

**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, March 19, 2019, at 5:00 p.m. in regular session with the following officials present: Mayor Ed Pinero, Council Members Tammy Valente, Lynn Bumpers, Jan Stevens, Larry Breland and Wayne Gouguet, and City Clerk Amber Hinton. City Manager Jim Luke was absent.

It being determined a quorum was present, the following proceedings were held.

Opening prayer was given by Brother Barry Lee, followed by the Pledge of Allegiance led by Council Member Larry Breland.

ORDER TO APPROVE MINUTES

Motion was made by Council Member Valente, seconded by Council Member Bumpers to approve the Minutes for the City of Picayune dated March 5, 2019

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.

ACKNOWLEDGE RECEIPT OF MONTHLY PRIVILEGE LICENSE REPORT

Motion was made by Council Member Valente, seconded by Council Member Bumpers to acknowledge receipt of monthly Privilege License report for the month of February 2019.

Run: 3/13/2019 @ 7:58 AM Page: 1

City of Picayune
Browse receipts [All, GENERAL FUND - OPERATING, Register - tb, By receipt date]

Receipt#	Date	Deposit To	Drawer	Type	Reference	Lookup	Name	Description	Void Reason	Received	Deposit Date
Dep 778447	2/01/2019	GENERAL FUND - OPERATING	Register - tb	Check	0081576	31288	B R R ARCHITECTURE			100.00	2/01/2019
Dep 778451	2/01/2019	GENERAL FUND - OPERATING	Register - tb	<none>						0.00	2/01/2019
Dep 778999	2/08/2019	GENERAL FUND - OPERATING	Register - tb	Check	0003912	14289	PICAYUNE PHYSICAL THERAPY CENT			50.00	2/15/2019
Dep 779009	2/08/2019	GENERAL FUND - OPERATING	Register - tb	Check	0009273	13690	GARRETT, CHERYL	2018-2019		22.80	2/15/2019
Dep 779523	2/08/2019	GENERAL FUND - OPERATING	Register - tb	Check	0000017	34784	ZIM'S FUN ZONE	2018-2019		280.00	2/15/2019
Dep 781669	2/15/2019	GENERAL FUND - OPERATING	Register - tb	Check	0020566	30986	ALL SIGNS, INC			65.00	2/15/2019
Dep 781673	2/15/2019	GENERAL FUND - OPERATING	Register - tb	Check	0001632	31691	MCCRACKING PLUMBING			148.00	2/15/2019
Dep 781676	2/15/2019	GENERAL FUND - OPERATING	Register - tb	Check	0002458	30693	COLLINS ELECTRIC			50.00	2/15/2019
Dep 781691	2/15/2019	GENERAL FUND - OPERATING	Register - tb	<none>						0.00	2/15/2019
Dep 783052	2/21/2019	GENERAL FUND - OPERATING	Register - tb	Check	0000300	34812	PEARSON, JON			503.24	2/22/2019
Dep 783141	2/21/2019	GENERAL FUND - OPERATING	Register - tb	Cash		34813	GHOUS ENTERPRISES LLC			128.00	2/22/2019
Dep 783339	2/22/2019	GENERAL FUND - OPERATING	Register - tb	Check	0015704	27223	G.P. CONSTRUCTION CO.,			742.00	2/22/2019
Dep 783340	2/22/2019	GENERAL FUND - OPERATING	Register - tb	Check	0090818	32635	ROWELL ROOFING INC			2,092.00	2/22/2019
Dep 783344	2/22/2019	GENERAL FUND - OPERATING	Register - tb	Check	0039687	34814	SGA DESIGN GROUP			100.00	2/22/2019
Dep 783362	2/22/2019	GENERAL FUND - OPERATING	Register - tb	Check	0002186	28457	VALENTE REAL ESTATE,			22.80	2/22/2019
Dep 783364	2/22/2019	GENERAL FUND - OPERATING	Register - tb	Check	0004469	00097	BODY WORKS GYM			30.00	2/22/2019
Dep 783369	2/22/2019	GENERAL FUND - OPERATING	Register - tb	<none>						0.00	2/22/2019
Dep 783387	2/23/2019	GENERAL FUND - OPERATING	Register - tb	Check	0008906	03348	GTM BLDG SUPPLY			100.00	3/07/2019

