

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD A REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON OCTOBER 17, 2017 AT 6:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR HAL MARX
ATTORNEY	ROCKY EATON
ALDERMEN	BRAD AMACKER CRAIG BULLOCK DAVID CLAYTON TONY DUCKER WILLIAM KING CLINT MOORE STEVE STRINGER
OTHERS	VALERIE WILSON BERNARD JACKSON, SR ADA MADISON AND MANY OTHERS

MAYOR MARX DECLARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

THE INVOCATION WAS OFFERED BY ADA MADISON

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, MAYOR MARX PRESENTED THE AGENDA WITH THE FOLLOWING AMENDMENTS

**PROCLAMATIONS & RESOLUTIONS**

Request to adopt proclamation declaring October as Int'l Alpha Delta Kappa month.

**GENERAL BUSINESS**

Request to set a zoning hearing date of 11/14/17 at 6:00 p.m. for property located at 200 E 8<sup>th</sup> Ave.

Request to waive sewer requirement for 32-A Estates Dr and adjust any outstanding sewer fees.

Request to accept the resignation of Raymond Sigrest in the Water Dept effective immediately.

Request to renew ad in Area Development Partnership 2018 Membership Directory at a cost of \$1,495.00

**SEMINARS & TRAVEL**

Request to authorize Melissa Martin to attend LPA training in Gulfport, MS on October 18, 2017. Total cost: Mileage Only

THEREUPON, ALDERMAN BULLOCK MADE A MOTION TO ADOPT THE AGENDA WITH THE FOREGOING AMENDMENTS. ALDERMAN AMACKER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO APPROVE THE MINUTES OF THE PUBLIC HEARING AND THE REGULAR MEETING OF OCTOBER 3, 2017.

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO APPROVE THE MINUTES OF THE PUBLIC HEARING AND THE REGULAR MEETING OF OCTOBER 3, 2017 AS WRITTEN. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE

ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX CALLED FOR PUBLIC COMMENT

THEREUPON, EARNEST HATTEN ADDRESSED THE BOARD IN OPPOSITION TO HOUSES BEING BUILT ON JONES ST/HARVEY AVE. MR. HATTEN IS CONCERNED WITH THE WATER BEING REDIRECTED ACROSS HIS PROPERTY.

THEREUPON, SAM BRADLEY STATED THAT THERE IS A DITCH BETWEEN THE TWO HOUSES THAT NEEDS A CULVERT, HOWEVER, IT IS NOT ON THE CITY RIGHT OF WAY SO THE CONTRACTOR WOULD BE RESPONSIBLE FOR INSTALLING THOSE CULVERTS. THERE IS NOTHING ON THE CITY RIGHT OF WAY THAT WOULD IMPEDE THE WATER FLOW.

THEREUPON, CAROL MCGEE ADDRESSED THE BOARD REGARDING HER HOME ON OGILSVIE DR. HER HOME WAS DAMAGED BY THE TORNADO IN JANUARY 2017. THEREY ARE WORKING TO REPAIR THE HOME, BUT IS HAVING AN ISSUE WITH THE STAIRCASE MEETING NEW CODE REQUIREMENTS. THE HOUSE WAS FIFTY TWO YEARS OLD AND SHE FEELS IT SHOULD BE GRANDFATHERED IN.

THEREUPON, AMY HEATH STATED THAT GRANTING AN EXCEPTION WOULD MAKE THE CITY LIABLE FOR ANY ISSUES WITH THE STAIRCASE'S SAFETY IN THE FUTURE.

THEREUPON, MAYOR MARX SUGGESTS THAT ROCKY EATON INVESTIGATE A WAY THAT THE CITY COULD WORK WITH MS. MCGEE.

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING RESOLUTION REGARDING PROPERTY CLEANUP HEARING

EXHIBIT "A"

RESOLUTION  
908 S MAIN ST

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADOPT THE FOREGOING RESOLUTION. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING PROCLAMATION DECLARING OCTOBER AS INTERNATIONAL ALPHA DELTA KAPPA MONTH

EXHIBIT "B"

PROCLAMATION

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING PROCLAMATION. ALDERMAN BULLOCK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX CALLED ON LAKEYLA WHITE WITH GRANTS UNLIMITED TO ADDRESS THE BOARD.

