

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 MAY 6, 2014 AT 6:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR HAL MARX
ATTORNEY	TOM TYNER
ALDERMEN	BRAD AMACKER CRAIG BULLOCK DAVID CLAYTON TONY DUCKER WILLIAM KING JAMES RUNNELS STEVE STRINGER
OTHERS	ADA MADISON KRISTEN PRATT FRANK HOLDER AND MANY OTHERS

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

THE INVOCATION WAS OFFERED BY TONY DUCKER

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, MAYOR MARX PRESENTED THE AGENDA WITH THE FOLLOWING AMENDMENTS

GENERAL BUSINESS

REQUEST AN EXTENSION OF 45 DAYS TO CONTINUE CLEAN UP OF 705 HOLMES ST. (R3SM)

REQUEST TO APPROVE HIGH PRESSURE CLEANING OF SEWER LINES IN SHERWOOD FOREST AT A COST ESTIMATE OF \$10,526.25 PER SHOWS. DEARMAN & WAIT'S RECOMMENDATION. (MAYOR)

REQUEST TO LOAN WAYNE COUNTY BOARD OF SUPERVISORS USE OF A KNUCKLE BOOM TRUCK FOR DEBRIS CLEANUP DUE TO TORNADO/STORMS. (WAYNE CO SUPERVISORS)

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE AGENDA WITH THE FOREGOING AMENDMENTS. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 15, 2014 AND THE SPECIAL MEETING OF APRIL 25, 2014.

THEREUPON, ALDERMAN AMACKER MADE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF APRIL 15, 2014 AND THE SPECIAL MEETING OF APRIL 25, 2014 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX CALLED FOR PUBLIC COMMENT.

THEREUPON, KRISTEN PRAATT ADDRESSED THE BOARD WITH CONCERNS OVER DAMAGE TO HER HOME AT 108 SHERWOOD FOREST DUE TO SEWER BACKUP

THEREUPON, FRANK HOLDER PRESENTED A CLAIM FOR DAMAGES TO HIS HOME AT 106 SHERWOOD FOREST DUE TO SEWER BACKUP

THEREUPON, SEVERAL CITIZENS OF SHERWOOD FOREST ADDRESSED THE BOARD REGARDING ONGOING SEWER PROBLEMS AT SHERWOOD FOREST.

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF GO STREET IMPROVEMENT BONDS

EXHIBIT "A"

RESOLUTION

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING RESOLUTION. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING PROCLAMATION OF EMERGENCY DUE TO SEVERE WEATHER ON APRIL 28, 2014

EXHIBIT "B"

PROCLAMATION

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO END THE STATE OF EMERGENCY. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING PROCLAMATION HONORING THE PETAL HIGH SCHOOL ARCHERY TEAM

EXHIBIT "C"

PROCLAMATION

THEREUPON, ALDERMAN BULLOCK MADE A MOTION TO ADOPT THE FOREGOING PROCLAMATION. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX CALLED ON JOSIAH BYRD TO ADDRESS THE BYRD,

THEREUPON, JOSIAH BYRD ADDRESSED THE BOARD REQUESTING PERMISSION TO EXPAND THE FIREFIGHTER MEMORIAL TO INCLUDE NAMES OF THE ORIGINAL VOLUNTEER FIREFIGHTERS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE JOSIAH BYRD TO CONTINUE WITH PLANS TO EXPAND THE FIREFIGHTER MEMORIAL. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO PURCHASE AN AD IN THE MS HIGH SCHOOL ALL STAR BASEBALL PROGRAM

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE THE PURCHASE OF AN AD IN THE MS HIGH SCHOOL ALL STAR BASEBALL PROGRAM IN THE AMOUNT OF \$100.00. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO PURCHASE AN AD IN THE MS MISSISSIPPI HOSPITALITY PROGRAM

THEREUPON, ALDERMAN KING MADE A MOTION TO AUTHORIZE THE PURCHASE OF AN AD IN THE MS MISSISSIPPI HOSPITALITY PROGRAM IN THE AMOUNT OF \$100.00. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO PURCHASE TASER SUPPLIES FROM TASER INTERNATIONAL IN THE AMOUNT OF \$2,484.50 OUT OF THE LAW ENFORCEMENT FUND.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO AUTHORIZE THE PURCHASE OF TASER SUPPLIES FROM TASER INTERNATIONAL IN THE AMOUNT OF \$2,484.50 OUT OF THE LAW ENFORCEMENT FUND. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO ACCEPT A HOMELAND SECURITY GRANT IN THE AMOUNT OF \$27,000.00 FOR A DIGITAL FINGERPRINT SYSTEM

THEREUPON, ALDERMAN KING MADE A MOTION TO ACCEPT THE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$27,000.00 FOR A DIGITAL FINGERPRINT SYSTEM. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO PAY ESTIMATE #1 IN THE AMOUNT OF \$111,708.90 FOR MATTHEWS BRANCH BANK STABILIZATION.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY ESTIMATE #1 IN THE AMOUNT OF \$111,708.90 TO WALKER CONSTRUCTION FOR MATTHEWS BRANCH BANK STABILIZATION PER SHOWS, DEARMAN & WAITS RECOMMENDATION. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO SET A HEARING DATE FOR CONDITIONAL USE FOR PROPERTY LOCATED AT 1009 S MAIN ST

THEREUPON, ALDERMAN KING MADE A MOTION TO SET A HEARING DATE OF MAY 27, 2014 AT 6:00 P.M. FOR A CONDITIONAL USE FOR PROPERTY LOCATED AT 1009 S MAIN ST. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO ACCEPT THE PLANNING COMMISSION RECOMMENDATION TO GRANT A ZONING CHANGE FROM R-4 TO C-2 FOR PROPERTY LOCATED ON THE CORNER OF S MAIN ST AND WEST 10<sup>TH</sup> AVE.

EXHIBIT "D"

ORDINANCE 1979 (42-A387)

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE PLANNING COMMISSION RECOMMENDATION AND ADOPT THE FOREGOING ORDINANCE GRANTING A ZONING CHANGE FOR PARCEL #3-030K-11-001.00 FROM R-4 TO C-2. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO REVISE THE CONTRACT WITH BILL RODGERS TO THE ORIGINAL CONTRACT ADOPTED ON NOVEMBER 5, 2013

EXHIBIT "E"

CONTRACT

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO REVISE THE CONTRACT WITH BILL RODGERS TO THE ORIGINAL CONTRACT ADOPTED ON NOVEMBER 5, 2013 DUE TO PERS DETERMINATION THAT MR. RODGERS IS NOT A QUALIFYING EMPLOYEE. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO PAY BILL RODGERS \$334.00 PER MONTH FOR THE MONTHS OF FEBRUARY, MARCH & APRIL 2014.

THEREUPON, ALDERMAN KING MADE A MOTION TO AUTHORIZER THE CITY CLERK TO PAY BILL RODGERS \$334.00 PER MONTH FOR THE MONTHS OF FEBRUARY, MARCH & APRIL 2014. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO WAIVE THE SIDEWALK REQUIREMENTS FOR TRAILWOOD WEST PHASE 4A.

