

TOWN OF WALNUT GROVE
OFFICIAL MINUTES
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN
Tuesday, March 3, 2015

BE IT REMEMBERED that the Mayor and Board of Aldermen of the Town of Walnut Grove met in Regular Session on Tuesday, March 3, 2015, at 6:00 p.m. in the Courtroom of Town Hall, located at 139 Main St, Walnut Grove, Mississippi, with Mayor Brian Gomillion presiding.

Officials recorded as present were Mayor Brian Gomillion, Alderman Jerry Darby, Alderman Chip Jones, Alderman Mike Johnson, Alderwoman Teresa Darby, and Alderwoman Cindy Jones. Staff recorded as present was Jeff Webb, Jason Gilbert, Kevin Polk, Dennise Putnam, Michelle Anderson and Skyla Withers.

General Public recorded as present: Leigh Lamkin, Pat Dugan, Linda Bounds, Steven Bloodsaw, Joyce Gillespie, Christopher Goins, Debra Petty, Brittany Nelson, Shirley Jones, Gloria Overstreet

The meeting was called to order by Mayor Brian Gomillion.

The invocation was given by Alderwoman Teresa Darby.

APPROVAL OF THE REGULAR MEETING AGENDA _____

The Mayor presented the following meeting agenda for adoption.

1. Call to Order
2. Invocation
3. Approval of Agenda
4. Approval of February Meeting Minutes
5. Announcements
6. Public Comment
7. Consent Agenda
 - Approve placing Departmental Reports in the Minutes
 - Approve MARCH Docket of Claims
 - Appoint Michelle Anderson Deputy Municipal Clerk
 - Approve NIXLE Engage System for 1 year
 - Move 20K from Water Revenue and 20K from Gas Revenue to General Town
 - Training & Travel Requests
 1. Mayor Economic Development Tunica, MS March/April
 2. Chief Polk Chiefs of Police Convention Biloxi, MS June 16-20

Presentation: Smoke Free Ordinance Mississippi Smoke Free Coalition - Leigh Lamkin
Property Clean-Up Hearings (report on Status from Chief)
Summer Workers for Public Works Dept
Park Street & Related Improvements Quotes
Gas System Line of Credit Bids
Parking Lot Lease
Executive Session: Real Estate
Adjournment

Motion was duly made by Alderwoman Cindy Jones and seconded by Alderman Chip Jones to approve the agenda. A vote was taken with the following results:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion carried.

APPROVAL OF THE MINUTES _____

Motion was duly made by Alderman Mike Johnson, and seconded by Alderwoman Teresa Darby to approve the minutes of February 3rd. A vote was taken with the following results:

YEA: Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Cindy Jones, Alderman Chip Jones, Alderwoman Teresa Darby

NAY: None.

APPROVAL OF POLICE ESCORT FOR BASKETBALL TEAM

Upon the request of Chief Polk during the announcements portion of the meeting, a motion was made by Alderwoman Cindy Jones, duly seconded by Alderwoman Teresa Darby, granting Chief Polk approval to escort the Leake County Basketball Team and Fans to the play-offs at Jackson State University on March 6, 2015. A vote was taken with the following results:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None

Having received the majority affirmative vote of those members present and voting, the Mayor declared the motion carried.

PUBLIC COMMENT

No requests were made in advance to speak at the meeting.

APPROVAL OF CONSENT AGENDA

The Mayor presented the following consent agenda for approval en bloc:

Approve placing of departmental reports into meeting minutes **(ATTACHMENT A)**
 Approve March Docket of Claims
 Appoint Michelle Anderson Deputy Municipal Clerk in addition to being Court Clerk and Public Works Asst with existing Supervisors.
 Approve NIXLE Engage System
 Authorization for Municipal Clerk to Transfer \$20,000 from Gas System Revenue Acct to General Town
 Authorization for Municipal Clerk to Transfer \$20,000 from Water System Revenue Acct to General Town
 Approve Training & Travel Requests:

Economic Development – Tunica, MS	Mayor	March/April
Chiefs of Police Convention – Biloxi, MS	Chief Polk	June 16-20

Motion was duly made by Alderwoman Cindy Jones and seconded by Alderman Chip Jones to approve the consent agenda en bloc. A vote was taken with the following results:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.

Having received the majority affirmative vote of those members present and voting, the Mayor declared the motion carried.

APPROVAL OF SMOKE FREE ORDINANCE NO. 34**(ATTACHMENT B)**

Leigh Lamkin of the Mississippi Smoke Free Coalition made a presentation regarding the benefits of enacting a smoke free ordinance for the Town of Walnut Grove. The ordinance would prohibit smoking inside public businesses and within fifteen feet of the entrance to any business. Smoking is already prohibited on all town property and government owned buildings. Ms. Lamkin encouraged the Town to adopt also as part of the Healthy Walnut Grove Initiative begun in 2014. She said the Town would be eligible to receive a \$ 5000 grant of the Office of Tobacco Control and, if passed, be able to compete for the Healthy HomeTown grant of up to \$50,000 from Blue Cross-Blue Shield of Mississippi. Homeowners would still be allowed to smoke on their own property, in their own homes and vehicles. After a question and answer time with the Board, Mayor, Staff, and public; a

Motion was duly made by Alderman Mike Johnson, seconded by Alderwoman Teresa Darby, adopt **Ordinance 34 - ORDINANCE PROHIBITING SMOKING IN ALL WORKPLACES AND PUBLIC PLACES**

A vote was taken with the following results:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.