THEREUPON, MS. WHITE ADDRESSED THE BOARD OFFERING GRANT WRITING SERVICES.

WHEREAS, MAYOR MARX PRESENTED A PROPOSAL FROM HOLT & ASSOCIATES FOR AUDIT SERVICES

EXHIBIT "C"

PROPOSAL

THEREUPON, ALDERMAN AMACKER MADE A MOTION TO ACCEPT THE PROPOSAL FROM HOLT & ASSOCIATES FOR AUDIT SERVICES. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING PROOFS OF PUBLICATION

- RESOLUTION – AD VALOREM TAX LEVY
- ORDINANCE 2014 (132-A2)
- RESOLUTION ADOPTING 2018 BUDGET
- ORDINANCE 2015-136 (A-1)
- ORDINANCE 1979 (42-A407a)
- PUBLIC NOTICE – VARIANCE JONES ST/HARVEY AVE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE FOREGOING PROOFS OF PUBLICATION FOR FILING. ALDERMAN BULLOCK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE REVENUE & EXPENDITURES REPORT FOR THE MONTH OF SEPTEMBER 2017

THEREUPON, ALDERMAN KING MADE A MOTION TO ACCEPT THE REVENUE & EXPENDITURES REPORT FOR THE MONTH OF SEPTEMBER 2017. ALDERMAN BULLOCK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF SEPTEMBER 2017

THEREUPON, ALDERMAN KING MADE A MOTION TO ACCEPT THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF SEPTEMBER 2017. ALDERMAN BULLOCK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK

ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE MUNICIPAL COMPLIANCE QUESTIONNAIRE FOR FY2017

EXHIBIT "D"

MUNICIPAL COMPLIANCE QUESTIONNAIRE

THEREUPON, ALDERMAN AMACKER MADE A MOTION TO APPROVE THE MUNICIPAL COMPLIANCE QUESTIONNAIRE FOR FY 2017. ALDERMAN KING SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO SET A HEARING DATE FOR PROPERTY LOCATED 116 DENHAM DR

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO SET A VARIANCE HEARING DATE OF NOVEMBER 14, 2017 AT 6:00 P.M. FOR PROPERTY LOCATED AT 116 DENHAM DR. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND "ABSTAINING"

ALDERMAN WILLIAM KING

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO ACCEPT THE PLANNING COMMISSION RECOMMENDATION TO GRANT A VARIANCE FOR PROPERTY LOCATED AT JONES ST/HARVEY AVE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO TABLE THE REQUEST. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO ADJUST WATER SERVICES BILLED TO 519 E 5<sup>TH</sup> AVE

THEREUPON, ALDERMAN KING NOTED EVIDENCE OF A REPAIRED LEAK AND MADE A MOTION TO AUTHORIZE THE CITY CLERK TO ADJUST WATER SERVICES BILLED TO 519 E 5<sup>TH</sup> AVE IN THE AMOUNT OF \$131.33. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER

ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE MUNICIPAL ROAD USE AGREEMENT WITH PRIMORIS SERVICE, CORP

EXHIBIT "E"

ROAD USE AGREEMENT

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO APPROVE THE MUNICIPAL ROAD USE AGREEMENT WITH PRIMORIS SERVICE, CORP. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO AUTHORIZE OFFICERS TO UTILIZE CITY EQUIPMENT AND UNIFORMS TO PROVIDE SECURITY SERVICES FOR DIXIE ELECTRIC ON MONDAY – FRIDAY FROM 8:00 A.M. – 5:00 P.M. FOR APPROXIMATELY FOUR TO SIX WEEKS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE OFFICERS TO UTILIZE CITY EQUIPMENT TO PROVIDE SECURITY FOR DIXIE ELECTRIC. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO REMOVE ONE (1) FORD CROWN VIC, VIN#2FAHP71V59X116395, FROM THE POLICE DEPT INVENTORY

THEREUPON, ALDERMAN KING MADE A MOTION TO AUTHORIZE THE REMOVAL OF ONE (1) FORD CROWN VIC FROM THE POLICE DEPT INVENTORY. ALDERMAN BULLOCK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO SET A ZONING HEARING DATE FOR PROPERTY LOCATED AT 200 E 8<sup>TH</sup> AVE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO SET A ZONING HEARING DATE OF NOVEMBER 14, 2017 AT 6:00 P.M. FOR PROPERTY LOCATED AT 200 E 8<sup>TH</sup> AVE. ALDERMAN BULLOCK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO WAIVE SEWER REQUIREMENTS FOR 32-A ESTATES DR AND TO WAIVE ANY OUTSTANDING SEWER FEES.