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO WAIVE THE SIDEWALK REQUIREMENTS FOR TRAILWOOD WEST PHASE 4A. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO RELEASE THE LETTER OF CREDIT FROM RAYFORD CLARK FOR TRAILWOOD WEST PHASE 4A

THEREUPON, ALDERMAN BULLOCK MADE A MOTION TO RELEASE THE LETTER OF CREDIT FROM RAYFORD CLARK FOR TRAILWOOD WEST PHASE 4A. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE REVENUE & EXPENDITURES REPORT FOR THE MONTH OF MARCH 2014

THEREUPON, ALDERMAN KING MADE A MOTION TO ACCEPT THE REVENUE & EXPENDITURES REPORT FOR THE MONTH OF MARCH 2014. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A CLAIM FROM KRISTEN PRATT FOR DAMAGES TO HER HOME AT 108 SHERWOOD FOREST DUE TO SEWER BACKUP

EXHIBIT "F"

CLAIM - 108 SHERWOOD FOREST

THEREUPON, ALDERMAN RUNNELS MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY MR & MRS PRATT FOR DAMAGES TO THEIR HOME DUE TO SEWER BACKUP IN THE AMOUNT OF \$67,506.98 + RENTAL OF \$1250.00 IF NEEDED IN THE FUTURE. ALDERMAN DUCKER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN BRAD AMACKER

WHEREAS, MAYOR MARX PRESENTED A CLAIM FROM FRANK HOLDER FOR DAMAGES TO HIS HOME AT 106 SHERWOOD FOREST DUE TO SEWER BACKUP

EXHIBIT "G"

CLAIM - 106 SHERWOOD FOREST

THEREUPON, ALDERMAN DUCKER MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY FRANK HOLDER FOR DAMAGES TO HIS HOME DUE TO SEWER BACKUP IN AN AMOUNT NOT TO EXCEED \$45,000.00. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN BRAD AMACKER

WHEREAS, MAYOR MARX PRESENTED THE RESIGNATION OF ANGELA HOEFLICH IN THE POLICE DEPT  
THEREUPON, ALDERMAN KING MADE A MOTION TO ACCEPT THE RESIGNATION OF ANGELA HOEFLICH IN  
THE POLICE DEPT EFFECTIVE MAY 8, 2014. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO PAY FIRST NATIONAL BANK OF CLARKSDALE IN THE  
AMOUNT OF \$161,759.38 FOR PRINCIPAL AND INTEREST DUE ON 2012 BOND REFINANCE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZED THE CITY CLERK TO PAY FIRST  
NATIONAL BANK OF CLARKSDALE IN THE AMOUNT OF \$161,759.38 FOR PRINCIPAL AND INTEREST DUE ON  
2012 BOND REFINANCE. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST FOR ADJUSTMENT TO WATER SERVICES BILLED TO 518  
HILLCREST LOOP

THEREUPON, ALDERMAN RUNNELS NOTED EVIDENCE OF A REPAIRED LEAK AND MADE A MOTION TO  
AUTHORIZE AN ADJUSTMENT TO WATER SERVICES AND LATE CHARGES BILLED TO 518 HILLCREST LOOP IN  
THE AMOUNT OF \$321.37. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST FOR ADJUSTMENT TO WATER SERVICES BILLED TO 410  
SMITH STREET

THEREUPON, ALDERMAN STRINGER NOTED EVIDENCE OF A REPAIRED LEAK AND MADE A MOTION TO  
AUTHORIZE AN ADJUSTMENT TO WATER SERVICES AND LATE FEES BILLED TO 410 SMITH STREET IN THE  
AMOUNT OF \$207.85. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING PROOFS OF PUBLICATION

- PUBLIC NOTICE -- ZONING HEARING HWY 42
- ORDINANCE 1979 (42-A385)
- ORDINANCE 1979 (42-A386)

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE FOREGOING PROOFS OF PUBLICATION FOR FILING. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE DOCKET OF CLAIMS FOR THE MONTH OF APRIL 2014

THEREUPON, ALDERMAN KING MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY THE DOCKET OF CLAIMS FOR THE MONTH OF APRIL 2014. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST FOR AN EXTENSION OF 45 DAYS TO CONTINUE CLEAN UP OF 705 HOLMES STREET

THEREUPON, ALDERMAN AMACKER MADE A MOTION TO GRANT A 45 DAY EXTENSION FOR CONTINUED CLEAN UP OF 705 HOLMES STREET. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST TO APPROVE HIGH PRESSURE CLEANING OF SEWER LINES IN SHERWOOD FOREST

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO APPROVE HIGH PRESSURE CLEANING OF SEWER LINES IN SHERWOOD FOREST AT A COST OF \$10,526.25 PER SHOWS. DEARMAN & WAIT'S RECOMMENDATION. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE



WHEREAS, MAYOR MARX PRESENTED A REQUEST TO LOAN WAYNE COUNTY A KNUCKLE BOOM TRUCK TO AID IN CLEAN UP OF STORM DEBRIS

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE LOANING WAYNE COUNTY A KNUCKLE BOOM TRUCK TO AID IN CLEAN UP OF STORM DEBRIS. ALDERMAN RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED A REQUEST FOR MICHELLE STREBECK TO ATTEND 2014 SUMMER COURT CLERK CONFERENCE

THEREUPON, ALDERMAN KING MADE A MOTION TO AUTHIORIZE MICHELLE STREBECK TO ATTEND 2014 SUMMER COURT CLERK CONFERENCE IN GULFPORT, MS ON JUNE 22-24, 2014. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING ORDER TRANSFERRING TIFFANY SHIVERS TO FULL TIME

ORDER

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

IT IS HEREBY ORDERED THAT TIFFANY SHIVERS BE TRANSFERRED FROM PART TIME TO FULL TIME 4<sup>TH</sup> CLASS DISPATCHER AT A RATE OF \$11.22 PER HOUR EFFECTIVE APRIL 30, 2014

SO ORDERED THIS THE 6<sup>TH</sup> DAY OF MAY 2014

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING ORDER. 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING ORDER TRANSFERRING MIRANDA WILLIAMS TO ADMINISTRATIVE ASSISTANT

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN

OF THE CITY OF PETAL DEEM IT NECESSARY TO  
HIRE AN ADMINISTRATIVE ASSISTANT

IT IS HEREBY ORDERED THAT MIRANDA WILLIAMS  
BE TRANSFERRED FROM DISPATCH TO ADMINISTRATIVE  
ASSISTANT AT A RATE OF \$14.8077 PER HOUR  
EFFECTIVE APRIL 30, 2014

SO ORDERED THIS THE 6<sup>TH</sup> DAY OF MAY 2014

THEREUPON, ALDERMAN KING MADE A MOTION TO ADOPT THE FOREGOING ORDER, 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING ORDER HIRING JIMMY DOWELL IN THE  
RECREATION DEPT

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN  
DEEM IT NECESSARY TO HIRE A PART TIME LABORER  
IN THE RECREATION DEPT

IT IS HEREBY ORDERED THAT JIMMY DOWELL BE HIRED  
PART TIME IN THE RECREATION DEPT AT A RATE OF  
\$9.00 PER HOUR EFFECTIVE IMMEDIATELY.

SO ORDERED THIS THE 6<sup>TH</sup> DAY OF MAY 2014

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE FOREGOING ORDER, ALDERMAN  
RUNNELS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR MARX PRESENTED THE FOLLOWING ORDER HIRING LAUREN ORR IN THE POLICE DEPT

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF PETAL DEEM IT NECESSARY TO HIRE  
A PART TIME DISPATCHER

IT IS HEREBY ORDERED THAT LAUREN ORR BE HIRED  
AS PART TIME DISPATCHER AT A RATE OF \$10.00  
PER HOUR EFFECTIVE APRIL 18, 2014

SO ORDERED THIS THE 6<sup>TH</sup> DAY OF MAY 2014

THEREUPON, ALDERMAN KING MADE A MOTION TO ADOPT THE FOREGOING ORDER, 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 JAMES RUNNELS  
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN STRINGER LEFT THE MEETING.

WHEREAS, MAYOR MARX CALLED FOR FURTHER PUBLIC COMMENT

THERE WAS NONE

THEREUPON, ALDERMAN CLAYTON MADE A MOTION TO ADJOURN THE REGULAR MEETING. 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 JAMES RUNNELS

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 ON MAY 6, 2014.

  
\_\_\_\_\_  
MAYOR HAL MARX



  
\_\_\_\_\_  
MELISSA MARTIN, CITY CLERK

EXHIBIT "A"

**RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2014, OF THE CITY OF PETAL, MISSISSIPPI, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES; PURCHASING LAND THEREFOR; CONSTRUCTING BRIDGES AND CULVERTS; REPAIRING, IMPROVING AND EXTENDING STORM AND DRAINAGE SYSTEMS AND PAYING FOR THE COST OF ISSUANCE FOR THE BONDS.**

WHEREAS, the Mayor and the Board of Aldermen of the City of Petal, Mississippi (the "Governing Body" of the "City"), acting for and on behalf of the City, hereby finds, determines, adjudicates and declares as follows:

1. (a) In addition to any words and terms elsewhere defined herein, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

"Act" shall mean Sections 21-33-301 et seq., Mississippi Code of 1972, as amended.