Having received the majority affirmative vote of those members present and voting, the Mayor declared the motion carried.

PROPERTY CLEAN-UP HEARING

Four property owners having been served property clean-up notices were to have their hearings held. No one attended the meeting who had been served. Chief Polk reported all residences had cleaned up problem areas and warranted no further action at this time.

SUMMER WORK PROGRAM FOR PUBLIC WORKS DEPT

Upon the request of Public Works Director Jason Gilbert to retain Kinsey McCarty and Nigel Phillips from last summer, a

Motion was made by Alderman Chip Jones, and seconded by Cindy Jones, to hire Kinsey McCarty and Nigel Phillips for the summer program. A vote was taken with the following results:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion carried.

PARK STREET IMPROVEMENTS QUOTES**(ATTACHMENT C)**

Having received a quote from Ralph McKnight & Sons of Kosciusko for \$89,843.50 and a quote of \$38,051 from Burnside Construction for work on Park Street and related improvements, a

Motion was made by Alderman Chip Jones, and seconded by Alderman Jerry Darby, to accept the lower quote of \$38,051.00 from Burnside Construction and proceed with the improvements with the following vote:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Cindy Jones, Alderwoman Teresa Darby

NAY: None.

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion carried.

GAS SYSTEM UPGRADE FINANCING

The Board of Aldermen for the Town of Walnut Grove, Mississippi, again took up the matter of the issuance of a negotiable note in the principal amount of One Hundred Fifty Thousand Dollars (\$150,000.00). After a discussion of the subject, the following resolution was duly offered.

(ATTACHMENT D: Bids) and (ATTACHMENT E: Proof of Publication)

**RESOLUTION DIRECTING THE SALE AND AWARD OF A NEGOTIABLE NOTE
OF THE TOWN OF WALNUT GROVE, MISSISSIPPI, IN THE PRINCIPAL
AMOUNT OF ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00)**

WHEREAS, the Board of Aldermen for the Town of Walnut Grove, Mississippi (the "Governing Body") acting for and on behalf of the Town of Walnut Grove, Mississippi (the "Issuer"), does hereby find, determine, adjudicate and declare as follows:

1. That on February 3, 2015, the Governing Body adopted a resolution that a negotiable note of the Issuer be offered for sale in the principal amount of One Hundred Fifty Thousand Dollars (\$150,000.00) (the "Note") to raise money for "erecting or purchasing water works, gas, electric and other public utility plans for distribution systems or franchises, and repairing, improving and extending the same and specifically for the maintenance and expansion of the Town's gas system pursuant to the provisions and authority of Sections 17-21-51, 17-21-53, 17-21-55, and 21-33-301(b), Mississippi Code of 1972, as amended.

2. That the Note was to be offered at public sale at a meeting of the Governing Body to be held at its usual meeting place in the City Hall in the Town of Walnut Grove, Mississippi, at the hour of 6:00 o'clock P.M. on March 3, 2015, upon the terms and conditions set out therein.

3. That as directed by the aforesaid resolution the Clerk of the Governing Body gave notice of the sale of the Note by publishing a notice at least one (1) time in *The Carthaginian*, a newspaper published in Leake County, Mississippi, and having a general circulation in the Issuer, the publication thereof having been made not less than ten (10) days preceding March 3, 2015, as shown by the following proof of publication.

4. That the Governing Body did meet at the City Hall in the Town of Walnut Grove, Mississippi, at 6:00 o'clock P.M. on March 3, 2015.

5. That following said time and at said place the Note was offered for public sale to the bidder offering the lowest rate of interest or whose bid represented the lowest net cost to the Issuer.

6. The Board received three bids, being the bid of Trustmark for 2.25% annual interest; the bid of Priority One for 2.65% annual interest; and the bid of The Bank of Walnut Grove for 1.75% annual interest. The lowest and best bid for said Note was made by The Bank of Walnut Grove.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE ISSUER, AS FOLLOWS:

SECTION 1. The negotiable note of the Issuer in the principal amount of One Hundred Fifty Thousand Dollars (\$150,000.00) shall be and the said Note is hereby awarded and sold to The Bank of Walnut Grove in accordance with the bid this day submitted to the Governing Body at the rate set forth above.

SECTION 2. The Note shall be and the same hereby is authorized and directed to be issued to provide for the "erecting or purchasing water works, gas, electric and other public utility plans for distribution systems or franchises, and repairing, improving and extending the same and, specifically for use for the maintenance and expansion of the Town's gas system 17-21-51, 17-21-53, 17-21-55, and 21-33-301(b), Mississippi Code of 1972, as amended.

