/08/14	ANDREA BARTLEY	INCIDENT REPORT # 2014-06-2543	07/08/14	APPROVED
07/03/14	USDC SOUTHERN DISTRICT	RECORD'S CHECK X 2	07/03/14	APPROVED
07/02/14	FARM BUREAU	ACCIDENT REPORT # 2014-06-2355	07/02/14	APPROVED
07/01/14	TRICIA BRUCE	ACCIDENT REPORT # 2014-06-2375	07/01/14	APPROVED
07/01/14	KIRA MCCORMICK	INCIDENT REPORT # 2014-06-1694	07/01/14	APPROVED
07/001/14	JOHN B PERRY	INCIDENT REPORT # 2014-06-0552	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-0734	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-1428	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-05-1209	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-1135	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-1178	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2094	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-1696	07/01/14	APPROVED
06/27/14	PATRICK TASSELIN	INCIDENT REPORT # 2014-06-0969	06/27/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-2004	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-05-1897	07/01/14	APPROVED
07/01/14	LEXIS NEXIS	ACCIDENT REPORT # 2014-06-1682	07/01/14	APPROVED

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ACCEPT APPROVED PLANNING COMMISSION MINUTES**

Motion was made by Council Member Stevens, seconded by Council Member Gouguet to accept the approved Planning Commission Minutes dated July 8, 2014.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ACCEPT PLANNING COMMISSION MINUTES**

Motion was made by Council Member Stevens, seconded by Council Member Gouguet to accept Planning Commission Minutes dated August 12, 2014.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**APPROVE MEMORANDUM OF UNDERSTANDING/PARTNERSHIP AGREEMENT WITH PEARL RIVER VALLEY OPPORTUNITY, INC**

Motion was made by Council Member Gouguet, seconded by Council Member Valente to approve Memorandum of Understanding/Partnership Agreement by and between Pearl River Valley Opportunity, Inc. and City of Picayune and authorize Mayor to sign said agreement.



**Pearl River Valley Opportunity, Inc.**

Post Office Box 188 / 756 Hwy. 98 Bypass  
Columbia, Mississippi 39429-0188  
Voice: 601-736-9564 Fax: 601-736-6268  
Website: [www.prvoinc.org](http://www.prvoinc.org)

*Helmon Johnson*  
Executive Director

*John E. Hales*  
Head Start Director

**Memorandum of Understanding /Agreement with Energy Vendors  
LIHEAP FY 2015**

Pearl River Valley Opportunity, Inc. (PRVO) is dedicated to providing efficient and timely payments to energy vendors on behalf of our clients, and we appreciated the coordination efforts and informal agreements shared between PRVO and all of its energy vendors. We propose to enter into to a memorandum of understanding with Picayune Utility Department to provide the following.

1. PRVO will provide direct cash assistance if funds are available, consumer education, and energy counseling to low-income households to offset the high cost of energy.
2. PRVO will enter client services into Virtual ROMA. Information will include amount of financial energy assistance provided for each client and account numbers.
3. PRVO will submit payments to energy vendors within 30 days.

As part of this agreement, Picayune Utility Department agrees to the following:

1. Utilize Virtual ROMA to determine the client names and amount of financial assistance allocated to clients.
2. Note and/or credit clients' accounts with the amount of cash assistance pledged by PRVO in order to prevent interruption in energy services
3. ~~Waive reconnecting fee if service is disconnected~~ **THE CITY DOES NOT WAIVE DISCONNECTION FEES**

This agreement between the two parties is entered into on July 2014.

**Helmon Johnson, Executive Director**

PRVO Authorized Official

Signature: *Helmon Johnson* Date: 6-27-14

Printed Name and Title of Vendor Authorized Official

Signature: *Edward Pineda* Date: \_\_\_\_\_

Address \_\_\_\_\_ City, State, and Zip Code \_\_\_\_\_

*PRVO, Inc. does not discriminate on the grounds of race, religion, color, sex, familial status, age, national origin or handicap in any program or employment.*

Mississippi Department of Human Services  
Division of Community Services (DCS)

**Vendor Agreement**

The Low-Income Home Energy Assistance Program(LIHEAP) provides assistance to eligible low-income households to pay home energy cost and other related services. Payments for assistance will be made by:

**Pearl River Valley Opportunity Incorporated**

LIHEAP Agency

on behalf of eligible households to the vendor who provides the normal source of heating, cooling, or services named by the applicant. Checks will be issued to the vendor with a list of eligible households attached to it.