"Act of Bankruptcy" shall mean the filing of a petition in bankruptcy by or against the City under any applicable bankruptcy, insolvency, reorganization or similar law, now or hereafter in effect.

"Agent" shall mean any Paying Agent or Transfer Agent, whether serving in either or both capacities, and herein designated by the Governing Body.

"Authorized Officer" means the Mayor of the City, the Clerk of the City and any other officer designated from time to time as an Authorized Officer by resolution of the City, and when used with reference to any act or document also means any other Person authorized by resolution of the City to perform such act or sign such document.

"Bond" or "Bonds" shall mean the \$1,000,000 General Obligation Street Improvement Bonds, Series 2014, of the City authorized and directed to be issued in this resolution.

"Bond Counsel" shall mean Butler Snow LLP, Ridgeland, Mississippi.

"Bond Resolution" shall mean this resolution.

"Clerk" shall mean the City Clerk of the City.

"Governing Body" shall mean the Mayor and Board of Aldermen of the City.

"Mayor" shall mean the Mayor of the City.

"Notice" shall mean the Notice of Bond Sale set out in Section 23 hereof.

"Paying Agent" shall mean any bank, trust company or other institution or the City Clerk of the City hereafter designated by the Governing Body for the payment of the principal of and interest on the Bonds.

"Person" shall mean an individual, partnership, corporation, limited liability company, trust or unincorporated organization and a government or agency or political subdivision thereof.

"Project" shall mean providing funds for constructing, improving or paving street, sidewalks, driveways, parkways, walkways, or public parking facilities; purchasing land therefor; constructing bridges and culverts; repairing, improving and extending storm and drainage systems and paying for the cost of issuance for the Bonds.

"Purchaser" shall mean the successful bidder for the Bonds, to be hereafter designated by the Governing Body.

"Record Date" shall mean, as to interest payments, the 15th day of the month preceding the dates set for payment of interest on the Bonds and, as to payments of principal, the 15th day of the month preceding the maturity date or the date set for redemption.

"Record Date Registered Owner" shall mean the Registered Owner as of the Record Date.

"Registered Owner" shall mean the Person whose name shall appear in the registration records of the City maintained by the Transfer Agent.

"City" shall mean the City of Petal, Mississippi.

"Transfer Agent" shall mean any bank, trust company or other institution or the City Clerk of the City hereafter designated by the Governing Body for the registration of owners of the Bonds and for the performance of such other duties as may be herein or hereafter specified by the Governing Body.

"2014 Bond Fund" shall mean the City of Petal, Mississippi General Obligation Street Improvement Bonds, Series 2014 Bond Fund provided for in Section 12 hereof.

"2014 Construction Fund" shall mean the City of Petal, Mississippi General Obligation Street Improvement Bonds, Series 2014 Construction Fund provided for in Section 13 hereof.

(b) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words and terms herein defined shall be equally applicable to the plural as well as the singular form of any of such words and terms.

2. Heretofore, on March 18, 2014, the Governing Body of the City adopted a resolution entitled "RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI (THE "CITY"), TO

ISSUE GENERAL OBLIGATION STREET IMPROVEMENT BONDS, SERIES 2014, OF THE CITY, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES; PURCHASING LAND THEREFOR; CONSTRUCTING BRIDGES AND CULVERTS; REPAIRING, IMPROVING AND EXTENDING STORM AND DRAINAGE SYSTEMS AND PAYING FOR THE COST OF ISSUANCE FOR THE BONDS; AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION" (the "Intent Resolution") wherein the Governing Body found, determined and adjudicated that it is necessary that bonds of the City be issued in the amount, for the purpose and secured as aforesaid, declared its intention to issue said bonds, and fixed 6:00 o'clock p.m. on April 15, 2014, as the date and hour on which it proposed to direct the issuance of said bonds, on or prior to which date and hour any protest to be made against the issuance of such bonds was required to be filed.

3. As required by law and as directed by the Intent Resolution, the Intent Resolution was published once a week for at least three (3) consecutive weeks in the *Petal News*, a newspaper published in and having a general circulation in the City, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, the first publication of this resolution shall be made not less than twenty-one (21) days prior to the date fixed herein for the issuance of the Bonds and the last publication shall be made not more than seven (7) days prior to such date, said notice having been published in said newspaper on March 20 and 27 and April 3 and 10, 2014, as evidenced by the publisher's affidavit heretofore presented and filed.

4. On or prior to the hour of 6:00 o'clock p.m. on April 15, 2014, no written protest against the issuance of the Bonds described in the Intent Resolution was filed or presented by qualified electors of the City as noted in the April 15, 2014 minutes of the Governing Body and as set forth in the resolution adopted by the Governing Body on April 15, 2014.

5. The Governing Body is now authorized and empowered by the provisions of the Act to issue the Bonds without an election on the question of the issuance thereof and is authorized to issue Bonds registered as to principal and interest in the form and manner hereinafter provided for by Sections 31-21-1 to 31-21-7, Mississippi Code of 1972, as amended.

6. The assessed value of all taxable property within the City, according to the last completed assessment for taxation, is Eighty Nine Million Four Hundred Eleven Thousand Six Hundred and Ninety-Nine Dollars (\$89,411,699); the City has outstanding bonded indebtedness subject to the fifteen percent (15%) debt limit prescribed by Section 21-33-303, Mississippi Code of 1972, as amended, in the amount of Five Million Eight Hundred Fifteen Thousand Dollars (\$5,815,000), and outstanding bonded and floating indebtedness subject to the twenty percent (20%) debt limit prescribed by Section 21-33-303, Mississippi Code of 1972, as amended, (which amount includes the sum set forth above subject to the 15% debt limit), in the amount of Five Million Eight Hundred Fifteen Thousand Dollars (\$5,815,000); the issuance of the Bonds hereinafter proposed to be issued pursuant to the Act, when added to the outstanding bonded indebtedness of the City, will not result in bonded indebtedness, exclusive of indebtedness not subject to the aforesaid fifteen percent (15%) debt limit, of more than fifteen percent (15%) of the assessed value of taxable property within the City, and will not result in indebtedness, both

bonded and floating, exclusive of indebtedness not subject to the aforesaid twenty percent (20%) debt limit, in excess of twenty percent (20%) of the assessed value of taxable property within the City, and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the City.

7. It has now become necessary to make provision for the preparation, execution and issuance of said Bonds.

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

**SECTION 1.** In consideration of the purchase and acceptance of any and all of the Bonds by those who shall hold the same from time to time, this Bond Resolution shall constitute a contract between the City and the Registered Owners from time to time of the Bonds. The pledge made herein and the covenants and agreements herein set forth to be performed on behalf of the City for the benefit of the Registered Owners shall be for the equal benefit, protection and security of the Registered Owners of any and all of the Bonds, all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction.

**SECTION 2.** The Bonds are hereby authorized and ordered to be prepared and issued in the principal amount of One Million Dollars (\$1,000,000) to raise money for the Project as authorized by the Act.

**SECTION 3.** (a) Payments of interest on the Bonds shall be made to the Record Date Registered Owner, and payments of principal shall be made upon presentation and surrender thereof at the principal office of the Paying Agent to the Record Date Registered Owner in lawful money of the United States of America.

(b) The Bonds shall be registered as to both principal and interest; shall be dated the date of delivery thereof; shall be issued in the principal denomination of \$1,000 each, or integral multiples thereof up to the amount of a single maturity; shall be numbered from one upward in the order of issuance; shall bear interest from the date thereof at the rate or rates specified by further order of the Governing Body, payable on June 1 and December 1 of each year (each an "Interest Payment Date"), commencing June 1, 2015; and shall mature and become due and payable on June 1 in the years and in the principal amounts as follows:

YEAR	AMOUNT
2015	\$87,000
2016	90,000
2017	93,000
2018	95,000
2019	98,000
2020	101,000
2021	104,000
2022	107,000

EXHIBIT "A"

2023	111,000
2024	114,000

(c) The Bonds are subject to redemption prior to their stated dates of maturity in whole at any time, or in part on any Interest Payment Date, at par, plus accrued interest to the date of redemption.