THEREUPON, ALDERMAN KING MADE A MOTION TO DETERMINE THAT CONNECTING TO THE SEWER ON ESTATES DR WOULD CAUSE UNREASONABLE EXPENSE DUE TO TREES, SLOPE, ETC AND TO WAIVE THE SEWER REQUIREMENT FOR 32-A ESTATES DR AND TO AUTHORIZE THE CITY CLERK TO ADJUST ANY OUTSTANDING SEWER FEES BILLED TO 32-A ESTATES DR. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE RESIGNATION OF RAYMOND SIGREST IN THE WATER DEPT

THEREUPON, ALDERMAN KING MADE A MOTION TO ACCEPT THE RESIGNATION OF RAYMOND SIGREST IN THE WATER DEPT EFFECTIVE IMMEDIATELY. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO RENEW THE AD IN THE AREA DEVELOPMENT PARTNERSHIP 2018 MEMBERSHIP DIRECTORY

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO RENEW THE AD IN THE AREA DEVELOPMENT PARTNERSHIP 2018 MEMBERSHIP DIRECTORY AT A COST OF \$1,495.00. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST FOR CASEY WALLEY TO ATTEND DETECTIVE LEVEL 1 CLASS IN HARRISON COUNTY

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE CASEY WALLEY TO ATTEND DETECTIVE LEVEL 1 CLASS IN HARRISON COUNTY ON OCT. 30 – NOV. 3, 2017 AT A COST OF \$495.00. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST FOR MELISSA MARTIN TO ATTEND LPA TRAINING IN GULFPORT, MS

THEREUPON, ALDERMAN KING MADE A MOTION TO AUTHORIZE MELISSA MARTIN TO ATTEND LPA TRAINING IN GULFPORT, MS AND TO REIMBURSE MILEAGE. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING ORDER TRANSFERRING JUSTIN YAWN FROM PART TIME TO FULL TIME

ORDER

WHEREAS THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF PETAL DEEM IT NECESSARY TO  
HIRE A FULL TIME POLICE OFFICER

IT IS HEREBY ORDERED THAT JUSTIN YAWN  
BE TRANSFERRED FROM PART TIME TO  
FULL TIME 1<sup>ST</sup> CLASS PATROL AT A RATE  
OF \$16.1791 PER HOUR EFFECTIVE  
OCTOBER 25, 2017

SO ORDERED THIS THE 17<sup>TH</sup> DAY OF OCTOBER 2017

THEREUPON, ALDERMAN KING MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX CALLED FOR FURTHER PUBLIC COMMENT

THERE WAS NONE.

WHEREAS, MAYOR MARX PRESENTED A REQUEST FOR EXECUTIVE SESSION

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO CLEAR THE ROOM TO DETERMINE THE NEED FOR EXECUTIVE SESSION. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ENTER INTO EXECUTIVE SESSION. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN KING MADE A MOTION TO ADJOURN THE EXECUTIVE SESSION. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

NO OFFICIAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

THEREUPON, ALDERMAN KING MADE A MOTION TO ADJOURN THE REGULAR MEETING OF OCTOBER 17, 2017. ALDERMAN CLAYTON SECONDED THE MOTION.

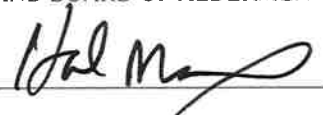
THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN CLINT MOORE  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THERE BEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED.



MAYOR HAL MARX



*Melissa Martin*  
MELISSA MARTIN, CITY CLERK



Resolution finding and determining that the property  
located at 908 S Main St, Parcel #3-030K-11-006.00 in Petal, Mississippi  
and owned by Burkett Ross is in such a state of disrepair  
as to be a menace to the public health and safety of the community

CITY OF PETAL  
MINUTE BOOK 36

WHEREAS, due and proper notice has been given to the owners of the property located at 908 S Main St, Parcel #3-030K-11-006.00 in Petal, Mississippi of a hearing conducted before the Mayor and Board of Aldermen of the City of Petal to determine that said property needs to be condemned.