This vendor agreement is by and between:

LIHEAP Agency: <b>Pearl River Valley Opportunity Incorporated</b>	Address: <b>756 Highway 98/P.O. Box 188 Columbia, MS 39429</b>
LIHEAP Vendor Legal Name: Picayune Utility Department	Address: 203 Goodyear Boulevard, Picayune, MS 39466

- The account number is assigned to each household eligible for energy assistance;
- That eligible households will be charged in a normal business process, the difference between the actual cost of home energy services and the amount of payment made through the program;
- That eligible households will not be treated adversely or differently because of such assistance;
- That there will be no discrimination either in the cost of goods supplied or services provided, against the households on whose behalf payments are made;
- That the amount will be credited to individual eligible household indicated on the listing that accompanies the check;
- To not refuse service or otherwise discriminate in the marketing and provision of service to any applicant because of race, religion, color, national origin, gender, familial status, source of income, level of income, disability, financial status or qualification for low-income or energy-efficiency services;
- To not interrupt services if a pledge was sent to Vendor and the agency is meeting the obligations under this agreement; and
- That it will cooperate with DCS by providing requested information to DCS regarding annual utility usage and cost for LIHEAP clients, if applicable.
- To provide at no cost to the LIHEAP Agency, client, or DCS, written information on an applicant household's home energy costs, bill payment history or arrearage history.

**The energy vendor agrees to handle payments in the following manner:**

- Payments must be applied **ONLY to home energy accounts** of the individuals listed, except if: (a) the account is in the name of the spouse who lives at the same address; (b) the account is in the name of a deceased spouse; or (c) verification is obtained from vendor or landlord stating that applicant is responsible for affected utility bill.
- Payments must **not** be applied to business accounts.
- Payment must be applied only for home energy services. The following payments are prohibited: water, sewer, garbage collections, fraudulent services, meter tampering and returned check fees.

REGULAR MEETING AUGUST 19, 2014

PEARL RIVER VALLEY OPPORTUNITY INCORPORATED  
VIRTUAL ROMA CONTACTS

Program Director: Doneater Mack  
601-736-9564 ext. 138  
dmack@prvoinc.org

Assistants: Betty Hendricks  
601-736-9564 ext. 144  
bhendricks@prvoinc.org

Chiquita Jackson  
601-736-9564 ext. 129  
qjackson@prvoinc.org

VENDOR CONTACT INFORMATION SHEET

Vendor Name: CITY OF PICAYUNE  
Vendor TIN: 64-6000972  
Main Headquarter Address: CITY HALL  
203 GOODYEAR BLVD PICAYUNE, MS 39466  
LIHEAP Payment Address: SAME  
Contact Person: LORRAINE WESTBROOK

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**MOTION TO NAME CITY'S NEW PARK ON GOODYEAR BLVD**

Motion was made by Council Member Gouguet, seconded by Council Member Valente to name the new park on Goodyear Blvd. Crosby Commons.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**APPROVE ORDINANCE 915 REGARDING THE DESIGNATION, ESTABLISHMENT, AND REGULATION OF SPECIAL USE EVENTS PERMIT INSIDE THE CITY OF PICAYUNE AND LOCATED AT CROSBY COMMONS**

Motion was made by Council Member Gouguet, seconded by Council Member Bumpers to approve Ordinance NO. 915 Regarding the Designation, Establishment, and Regulation of Special Use Events Permit in the City of Picayune and located at Crosby Commons.

**ORDINANCE NUMBER: 915**

**ORDINANCE OF THE CITY OF PICAYUNE, MISSISSIPPI, REGARDING THE DESIGNATION, ESTABLISHMENT AND REGULATION OF SPECIAL USE EVENTS PERMIT INSIDE THE CITY OF PICAYUNE AND LOCATED AT CROSBY COMMONS ON GOODYEAR BLVD.**

**WHEREAS, the City of Picayune (the "City") conducted a special election on November 7, 1967, in which the majority of the voters of the City of Picayune did vote affirmatively to permit the transportation; storage, sale, distribution, receipt and/or beer and light wine as defined in Miss. Code Ann. §67-3-3, and amended;**

**WHEREAS, the City, by and through its elected representatives, has adopted and followed zoning regulations and ordinances to ensure an orderly and coherent growth of the City of Picayune;**

**WHEREAS, the use of reasonable regulations and controls as set forth in the City's zoning regulations and ordinances has facilitated and improved the growth and development of the City;**

**WHEREAS, the current regulations and controls set forth in the City's zoning regulations and ordinances should be amended and/or adopted to prescribe and enforce reasonable and proper rules and regulations for fixing zones and territories, prescribing hours of opening and closing, and for such other measures as will promote the public health, morals and safety pursuant to the general police powers of the City of Picayune, and further, pursuant to Miss. Code Ann. §67-3-65, amended;**

**WHEREAS, the City finds that It should adopt a separate ordinance regarding the establishment and regulation of special use events inside the City of Picayune; and,**