(d) Notice of redemption identifying the numbers of Bonds or portions thereof to be redeemed shall be given to the Registered Owners thereof by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption. Failure to mail or receive any such notice, or any defect therein or in the mailing thereof, shall not affect the validity of any proceedings for the redemption of Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been given, irrespective of whether received. If such written notice of redemption is made and if due provision for payment of the redemption price is made, all as provided above, the Bonds which are to be redeemed thereby automatically shall be deemed to have been redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the owner to receive the redemption price out of the funds provided for such payment. If at the time of mailing of any notice of redemption, there shall not be on deposit with the Paying Agent sufficient moneys to redeem all of the Bonds called for redemption, such notice shall state that it is subject to the deposit of moneys with the Paying Agent not later than on the redemption date and shall be of no effect unless such moneys are deposited.

(e) The Bonds, for which the payment of sufficient moneys or, to the extent permitted by the laws of the State of Mississippi, (a) direct obligations of, or obligations for the payment of the principal of and interest on which are unconditionally guaranteed by, the United States of America ("Government Obligations"), (b) certificates of deposit or municipal obligations fully secured by Government Obligations or (c) evidences of ownership of proportionate interests in future interest or principal payments on Government Obligations held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor on the Government Obligations and which Government Obligations are not available to satisfy any claim of the custodian or any person claiming through the custodian or to whom the custodian may be obligated, (d) State and Local Government Series ("SLGS") Securities, and (e) municipal obligations, the payment of the principal of, interest and redemption premium, if any, on which are irrevocably secured by Government Obligations and which Government Obligations are not subject to redemption prior to the date on which the proceeds attributable to the principal of such obligations are to be used and have been deposited in an escrow account which is irrevocably pledged to the payment of the principal of and interest and redemption premium, if any, on such municipal obligations (all of which collectively, with Government Obligations, "Defeasance Securities"), shall have been deposited with an escrow agent appointed for such purpose, which may be the Paying and Transfer Agent, shall be deemed to have been paid, shall cease to be entitled to any lien, benefit or security under this Bond Resolution and shall no longer be deemed to be outstanding hereunder, and the Registered Owners shall have no rights in respect thereof except to receive payment of the principal of and interest on such Bonds from the funds held for that purpose. Defeasance Securities shall be considered sufficient under the Bond Resolution if said investments, with interest, mature and bear interest in such amounts and at such times as

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persons who were the officials of the Governing Body as of the date of original issue of the Bonds.

**SECTION 5.** (a) The City will appoint the Paying Agent and Transfer Agent for the Bonds. The Paying and Transfer Agent shall be a bank or trust company located within the State or may be the City Clerk of the City. The Governing Body for and on behalf of the City specifically reserves the right to hereafter designate a separate Transfer Agent and/or Paying Agent in its discretion in the manner hereinafter provided.

(b) So long as any of the Bonds shall remain outstanding, the City shall maintain with the Transfer Agent records for the registration and transfer of the Bonds. The Transfer Agent is hereby appointed registrar for the Bonds, in which capacity the Transfer Agent shall register in such records and permit to be transferred thereon, under such reasonable regulations as may be prescribed, any Bond entitled to registration or transfer.

(c) The City shall pay or reimburse the Agent for reasonable fees for the performance of the services normally rendered and the incurring of normal expenses reasonably and necessarily paid as are customarily paid to paying agents, transfer agents and bond registrars, subject to agreement between the City and the Agent. Fees and reimbursements for extraordinary services and expenses, so long as not occasioned by the negligence, misconduct or willful default of the Agent, shall be made by the City on a case-by-case basis, subject, where not prevented by emergency or other exigent circumstances, to the prior written approval of the Governing Body.

(d) (i) An Agent may at any time resign and be discharged of the duties and obligations of either the function of the Paying Agent or Transfer Agent, or both, by giving at least sixty (60) days' written notice to the City, and may be removed from either or both of said functions at any time by resolution of the Governing Body delivered to the Agent. The resolution shall specify the date on which such removal shall take effect and the name and address of the successor Agent, and shall be transmitted to the Agent being removed within a reasonable time prior to the effective date thereof. Provided, however, that no resignation or removal of an Agent shall become effective until a successor Agent has been appointed pursuant to the Bond Resolution.

(ii) Upon receiving notice of the resignation of an Agent, the City shall promptly appoint a successor Agent by resolution of the Governing Body. Any appointment of a successor Agent shall become effective upon acceptance of appointment by the successor Agent. If no successor Agent shall have been so appointed and have accepted appointment within thirty (30) days after the notice of resignation, the resigning Agent may petition any court of competent jurisdiction for the appointment of a successor Agent, which court may thereupon, after such notice as it may deem appropriate, appoint a successor Agent.

(iii) In the event of a change of Agents, the predecessor Agent shall cease to be custodian of any funds held pursuant to this Bond Resolution in connection with its role as such Agent, and the successor Agent shall become such custodian; provided, however, that before any such delivery is required to be made, all fees, advances and expenses of

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will assure sufficient cash to pay currently maturing interest and to pay principal when due on such Bonds.

**SECTION 4.** (a) When the Bonds shall have been validated and executed as herein provided, they shall be registered as an obligation of the City in the office of the Clerk in a record maintained for that purpose, and the Clerk shall cause to be imprinted upon, or attached to, the reverse side of each of the Bonds, over his manual or facsimile signature and manual or facsimile seal, his certificate in substantially the form set out in Section 6.

(b) The Bonds shall be executed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the City Clerk, with the seal of the City imprinted or affixed thereto; provided, however all signatures and seals appearing on the Bonds, other than the signature of an authorized officer of the Transfer Agent hereafter provided for, may be facsimile and shall have the same force and effect as if manually signed or impressed. In case any official of the City whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such official before the delivery or reissuance thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until delivery or reissuance.

(c) The Bonds shall be delivered to the Purchaser upon payment of the purchase price therefor in accordance with the terms and conditions of their sale and award, together with a complete certified transcript of the proceedings had and done in the matter of the authorization, issuance, sale and validation of the Bonds, and the final, unqualified approving opinion of Bond Counsel, which opinion shall be imprinted on, or attached to, the reverse of each of the Bonds.

(d) Prior to or simultaneously with the delivery by the Transfer Agent of any of the Bonds, the City shall file with the Transfer Agent:

(i) a copy, certified by the Clerk, of the transcript of proceedings of the Governing Body in connection with the authorization, issuance, sale and validation of the Bonds; and

(ii) an authorization to the Transfer Agent, signed by the Mayor or the Clerk, to authenticate and deliver the Bonds to the Purchaser.

(e) At delivery, the Transfer Agent shall authenticate the Bonds and deliver them to the Purchaser thereof upon payment of the purchase price of the Bonds to the City.

(f) Bonds, blank as to denomination, rate of interest, date of maturity and CUSIP number and sufficient in quantity in the judgment of the City to meet the reasonable transfer and reissuance needs on the Bonds, shall be printed and delivered to the Transfer Agent in generally-accepted format, and held by the Transfer Agent until needed for transfer or reissuance, whereupon the Transfer Agent shall imprint the appropriate information as to denomination, rate of interest, date of maturity and CUSIP number prior to the registration, authentication and delivery thereof to the transferee holder. The Transfer Agent is hereby authorized upon the approval of the Governing Body to have printed from time to time as necessary additional Bonds bearing the manual or facsimile seal of the City and manual or facsimile signatures of the

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the retiring or removed Agent shall be fully paid. Every predecessor Agent shall deliver to its successor Agent all records of account, registration records, lists of Registered Owners and all other records, documents and instruments relating to its duties as such Agent.