SECTION 3. The Note shall begin in 2105, and shall be in substantially the form as the Note attached as Exhibit "A" to the February 3, 2015 Resolution with such appropriate variations, omissions, and insertions as are permitted or required by this Resolution.

SECTION 4. The principal proceeds received from the sale of the Note shall be deposited in the Town of Walnut Grove Note 2015-01 Gas System Note Fund and utilized for the issuance costs and for the purpose of maintenance and expansion of the Town's natural gas system pursuant to the provisions and authority of Sections 17-21-51, 17-21-53, 17-21-55, and 21-33-301(b), Mississippi Code of 1972, as amended.

SECTION 5. There is hereby created and ordered to be established and maintained within the books of the Issuer a Notes-Principal and Interest Account, and the Issuer covenants and agrees that so long as any of the Note installments secured by this resolution are outstanding, it will at all times deposit, or cause to be deposited, in a Notes-Principal Interest Account sufficient sums to promptly meet and pay the principal of and interest on the Note, as the same becomes due and payable. Funds in the Notes-Principal Interest Account shall be used solely for the payment of the principal and interest on this Note. The Issuer hereby irrevocably authorizes and directs its Clerk to withdraw from the Notes-Principal Interest Account sufficient monies to make the installments provided for in the Note on or before the due dates thereof.

SECTION 6. Issuer anticipates using the revenue from the services of providing natural gas to repay this Note. However, in the event said revenue is insufficient to pay this Note in full and in order to provide security for the payment of the principal and interest on the Note as the same becomes due, Issuer pledges to levy, if necessary, a direct continuing tax upon all of the taxable property within the geographical limits of the Issuer, sufficient, after allowance shall have been made for the expenses of collection and delinquencies in the payment of taxes, to produce sums required for the payment of the principal and interest on the Note. The proceeds derived from the collection of such tax shall be credited to the referenced Notes-Principal Interest Account. Such tax shall be levied annually without limitation as to time, rate or amount, but to the extent that other revenues may be sufficient to provide for the payment of the principal and interest on the Note, the tax to be levied under the provisions of this Section may be correspondingly reduced or eliminated.

SECTION 7. The Note shall be registered in the office of the clerk of the Issuer in a book to be kept for that purpose, and thereupon the clerk shall endorse upon the Note her certificate.

SECTION 8. When the Note has been registered, it shall be delivered to the purchaser, upon payment by the purchaser of the \$150,000.00 represented thereby, together with a complete, certified transcript of the proceeding had and done in the matter of the authorization, issuance and sale of the note, and the final, unqualified legal opinion of Jeffrey T. Webb, Attorney at Law, Carthage, Mississippi.


SECTION 9: All orders, resolutions and proceedings of this Governing Body in conflict with the provisions of this resolution shall be, and the same are hereby repealed, rescinded and set aside, but only to the extent of such conflict. For cause, this resolution shall become effective immediately upon the adoption hereof.

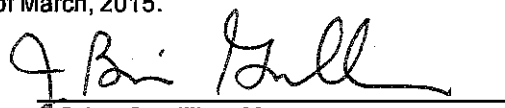
Following the reading of the foregoing resolution it was duly seconded. The Mayor put the question to a roll call vote, and the result was as follows:

Alderman Teresa Darby voted "Aye",
Alderman Jerry Darby voted "Aye",
Alderman Mike Johnson voted "Aye",
Alderman Cindy Jones voted "Aye", and
Alderman Chip Jones voted "Aye",

The motion having received the affirmative vote of all Aldermen present, the Mayor declared the motion carried and the resolution adopted, this the 3rd day of March, 2015.

ATTEST:


Dennise J. Putnam, M.C.


J. Brian Gomillion, Mayor

(seal)

LEASE OF SURPLUS REAL PROPERTY

The Board finds that certain property owned by the Town and being a portion of Parcel number 13427DC04 lying east of the main drainage ditch and south of Mills street consisting of less than one-half acre is no longer needed for municipal purposes.

The Board finds that it is in the best interest of the Town of Walnut Grove to lease the property for a one year period with options to renew. The property may only be utilized as a parking area for the drug court operations.

On motion and second duly made and by the affirmative vote of a majority of the Board,

Alderman Jerry Darby voting "Aye",
Alderwoman Theresa Darby voting "Aye",
Alderman Chip Jones voting "Aye",
Alderwoman Cindy Jones "Aye", and
Alderman Mike Johnson voting "Aye",

1. it is hereby ordered that the land referenced herein has ceased to be used for municipal purposes and it is in the best interest of the Town that it be leased;
2. that the Clerk is directed to publish at least once each week for at least three consecutive weeks in *The Carthaginian* the intention to lease the referenced real property for one year with options to renew and to accept sealed competitive bids for the lease thereof; and
3. the Town shall accept bids for the lease and shall award the lease to the highest bidder, subject to the Town's authority to reject all bids.

So ordered this the 3rd day March, 2015.

ATTEST:


Dennise J. Putnam, M.C.