**WHEREAS, the City desires to adopt a new ordinance in pursuant to the general police powers of the City and further, pursuant to the provisions of Miss. Code Ann. §67-3-65, to accomplish the purposes and goals set forth herein, and the City Council of the City of Picayune having determined that the adoption of**

**this ordinance shall serve, preserve and protect the health, safety and welfare of the residents of the City of Picayune, Mississippi.**

**NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Picayune, Mississippi, as follows, to-wit:**

**Section 1. Designation of Special Use Events Permit**

**This Ordinance is an extension of the City of Picayune Zoning Ordinances and shall be interpreted in accordance with the Miss. Code Ann. §§ 17-1-1, et. seq. (1972), as amended. Additionally, all requirements, restrictions and powers that are imposed to Zoning Ordinances through Miss. Code Ann. Sections §§ 17-1-1, et. seq. shall apply to this Ordinance. Further, this Ordinance is being adopted pursuant to the general police powers of the City and further, pursuant to the provisions of Miss. Code Ann. §67-3-65.**

**The purpose of this Ordinance is to establish rules related to the City of Picayune being designated as a Special Use Event Area with the objective of protecting and promoting public safety and welfare, and to mitigate adverse impacts on the community while promoting economic development.**

**Notwithstanding any other provision of the ordinances of the City of Picayune does hereby adopt the following Ordinance.**

**Section 2. Definitions**

**A. Beer – means a malt beverage as defined in the Federal Alcohol Administration Act and any rules and regulations adopted pursuant to such act of an alcoholic content of not more than eight percent (8%) by weight.**

**B. Light Wine – means wine of an alcoholic content of not more than five percent (5%) weight. Native Wines shall not be considered wine.**

**C. Ordinance – means the Ordinance of the City of Picayune, Mississippi, Regarding The Designation, Establishment, and Regulation Of Special Use Events Permit Inside The City Of Picayune.**

**D. Person – means any individual, partnership, corporation, association or other legal entity whatsoever.**

**E. Department - means the various offices, bureaus, and divisions of the Mississippi Department of Revenue that incorporate the functional duties and responsibilities of the Commissioner of the Department of Revenue or his designee as authorized by law.**

**F. Special Use Event - Is a temporary use in which only beer is sold, consumed, dispensed, furnished or given away from a pre-approved source or sources pursuant to a zoning use permit issued for Crosby Commons for a given period of time that has a period of commencement and conclusion.**

**G. Person – A qualified person, corporation, limited liability company.**

**Section 3. Zoning Permits –**

**Special Use Events may be located only in Crosby Commons and only the issuance of a zoning permit. A zoning permit shall be issued under the following process, to-wit:**

- 1. At the time of filing the written application for the issuance of a zoning permit for a special use event to a person under this Ordinance, there shall be paid to the City of Picayune a fee of Three Hundred Dollars (\$300.00) per application for a zoning use permit to sell, dispense, furnish or give away**

only beer defined as any beer of less than eight percent (8%) by weight, capable of being consumed as a beverage by a human being as provided for in Section 67-3-5, Mississippi Code of 1972. This fee shall be refunded to the applicant if the application for a special use permit is denied.

2. The applicant shall be responsible for a damage deposit paid to the City of Picayune to be determined by City Manager for the purpose of assurance of permit holder leaving permitted area clean and free of trash/debris. City of Picayune will provide trash receptacles for the event and will pick up and dispose of trash/debris contained in receptacles. For the sell and consumption of beer and/or light wine in the permitted area, only paper/plastic/styro cups may be used. No beer and/or light wine will be permitted in cans or bottles in the special event area. All sales and consumption of beer and/or light wine must be provided by the licensed permit holder of the event. No ice chest or any other container may be brought to special event area containing beer or light wine from another source.
3. The applicant shall be responsible for performing, at his/her/its expense, all actions required by this Ordinance or by law for the request to sell, dispense, furnish or give away only beer defined as any beer of less than eight percent (8%) by weight, capable of being consumed as a beverage by a human being as provided for in Section 67-3-5, Mississippi Code of 1972, If authorized or granted, to be effective, including the preparation of all applications, draft orders, notices, exhibits, affidavits, transcripts, documents and records; etc....
4. The City Manager shall have the final authority regarding the approval or disapproval of the issuance of the zoning use permit in accordance with this Ordinance and the laws of the State of Mississippi. Following the consideration of the documents from the Zoning Office, together with any evidence presented to the City Manager, the City Manager may approve in whole or in part, reject in whole or in part, remand in whole or in part the recommendation, record and application with instructions from the City Manager; or take the application under advisement. The applicant shall have the right to appeal the decision of the City Council as set forth in of this Ordinance
5. All Special Use Event Permits are subject the City of Picayune's Litter Ordinance.
6. All Special Use Event Permits are subject to Ordinance 913, an Ordinance allowing vehicular parking on and along Goodyear Boulevard between the hours of 9 pm and up to 12:00 pm. An additional permit is required from the Planning & Zoning Department.