(iv) Any successor Agent appointed under the provisions hereof shall be a bank, trust company or national banking association having Federal Deposit Insurance Corporation insurance of its accounts, duly authorized to exercise corporate trust powers and subject to examination by and in good standing with the federal and/or state regulatory authorities under the jurisdiction of which it falls.

(v) Every successor Agent appointed hereunder shall execute, acknowledge and deliver to its predecessor Agent and to the City an instrument in writing accepting such appointment hereunder, and thereupon such successor Agent, without any further act, shall become fully vested with all the rights, immunities and powers, and subject to all the duties and obligations, of its predecessor.

(vi) Should any transfer, assignment or instrument in writing be required by any successor Agent from the City to more fully and certainly vest in such successor Agent the estates, rights, powers and duties hereby vested or intended to be vested in the predecessor Agent, any such transfer, assignment and written instruments shall, on request, be executed, acknowledged and delivered by the City.

(vii) The City will provide any successor Agent with certified copies of all resolutions, orders and other proceedings adopted by the Governing Body relating to the Bonds.

(viii) All duties and obligations imposed hereby on an Agent or successor Agent shall terminate upon the accomplishment of all duties, obligations and responsibilities imposed by law or required to be performed by this Bond Resolution.

(e) Any corporation or association into which an Agent may be converted or merged, or with which it may be consolidated or to which it may sell or transfer its assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, shall be and become successor Agent hereunder and vested with all the powers, discretion, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of either the City or the successor Agent, anything herein to the contrary notwithstanding, provided only that such successor Agent shall be satisfactory to the City and eligible under the provisions of Section 5(d)(iv) hereof.

**SECTION 6.** The Bonds shall be in substantially the following form, with such appropriate variations, omissions and insertions as are permitted or required by this Bond Resolution:

[remainder of page left blank intentionally]

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EXHIBIT "A"

[BOND FORM]  
UNITED STATES OF AMERICA  
STATE OF MISSISSIPPI  
CITY OF PETAL, MISSISSIPPI  
GENERAL OBLIGATION STREET IMPROVEMENT BOND  
SERIES 2014

NO. \_\_\_\_\_ \$ \_\_\_\_\_  
Rate of Interest \_\_\_\_\_ %  
Maturity \_\_\_\_\_  
Date of Original Issue \_\_\_\_\_  
CUSIP \_\_\_\_\_

Registered Owner:

Principal Amount: \_\_\_\_\_ DOLLARS

The City of Petal, Mississippi (the "City"), a body politic existing under the Constitution and laws of the State of Mississippi, acknowledges itself to owe and for value received, promises to pay in lawful money of the United States of America to the Registered Owner identified above, upon the presentation and surrender of this Bond, at the principal office of \_\_\_\_\_, or its successor, as paying agent (the "Paying Agent") for the General Obligation Street Improvement Bonds, Series 2014, of the City (the "Bonds"), on the maturity date identified above, the principal amount identified above. Payment of the principal amount of this Bond shall be made to the Registered Owner hereof who shall appear in the registration records of the City maintained by \_\_\_\_\_, or its successor, as transfer agent for the Bonds (the "Transfer Agent"), as of the 15th day of the calendar month preceding the maturity date hereof.

The City further promises to pay interest on such principal amount from the date of this Bond or from the most recent Interest Payment Date to which interest has been paid at the rate of interest per annum set forth above, on June 1 and December 1 of each year (each an "Interest Payment Date"), commencing June 1, 2015, until said principal sum is paid, to the Registered Owner hereof who shall appear in the registration records of the City maintained by the Transfer Agent as of the 15th day of the calendar month preceding the applicable Interest Payment Date.

Payments of principal of and interest on this Bond shall be made by check or draft mailed on the Interest Payment Date to such Registered Owner at his address as it appears on such registration records. The Registered Owner hereof may change such address by written notice to the Transfer Agent by certified mail, return receipt requested, or such other method as may be subsequently prescribed by the Transfer Agent, such notice to be received by the Transfer Agent not later than the 15th day of the calendar month preceding the applicable principal or Interest Payment Date.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to denomination, number, rate of interest and date of maturity, issued in the aggregate

The Bonds are general obligations of the City payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate, or amount upon all taxable property within the geographical limits of the City; provided, however, that such tax levy for any year shall be abated pro tanto to the extent the City on or prior to September 1 of that year has transferred money to the bond fund of the Bonds, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Bonds due during the ensuing fiscal year of the City, in accordance with the provisions of the Bond Resolution securing the Bonds. The City will levy annually a special tax upon all taxable property within the geographical limits of the City adequate and sufficient to provide for the payment of the principal of and the interest on the Bonds as the same falls due.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Resolution until the certificate of registration and authentication hereon shall have been signed by the Transfer Agent.

IT IS HEREBY CERTIFIED, RECITED AND REPRESENTED that all conditions, acts and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds, in order to make the same legal and binding general obligations of the City, according to the terms thereof, do exist, have happened and have been performed in regular and due time, form and manner as required by law. For the performance in apt time and manner of every official act herein required, and for the prompt payment of this Bond, both principal and interest, the full faith and credit of the City are hereby irrevocably pledged.

IN WITNESS WHEREOF, the City has caused this Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City, countersigned by the manual or facsimile signature of the Clerk of the City, under the manual or facsimile seal of the City, which said manual or facsimile signatures and seal said officials adopt as and for their own proper signatures and seal.

CITY OF PETAL, MISSISSIPPI

BY: Hal May  
Mayor

COUNTERSIGNED:

Melnamathi  
City Clerk  
(SEAL)

authorized principal amount of One Million Dollars (\$1,000,000) to raise money for the purpose of providing funds for constructing, improving or paving streets, sidewalks, driveways, parkways, walkways, or public parking facilities; purchasing land therefor; constructing bridges and culverts; repairing, improving and extending storm and drainage systems and paying for the cost of issuance for the Bonds.

This Bond is issued under the authority of the Constitution and statutes of the State of Mississippi, including Sections 21-33-301 et seq., Mississippi Code of 1972, as amended, and by the further authority of proceedings duly had by the Mayor and Board of Aldermen of the City, including a resolution adopted May 6, 2014 (the "Bond Resolution").

The Bonds are subject to redemption prior to their stated dates of maturity in whole at any time, or in part on any Interest Payment Date, at par, plus accrued interest to the date of redemption.

Notice of redemption identifying the numbers of Bonds or portions thereof to be redeemed shall be given to the Registered Owners thereof by first class mail at least thirty (30) days and not more than sixty (60) days prior to the date fixed for redemption. Failure to mail or receive any such notice, or any defect therein or in the mailing thereof, shall not affect the validity of any proceedings for the redemption of Bonds. Any notice mailed as provided herein shall be conclusively presumed to have been given, irrespective of whether received. If such written notice of redemption is made and if due provision for payment of the redemption price is made, all as provided above, the Bonds which are to be redeemed thereby automatically shall be deemed to have been redeemed prior to their scheduled maturities, and they shall not bear interest after the date fixed for redemption, and they shall not be regarded as being outstanding except for the right of the owner to receive the redemption price out of the funds provided for such payment. If at the time of mailing of any notice of redemption, there shall not be on deposit with the Paying Agent sufficient moneys to redeem all of the Bonds called for redemption, such notice shall state that it is subject to the deposit of moneys with the Paying Agent not later than on the redemption date and shall be of no effect unless such moneys are deposited.

The Bonds are registered as to both principal and interest. The Bonds are to be issued or reissued in the denomination of \$1,000 each, or integral multiples thereof up to the amount of a single maturity.

This Bond may be transferred or exchanged by the Registered Owner hereof in person or by his attorney duly authorized in writing at the principal office of the Transfer Agent, but only in the manner, subject to the limitations in the Bond Resolution, and upon surrender and cancellation of this Bond. Upon such transfer or exchange, a new Bond or Bonds of like aggregate principal amount in authorized denominations of the same maturity will be issued.