WHEREAS, said hearing having been duly and properly held and evidence having been presented, all in conformance with Section 21-19-11 of the Mississippi Code of 1972 as amended,

NOW THEREFORE, BE IT RESOLVED;

SECTION 1.

That the property located at 908 S Main St, Parcel #3-030K-11-006.00, in Petal, Mississippi is in such a state of disrepair as to be a menace to the public health and safety of the community, and

SECTION 2.

That the City of Petal has found this property uninhabitable for humans and the property is therefore condemned.

SECTION 3.

That all cost incurred by the Municipality, if any, plus penalty, if any, shall become as assessment against said property, all authorized and permitted pursuant to Section 29-19-11 of the Mississippi Code of 1972, as amended.

SO RESOLVED, on this the 17<sup>th</sup> day of October, 2017 A.D.



*Melissa Martin*  
Melissa Martin, City Clerk

*Hal Marx*  
Hal Marx, Mayor



EXHIBIT "B"

**Proclamation**  
**International Alpha Delta Kappa Month**  
**October, 2017**

**WHEREAS** Women in education constitute a great portion of the nation's working force, and are constantly striving to serve their communities and nation in educational, cultural, and charitable programs leading to harmony, happiness, and peace among all people; and,

**WHEREAS** major goals of Alpha Delta Kappa International Honorary Organization for Women Educators are: To give recognition to outstanding educators; to build a fraternal fellowship among educators adding to their effectiveness in promoting excellence in education; to establish high standards of education; to promote educational and charitable projects and activities enriching the lives of individuals everywhere; and assisting these individuals into happy, constructive and fulfilling lives; and,

**WHEREAS** the Mississippi Iota Chapter of Alpha Delta Kappa, established in 1962, is comprised of women from all levels of education. Among the chapter's monthly altruistic projects last year and again this year: Petal Children's Task Force (money for food, diapers, and Christmas toys); also altruistic activities at International AΔK (St. Jude's Research, Alzheimer's Longest Day, World Understanding projects) & State AΔK (Ronald McDonald House, Jackson). In May of each year, MS Iota awards a scholarship to a local individual who is planning to go into a field of education or working for a masters, specialist, or doctoral degree in a field of education;

**THEREFORE**, do I, **Hal Marx**, as Mayor, of the City of Petal, Mississippi, declare the Month of October, 2017, as International Alpha Delta Kappa Month in the City of Petal.

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Hal Marx, Mayor

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Melissa Martin, City Clerk

EXHIBIT "C"



**HOLT & ASSOCIATES, PLLC**  
CERTIFIED PUBLIC ACCOUNTANTS

W. David Dill, CPA  
Julie M. Uher, CPA  
Kari M. Blackledge, CPA

H. I. Holt, CPA  
Founder (1915-1997)

October 16, 2017

CITY OF PETAL, MS  
AUDIT PROPOSAL  
FOR YEAR ENDING  
SEPTEMBER 30, 2017

SUBMITTED BY:  
HOLT & ASSOCIATES, PLLC  
2815 HIGHWAY 15 NORTH  
LAUREL, MS 39440  
(601) 649-3000  
CONTACT: JULIE M. UHER

It is our pleasure to submit this proposal for auditing services for the year ending September 30, 2017. Holt and Associates, PLLC has been providing audit services for governmental entities in Mississippi for over thirty years. Over the years, we have successfully developed a staff proficient in governmental and fund auditing and accounting. We take pride in our work and our commitments to the citizens of South Mississippi.

We feel you will find our experience and qualifications to definitely be most advantageous. We are committed to providing you with the best possible work in the most efficient manner.

We estimate the hours to be 275 and propose the audit fee not to exceed \$24,500 to include the single audit in accordance with the Uniform Guidance.

We appreciate the opportunity to submit this proposal to you. Please feel free to call us for additional information. We look forward to working with you.

Sincerely,

Julie M. Uher, CPA

**HOLT & ASSOCIATES, PLLC**  
FIRM QUALIFICATIONS AND EXPERIENCE

Holt and Associates, PLLC has served Mississippi since 1945 when Herbert Holt began his practice. Since our formation, governmental and nonprofit accounting and auditing have been an integral part of the practice. Mr. Holt was the first Chairman of the Mississippi Society of CPAs Governmental Auditing and Accounting Committee when it was formed over thirty years ago.