#### **Section 4. Special Use Event Permit**

- A. The sale of beer and light wine by a Special Event Use Permit shall be limited to on premises consumption only in said Crosby Commons located on Goodyear Blvd as designated on said Permit, subject to the restrictions detailed in this Ordinance. The sale of beer by a special use event shall be limited to consumption in a pre-approved area during a pre-approved time.
- B. A special use event may only serve beer in the pre-approved licensed area during those hours allowed in the zoning use permit issued by the City Manager.
- C. No adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motel, or adult motion picture theater may operate at a special use event on the licensed premises.
- D. It shall be unlawful for any holder of a Special Event Use Permit and/or any

**agent, associate, employee, representative, entertainer or servant of any such Special Event Use Permit within the corporate limits of Picayune, Mississippi:**

- 1. To sell, dispense or give away beer and/or light wine without obtaining and holding a current valid permit and/or license required by and issued by the Department as allowed by law and be licensed by the State of Mississippi.**
- 2. To sell, dispense, or give away beer and/or light wine at any location other than licensed premises and obtaining a zoning Special Use Event Permit.**
- 3. To sell, dispense, furnish, allow consumption of or give away beer and/or light wine beverages to anyone before or after the times set by the City.**
- 4. To sell, give, furnish or allow the consumption of any beer and/or light wine to any person visibly or noticeably intoxicated, or to any insane person, or to any habitual drunkard, or to any person under the age of 21 years.**
- 5. To permit on the licensed premises any lewd, immoral, or improper entertainment, conduct or practices.**
- 6. To permit persons of ill repute, known criminals, or prostitutes to frequent said licensed premises.**
- 7. Shall not permit loud, boisterous or disorderly conduct of any kind upon the premises, or to permit the use of loud musical instruments which may disturb the peace, tranquility of the community within the immediate business locations unless a Noise Permit has been obtained.**
- 8. To permit or suffer gambling or the operation of games of chance upon the licenses premises.**
- 9. To throw, leave, or put beer and/or light wine containers on the streets, avenues, and road of the City or to throw, leave, or put these containers on the property of anyone except the person or persons possessing said containers.**
- 10. To sell beer and/or light wine to any Person under the age of 21 years or to any person knowing that the person to whom it is sold is buying the same for a person under the age of 21 years.**
- 11. To serve beer and/or light wine from the licensed premises to a person or persons in an automobile or automobiles in the form of curb service.**
- 12. To work or employ anyone under 18 years of age in said licensed premises where beer and/or light wine are sold except under proper and constant supervision of the adult owner or owners or an adult employee or employees.**
- 13. No holder of Special Event Use Permit, and no agent, associate, employee, representative, entertainer or servant of any such special use event shall do, or permit, any of the following activities or events on or about the licensed premises:**
  - A. Fraternalize by sitting at tables with customers while on duty; or to employ persons to solicit patrons for drinks AND to accept drinks from patrons and receive**

therefore a commission or any other re-numeration in any other way.

**B. Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution.**

**C. Permit any person to remain on the licensed premises while such person is unclothed or in such attire, costume or clothing to expose to view any portion of the female breast below the top of the areola or any portion of the pubic hair, the pubic hair area, anus, cleft of the buttocks, vulva, penis or genitals. Furthermore, no permittee or any female agent, associate, employee, representative, or servant, of said permittee shall wear such attire, costume or clothing on the licensed premises which reveals any part of the female breast below the top of the areola, and such attire, costume, or clothing cannot be extraordinarily designed or displayed to specifically accentuate the breasts.**

**D. Encourage or permit any person, for entertainment purposes, to touch, caress or fondle the breast, buttocks, anus, penis or genitals of their own, or those of any person, animal or inanimate object.**

**E. Permit any person to wear or use any device or covering, exposed to view, which simulates the breast, buttocks, anus, penis or genitals of their own, or those of any person, animal or inanimate object.**

**F. Permit any entertainment or conduct which is lewd, immoral or offensive to public decency, including:**

**1. Any act or performance of, or which simulates:**

**i. Sexual intercourse, masturbation, sodomy, bestiality, or oral copulation, flagellation or any sexual act.**

**ii. The touching, caressing or fondling of the breast, buttocks, anus, penis or genitals.**

**iii. The displaying of the pubic hair, the pubic hair area, anus, vulva, penis, genitals or any portion of the female breast below the top of the areola.**