The City and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

There shall be printed in the lower left portion of the face of the Bonds, or attached thereto, a registration and authentication certificate in substantially the following form:

CERTIFICATE OF REGISTRATION AND AUTHENTICATION

This Bond is one of the Bonds described in the within mentioned Bond Resolution and is one of the General Obligation Street Improvement Bonds, Series 2014, of the City of Petal, Mississippi.

\_\_\_\_\_  
as Transfer Agent

BY: \_\_\_\_\_  
Authorized Officer

Date of Registration and Authentication: \_\_\_\_\_

There shall be printed on the reverse of the Bonds, or attached thereto, a registration and validation certificate and an assignment form in substantially the following form:

REGISTRATION AND VALIDATION CERTIFICATE

STATE OF MISSISSIPPI  
COUNTY OF FORREST  
CITY OF PETAL

I, the undersigned City Clerk of the City of Petal, Mississippi, do hereby certify that the within Bond has been duly registered by me as an obligation of said City pursuant to law in a record kept in my office for that purpose, and has been validated and confirmed by Decree of the Chancery Court of Forrest County, Mississippi, rendered on the 7 day of May, 2014.

Melnamathi  
City Clerk

(SEAL)

EXHIBIT "A"

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_ (Name and Address of Assignee)

the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_,

\_\_\_\_\_ as Transfer Agent to transfer the said Bond on the records kept for registration thereof with full power of substitution in the premises.

**NOTICE:** The signature to this Assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Bond in every particular manner, without any alteration whatever.

Signatures guaranteed:

**NOTICE:** Signature(s) must be guaranteed by an approved eligible guarantor institution, an institution that is a participant in a Securities Transfer Association recognized signature guarantee program.

\_\_\_\_\_  
(Authorized Officer)

Date of Assignment: \_\_\_\_\_

Insert Social Security Number or Other Tax Identification Number of Assignee: \_\_\_\_\_

**SECTION 7.** In case any Bond shall become mutilated or be stolen, destroyed or lost, the City shall, if not then prohibited by law, cause to be authenticated and delivered a new Bond of like date, number, maturity and tenor in exchange and substitution for and upon cancellation of such mutilated Bond, or in lieu of and in substitution for such Bond stolen, destroyed or lost, upon the Registered Owner's paying the reasonable expenses and charges of the City in connection therewith, and in case of a Bond stolen, destroyed or lost, his filing with the City or Transfer Agent evidence satisfactory to them that such Bond was stolen, destroyed or lost, and of his ownership thereof, and furnishing the City or Transfer Agent with such security or indemnity as may be required by law or by them to save each of them harmless from all risks, however remote.

**SECTION 8.** The Bonds shall be general obligations of the City secured by the full faith, credit and resources of the City. For the purpose of effectuating and providing for the payment of the principal of and interest on the Bonds as the same shall respectively mature and accrue, there shall be and is hereby levied a direct, continuing special tax upon all of the taxable property within the geographical limits of the City, adequate and 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 of and the interest on the Bonds; provided, however, that such tax levy for any year shall be abated pro tanto to the extent the City on or prior to September 1 of that year has transferred money to the bond fund of the Bonds, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Bonds due during the ensuing fiscal year of the City, in accordance with the provisions of the Bond Resolution securing the Bonds. Said tax shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the City are collected, and the rate of tax which shall be so extended shall be sufficient in each year fully to produce the sums required as aforesaid, without limitation as to time, rate or amount. The avails of said tax are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same shall respectively mature and accrue. Should there be a failure in any year to comply with the requirements of this section, such failure shall not impair the right of the Registered Owners of any of the Bonds in any subsequent year to have adequate taxes levied and collected to meet the obligations of the Bonds, both as to principal and interest.

**SECTION 9.** Only such of the Bonds as shall have endorsed thereon a certificate of registration and authentication in substantially the form hereinabove set forth, duly executed by the Transfer Agent, shall be entitled to the rights, benefits and security of this Bond Resolution. No Bond shall be valid or obligatory for any purpose unless and until such certificate of registration and authentication shall have been duly executed by the Transfer Agent, which executed certificate shall be conclusive evidence of registration, authentication and delivery under this Bond Resolution. The Transfer Agent's certificate of registration and authentication on any Bond shall be deemed to have been duly executed if signed by an authorized officer of the Transfer Agent, but it shall not be necessary that the same officer sign said certificate on all of the Bonds that may be issued hereunder at any one time.

**SECTION 10. (a)** In the event the Purchaser shall fail to designate the names, addresses and social security or tax identification numbers of the Registered Owners of the Bonds within thirty (30) days of the date of sale, or at such other later date as may be designated by the City, one Bond registered in the name of the Purchaser may be issued in the full amount

for each maturity. Ownership of the Bonds shall be in the Purchaser until the initial Registered Owner has made timely payment and, upon request of the Purchaser within a reasonable time of the initial delivery of the Bonds, the Transfer Agent shall re-register any such Bond upon its records in the name of the Registered Owner to be designated by the Purchaser in the event timely payment has not been made by the initial Registered Owner.

(b) Except as hereinabove provided, the Person in whose name any Bond shall be registered in the records of the City maintained by the Transfer Agent may be deemed the absolute owner thereof for all purposes, and payment of or on account of the principal of or interest on any Bond shall be made only to or upon the order of the Registered Owner thereof, or his legal representative, but such registration may be changed as hereinafter provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

**SECTION 11. (a)** Each Bond shall be transferable only in the records of the City, upon surrender thereof at the office of the Transfer Agent, together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the transfer of any Bond, the City, acting through its Transfer Agent, shall issue in the name of the transferee a new Bond or Bonds of the same aggregate principal amount and maturity and rate of interest as the surrendered Bond or Bonds.

(b) In all cases in which the privilege of transferring Bonds is exercised, the Transfer Agent shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution.

**SECTION 12. (a)** The City hereby establishes the 2014 Bond Fund which shall be maintained with a qualified depository in its name for the payment of the principal of and interest on the Bonds, and the payment of Agents' fees in connection therewith. There shall be deposited into the 2014 Bond Fund as and when received:

(i) The accrued interest and premium, if any, received upon delivery of the Bonds;

(ii) The avails of any of the ad valorem taxes levied and collected pursuant to Section 8 hereof;

(iii) Any income received from investment of monies in the 2014 Bond Fund; and

(iv) Any other funds available to the City which may be lawfully used for payment of the principal of and interest on the Bonds, and which the Governing Body, in its discretion, may direct to be deposited into the 2014 Bond Fund.

(b) As long as any principal of and interest on the Bonds remains outstanding and the City Clerk is not serving as Paying Agent, the Clerk is hereby irrevocably authorized and directed to withdraw from the 2014 Bond Fund sufficient monies to make the payments herein provided for and to transfer same to the account of the Paying Agent in time to reach said Paying Agent at least five (5) days prior to the date on which said interest or principal and interest shall

become due. When the City Clerk is serving as Paying Agent, the payments to the bondholders will be made by the City Clerk as described herein.

**SECTION 13.** The City hereby establishes the 2014 Construction Fund which shall be maintained with a qualified depository. The principal proceeds received upon the sale of the Bonds shall be deposited in the 2014 Construction Fund. Any income received from investment of monies in the 2014 Construction Fund shall be deposited in the 2014 Construction Fund or the 2014 Bond Fund for the payment of debt service on the Bonds during the construction period for the Project. From the 2014 Construction Fund there shall be first paid the costs, fees and expenses incurred by the City in connection with the authorization, issuance, sale, validation and delivery of the Bonds. The balance thereof shall be held and disbursed for the Project, as authorized by the Act. Any amounts which remain in the 2014 Construction Fund after the completion of the Project shall be transferred to the 2014 Bond Fund and used as permitted under State law.

**SECTION 14. (a)** Payment of principal on the Bonds shall be made, upon presentation and surrender of the Bonds at the principal office of the Paying Agent, to the Record Date Registered Owner thereof who shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date.

(b) Payment of each installment of interest on the Bonds shall be made to the Record Date Registered Owner thereof whose name shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date. Interest shall be payable in the aforesaid manner irrespective of any transfer or exchange of such Bond subsequent to the Record Date and prior to the due date of the interest.