Over the years, our firm has grown into an association of professionals with a philosophy to offer the highest quality service to our clients. The firm joined the Private Companies Practice Section of the American Institute of Certified Public Accountants (AICPA) in the early 1980s. As a member of this section, the firm undergoes an inspection of their policies and practices to ensure the quality of high standards promoted by the AICPA. Each inspection has resulted in an unmodified (favorable) report. The firm is also a member of the Governmental Audit Quality Center of the AICPA.

Currently the firm is composed of three partners, one senior accountant/auditor, two staff accountants/auditors, and three para-professionals, along with a support staff of two. The governmental/non-profit audit staff is made up of the partners, senior accountant/auditor and staff accountants/auditors of whom all may work on this engagement. Our firm has two locations: Laurel and Hattiesburg, Mississippi.

All of our auditing staff receive at least forty hours a year in accounting and auditing continuing professional education courses. Of those forty hours, at least twenty-four hours are directly related to governmental and non-profit accounting and auditing. Most of the courses are obtained through the Mississippi Society of Certified Public Accountants.

The principal in charge (partner) of the audit will be at the client's office with the audit staff for a majority of the fieldwork. All work performed by managers and staff are reviewed by the principal in charge. After that, the audit along with the report goes through a technical review by another partner which is called a technical review.

**HOLT & ASSOCIATES, PLLC**  
CURRENT ENGAGEMENT WITH OTHER SIMILAR ENTITIES

Entity	Principal	Date	Scope of Work	Contact Information	
				Name	Telephone
Laurel-Jones County Library	K. Blackledge	1997 - present	Audit	Mary Louise Bealand	601-428-4313
Dixie Electric Power Association	J. Uher	1997 - present	Audit	Aaron Zurwalt	601-425-2535
City of Laurel, MS	D. Dill	1980-present	Single Audit	Mary Ann Hess	601-428-6404
Jones County School District	J. Uher	2004 - 2015	Single Audit	Sarah Sumral	601-649-5201
Hattiesburg Public School District	J. Uher	2007 - 2015	Single Audit	Frank Aderholdt	601-583-7318
Town of Richton, MS	J. Uher	1997 - present	Audit	Teri Dunn	601-788-6015
Hattiesburg-Laurel Airport Authority	J. Uher	1997 - present	Single Audit	Tom Fleamue	601-545-3155
City of Picayune, MS	J. Uher	2015 - present	Audit	Amber Hinton	601-798-9770
City of Ellisville, MS	K. Blackledge	2015 - present	Single Audit	Charma Cook	601-477-3323
Town of Heidelberg, MS	J. Uher	2014-present	Audit	Edwina Sanders	601-787-3000
Town of Sandersville, MS	K. Blackledge	2011-present	Audit	Paula Byrd	601-649-3068

EXHIBIT "C"

**JULIE M. UHER, CPA**

**PRINCIPAL** PROFESSIONAL RESUME

**EDUCATION:**

Master of Professional Accountancy  
University of Southern Mississippi, 1995  
Bachelor of Science, Business Administration,  
Accounting Information Systems  
University of Southern Mississippi, 1993

**PROFESSIONAL ASSOCIATIONS:**

American Institute of Certified Public Accountants  
Mississippi Society of Certified Public Accountants (Past Member of Board of Governors)  
Southeast Mississippi Chapter of Certified Public Accountants (Past President)

**PROFESSIONAL HISTORY**

Mrs. Uher joined the firm in January, 1996. She became a partner with Holt & Associates, PLLC in January, 1999.

Julie has served as lead auditor on Governmental, non profit and business audits since joining the firm.

In 1999, Julie was appointed to the Mississippi Society of Certified Public Accountant's Governmental Accounting and Auditing Committee where she served for several years.