**iv. The use of any artificial device or object to depict any of the prohibited activities described above.**

**2. Any act or performance which appeals primarily to sexually oriented, lustful, prurient, or erotic interest including, but not limited to, the following: erotic dancers; male or female strippers; topless dancers (male or female); dancers where clothes are removed to reveal portions of the body and constituting a strip act or simulation thereof; contests or exhibitions such as wet t-shirt, biggest breast, biggest bulge, body beautiful, best leg, hairiest chest, best tan, best hiney, mud wrestling, tight jeans, and similar contests or exhibitions. No string bikinis, spaghetti straps or thong attire are permitted with any swim wear, costume, or lingerie clothing.**

- G. The showing of films, still pictures, electronic reproduction, or other visual reproductions depicting:**
- 1. Acts, or simulated acts, or sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any other sexual acts which are prohibited by law.**
  - 2. Any person being touched, caressed or fondled on the breast, buttocks, anus, penis or pubic area.**
  - 3. Scenes wherein a person displays the breasts, vulva, anus, penis or genitals or pubic area.**
  - 4. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.**

**H. No Special Event Use Permit holder and/or no agent, associate, employee, representative, entertainer or servant of any such special use event shall operate a sexually oriented business as defined in the Ordinances in and for the City of Picayune on the licensed premises; or shall do, or permit, any of the activities or events on or about the licensed premises as defined in Ordinance No. 721 and Ordinance 727 (Article IV, Sexually Oriented Businesses, Section 26-101, et seq., Code of Ordinances, City of Picayune).**

**I. A Special Event Use holding a zoning use permit shall not be permitted to sell, dispense, furnish, allow consumption of, or give away beer and/or light wine, until prior to proper application for and obtaining the following permits and licenses: (1) A privilege license to engage in such business issued by the City; and, (2) All required licensees/permits specified in the Zoning Ordinances, building code, fire prevention code, electrical code, plumbing code and gas code adopted by the City.**

**J. A Special Use Event Permit holder shall not violate the laws of the State of Mississippi, of the United States, any regulations of the Department or Ordinances of the City of Picayune.**

**K. A special use event shall sell, dispense, or give away only beer in open disposable containers in those areas set out in the zoning use permit as set forth in this Ordinance. No beer shall be sold, dispensed, given away or consumed in glass bottles or cans.**

**L. Any person holding a State of Mississippi issued beer license may obtain a zoning use permit to sell, dispense and/or give away beer at a special use event.**

#### **Section 5. Permit by the Department of Revenue**

**A Special Event Use Permit must be issued and hold a valid and current permits and/or licenses required by and issued by the Department of Revenue, in order to sell beer and/or light wine at the licensed premises inside the corporate limits of the City of Picayune.**

#### **Section 6. General Provisions**

##### **A. Application for Zoning Use Permit**

- 1. Any person desiring a zoning use permit to establish a Special Event Use Permit shall file an application with the Planning & Zoning Department in the form of a sworn statement giving the address, the name of the business, its location.**

**A. The applicant shall further state in its sworn application for a special use permit that it possesses the following qualifications:**

- i. A Non-Profit located within the City of Picayune registered as a Non-Profit with the Secretary of the State of Mississippi.**
- ii. Applicant shall not have been convicted in Mississippi or any other state of a felony or of pandering, or of keeping or maintaining a house of prostitution.**
  - iii. Applicant shall not have been convicted of violating any laws in this or any other state, or of the United States relating to Alcoholic Beverages or gambling or have had revoked any license or permit to sell beer and/or light wine of any kind or beer or light wine within five (5) years preceding the date of application.**

**A. Special Provisions**

**A. The holder of a Special Event Use permit shall pay for the number of any off-duty certified law enforcement officers from the City as required by the City Manager to be present in order to provide security at said event. If additional on duty Picayune Police Officers are required to respond to any calls at the subject event, even for traffic control outside of event, then, in that event, the holder of the special use permit for the event may be required to pay for any costs associated with any on duty Picayune Police Officers that responded to any calls at the subject event. The City Manager shall have the authority to determine if any such costs associated with the response by any on duty Picayune Police Officers to any call at the event should be taxed against the holder of the zoning use permit for a special use event.**

**B. The holder Special Event Use Permit shall provide the City Manager with a certificate of insurance evidencing comprehensive liability coverage naming the City of Picayune as co-insured in combined limits not less than \$500,000 for bodily injury and property damage. The special use event shall expressly release the City, its agents, officers and employees from any and all damage or injury to persons or property arising out of the activities conducted within the area designated by the issuance of a zoning use permit for a special use event and the special use event shall indemnify the City against all damages, liabilities, expenses and losses incurred by the City as a result of the actions of the special use event, its employees, or its agents.**

**C. Damage: If damages are more than the damage deposit, the City reserves the right to take lessee to court for any damages in excess of the damage deposit.**