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City of Picayune											
Browse receipts [All, GENERAL FUND - OPERATING, Register - fb, By receipt date]											
Receipt#	Date	Deposit To	Drawer	Type	Reference	Lookup	Name	Description	Void Reason	Received Deposit Date	Amount
Dep 784168	2/27/2019	GENERAL FUND - OPERATING	Register - fb	Check	0001025	27756	SOUTHERN DEVELOPERS INC	2018-2019		3/07/2019	22.80
Dep 784211	2/28/2019	GENERAL FUND - OPERATING	Register - fb	Check	0005169	24195	THE COBBLER			3/07/2019	22.80
										4,459.44	

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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 PUBLIC RECORDS REQUEST REPORT

Motion was made by Council Member Valente, seconded by Council Member Bumpers to acknowledge receipt of monthly Public Records Request report for the month of February 2019.

CITY OF PICAYUNE REPORT OF PUBLIC RECORDS REQUESTS FEBRUARY 2019				
<u>DATE</u>	<u>PERSON REQUESTING</u>	<u>SUBJECT MATTER</u>	<u>DATE FILLED/ DENIED</u>	<u>ACTION</u>
02/27/19	BROD JONES	RECORD'S CHECK	02/27/19	APPROVED
02/26/19	RUBY KINCAID	ACCIDENT REPORT # 2019-02-1443	02/26/19	APPROVED
02/26/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-0999	02/26/19	APPROVED
02/26/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-0030	02/26/19	APPROVED
02/26/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-1443	02/26/19	APPROVED
02/26/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-1062	02/26/19	APPROVED
02/26/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-1003	02/26/19	APPROVED
02/26/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-1142	02/26/19	APPROVED
02/25/19	LAQUESHA HOLMES	INCIDENT REPORT # 2019-01-1129	02/25/19	APPROVED
02/19/19	JADA LOFTIN	RECORD'S CHECK	02/19/19	APPROVED
02/19/19	KELLI SMITH	RECORD'S CHECK	02/19/19	APPROVED
02/19/19	BRITTANY SCHILL	RECORD'S CHECK	02/19/19	APPROVED
02/20/19	YELLOW DOG	ACCIDENT REPORT # 2019-02-0050	02/20/19	APPROVED
02/20/19	PCA INVESTIGATIONS LLC	ACCIDENT REPORT # 2019-02-0630	02/20/19	APPROVED
02/13/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-002-0042	02/13/19	APPROVED
02/13/19	FARM BUREAU	ACCIDENT REPORT # 2019-02-0024	02/13/19	APPROVED
02/13/19	FARM BUREAU	ACCIDENT REPORT # 2019-02-0209	02/13/19	APPROVED
02/13/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-0334	02/13/19	APPROVED
02/12/19	TERI MCMAHON	ACCIDENT REPORT # 2019-02-0334	02/12/19	APPROVED
02/04/19	LEXIS NEXIS	ACCIDENT REPORT # 2018-10-2160	02/04/19	APPROVED
02/21/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-0912	02/21/19	APPROVED
02/21/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-0730	02/21/19	APPROVED
02/21/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-0777	02/21/19	APPROVED
02/21/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-02-0623	02/21/19	APPROVED
02/21/19	LEXIS NEXIS	ACCIDENT REPORT# 2019-02-0501	02/21/19	APPROVED
02/04/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-01-0087	02/04/19	APPROVED
02/04/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-01-1597	02/04/19	APPROVED
02/04/19	LEXIS NEXIS	ACCIDENT REPORT # 2019-01-1816	02/04/19	APPROVED
02/04/19	BRETT ASHLEY HAYES	RECORD'S CHECK	02/04/19	APPROVED
02/04/19	JESSI MARCIANTE	RECORD'S CHECK	02/04/19	APPROVED
02/01/19	CHRISTINA GUIDRY	COPY OF CADE NOTES # 2019-01-2048	02/01/19	APPROVED
02/04/19	JONI KELLAR	COPY OF PETIT LARCENY REPORT # 2019-01-2035	02/04/19	APPROVED
02/04/19	PRICILLA ANN ACKER	RECORD'S CHECK & FINGERPRINT	02/04/19	APPROVED
02/04/19	MORRIS BART, LTD	ACCIDENT REPORT # 2019-01-1699	02/04/19	APPROVED
02/05/19	ALEXANDRA KEY	ACCIDENT REPORT # 2019-01-2162	02/05/19	APPROVED
02/05/19	AMANDA LEFLER	ACCIDENT REPORT # 2019-01-2162	02/05/19	APPROVED
02/06/19	WYMAN GAULDEN	ACCIDENT REPORT # 2019-01-2057	02/06/19	APPROVED
02/28/19	PICAYUNE HOUSING AUTHORITY	FINGERPRINTS& RECORD'S CHECK	02/28/19	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.