J. Brian Gomillion, Mayor

(seal)

POLICE DEPARTMENT OFFICER INTRODUCTIONS _____

Police Chief Kevin Polk introduced some of the members of his department to the public present and Board of Aldermen including, Lieutenant Jimmy Lewis, Officer Kenny Chipley, Officer Tybri Odom, Officer Rodtrellis Amos, and Officer Joseph Haralson.

ENTER CLOSED SESSION _____

Motion was duly made by Alderman Mike Johnson, seconded by Alderwoman Teresa Darby, to enter into a closed session with the following vote:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.

ENTER EXECUTIVE SESSION _____

Motion was duly made by Alderwoman Cindy Jones, seconded by Alderman Chip Jones, to enter in Executive Session to discuss Real Estate matter and potential litigation. With the following vote:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.

EXIT EXECUTIVE SESSION AND RE-OPEN PUBLIC MEETING _____

Motion was duly made by Alderman Mike Johnson, seconded by Alderwoman Cindy Jones, to exit Executive Session and re-open public meeting with no action taken on matter with the following vote:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.


ADJOURNMENT _____

Motion was duly made by Alderman Mike Johnson, seconded by Alderman Jerry Darby to adjourn. A vote was taken to adjourn at 7:15 pm with the following results:

YEA: Alderman Chip Jones, Alderman Jerry Darby, Alderman Mike Johnson, Alderwoman Teresa Darby, Alderwoman Cindy Jones

NAY: None.

ATTEST:


J. Brian Gomillion, Mayor

Dennise J. Putnam
Dennise J. Putnam, M.C.

(seal)

Attachment A

MONTHLY DEPARTMENT REPORTS

Municipal Clerk

BALANCES AS OF FEBRUARY 28, 2015:

General Fund	\$	54,870.70
Street Tax		67,536.46
Fire Protection		569.96
Water Revenue		137,860.54
Water Meter Deposit		11,819.84
Gas Revenue		150,363.00
Gas Meter Deposit		45,331.60
General Town M/M		33,812.68
Special Fund M/M		10,351.26
Fire Protection M/M		71,318.00
Recreation Fund M/M		62,251.35
Water M/M		62,797.04
Gas M/M		105,631.41
	\$	814,513.84

RECEIVED FEBRUARY 28, 2015

WATER DEPOSITS (100)	GAS DEPOSITS (250)	PRIVILEGE LICENSE (\$)	BUILDING PERMITS
Tanesha Ward AT&T Kashia Zollicoffer	Michael Fortune Geneva Wilder Shareka Brown Marvin Campbell	Urban Country \$13.28	Patty Socha Kashia Zollicoffer Carrie Murphy Rodney Moore

FIRE REPORT for February 2015

- 3- STRUCTURE FIRES
- 1- MOTOR VEHICLE ACCIDENTS
- 1- MEDICAL ASSISTANCE
- 1- OTHER FIRE/ASSISTANCE
- 8- GRASS/BRUSH FIRE

COURT REPORT For February 2015

25 - Cases presented to Judge Evan Thompson on 2/11/15
\$7614.68 Collected in Fines

POLICE REPORT February 2015

OFFICER	NO OF REPORTS	MILES PATROLLED	CITATIONS ISSUED	ARRESTS
POLK 2 Affidavits	4	1380	2	2
LEWIS 1 Affidavit Served 1 Warrant	2	1442	0	2
CHIPLEY	2	1292	0	0
PART-TIME	4	1228	0	0

ATTACHMENT B

ORDINANCE NO. 34

ORDINANCE PROHIBITING SMOKING IN ALL WORKPLACES AND PUBLIC PLACES TOWN OF WALNUT GROVE, MISSISSIPPI

Sec. 1000. Title

This Article shall be known as the Town of Walnut Grove, Mississippi Smoke free Air Ordinance of 201.

Sec. 1001. Findings and Intent

The Town of Walnut Grove does hereby find that:

The 2010 United States Surgeon General's Report, How Tobacco Cause Disease concluded: (1) Low levels of secondhand smoke exposure lead to a rapid increase in dysfunction and inflammation of the lining of the blood vessels, which are implicated in heart attack and stroke; (2) When inhaling secondhand cigarette smoke, individuals breathe in more than seven thousand (7,000) chemicals, hundreds of which are hazardous and known to cause cancer. These chemicals are rapidly absorbed by cells in the body and produce disease-causing cellular change. (3) There is no safe level of exposure to secondhand smoke.

The 2006 United States Surgeon General's Report, The Health and Consequences of Involuntary Exposure to Tobacco Smoke, concluded: (1) Secondhand smoke exposure causes disease and premature death in children and adults who do not smoke; (2) Children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks; (3) Exposure of adults to secondhand smoke has immediate adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) Establishing smoke-free air workplaces fully protects employees and the public from exposure to secondhand smoke in those places. Separating smokers from nonsmokers, cleaning the air, and ventilating buildings cannot eliminate exposure to secondhand smoke; (5) Evidence from peer-reviewed studies shows that smoke-free policies and laws do not have an adverse economic impact on the hospitality industry.