**D. Damage Deposit: Deposits must be paid at time of booking park. Damage deposit will be refunded on the next available docket once approved to be refunded. Amount of Deposit will be determined by the size and type of event.**

**E. No firearms are allowed in park other than be Security provided by City.**

**F. Fees for use of entire Crosby Commons are as follows:**

**A. Non- Profit Corporation and/or 501(c)(3) - \$400.00**

**B. Public Agencies, State, County, or Local Government including School – No Charge for use of Park (Damage Deposit will be required)**

**C. Crosby Commons is not allowed to be used for the benefit of profit for a Business or Individual.**

**G.. Alcoholic Beverages defined as any alcoholic liquid, including wines, of more than five percent (5%) of alcohol by weight, capable of being consumed as a beverage by a human being which shall not include beer or light wine containing not more than five percent (5%) of alcohol by weight as provided for in Section 67-3-5, Mississippi Code of 1972 are not allowed on the grounds of Crosby Commons.**

**H. Garbage and debris: All garbage/trash and disposable debris shall be placed in and garbage receptacles as provided by the City. If receptacles are full, then in that event, garbage/trash and disposable shall be placed in thrash bags for City to dispose of. In the event Crosby Commons is left with scattered garbage/trash or and disposable debris for City to clean, Permit Holder is subject to have cost of cleaning said Park will be withheld from Damage Deposit.**

**I. All fees in this Ordinance are based on Crosby Commons as in its current condition. Fees are subject to change as Improvements are added to Park.**

#### **Section 7. Violation(s) and Enforcement**

**Enforcement of this Ordinance may be by undertaken by the City of Picayune or any employee designated by the City. These enforcement activities include administrative actions; institution of civil proceedings in a Court of law or equity; or the institution of criminal proceedings in the appropriate Court having jurisdiction.**

**1. Administrative Enforcement: Any violation of this Ordinance is hereby declared to be a nuisance per se which is subject to abatement by way of administrative action undertake by the City of Picayune Code Enforcement Department pursuant to the issuance of a citation by the Code Enforcement Officer or any Police Officer for the City of Picayune. The Municipal Court in and for the City of Picayune shall have the jurisdiction to hear and render a decision pursuant to any citation(s) issued by said Code Enforcement Officer or Police Officer for the City of Picayune. The City or any person cited to appear shall the right to appeal the decision of the Municipal Court of the City of Picayune as provided for by law. The following administrative relief may be sought by the City and the Municipal Court is hereby empowered to grant all or some of the following relief, to-wit:**

**A. The assessment of an administrative penalty of not less than \$100.00 and not more that \$500.00 per violation; and, in the case of continuing violations without reasonable effort on the part of the Special Event Use Permit to correct same, each day the violation continues thereafter shall be a separate violation;**

**B. The closure of the licensed premises for a period of not more than thirty (30) days for each violation; and, in the case of continuing violations without reasonable effort on part of the special use event to correct same, each day the violation continues thereafter shall be a separate violation;**

**C. The suspension of a zoning use permit from one (1) day to one (1) calendar year;**

**D. The termination of the zoning use permit; and/or**

**E. The assessment of an administrative penalty as a lien against any personal or real property of the special use event, with a copy of same being enrolled as a judgment in the office of the Circuit Clerk of Pearl River County, Mississippi, to be collected or foreclosed upon by the City as allowed by law.**

**2 Civil Proceedings:** In addition to any other relief provided by this Ordinance, the City may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Ordinance, and other available relief. As a condition of the issuance of the privilege license, if found in violation of the terms of this Ordinance, the lounge or special use event shall reimburse the City for all attorney's fees and costs of court incurred in the bringing of this action.

**3 Criminal Sanctions:** Additionally, any Person who shall knowingly and willfully violate the terms, conditions or provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction therefore shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00), or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment, and, in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

**4. Forum Selection Clause:** As a condition of the submission of an application for or issuance of a privilege license under this Ordinance, the special event use permit shall have been deemed to have irrevocably consented that the sole and exclusive venue for any enforcement action taken by the City pursuant to the terms of this Ordinance, or any appeal, defense or action initiated by the lounge or special use event, shall be either the County Court, Circuit Court or Chancery Court of Pearl River County, Mississippi. As a further condition of the privilege license under this Ordinance, the permittee shall have been deemed to consent the subject matter jurisdiction and personal jurisdiction of the County Court, Circuit Court or Chancery Court of Pearl River County, Mississippi.

#### **Section 8. Separability and Validity Clause**

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 or any other section, clause, paragraph, provision, or part of this ordinance. All provision of this Ordinance shall be considered separate provision, and completely severable from all other portions.

#### **Section 9. Repeal of Conflicting Ordinances or Parts Thereof**

The enactment of this Ordinance shall be construed not to operate as a repeal Sections 10-1 through 10-115 of the Code of Ordinances in and for the City of Picayune, Mississippi, except to the extent the terms and provisions of same are in conflict herewith or inconsistent with the Provisions of this Ordinance.