APPROVE REQUEST FROM COAST ELECTRIC FOR USE OF VACANT LOTS IN INDUSTRIAL PARK

Motion was made by Council Member Valente, seconded by Council Member Bumpers to approve request from Coast Electric for the use of any unsold or vacant lots in the Industrial park directly south of the old Farmer Fresh property to use a parking area during a storm.

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 REQUEST FROM PICAYUNE MAIN STREET, INC. TO HOLD BI-ANNUAL STREET FESTIVAL

Motion was made by Council Member Valente, seconded by Council Member Bumpers to approve request from Picayune Main Street, Inc. to hold Bi-annual Street Festival on the weekend of April 6 & 7, 2019.

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 REQUEST TO APPLY FOR MDEQ SOLID WASTE ASSISTANCE GRANT

Motion was made by Council Member Stevens, seconded by Council Member Gouguet to approve request to apply for MDEQ Solid Waste Assistance Grant to hold a Household Hazardous Waste Day in Picayune and authorize Mayor to sign related documents.

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 MS LOCAL MOSQUITO CONTROL SUPPORT GRANT

Motion was made by Council Member Valente, seconded by Council Member Gouguet to accept MS Local Mosquito Control Support Grant and authorize Mayor to sign any related documents.

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.

PROCLAIM MARCH 30, 2019 AS KEEP PICAYUNE BEAUTIFUL CLEANUP DAY

Motion was made by Council Member Stevens, seconded by Council Member Bumpers to proclaim March 30, 2019 as Keep Picayune Beautiful Cleanup Day.

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 OF LIVING MEMORIAL FOR CROSBY COMMONS

Motion was made by Council Member Breland, seconded by Council Member Gouguet to accept donation of living memorial (lacebark elm tree) for 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.

ACCEPT DONATION FROM ROTARY CLUB OF PICAYUNE TO PURCHASE TREES IN HONOR OF ARBOR DAY

Motion was made by Council Member Breland, seconded by Council Member Valente to accept donation from Rotary Club of Picayune to purchase trees in honor of Arbor Day to be planted on Cooper Road.

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.

AWARD LAWN MAINTENANCE SERVICES CONTRACT TO TAYLOR MADE LAWN CARE, INC.

Motion was made by Council Member Breland, seconded by Council Member Gouguet to award Lawn Maintenance Services Contract to Taylor Made Lawn Care, Inc.

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.

AUTHORIZE MAYOR TO SIGN A NEW UTILITY AGREEMENT WITH MDOT FOR HWY 11 WIDENING PROJECT

Motion was made by Council Member Valente, seconded by Council Member Gouguet to authorize Mayor to sign a new Utility Agreement with MDOT for Hwy 11 Widening Project contingent upon dollar value previously approved by Council. Not to exceed original agreed upon price.

ROW-800
Rev. 06-15

Instructions for ROW-800 Utility Agreement Form

Please fill in the below text boxes with the required information (if not previously filled in). The document below will automatically insert the information in the correct place when the document is printed (If you click File Tab>Print for a print preview and then go back to the Home Tab the information will update). You will only be able to change the information in these boxes on this page.