**ENGAGEMENT ASSIGNMENTS:**

**Principal currently in charge of governmental engagements for the Town of Richton, City of Picayune, Town of Heidelberg, Hattiesburg-Laurel Regional Airport Authority and Dixie Electric Power Association.**

**Julie is also principal in charge of a various number of nonprofit organizations, rural water associations and for profit entities.**

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**W. DAVID DILL, CPA, CGFM**

**PRINCIPAL** PROFESSIONAL RESUME

**EDUCATION:**

Bachelor of Business Administration  
Delta State University, 1979  
Certified Governmental Financial  
Manager, 1996

**PROFESSIONAL ASSOCIATIONS:**

American Institute of Certified Public Accountants  
Mississippi Society of Certified Public Accountants, (Past Member of Board of Governors)  
Association of Governmental Accountants  
Southeast Mississippi Chapter of Certified Public Accountants (Past President)

**PROFESSIONAL HISTORY**

David joined the firm in 1983, becoming a partner in 1987. He has extensive experience in the governmental audit area, obtaining the designation of Certified Government Financial Manager from the Association of Governmental Accountants.

**ENGAGEMENT ASSIGNMENTS:**

**Principal currently in charge of governmental audit for City of Laurel, MS.**

**David also serves as the technical reviewer for all governmental engagements where he is not principal in charge of the engagement.**

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**KARI BLACKLEDGE, CPA**

**PRINCIPAL** PROFESSIONAL RESUME

**EDUCATION:**

Bachelor of Science, Business Administration  
University of Southern Mississippi, 2000

**PROFESSIONAL ASSOCIATIONS:**

American Institute of Certified Public Accountants  
Mississippi Society of Certified Public Accountants  
Southeast Mississippi Chapter of Certified Public Accountants

**PROFESSIONAL HISTORY**

Kari joined the firm after working several years at the University of Southern Mississippi working with federal grants and internal audit. Kari became a partner in 2013.

Since joining the firm, she has helped to plan and supervise several governmental and non-profit audit, review and compilation engagements.

**ENGAGEMENT ASSIGNMENTS:**

**Principal currently in charge of governmental audits for Laurel-Jones County Library, Town of Sandersville, and City of Ellisville.**

**Several nonprofit organizations, for profit entities and employee benefit plans.**

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**ASHLIE SANCHEZ**

**STAFF ACCOUNTANT** PROFESSIONAL RESUME

**EDUCATION:**

Master of Business Administration  
William Carey College, 2007

Bachelor of Science, Business Administration  
University of Southern Mississippi, 2006

**PROFESSIONAL HISTORY**

Ashlie joined Holt & Associates, PLLC in September of 2008.

Since joining the firm, Ashlie has been Senior auditor to audit engagements including non-profit organizations, governmental agencies, and for-profit companies.

**ENGAGEMENT ASSIGNMENTS:**

**Town of Richton, MS  
Hattiesburg-Laurel Regional  
Airport Authority  
City of Picayune  
City of Ellisville  
Dixie Electric Power Association**

**Rural water associations, nonprofit  
and for profit entities.**

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EXHIBIT "C"

**JOSH EDDY**  
STAFF ACCOUNTANT

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PROFESSIONAL RESUME

**EDUCATION:**

Bachelor of Science, Business Administration  
University of Southern Mississippi, 2013

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PROFESSIONAL HISTORY

Josh joined Holt & Associates, PLLC  
in August, 2014.

Since joining the firm, Josh has been staff  
accountant to nonprofit, governmental,  
and business engagements.

**ENGAGEMENT ASSIGNMENTS:**  
**City of Laurel, City of  
Picayune, Town of Richton, Town  
of Heidelberg, Town of Sandersville**  
**Rural water associations and  
governmental entities**

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**RANDI ARRINGTON**  
STAFF ACCOUNTANT

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PROFESSIONAL RESUME

**EDUCATION:**

Bachelor of Science and Commerce, Business Administration  
University of Alabama, 2014

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PROFESSIONAL HISTORY

Randi joined Holt & Associates, PLLC  
in November, 2016.

Since joining the firm, Randi has been exposed  
to audits of nonprofit, governmental, and business  
engagements.