The National Cancer Institute determined in 1999 that secondhand smoke is responsible for the early deaths of approximately fifty-three thousand (53,000) Americans annually.

Secondhand smoke has been designated as a known human carcinogen (cancer-causing agent) by the U. S Environmental Protection Agency, National Toxicology Program and the International Agency for Research on Cancer (IARC). The National Institute for Occupational Safety and Health has concluded that secondhand smoke is an occupational carcinogen.

The Institute of Medicine's Report, Secondhand Smoke Exposure and Cardiovascular Effects: Making Sense of the Evidence concludes: There is scientific consensus that there is a causal relationship between secondhand smoke exposure and cardiovascular disease. The results of a number meta-analysis of the epidemiologic studies showed an increase of twenty-five percent (25%) to thirty percent (30%) in the risk of cardiovascular disease caused by various exposures. Studies of hospital admissions for acute myocardial infarction in many states and municipalities have determined that communities see an immediate reduction in heart attack admissions after the implementation of comprehensive smoke-free air laws, including Starkville, Mississippi and Hattiesburg, Mississippi.

The Society of Actuaries has determined that secondhand smoke costs the United States economy roughly Ten Billion Dollars (\$10,000,000,000.00) a year. Five Billion Dollars (\$5,000,000,000.00) in estimated medical costs associated with secondhand smoke exposure and Four Billion Six Hundred Million Dollars (\$4,600,000,000.00) in lost productivity.

Business owners have no legal or constitutional right to expose their employees to the toxic chemicals and carcinogens in secondhand smoke. On the contrary, employers have a common-law duty to provide their workers with a workplace that is not unreasonably dangerous.

Accordingly, the Mayor and Board of Aldermen for the Town of Walnut Grove finds and declares that the purposes of this ordinance are (1) to protect the public health and welfare by prohibiting smoking in public places and places of employment; and (2) to guarantee the right of nonsmokers to breathe smokefree air, and to recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

Sec. 1002. Definitions

The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

"Bar" means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.

"Business" means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.

"E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation of which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.

"Employee" means a person who is employed by an employer in consideration for direct or indirect monetary wages or profit, and a person who volunteers his or her services for a non-profit entity.

“Employer” means a person, business, partnership, association, corporation, including a municipal corporation, trust, or non-profit entity that employs the services of one or more individual persons.

“Enclosed Area” means all space between a floor and a ceiling that is bounded on all sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent.

“Health Care Facility” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

“Place of Employment” means an enclosed area under the control of a public or private employer, including, but not limited to, work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, and vehicles. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or health care facility.

“Playground” means any park or recreational area designed in part to be used by children that has play or sports equipment installed or that has been designated or landscaped for play or sports activities, or any similar facility located on public or private school grounds or on [City or County] grounds.

“Private Club” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

“Public Place” means an enclosed area to which the public is invited or in which the public is permitted, including but not limited to, banks, bars, educational facilities, gaming facilities, health care facilities, hotels and motels, laundromats, public transportation vehicles and facilities, reception areas, restaurants, retail food production and marketing establishments, retail service establishments, retail stores, shopping malls, sports arenas, theaters, and waiting rooms. A private residence is not a “public place” unless it is used as a child care, adult day care, or health care facility.

“Restaurant” means an eating establishment, including but not limited to, coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.

“Service Line” means an indoor or outdoor line in which one (1) or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to, ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.

“Shopping Mall” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.

“Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. “Smoking” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Article.

“Sports Arena” means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.

Sec. 1003. Application of Article to Town of Walnut Grove Owned Facilities

All enclosed areas, including buildings, and vehicles owned, leased, or operated by the Town of Walnut Grove shall be subject to the provisions of this Article.

Sec. 1004. Prohibition of Smoking in Enclosed Public Places

Smoking shall be prohibited in all enclosed public places within the Town of Walnut Grove, including but not limited to, the following places:

Aquariums, galleries, libraries, and museums.

Areas available to the general public in businesses and non-profit entities patronized by the public, including but not limited to, banks, laundromats, professional offices, and retail service establishments.

Bars.

Bingo facilities.

Child care and adult day care facilities.

Convention facilities.

Educational facilities, both public and private.

Elevators.

Gaming facilities.

Health care facilities.

Hotels and motels.

Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities.

Polling places.

Public transportation vehicles, including buses and taxicabs, under the authority of the Town of Walnut Grove, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities.

Restaurants.

Restrooms, lobbies, reception areas, hallways, and other common-use areas.

Retail stores.

Rooms, chambers, places of meeting or public assembly, including school buildings, under the control of an agency, board, commission, committee or council of the Town of Walnut Grove or a political subdivision of the State, to the extent the place is subject to the jurisdiction of the Town of Walnut Grove.

Service lines.

Shopping malls.

Sports arenas, including enclosed places in outdoor arenas.

Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

Sec. 1005. Prohibition of Smoking in Enclosed Places of Employment

Smoking shall be prohibited in all enclosed areas of places of employment without exception. This includes common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles, and all other enclosed facilities.