(c) Principal of and interest on the Bonds shall be paid by check or draft mailed on the Interest Payment Date to Registered Owners at the addresses appearing in the registration records of the Transfer Agent. Any such address may be changed by written notice from the Registered Owner to the Transfer Agent by certified mail, return receipt requested, or such other method as may be acceptable to the Transfer Agent, such notice to be received by the Transfer Agent not later than the Record Date preceding the applicable principal or Interest Payment Date to be effective as of such date.

**SECTION 15.** The Bonds shall be submitted to validation as provided by Chapter 13, Title 31, Mississippi Code of 1972, and to that end the Clerk is hereby directed to make up a transcript of all legal papers and proceedings relating to the Bonds and to certify and forward the same to the State's Bond Attorney for the institution of validation proceedings.

**SECTION 16.** The City hereby covenants that it will not make any use of the proceeds of the Bonds or do or suffer any other action that would cause: (i) the Bonds to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Bonds to be included in the gross income of the Registered Owners thereof for federal income taxation purposes; or (iii) the interest on the Bonds to be treated as an item of tax preference under Section 57(a)(5) of the Code.

EXHIBIT "A"

**SECTION 17.** The City represents as follows:

- (a) The City shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Section 148(f) and 149(e) of the Code;
- (b) The City shall take no action that would cause the Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code;
- (c) The City shall take all necessary action to have the Bonds registered within the meaning of Section 149(a) of the Code; and
- (d) The City will not employ any device or abusive transaction with respect to the investment of the proceeds of the Bonds.

**SECTION 18.** In accordance with Section 148(f)(4)(D) (the "Small Issuer Exception" requirement) of the Code, the City represents that: (i) it is a governmental unit of the State of Mississippi and is empowered to exercise general taxing powers; (ii) the Bonds are not "private activity bonds" as defined in Section 141 of the Code; (iii) ninety-five percent (95%) or more of the net proceeds of the Bonds are to be used for local governmental activities of the City; and (iv) the aggregate face amount of all tax-exempt obligations (other than private activity bonds as defined in Section 141 of the Code and certain current refunding bonds described in Section 148(f)(4)(D) of the Code) issued by the City during calendar year 2014 is not reasonably expected to exceed \$5,000,000.

**SECTION 19.** In the event that the aggregate principal amount of the tax-exempt obligations (other than private activity bonds as defined in Section 141 of the Code and certain current refunding bonds described in Section 148(f)(4)(D) of the Code) issued by, or on behalf of, the City during calendar year 2014 exceeds \$5,000,000, or if the City otherwise fails to meet the Small Issuer Exception, the City hereby covenants that it shall make, or cause to be made, the rebate payments required by Section 148(f) of the Code in the manner described in Regulation of §§1.148-1 through 1.148-11, as such regulations and statutory provisions may be modified insofar as they apply to the Bonds.

**SECTION 20.** The City hereby designates the Bonds as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the City hereby represents that:

- (a) the City reasonably anticipates that the amount of tax-exempt obligations to be issued by it during the period from January 1, 2014 to December 31, 2014, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Bonds; and
- (b) for purposes of this Section 20, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the City: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund

**NOTICE OF BOND SALE**  
**\$1,000,000**  
**GENERAL OBLIGATION STREET IMPROVEMENT BONDS**  
**SERIES 2014**  
**OF THE**  
**CITY OF PETAL, MISSISSIPPI**

Sealed proposals will be received and opened by the City Clerk of the City of Petal, Mississippi (the "City"), in her office in the City Hall until the hour of 4:00 p.m. on the 20th day of May 2014 for subsequent presentation to the Mayor and Board of Aldermen (the "Governing Body") of the City, in its meeting place in the City Hall of the City until the hour of 6:00 o'clock p.m. on the 20th day of May 2014, at which time said bids will be publicly read, for the purchase in its entirety, at not less than par and accrued interest to the date of delivery thereof, of an issue of One Million Dollars (\$1,000,000) principal amount General Obligation Street Improvement Bonds, Series 2014, of the City (the "Bonds").

The Bonds will be dated the date of delivery thereof, will be delivered in the denomination of One Thousand Dollars (\$1,000) each, or integral multiples thereof up to the amount of a single maturity, will be numbered from one upward; will be issued in fully registered form; and will bear interest from the date thereof at the rate or rates offered by the successful bidder in its bid, payable on June 1 and December 1 in each year (each an "Interest Payment Date"), commencing June 1, 2015. The Bonds will mature serially on June 1 in each year and in the principal amounts as follows:

<u>YEAR</u>	<u>AMOUNT</u>
2015	\$87,000
2016	90,000
2017	93,000
2018	95,000
2019	98,000
2020	101,000
2021	104,000
2022	107,000
2023	111,000
2024	114,000

The Bonds are subject to redemption prior to their stated dates of maturity in whole at any time, or in part on any Interest Payment Date, at par, plus accrued interest to the date of redemption.

The City will appoint the Paying and Transfer Agent for the Bonds. The Paying and Transfer Agent shall be a bank or trust company located within the State of Mississippi or may be the City Clerk or the City. The Paying Agent and/or Transfer Agent shall be subject to

any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(C) of the Code.

**SECTION 21.** The issuer in this matter is not required to comply with the annual disclosure requirements set forth in 17 CFR § 240.15c2-12 (the "Rule"). Pursuant to the Rule, the obligation of an issuer of municipal securities to make annual disclosures is only applicable to primary offerings of municipal securities with an aggregate principal amount of \$1,000,000 or more. The Bonds in this matter are being sold through a competitive sale and not a public offering to a purchaser without a view for distributing said Bonds. The Purchaser of said Bonds shall be required to execute a certification at closing to the effect that the Bonds are being purchased for the account of the Purchaser without the intent to distribute. As such, the issuance of the Bonds in this matter is not a primary offering of municipal securities, and as such, the Rule does not apply.

**SECTION 22.** The Bonds shall be offered for sale on sealed bids at a meeting of the Governing Body to be held at the place, and on the date and at the hour specified and upon the terms and conditions set out in the Notice in Section 23 hereof. On or before said date and hour, such sealed bids must be filed with the Clerk at the place specified in the Notice. The Governing Body reserves the right to reject any and all bids submitted, and if all bids are rejected, to sell the Bonds at a private sale at any time within sixty (60) days after the date advertised for the receipt of bids, at a price not less than the highest bid which shall have been received at the advertised sale.

**SECTION 23.** As required by Section 31-19-25, Mississippi Code of 1972, as amended, the Clerk is hereby authorized and directed to give Notice by publishing an advertisement at least two (2) times in the *Petal News*, a newspaper published in the City of Petal, and having a general circulation in the City, the first publication thereof to be made at least ten (10) days preceding the date fixed herein for the receipt of bids. The Notice shall be in substantially the following form:

[the remainder of this page left blank intentionally]

change by order of the Governing Body under the conditions and in the manner provided in the Bond Resolution under which the Bonds are issued.

The successful bidder must deliver to the Transfer Agent within thirty (30) days of the date of sale, or at such other later date as may be designated by the City, the names and addresses of the Registered Owners of the Bonds and the denominations in which the Bonds of each maturity are to be issued. If the successful bidder fails to submit such information to the Transfer Agent by the required time, one bond may be issued for each maturity in the full amount maturing on that date registered in the name of the successful bidder.

Both principal of and interest on the Bonds will be payable by check or draft mailed on the Interest Payment Date to Registered Owners of the Bonds as of the 15th day of the month preceding the maturity date for such principal or interest payment at the addresses appearing in the registration records of the City maintained by the Transfer Agent. Payment of principal at maturity shall be conditioned on the presentation and surrender of the Bonds at the principal office of the Transfer Agent.

The Bonds will be transferable only upon the records of the City maintained by the Transfer Agent.