Project Number: STP-2170-00(22); 102246-204500

Project County: Pearl River

Utility Company/ Owner: The City of Picayune

Termini: US 11 from Hobolochitto Creek to Hide-A-Way Lake Road

Route Designation: US

Route Number: 11

Facilities Description: Natural Gas

Credit for accrued depreciation (will or will not): will not (most cases will not)

Eligible for 100% reimbursement under SB 2183 or 2250 (is or is not): is not (based on population)

(Cost text boxes are formatted so all that you need to do is get the decimal point in the correct position. The text box will add the dollar sign and comma.)

Total Relocation Project Cost: \$212,691.00

MDOT Rate of Participation: 68 %

MDOT Cost: \$144,441.00

Company Rate of Participation: 32 %

Owner Cost: \$68,250.00

Will begin relocation work on or before: Day: 15 Month: 04 Year: 2019

Will complete relocation work on or before: Day: 31 Month: 07 Year: 2019

Choose the following options in the pages below. You will need to check the box associated with the method(s) you wish to use in sections 8 & 9 in the below document:

Will perform relocation work by which method checked below (if more than one method is selected you will need to separate your estimate between each method):

- By Company Regular Forces: companies' own personnel will be used to accomplish relocation work.
- By Contract: company will issue a contract for the relocation work (awarded to lowest bidder). Company must wait on approval of Utility Agreement (ROW-800) to advertise. And once bids have been received and opened, Company must send bid tabulation with a letter recommending award to apparent lowest bidder. Relocation work contract can be awarded once the Commission has issued a letter of concurrence in the award.
- By Existing Continuing Contract: company will use a contractor kept on annual master agreement/ continuing contract for this type of work to accomplish relocation work. Must provide evidence of master agreement with agreed upon rates for this specific work and pay items.

Type of Agreement:

- Lump Sum: payment will be rendered upon completion of Final paperwork. Agreement must be less than \$100,000.00 to use the Lump Sum option.
- Actual Cost: progress payments may be made with final payment rendered upon completion of Final paperwork.

Please make sure to initial each page in the space provided, have an authorized Company Representative sign both page 3 & 4, and affix the company seal on both of those pages in the specified location.

If there are any questions about this form, please contact the MDOT Utility Coordinator for your project for assistance.

Thank you.
Initial 

REGULAR MEETING MARCH 19, 2019

ROW-800
Rev. 06-15

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

UTILITY AGREEMENT

STP-2170-00(22); 102246-204500

Pearl River County

This agreement, entered into as of the date of the last signature, by and between The City of Picayune hereinafter referred to as the COMPANY, and the Mississippi Transportation Commission, hereinafter referred to as the COMMISSION, for the adjustment of the transmission and/or distribution facilities of the Company necessitated by the construction of a highway under the Mississippi Federal Aid Program.

1. That the COMMISSION will submit a project for highway construction, being a section of the US 11 from Hoblochitto Creek to Hide-A-Way Lake Road known as US No. 11 in Pearl River County, and to be designed as STP-2170-00(22); 102246-204500; and will recommend its approval by the Federal Highway Administration for construction with funds apportioned to the State under Federal Aid allotment; and,

2. That right of way for the proposed new road will pass over and include certain property interests of the COMPANY as defined by Paragraph 107(a) of Federal Highway Administration 23CFR645A upon which it has heretofore constructed and is now maintaining its Natural Gas facilities, which property interest will be more particularly described and located according to plans agreeable to both parties; and,

3. That the proposed highway construction will necessitate certain adjustment, removals and/or alterations of the existing facilities of the COMPANY as shown by the COMPANY'S plans and estimate of cost attached hereto and made a part of this agreement by reference; and,

4. That the proposed adjustment will not result in a credit for accrued depreciation of the COMPANY'S system; and,

5. That the COMPANY hereby certifies it is not eligible for 100% reimbursement of utility relocation costs in accordance with Senate Bill 2183 or Senate Bill 2250 amending Section 65-1-8, Mississippi Code 1972 Annotated (certification attached as ATTACHMENT A).