This prohibition on smoking shall be communicated to all existing employees by the effective date of this Article and to all prospective employees upon their application for employment.

Sec. 1006. Prohibition of Smoking in Private Clubs

Smoking shall be prohibited in all private clubs.

Sec. 1007. Prohibition of Smoking in Enclosed Residential Facilities

Smoking shall be prohibited in the following enclosed residential facilities:

All private and semi-private rooms in nursing homes.

At least 90% of hotel and motel rooms that are rented to guests.

Sec. 1008. Prohibition of Smoking in Outdoor Areas

Smoking shall be prohibited in the following outdoor places:

Within a reasonable distance of 15 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas.

In, and within 15 feet of outdoor seating or serving areas of restaurants and bars.

In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within 15 feet of bleachers and grandstands for use by spectators at sporting and other public events.

In, and within 15 feet of all outdoor public transportation stations, platforms, and shelters under the authority of the Town of Walnut Grove.

In all outdoor service lines.

In outdoor common areas of apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities, except in designated smoking areas, not to exceed twenty-five percent (25%) of the total outdoor common area, which must be located at least 15 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited.

In, and within 15 feet of outdoor playgrounds.

Sec. 1009. Where Smoking Not Regulated

Notwithstanding any other provision of this Article to the contrary, the following areas shall be exempt from the provisions of Sections 1004 and 1005:

Private residences, unless used as a childcare, adult day care, or health care facility, and except as provided in Section 1007.

Not more than ten percent (10%) of hotel and motel rooms rented to guests and designated as smoking rooms. All smoking rooms on the same floor must be contiguous and smoke from these rooms must not infiltrate into areas where smoking is prohibited under the provisions of this Article. The status of rooms as smoking or nonsmoking may not be changed, except to add additional nonsmoking rooms.

Outdoor areas of places of employment except those covered by the provisions of Section 1008.

Sec. 1010. Declaration of Establishment as Nonsmoking

Notwithstanding any other provision of this Article, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 1011(A) is posted.

Sec. 1011. Posting of Signs and Removal of Ashtrays

The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this Article shall:

Clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.

Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited.

Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Article at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited.

Remove all ashtrays from any area where smoking is prohibited by this Article, except for ashtrays displayed for sale and not for use on the premises.

Sec. 1012. Nonretaliation; Nonwaiver of Rights

No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Article or reports or attempts to prosecute a violation of this Article. Notwithstanding Section 1014, violation of this Subsection shall be a misdemeanor, punishable by a fine not to exceed \$1000 for each violation.

An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

Sec. 1013. Enforcement

This Article shall be enforced by the Police Department or an authorized designee.

Notice of the provisions of this Article shall be given to all applicants for a business license in the Town of Walnut Grove.

Any citizen who desires to register a complaint under this Article may initiate enforcement with the Police Chief.

The Health Department, Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Article.

An owner, manager, operator, or employee of an establishment regulated by this Article shall direct a person who is smoking in violation of this Article to extinguish the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and shall immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.

Notwithstanding any other provision of this Article, an employee or private citizen may bring legal action to enforce this Article.

In addition to the remedies provided by the provisions of this Section, the City Manager or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Article may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

Sec. 1014. Violations and Penalties

A person who smokes in an area where smoking is prohibited by the provisions of this Article shall be guilty of an infraction, punishable by a fine not exceeding fifty dollars (\$50).

Except as otherwise provided in Section 1012(A), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Article shall be guilty of an infraction, punishable by:

A fine not exceeding one hundred dollars (\$100) for a first violation.

A fine not exceeding two hundred dollars (\$200) for a second violation within one (1) year.

A fine not exceeding five hundred dollars (\$500) for each additional violation within one (1) year.

In addition to the fines established by this Section, violation of this Article by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

Violation of this Article is hereby declared to be a public nuisance, which may be abated by the Police Chief by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Town of Walnut Grove may take action to recover the costs of the nuisance abatement.

Each day on which a violation of this Article occurs shall be considered a separate and distinct violation.

Sec. 1015. Public Education

The Police Chief shall engage in a continuing program to explain and clarify the purposes and requirements of this Article to citizens affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this ordinance.

Sec. 1016. Governmental Agency Cooperation

The Police Chief shall annually request other governmental and educational agencies having facilities within the Town of Walnut Grove to establish local operating procedures in cooperation and compliance with this Article. This includes urging all Federal, State, Town of Walnut Grove, and School District agencies to update their existing smoking control regulations to be consistent with the current health findings regarding secondhand smoke.

Sec. 1017. Other Applicable Laws

This Article shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

Sec. 1018. Liberal Construction

This Article shall be liberally construed so as to further its purposes.

Sec. 1019. Severability

If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this Article which can be given effect without the invalid provision or application, and to this end the provisions of this Article are declared to be severable.