**ENGAGEMENT ASSIGNMENTS:**  
**City of Laurel, City of  
Picayune, Town of Richton, Town  
of Heidelberg, Town of Sandersville**  
**Rural water associations and  
governmental entities**

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EXHIBIT "D"

**Municipal Compliance Questionnaire**

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

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

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

**Information**

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

- Name and address of municipality: City of Petal, P.O. Box 5044  
Petal, MS 39465
- List the date and population of the latest official U.S. Census or most recent official census: 2010 10,454
- Names, addresses and telephone numbers of officials (include elected officials, chief administrative officer, and attorney): \_\_\_\_\_
- Period of time covered by this questionnaire:  
From: Oct. 2016 To: Sept. 2017
- Expiration date of current elected officials' term: June 30, 2021

IV-B0

- Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19) Yes

**PART II - Cash and Related Records**

- Where required, is a claims docket maintained? (Section 21-39-7) Yes
- Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9) Yes
- Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued? (Section 21-39-7) Yes
- Are all warrants approved by the board, signed by the mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13) Yes
- Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn? (Section 21-39-13) Yes
- Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Sections 21-35-5, 21-35-7 and 21-35-9) Yes
- Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23) Yes
- Has the municipality held a public hearing and published its adopted budget? (Sections 21-35-5, 27-39-203, & 27-39-205) Yes
- Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25) Yes
- If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25) Yes

IV-B2

**MUNICIPAL COMPLIANCE QUESTIONNAIRE**  
Year Ended September 30, 20\_\_

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

**PART I - General**

- Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13) Yes
- Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27) Yes
- Are municipal records open to the public? (Section 25-61-5) Yes
- Are meetings of the board open to the public? (Section 25-41-5) Yes
- Are notices of special or recess meetings posted? (Section 25-41-13) Yes
- Are all required personnel covered by appropriate surety bonds?  
  - Board or council members (Sec. 21-17-5) Yes
  - Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter) Yes
  - Municipal clerk (Section 21-15-38) Yes
  - Deputy clerk (Section 21-15-23) Yes
  - Chief of police (Section 21-21-1) Yes
  - Deputy police (Section 45-5-9) (if hired under this law) Yes
- Are minutes of board meetings prepared to properly reflect the actions of the board? (Sections 21-15-17 and 21-15-19) Yes
- Are minutes of board meetings signed by the mayor or majority of the board within 30 days of the meeting? (Section 21-15-33) Yes
- Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53) Yes
- Did all officers, employees of the municipality, or their relatives avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105) Yes
- Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31) Yes

IV-B1

- Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11) Yes
- Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) Yes
- Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17) Yes
- Has the municipality commissioned municipal depositories? (Sections 27-105-353 and 27-105-363) Yes
- Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323) Yes
- Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) -- Sections 21-19-45 through 21-19-59, etc.] Yes
- Are fixed assets properly tagged and accounted for? (Section II - Municipal Audit and Accounting Guide) Yes
- Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41? Yes
- Are all travel advances made in accordance with the State Auditor's regulations? (Section 25-3-41) Yes

**PART III - Purchasing and Receiving**

- Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(h) and (c)] Yes
- Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)] Yes
- Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and (k)] Yes
- Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) Yes

IV-B3

EXHIBIT "D"

PART IV - Bonds and Other Debt

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

PART V - Taxes and Other Receipts

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

- 9. Has the municipality levied or appropriated not less than 1/4 mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39) yes
- 10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73, 83-39-31, etc.) yes
- 11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21) yes
- 12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold? (Section 21-17-1) yes
- 13. Has the municipality determined the full and complete cost for solid waste for the previous fiscal year? (Section 17-17-347) yes
- 14. Has the municipality published an itemized report of all revenues, costs and expenses incurred by the municipality during the immediately preceding fiscal year in operating the garbage or rubbish collection or disposal system? (Section 17-17-348) yes
- 15. Has the municipality conducted an annual inventory of its assets in accordance with guidelines established by the Office of the State Auditor? (MMAAG) yes

IV-B4

IV-B5

(MUNICIPAL NAME)

Certification to Municipal Compliance Questionnaire

Year Ended September 30, 2017

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

Melina Mathis  
(City Clerk's Signature)

Hal Meyer  
(Mayor's Signature)

10/13/17  
(Date)

10-20-17  
(Date)

Minute Book References:

Book Number \_\_\_\_\_

Page \_\_\_\_\_

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

IV-B6

IV-B7

EXHIBIT "E"

MUNICIPAL ROAD USE AGREEMENT

Primoris Services Corp., Primoris I&M, and affiliated entities, hereinafter referred to as "User" and the City of Petal, Mississippi, hereinafter referred to as "Municipality" recognize it is in their mutual best interest to enter into the following agreement, and:

WHEREAS, User desires to use public roadways within the Municipality to access User's work in the construction of a brine pond; and,