6. That the COMPANY will make the necessary adjustments, removals or alterations in its facilities at a total estimated cost of approximately \$212,691.00 as shown by the COMPANY'S estimate. That the total estimated cost to the COMMISSION for actual nonbetterment work will be approximately \$144,441.00, 68 %; and that the total estimated cost of the work to be done at the expense of the COMPANY will be approximately \$68,250.00, 32 %; and,

7. That the COMPANY will commence the work on or before the 15 day of 04, 2019 and have it completed on or before the 31 day of 07, 2019. The COMPANY shall be responsible for any delay to the construction of the project caused by the failure of the COMPANY to have its facilities moved on the aforementioned date.

8. That the COMPANY will perform the work provided for in this agreement by the method checked below:

BY COMPANY'S REGULAR FORCES: The COMPANY proposes to use their regular construction or maintenance crews and personnel at its standard schedule of wages and working hours and working in accordance with the terms of its agreement with such employees; or,

BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. Therefore, the COMPANY subject to prior approval of the COMMISSION and Federal Highway Administration proposes to contract the work covered by this agreement in accordance with the provisions of 23CFR645A. The items of work to be accomplished by contract and the names of the qualified contractors whose services will be solicited are shown in the COMPANY'S estimate; or,

Initial 

REGULAR MEETING MARCH 19, 2019

ROW-800
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Page 2

BY EXISTING CONTINUING CONTRACT: Subject to prior approval of the COMMISSION and the Federal Highway Administration the COMPANY proposes to use an existing continuing contract under which certain work as shown by the COMPANY'S estimate is regularly performed for the COMPANY and under which the lowest available costs are developed. The name of the Contractor is listed in the COMPANY'S estimate; and,

9. That the method used by the COMPANY in developing the relocation costs except for Lump-Sum shall be in accordance with Paragraph 117 of 23CFR645A. Indicate here if Lump-Sum or Actual Cost ; and

10. That the COMPANY shall make the most economical type adjustments, removal, and/or alterations of its facilities as will satisfactorily meet the same service requirements of the old facility; and,

11. That the COMMISSION will reimburse the COMPANY the cost of work done here under, as hereinbefore provided for, but the liability of COMMISSION shall not exceed 115% of its assigned share of the estimated net Actual Cost without a Supplemental Utility Agreement agreed to by the parties and executed prior to COMMISSION's payment of the final bill, and COMMISSION shall reimburse COMPANY only for costs that are eligible for payment according to 23 CFR 645A; and,

12. That all cost records of the COMPANY pertaining to the project will be subject at any time before final audit to inspection by representatives of the COMMISSION and the Federal Highway Administration; and,

13. It is understood that the project herein contemplated is to be financed from funds appropriated by the Federal Government and expended under Federal regulations; that all plans, estimates of cost, specifications, awards of contracts, acceptance of work and procedure in general are subject at all times to all Federal laws, rules, regulations, orders and approval applying to it as a Federal Project, as well as all Buy America requirements as specified in 23 U.S.C. 313 and 23 CFR 635; and that the COMMISSION shall reimburse the COMPANY as provided above for only such items of work and expense and in such amounts and forms as are proper and eligible for payment according to 23CFR645A; and,

14. It is understood and agreed by and between the parties hereto that adjustments, removals, and/or alterations of the facilities to be made shall be made according to the plans and estimates attached hereto, which plans and estimates are hereby approved as to sufficiency thereof, and are incorporated herein and made a part hereof, and the COMMISSION shall pay the cost thereof according to the terms of this agreement, subject only to the provisions of paragraph 10 above. For the same consideration to be paid herein, the COMPANY does hereby agree to subordinate unto the COMMISSION such surface rights, subsurface rights or air rights, as the case maybe, in and to the property interests covered by this agreement, to the full extent of the needs and demands of the COMMISSION in its use thereof for the purpose of this agreement. Further, should the COMMISSION find it necessary or desirable to change the design, construction, and/or maintenance plans to an extent that will require additional adjustments, removals, and/or alterations in the facilities covered hereby, which remained within the existing easement or other property interest of the COMPANY, the COMPANY will make such further adjustments, removals, and/or alterations as may be necessary according to the methods hereinabove set out, and the COMMISSION will pay therefore such sums as may be mutually agreed upon, subject only to the provisions of paragraph 10 above. However, should the COMPANY for its own purposes need or desire to expand, alter, adjust, remove, relocate, service or maintain the facilities covered by this agreement, the COMPANY agrees to make application to the COMMISSION for a proper permit to cover such changes, and any such changes made shall be at the expense of the COMPANY.