Sec. 1020. Effective Date

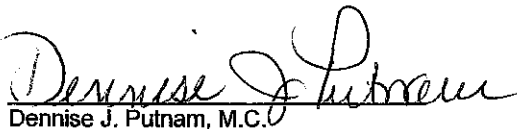
This Article shall be effective thirty (30) days from and after the date of its adoption.

Thereupon, upon motion duly made and seconded to adopt the foregoing ordinance, the Mayor called for a vote, being as follows:

Alderman Jerry Darby, voting "Aye";
Alderman Teresa Darby, voting "Aye";
Alderwoman Mike Johnson, voting "Aye";
Alderman Cindy Jones, voting "Aye"; and
Alderman Marvin "Chip" Jones, voting "Aye".

The Mayor then declared said Ordinance approved, passed and adopted on this the 3rd day of March, 2015.

ATTEST:


Dennise J. Putnam, M.C.

(seal)


J. Brian Gomillion, Mayor

Attachment C

Park Street Improvements
Town of Walnut Grove

Item No.	Item Description	Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$ <u>1,980.⁰⁰</u>	\$ <u>1,980.⁰⁰</u>
2	Erosion Control	1	LS	\$ <u>1,750.⁰⁰</u>	\$ <u>1,750.⁰⁰</u>
3	Removal of PVC pipe, All sizes	23	LF	\$ <u>31.⁰⁰</u>	\$ <u>713.⁰⁰</u>
4	Removal of Asphalt Paving at Proposed Islands, All Depths	400	SY	\$ <u>14.⁵³</u>	\$ <u>5,812.⁰⁰</u>
5	Removal of Concrete Sidewalk, All Depths	80	SY	\$ <u>32.⁸²</u>	\$ <u>2,625.⁰⁰</u>
6	24" Type 3B Modified Curb & Gutter	670	LF	\$ <u>21.⁸⁸</u>	\$ <u>14,660.⁰⁰</u>
7	Concrete Sidewalk with Reinforcement	110	SY	\$ <u>62.¹⁵</u>	\$ <u>6,836.⁰⁰</u>
8	Grate Inlet-Reinforced Concrete Box with Grate	1	EA	\$ <u>1,625.⁰⁰</u>	\$ <u>1,625.⁰⁰</u>
9	NDS 12" Catch Basin	2	EA	\$ <u>755.⁰⁰</u>	\$ <u>1,510.⁰⁰</u>
10	6" ADS N12 Pipe	45	LF	\$ <u>12.⁰⁰</u>	\$ <u>540.⁰⁰</u>

Total Bid \$ 38,051.⁰⁰

Attachment C

Park Street Improvements
Town of Walnut Grove

Item No.	Item Description	Quantity	Unit	Unit Price	Amount
1	Mobilization	1	LS	\$ <u>9,400.00</u>	\$ <u>9,400.00</u>
2	Erosion Control	1	LS	\$ <u>6,936.00</u>	\$ <u>6,936.00</u>
3	Removal of PVC pipe, All sizes	23	LF	\$ <u>185.00</u>	\$ <u>4,255.00</u>
4	Removal of Asphalt Paving at Proposed Islands, All Depths	400	SY	\$ <u>52.50</u>	\$ <u>21,000.00</u>
5	Removal of Concrete Sidewalk, All Depths	80	SY	\$ <u>74.00</u>	\$ <u>5,920.00</u>
6	24" Type 3B Modified Curb & Gutter	670	LF	\$ <u>39.25</u>	\$ <u>26,297.50</u>
7	Concrete Sidewalk with Reinforcement	110	SY	\$ <u>70.00</u>	\$ <u>7,700.00</u>
8	Grate Inlet-Reinforced Concrete Box with Grate	1	EA	\$ <u>3,940.00</u>	\$ <u>3,940.00</u>
9	NDS 12" Catch Basin	2	EA	\$ <u>600.00</u>	\$ <u>1,200.00</u>
10	6" ADS N12 Pipe	45	LF	\$ <u>71.00</u>	\$ <u>3,195.00</u>

Total Bid \$ 89,843.50

Vonda McKnight CEO, CFO
 Ralph McKnight and Son Construction, Inc.
 P.O. Box 656
 805. Hwy 12 West
 Kosciusko, MS. 39090
 P. 662-289-6923
 F. 662-289-1507
 M.P.C. # 02879-MC.

Attachment D

Bank of Walnut Grove

We don't want all the business...just yours.

101 Chadwick Avenue

P.O. Box 189

Walnut Grove, Mississippi 39189

Phone 601-253-2411

Fax 601-253-9317


February 27, 2015

Mayor Brian Gomillion
Town of Walnut Grove
P. O. Box 236
Walnut Grove, MS 39189

Dear Mayor Gomillion:

The Bank of Walnut Grove would like to bid 1.75% on the negotiable note from the Town of Walnut Grove in the principal amount of \$150,000.00 for five(5) years. This quote is good for sixty (60) days.