All Ordinances or parts of Ordinances adopted heretofore by the City of Picayune, Mississippi, which are in conflict herewith or inconsistent with the provisions of this Ordinance, **ARE HEREBY REPEALED.**

#### **Section 10. Failure to Enforce Ordinance**

Failure to enforce any provision of this Ordinance shall not constitute a waiver nor imply that the action is legal.

#### **Section 11. Effective Date of Ordinance**

**This Ordinance shall become effective thirty (30) days after its adoption and publication by the Mayor and City Council of the City of Picayune, Pearl River County, Mississippi.**

**The foregoing Ordinance, having first been reduced to writing, was moved upon by Council member Gouguet, seconded by Council member Bumpers, and voted upon as follows:**

**VOTING YEA: Mayor Pinero, Council Members Gouguet, Valente, Breland and Stevens**

**VOTING NAY: Council Member Bumpers**

**NOT VOTING: None**

**NOT PRESENT: 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 19<sup>th</sup> day of August, 2014.**

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**Dr. Ed Pinero, Mayor**

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**City Clerk**

**Published: August 23, 2014**

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Stevens, Breland and Gouguet

**VOTING NAY:** Council Member Bumpers

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**APPOINT MANYA C BRYAN AS PROSECUTOR PRO TEMP**

Motion was made by Council Member Stevens, seconded by Council Member Gouguet to appoint Manya C. Bryan as Prosecutor Pro Temp.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**APPROVE GRANT AGREEMENT FOR AIP PROJECT NO. 3-28-0060-017-2014**

Motion was made by Council Member Gouguet, seconded by Council Member Valente to approve the Grant Agreement for AIP Project No. 3-28-0060-017-2014 and authorize Mayor to sign all related documents.



U.S. Department  
of Transportation  
Federal Aviation  
Administration

**GRANT AGREEMENT  
PART I – OFFER**

Date of Offer	August 7, 2014
Airport/Planning Area	Picayune Municipal Airport
AIP Grant Number	3-28-0060-017-2014
DUNS Number	092683457
<b>TO:</b>	City of Picayune, Mississippi (herein called the "Sponsor")

**FROM:** The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

**WHEREAS**, the Sponsor has submitted to the FAA a Project Application dated July 29, 2014, for a grant of Federal funds for a project at or associated with the Picayune Municipal Airport, which is included as part of this Grant Agreement; and

**WHEREAS**, the FAA has approved a project for the Picayune Municipal Airport (herein called the "Project") consisting of the following:

**Rehabilitate (correct drainage, crack seal, install thin overlay, and mark) taxiways (8,500± l.f.) and apron (25,000± s.y.)**

which is more fully described in the Project Application.

**NOW THEREFORE**, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated April 3, 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

**CONDITIONS**

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is **\$412,886.00**.  
  
For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b), the following amounts are being specified for this purpose:
  - \$0.00 for planning
  - \$412,886.00 for airport development or noise program implementation
  - \$0.00 for land acquisition.
2. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
3. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
5. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before September 6, 2014, or such subsequent date as may be prescribed in writing by the FAA.
7. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

- 8. United States Not Liable for Damage or Injury.** The United States is not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
- 9. System for Award Management (SAM) Registration and Universal Identifier.**
- A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain their information current in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
  - B. Requirement for Data Universal Numbering System (DUNS) Numbers:
    - 1) The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
    - 2) The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
    - 3) Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-492-0280) or the Internet (currently at <http://fedgov.dnb.com/webform>).
- 10. Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
- 11. Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter to the Sponsor unilaterally reducing the maximum obligation. The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. If the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the FAA can issue a letter to the Sponsor amending the grant description.
- By issuing an Informal Letter Amendment, the FAA has changed the grant amount or grant description to the amount or description in the letter.
- 12. Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.

- 13. Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
- 14. Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
- 15. Maximum Obligation Increase for Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- A. May not be increased for a planning project;
  - B. May be increased by not more than 15 percent for development projects;
  - C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
- 16. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
- 17. Suspension or Debarment.** The Sponsor must inform the FAA when the Sponsor suspends or debars a contractor, person, or entity.
- 18. Ban on Texting While Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
    - 1) Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
    - 2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
      - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
      - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
  - B. The Sponsor must insert the substance of this clause on banning texting when driving in all subgrants, contracts and subcontracts.

**19. Trafficking in Persons.**

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) that apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity) are:
- 1) Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
  - 2) Procuring a commercial sex act during the period of time that the agreement is in effect; or
  - 3) Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
- 1) Is determined to have violated the Prohibitions; or
  - 2) Has an employee who the FAA determines has violated the Prohibitions through conduct that is either—
    - a. Associated with performance under this agreement; or
    - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by the FAA at 49 CFR Part 29.