Initial 

REGULAR MEETING MARCH 19, 2019

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WITNESS this my signature in execution hereof, this the 26th day of March, 2019.

The City of Picayune
Name of Company

Witness as to Company

[Signature]

BY Ed Pineiro
Title MAYOR

Attest [Signature]

(CORPORATE SEAL)

[Signature]

WITNESS this my signature in execution hereof, this the _____ day of _____, 20____.

COMMISSION

MISSISSIPPI TRANSPORTATION

Witness as to Commission

BY _____
Executive Director

BOOK _____ PAGES _____ & _____

Attest:

Secretary

(SEAL)

APPROVED: FEDERAL HIGHWAY ADMINISTRATION

Date _____ Division Administrator _____

Initial [Signature]

ATTACHMENT A

CERTIFICATION

COMPANY hereby certifies it is not eligible for 100% reimbursement of utility relocation costs in accordance with Senate Bill 2183 or Senate Bill 2250 amending Section 65-1-8, Mississippi Code 1972 Annotated, and the MDOT will be notified, immediately, in the event of any change in status of eligibility. By this certification, COMPANY understands that, should it be determined that this certification of eligibility was falsified by mistake or otherwise does not meet the Legal requirements, reimbursement of utility relocation costs will be based on property interest; and that COMPANY would be held responsible for the reimbursement of costs expended by the MDOT.

IN WITNESS WHEREOF, the parties hereto have affixed their respective corporate names and seals through their duly authorized officers this the 26th day of March, 2019.

The City of Picayune
NAME OF COMPANY

Witness as to Company

[Signature]

BY [Signature]

Title Mayor

Attest [Signature]

(CORPORATE SEAL)

Initial EP

REGULAR MEETING MARCH 19, 2019

ROW-800
Rev. 06-15

Instructions for ROW-800 Utility Agreement Form

Please fill in the below text boxes with the required information (if not previously filled in). The document below will automatically insert the information in the correct place when the document is printed (If you click File Tab>Print for a print preview and then go back to the Home Tab the information will update). You will only be able to change the information in these boxes on this page.

Project Number: STP-2170-00(22); 102246-204500

Project County: Pearl River

Utility Company/ Owner: The City of Picayune

Termini: US 11 from Hobolochitto Creek to Hide-A-Way Lake Road

Route Designation: US

Route Number: 11

Facilities Description: Waterworks

Credit for accrued depreciation (will or will not): will not (most cases will not)

Eligible for 100% reimbursement under SB 2183 or 2250 (is or is not): is not (based on population)

(Cost text boxes are formatted so all that you need to do is get the decimal point in the correct position. The text box will add the dollar sign and comma.)

Total Relocation Project Cost: \$1,448,666.00

MDOT Rate of Participation: 74 %

MDOT Cost: \$1,076,666.00

Company Rate of Participation: 26 %

Owner Cost: \$372,000.00

Will begin relocation work on or before: Day: 15 Month: 04 Year: 2019

Will complete relocation work on or before: Day: 31 Month: 07 Year: 2019

Choose the following options in the pages below. You will need to check the box associated with the method(s) you wish to use in sections 8 & 9 in the below document:

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- By Contract: company will issue a contract for the relocation work (awarded to lowest bidder). Company must wait on approval of Utility Agreement (ROW-800) to advertise. And once bids have been received and opened, Company must send bid tabulation with a letter recommending award to apparent lowest bidder. Relocation work contract can be awarded once the Commission has issued a letter of concurrence in the award.
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If there are any questions about this form, please contact the MDOT Utility Coordinator for your project for assistance.