Sincerely,



Ray Britt
President

RB/me

Attachment D



Post Office Box 437
Carthage, MS 39051-0437
www.trustmark.com

March 3, 2015

Board of Aldermen
Town of Walnut Grove
Walnut Grove Ms 39189

Gentlemen:

Trustmark National Bank hereby submits its interest rate quote of 2.65% on the Town of Walnut Grove sale of a negotiable note. Based upon 5 annual payments of interest and principal, the total interest cost of this note will be \$ 12,283.86.

Thanks to the Board of Aldermen for allowing us to submit a rate.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Waggoner". The signature is fluid and cursive, written over a faint circular stamp or watermark.

Larry Waggoner
Comm. Relationship Manager III

LAW/bt

People you trust.
Advice that works.

TOWN OF WALNUT GROVE
PO BOX 69 - Walnut Grove, MS 39189-0069
601-253-2321

NOTICE OF SALE OF NEGOTIABLE NOTE

Pursuant to Sections 17-21-51, 17-21-53 and 17-21-55, Miss. Code of 1972, as amended, and Resolution of the Board of Aldermen of the Town of Walnut Grove, Mississippi, notice is hereby given that the Town of Walnut Grove will offer a negotiable note in the principal amount of One Hundred Fifty Thousand Dollars (\$150,000.00) to the bidder offering the lowest rate of interest or whose bid represents the lowest net cost, at public sale, at a meeting of the Mayor and Board of Aldermen of the Town of Walnut Grove to be held at its usual meeting place in the City Hall, in the Town of Walnut Grove, Mississippi at the hour of 6:00 o'clock P.M. on March 3, 2015.

The note shall be dated on or about March 4, 2015, and shall bear interest at the rate bid by the successful bidder. However, as restricted by Section 75-17-101, Miss. Code of 1972, as amended, the note shall not bear a greater overall maximum interest rate to maturity than eleven percent (11%) per annum. The note shall mature on or about March 1, 2020. The note will allow for, and provide no penalty for, early retirement.

For prompt payment of the note at maturity of each installment, both principal and interest, the full faith, credit, and resources of the issuing entity, Town of Walnut Grove, Mississippi, will be pledged.

The Mayor and Board of Aldermen reserve the right to reject any and all bids offered, and if all bids are rejected, to again give notice and sell said note at some future meeting.

Published by Order of the Mayor and Board of Aldermen for the Town of Walnut Grove, Mississippi, this the 3rd day of February, 2015.

To Carthaginian: Publish one time, February 19, 2015

Bidder: Priority One Bank

By: Martha Underwood

CFO

Net Interest Cost: 2.25%

PROOF OF PUBLICATION

THE STATE OF MISSISSIPPI,
LEAKE COUNTY

Personally came before the undersigned Authority Brenda B. Howell duly qualified for Leake County, Mississippi Waid Prather Publisher of *THE CARTHAGINIAN*, a newspaper, published in the City of

Carthage, State and County aforesaid, who being duly sworn, deposes and says that publication of notice, of which the annexed is a copy, has been made in said paper 1 times consecutively, to wit.

Be it hereby known that the Mayor and Board of Aldermen of the Town of Walnut Grove, Mississippi did on the 3rd day of March, 2015 adopt the following Ordinance:

Ordinance Prohibiting Smoking in all Workplaces and Public Places in the Town of Walnut Grove, Mississippi

This Notice is published in accordance with Section 21-13-11 of the Mississippi Code of 1972, as amended, and complete copies of said ordinance may be obtained by contacting Denise Jones Putnam, Clerk for the Town of Walnut Grove, P.O. Box 69, Walnut Grove, Mississippi 39189, (601) 253-2321.

Published by Order of the Mayor and Board of Aldermen of the Town of Walnut Grove, Mississippi on this the 3rd day of March, 2015.

/s/ Denise Jones Putnam
CLERK
(3-12-15c)

Vol 144 No 1 On the 12th day of March 2015

Vol _____ No _____ On the _____ day of _____ 2015

Vol _____ No _____ On the _____ day of _____ 2015

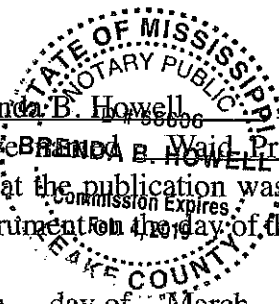
Vol _____ No _____ On the _____ day of _____ 2015

This 13th day of March 2015

Publisher *THE CARTHAGINIAN*

THE STATE OF MISSISSIPPI,
LEAKE COUNTY

Personally appeared before me, Brenda B. Howell Notary Public of said County and State, the above BRENDA B. Waid Prather Publisher, who being duly sworn declares that the publication was made as stated and that he signed the foregoing instrument on the 12th day of the year 2015 therein mentioned.



Given under my hand this 13th day of March 2015

Brenda B Howell, Notary Public

My commission expires on the 4th day of Feb. 2019

March 13, 2015

TO *THE CARTHAGINIAN* DR.

Publishing Town of Walnut Grove, Ordinance Prohibiting Smoking in all Workplaces and Public Places

117 words space 1 time and making Proof of Publication \$17.04

Received of _____ Payment
in full of above account _____ 2015.