WHEREAS, the parties recognize that the Municipality's roads were not designed for the heavy truck traffic and overweight vehicles of User's operations; and,

WHEREAS, as a condition to the use of the roadways by the User, the Municipality is requiring the User to execute this agreement to obligate the User to maintain the municipal roads which it makes use of, in the same or better condition the roadways had prior to the commencement of User's operations, and to maintain the roadways in a good state of repair during the User's operations; and,

WHEREAS, in order to secure the User's obligation to maintain the municipal roadways, the User is required to execute this agreement to set forth the User's promise, covenant and agreement to maintain the roadways,

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained and other good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, the parties do hereby agree as follows:

1. During the term of this contract the User shall maintain the roads it uses, including, but not limited to, Old Richton Road and Kelly Rose Lane, pursuant to the following conditions:

Municipal Road Use Agreement  
Page 1 of 4

from changes in weather conditions and/or the User's operations. Upon receipt of the notice the User agrees to suspend its use of roadways immediately until, in the sole and absolute discretion of the Municipal Engineer, the conditions causing the suspension of the use of the roadways no longer exist.

6. The provisions of this agreement shall apply not only to the User's trucks, tractors and trailers, but also to any and all other equipment or vehicles used by the User, its agents, employees or assigns, during User's operations.

7. Should the User fail to maintain, repair, restore or resurface the roadways to the condition existing prior to the execution of this agreement within 60 days from the date of completion of User's operations, said User hereby agrees to reimburse and indemnify the Municipality for all costs and expenses incurred by the Municipality to repair, restore or resurface the roadways to the same condition which existed prior to the User's operations.

8. This agreement shall remain in effect until the User has complied with all the terms and conditions of this agreement.

9. This agreement shall be binding upon the parties hereto, their heirs, executors, administrators, successors and assigns. Provided, however, that the User shall not assign its interest, or any portion thereof, in this agreement to a third party without the prior written consent of the Municipality.

10. This agreement shall be construed under the laws of the State of Mississippi and constitutes the entire understanding between the parties hereto. No modification or amendment to this agreement shall be permitted or effective unless in writing and executed by both parties. The proper venue for any action brought hereunder shall be the Circuit Court of Forrest County, Mississippi.

Municipal Road Use Agreement  
Page 3 of 4

- A. Maintaining the roadway during use so as not to interfere with ordinary vehicle traffic.
  - B. Provide continuous access for emergency vehicles.
  - C. Insuring that post-use, the condition of the road will be as good as or better than pre-use.
  - D. Maintaining the roadway in a manner that drainage features (structures) remain functional and effective at all times, including surface road drainage.
2. Municipality agrees to inspect and make record of the pre-use and post-use condition of the roadways.
3. The User shall be required to post a bond in the amount of \$1 million dollars. It is understood the Municipality shall be enabled to enforce this agreement during the term of this agreement by calling in the bond and requiring the posting of additional bonds should the cost of repairs at any time exceed the amount of the bond. Said bonds shall be conditioned on full and complete performance of this Agreement. The Surety on said Bonds shall be a surety company of financial resources satisfactory to the Municipality and authorized to do business in the State of Mississippi.
4. Upon the completion of the User's operations, the User, at its own cost and expense, shall within 60 days restore the roadways to the same or better condition as existed prior to the commencement of User's operations.

5. Upon execution of this agreement, the User further agrees to immediately suspend its use of roadways (either completely suspend or agrees to abide by imposed weight limits) upon written notice from the Municipal Engineer that, in the discretion and opinion of the Municipal Engineer, the continued use of the roadway may cause unnecessary damages, interference with access resulting

Municipal Road Use Agreement  
Page 2 of 4

11. The User hereby agrees to hold harmless and indemnify the Municipality for any and all costs, expenses (including legal fees), suits, claims demands or other causes of action which may accrue because of the User's operations.

IN WITNESS WHEREOF, the parties hereto, intending to be legally bound, have executed this Agreement this 20<sup>th</sup> day of October, 2017.

<b>Primoris Services Corp., Primoris Heavy Civil, Primoris I&amp;M (User)</b>	<b>City of Petal</b>
by: _____	by: <u>Hal Marx</u>
Print Name	Hal Marx Print Name
Title	

ATTEST:  
by: \_\_\_\_\_  
Print Name  
Title

Municipal Road Use Agreement  
Page 4 of 4