Thank you,

Initial EP

ROW-800
Rev. 06-15

MISSISSIPPI DEPARTMENT OF TRANSPORTATION

UTILITY AGREEMENT

STP-2170-00(22); 102246-204500

Pearl River County

This agreement, entered into as of the date of the last signature, by and between The City of Picayune hereinafter referred to as the COMPANY, and the Mississippi Transportation Commission, hereinafter referred to as the COMMISSION, for the adjustment of the transmission and/or distribution facilities of the Company necessitated by the construction of a highway under the Mississippi Federal Aid Program.

1. That the COMMISSION will submit a project for highway construction, being a section of the US 11 from Hobolochitto Creek to Hide-A-Way Lake Road known as US No. 11 in Pearl River County, and to be designed as STP-2170-00(22); 102246-204500; and will recommend its approval by the Federal Highway Administration for construction with funds apportioned to the State under Federal Aid allotment; and,

2. That right of way for the proposed new road will pass over and include certain property interests of the COMPANY as defined by Paragraph 107(a) of Federal Highway Administration 23CFR645A upon which it has heretofore constructed and is now maintaining its Waterworks facilities, which property interest will be more particularly described and located according to plans agreeable to both parties; and,

3. That the proposed highway construction will necessitate certain adjustment, removals and/or alterations of the existing facilities of the COMPANY as shown by the COMPANY'S plans and estimate of cost attached hereto and made a part of this agreement by reference; and,

4. That the proposed adjustment will not result in a credit for accrued depreciation of the COMPANY'S system; and,

5. That the COMPANY hereby certifies it is not eligible for 100% reimbursement of utility relocation costs in accordance with Senate Bill 2183 or Senate Bill 2250 amending Section 65-1-8, Mississippi Code 1972 Annotated (certification attached as ATTACHMENT A).

6. That the COMPANY will make the necessary adjustments, removals or alterations in its facilities at a total estimated cost of approximately \$1,448,666.00 as shown by the COMPANY'S estimate. That the total estimated cost to the COMMISSION for actual nonbetterment work will be approximately \$1,076,666.00, 74 %; and that the total estimated cost of the work to be done at the expense of the COMPANY will be approximately \$372,000.00, 26 %; and,

7. That the COMPANY will commence the work on or before the 15 day of 04, 2019 and have it completed on or before the 31 day of 07, 2019. The COMPANY shall be responsible for any delay to the construction of the project caused by the failure of the COMPANY to have its facilities moved on the aforementioned date.

8. That the COMPANY will perform the work provided for in this agreement by the method checked below:

BY COMPANY'S REGULAR FORCES: The COMPANY proposes to use their regular construction or maintenance crews and personnel at its standard schedule of wages and working hours and working in accordance with the terms of its agreement with such employees: or,

BY CONTRACT: The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. Therefore, the COMPANY subject to prior approval of the COMMISSION and Federal Highway Administration proposes to contract the work covered by this agreement in accordance with the provisions of 23CFR645A. The items of work to be accomplished by contract and the names of the qualified contractors whose services will be solicited are shown in the COMPANY'S estimate; or,

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BY EXISTING CONTINUING CONTRACT: Subject to prior approval of the COMMISSION and the Federal Highway Administration the COMPANY proposes to use an existing continuing contract under which certain work as shown by the COMPANY'S estimate is regularly performed for the COMPANY and under which the lowest available costs are developed. The name of the Contractor is listed in the COMPANY'S estimate; and,

9. That the method used by the COMPANY in developing the relocation costs except for Lump-Sum shall be in accordance with Paragraph 117 of 23CFR645A. Indicate here if Lump-Sum or Actual Cost ; and

10. That the COMPANY shall make the most economical type adjustments, removal, and/or alterations of its facilities as will satisfactorily meet the same service requirements of the old facility; and,

11. That the COMMISSION will reimburse the COMPANY the cost of work done here under, as hereinbefore provided for, but the liability of COMMISSION shall not exceed 115% of its assigned share of the estimated net Actual Cost without a Supplemental Utility Agreement agreed to by the parties and executed prior to COMMISSION's payment of the final bill, and COMMISSION shall reimburse COMPANY only for costs that are eligible for payment according to 23 CFR 645A; and,