**20. Exhibit “A” Incorporated by Reference.** The Exhibit “A” Property Map dated January 25, 1999, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

**Special Conditions**

- 1. Project Which Contain Paving Work in Excess Of \$250,000:** The Sponsor agrees to:
- A. Furnish a construction management program to the FAA prior to the start of construction which details the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program must include as a minimum:
- 1) The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract.
  - 2) Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided.
  - 3) Procedures for determining that the testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation referenced in the contract specifications (D 3666, C 1077).

- 4) Qualifications of engineering supervision and construction inspection personnel.
  - 5) A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test.
  - 6) Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
- B. Submit at completion of the project, a final test and quality control report documenting the results of all tests performed, highlighting those tests that failed or that did not meet the applicable test standard. The report must include the pay reductions applied and the reasons for accepting any out-of-tolerance material. An interim test and quality control report must be submitted, if requested by the FAA.
- C. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, will, absent any compelling justification; result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction will be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.
- D. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.

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The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**



*(Signature)*

**Rans D. Black**

*(Typed Name)*

**Manager, Airports District Office, Jackson, Mississippi**

*(Title)*

PART II – ACCEPTANCE

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>1</sup>

Executed this 19 day of AUGUST, 2014.

CITY OF PICAYUNE, MISSISSIPPI

(Name of Sponsor)

*Edward Pinero*

(Signature of Sponsor's Designated Official Representative)

By: **EDWARD PINERO**

(Typed Name of Sponsor's Designated Official Representative)

Title: **MAYOR**

(Title of Sponsor)

CERTIFICATE OF SPONSOR'S ATTORNEY

I, NATHAN FARMER, acting as Attorney for the Sponsor do hereby certify:  
(Typed or printed)

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Mississippi. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at PICAYUNE, MS this 19 day of AUGUST, 2014.  
(City and State where you certify grant execution)

By *[Signature]*  
(Signature of Sponsor's Attorney)

\*\*\*\*\*  
<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**MOTION TO RE-SUBDIVIDE PROPERTY AT 2202 EAST CANAL ST**

Motion was made by Council Member Valente, seconded by Council Member Gouguet to accept Planning Commission recommendation to approve request from

Sharon Yost to re-subdivide property located at 2202 East Canal Street from one parcel into two parcels.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**MOTION TO RE-SUBDIVIDE LOT 2 OF BERRY PARK DEVELOPMENT**

Motion was made by Council Member Gouguet, seconded by Council Member Stevens to accept Planning Commission recommendation to approve request from Dr. Martin Berry to re-subdivide one parcel into two parcels property being Lot 2 of Berry Park Development, Phase 1, located at corner of Highlands Commons Parkway and Highway 43 North.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

**ACCEPT DONATION TO PICAYUNE FIRE DEPARTMENT FROM WAL-MART**

Motion was made by Council Member Breland, seconded by Council Member Stevens to accept donation to the Picayune Fire Department from Wal-Mart in the amount of \$1,000 to be used for the purchase of materials for children and senior citizens.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Valente, Bumpers, Stevens, Breland and Gouguet

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

*AT THIS TIME COUNCIL MEMBER TAMMY VALENTE RECUSED HERSELF FROM THE MEETING*

**MOTION TO DENY REQUEST FROM TOP FLIGHT AVIATION OF MS, LLC TO BE A FIXED BASE OPERATOR**

Motion was made by Council Member Gouguet, seconded by Council Member Stevens to deny request from Top Flight Aviation of MS, LLC to be a Fixed Base Operator and deny an exemption for ad valorem taxes for said years.

The following roll call was made:

**VOTING YEA:** Mayor Ed Pinero, Council Members Stevens and Gouguet

**VOTING NAY:** Council Members Bumpers and Breland

**ABSENT AND NOT VOTING:** None

**ABSTAINING AND NOT VOTING:** Council Member Valente

The motion failed for lack of votes.

*AT THIS TIME COUNCIL MEMBER TAMMY VALENTE RETURNED TO THE MEETING AND MAYOR ED PINERO EXITED THE MEETING*

**MOTION TO ADJOURN**

Motion was made by Council Member Breland, seconded by Council Member Gouguet to adjourn.

The following roll call was made:

**VOTING YEA:** Mayor Pro Temp Gouguet, Council Members Valente, Bumpers, Stevens and Breland

**VOTING NAY:** None

**ABSENT AND NOT VOTING:** Mayor Ed Pinero

**ABSTAINING AND NOT VOTING:** None

The motion was declared carried.

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Ed Pinero, Mayor

ATTEST:

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Amber Hinton, City Clerk