12. That all cost records of the COMPANY pertaining to the project will be subject at any time before final audit to inspection by representatives of the COMMISSION and the Federal Highway Administration; and,

13. It is understood that the project herein contemplated is to be financed from funds appropriated by the Federal Government and expended under Federal regulations; that all plans, estimates of cost, specifications, awards of contracts, acceptance of work and procedure in general are subject at all times to all Federal laws, rules, regulations, orders and approval applying to it as a Federal Project, as well as all Buy America requirements as specified in 23 U.S.C. 313 and 23 CFR 635; and that the COMMISSION shall reimburse the COMPANY as provided above for only such items of work and expense and in such amounts and forms as are proper and eligible for payment according to 23CFR645A; and,

14. It is understood and agreed by and between the parties hereto that adjustments, removals, and/or alterations of the facilities to be made shall be made according to the plans and estimates attached hereto, which plans and estimates are hereby approved as to sufficiency thereof, and are incorporated herein and made a part hereof, and the COMMISSION shall pay the cost thereof according to the terms of this agreement, subject only to the provisions of paragraph 10 above. For the same consideration to be paid herein, the COMPANY does hereby agree to subordinate unto the COMMISSION such surface rights, subsurface rights or air rights, as the case maybe, in and to the property interests covered by this agreement, to the full extent of the needs and demands of the COMMISSION in its use thereof for the purpose of this agreement. Further, should the COMMISSION find it necessary or desirable to change the design, construction, and/or maintenance plans to an extent that will require additional adjustments, removals, and/or alterations in the facilities covered hereby, which remained within the existing easement or other property interest of the COMPANY, the COMPANY will make such further adjustments, removals, and/or alterations as may be necessary according to the methods hereinabove set out, and the COMMISSION will pay therefore such sums as may be mutually agreed upon, subject only to the provisions of paragraph 10 above. However, should the COMPANY for its own purposes need or desire to expand, alter, adjust, remove, relocate, service or maintain the facilities covered by this agreement, the COMPANY agrees to make application to the COMMISSION for a proper permit to cover such changes, and any such changes made shall be at the expense of the COMPANY.

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WITNESS this my signature in execution hereof, this the 26th day of March,
20 19.

The City of Picayune
Name of Company

Witness as to Company

[Signature]

BY Ed Pinard
Title MAYOR

Attest [Signature]

(CORPORATE SEAL)

Jim A. Hicks

WITNESS this my signature in execution hereof, this the _____ day of _____,
20 ____.

COMMISSION

MISSISSIPPI TRANSPORTATION

Witness as to Commission

BY _____
Executive Director

BOOK _____ PAGES _____ & _____

Attest:

Secretary

(SEAL)

APPROVED: FEDERAL HIGHWAY ADMINISTRATION

Date _____ Division Administrator _____

Initial EP

ATTACHMENT A

CERTIFICATION

COMPANY hereby certifies it is not eligible for 100% reimbursement of utility relocation costs in accordance with Senate Bill 2183 or Senate Bill 2250 amending Section 65-1-8, Mississippi Code 1972 Annotated, and the MDOT will be notified, immediately, in the event of any change in status of eligibility. By this certification, COMPANY understands that, should it be determined that this certification of eligibility was falsified by mistake or otherwise does not meet the Legal requirements, reimbursement of utility relocation costs will be based on property interest; and that COMPANY would be held responsible for the reimbursement of costs expended by the MDOT.

IN WITNESS WHEREOF, the parties hereto have affixed their respective corporate names and seals through their duly authorized officers this the 26th day of March, 2019.

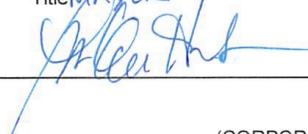
The City of Picayune
NAME OF COMPANY

Witness as to Company



BY 

Title Mayor

Attest 

(CORPORATE SEAL)

Initial 

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 ADJOURN

Motion was made by Council Member Valente, seconded by Council Member Stevens to adjourn.

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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.

Ed Pinero, Mayor

ATTEST:

Amber Hinton, City Clerk