The Bonds shall not bear a greater overall maximum interest rate to maturity than eleven percent (11%) per annum, and shall mature in the amounts and on the dates hereinabove set forth; no Bond shall bear more than one (1) rate of interest; each Bond shall bear interest from its date to its stated maturity date at the interest rate or rates specified in the bid; all Bonds of the same maturity shall bear the same rate of interest from date to maturity. The lowest interest rate specified shall not be less than seventy percent (70%) of the highest interest rate specified; each interest rate specified must be an even multiple of one-eighth of one percent (1/8 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate cannot be named. The interest rate for any one maturity shall not exceed eleven percent (11%) per annum.

The Bonds are being issued for the purpose of providing funds for constructing, improving or paving streets, sidewalks, driveways, parkways, walkways, or public parking facilities; purchasing land therefor; constructing bridges and culverts; repairing, improving and extending storm and drainage systems and paying for the cost of issuance for the Bonds.

The Bonds are general obligations of the City secured by the full faith, credit and resources of the City and will continue to be payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon the taxable property within the geographical limits of the City; provided, however, that such tax levy for any year shall be abated pro tanto to the extent the City on or prior to September 1 of that year has transferred money to the bond fund of the Bonds, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Bonds due during the ensuing fiscal year of the City, in accordance with the provisions of the Bond Resolution securing the Bonds. The City will levy annually a special tax upon all taxable property within the geographical limits of the City adequate and sufficient to provide for the payment of the principal of and the interest on the Bonds as the same falls due.



EXHIBIT "A"

The City will designate the Bonds as qualified tax-exempt obligations within the meaning and for the purposes of Section 265(b)(3) of the Code.

Proposals should be addressed to the Mayor and Board of Aldermen and should be plainly marked "Proposal for General Obligation Street Improvement Bonds, Series 2014, of the City of Petal, Mississippi," and should be filed with the Clerk of the City on or prior to the date and hour hereinabove named.

Each bid must be accompanied by a cashier's check, certified check, or exchange, issued certified by a bank located in the State of Mississippi, payable to the City of Petal, Mississippi, in the amount of Twenty Thousand Dollars (\$20,000) as a guaranty that the bidder will carry out its contract and purchase the Bonds if its bid be accepted. If the successful bidder fails to purchase the Bonds pursuant to its bid and contract, then the amount of such good faith check shall be retained by the City as liquidated damages for such failure. No interest will be allowed on the amount of the good faith deposit. All checks of unsuccessful bidders will be returned immediately on award of the Bonds. All proposals shall remain firm for three hours after the time specified for the opening of proposals and an award of the Bonds, or rejection of proposals, will be made by the City within said period of time.

The award, if any, will be made to the bidder complying with the terms of sale and offering to purchase the Bonds at the lowest net interest cost to the City. The net interest cost will be determined by computing the aggregate interest on the Bonds over the life of the issue at the rate or rates of interest specified by the bidder, less premium offered, if any. It is requested that each proposal be accompanied by a statement of the net interest cost (computed to six decimal places), but such statement will not be considered a part of the proposal.

The Governing Body reserves the right to reject any and all bids submitted and to waive any irregularity or informality.

The obligation of the purchaser to purchase and pay for the Bonds is conditioned on the delivery, at the time of settlement of the Bonds, of the following: (1) the approving legal opinion of Butler Snow LLP, Ridgeland, Mississippi, Bond Counsel, to the effect that the Bonds constitute valid and legally binding obligations of the City payable from and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon all the taxable property within the geographical limits of the City and to the effect that the interest on the Bonds is exempt from Federal and Mississippi income taxes under existing laws, regulations, rulings and judicial decisions with such exceptions as shall be required by the Internal Revenue Code of 1986; and (2) the delivery of certificates in form and tenor satisfactory to Bond Counsel evidencing the proper execution and delivery of the Bonds and receipt of payment therefor, including a statement of the City, dated as of the date of such delivery, to the effect that there is no litigation pending or, to the knowledge of the signer or signers thereof, threatened relating to the issuance, sale and delivery of the Bonds. A copy of said approving legal opinion will appear on or accompany the Bonds.

Delivery of the Bonds is expected to be made within sixty (60) days after the aforesaid date of sale of the Bonds at a place to be designated by the purchaser and without cost to the purchaser. Simultaneously with the delivery of the Bonds, the purchaser shall furnish to the City

**SECTION 24.** The Clerk shall obtain from the publisher of the aforesaid newspaper the customary publisher's affidavit proving publication of the Notice for the time and in the manner required by law, and such proof of publication shall be filed in the Clerk's office and exhibited before the Governing Body at the hour and date aforesaid.

**SECTION 25.** Each of the following constitutes an event of default under this Bond Resolution:

- (a) failure by the City to pay any installment of principal or of interest on any Bond at the time required;
- (b) failure by the City to perform or observe any other covenant, agreement or condition on its part contained in this Bond Resolution or in the Bonds, and the continuance thereof for a period of thirty (30) days after written notice thereof to the City by the Registered Owners of not less than ten percent (10%) in principal amount of the then outstanding Bonds; or
- (c) an Act of Bankruptcy occurs.

**SECTION 26.** The Mayor and Clerk and any other Authorized Officers of the Governing Body are authorized to execute and deliver such resolutions, certificates and other documents as our required for the sale, issuance and delivery of the Bonds.

**SECTION 27.** All orders, resolutions or proceedings of the Governing Body in conflict with any provision hereof shall be, and the same are hereby repealed, rescinded and set aside, but only to the extent of such conflict. For cause, this Bond Resolution shall become effective upon the adoption hereof.

Alderpersion Stringer moved and Alderpersion Amacker seconded the motion to adopt the foregoing Bond Resolution, and the question being put to a roll call vote, the result was as follows:

Alderman David Clayton	voted: Aye
Alderman Steve Stringer	voted: Aye
Alderman James Runnels	voted: Aye
Alderman Brad Amacker	voted: Aye
Alderman Tony Ducker	voted: Aye
Alderman Craig Bullock	voted: Aye
Alderman William King	voted: Aye

a certificate, in form acceptable to Bond Counsel, stating that: (i) it purchased the Bonds as an investment for its own account and not with a view toward distribution or resale in the capacity of a bond house, broker, or intermediary; or (ii) pursuant to a bona fide public offering of all of the Bonds, it sold a substantial amount (ten percent (10%), or more, in par amount) of each maturity of the Bonds to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at or below the initial public offering prices set forth in such certificate. The purchaser shall also furnish a certificate, in form acceptable to Bond Counsel, setting forth the yield on the Bonds and issue price thereof, calculated in accordance with the requirements of the Code.

It is anticipated that CUSIP identification numbers will not be printed on the Bonds unless specifically requested by the purchaser, but neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid by the City; the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

The issuer in this matter is not required to comply with the annual disclosure requirements set forth in 17 CFR § 240.15c2-12 (the "Rule"). Pursuant to the Rule, the obligation of an issuer of municipal securities to make annual disclosures is only applicable to primary offerings of municipal securities with an aggregate principal amount of \$1,000,000 or more. The Bonds in this matter are being sold through a competitive sale and not a public offering to a purchaser without a view for distributing said Bonds. The purchaser of said Bonds shall be required to execute a certification at closing to the effect that the Bonds are being purchased for the account of the purchaser without the intent to distribute. As such, the issuance of the Bonds in this matter is not a primary offering of municipal securities, and as such, the Rule does not apply.

**AN OFFERING DOCUMENT WILL NOT BE PREPARED IN CONNECTION WITH THE SALE AND ISSUANCE OF THE BONDS.**

By order of the Mayor and Board of Aldermen of the City of Petal, Mississippi, on May 6, 2014.

/s/ Melissa Martin  
CITY CLERK

PUBLISH: May 8 and 15, 2014

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the Bond Resolution adopted, on this the 6th day of May, 2014.

Hal May  
MAYOR

ATTEST:

Melissa Martin  
CITY CLERK  


ButlerSnow 20926247v1

EXHIBIT "B"

04/29/2014 13:34 6015454516

TEMD EOC

PAGE 01/01

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY**  
(by City Council or County Board of Supervisors)

WHEREAS, City of Petal the City Council /or Board of Supervisors does hereby find that conditions of extreme peril to the safety of persons and property have arisen within said City /County, caused by potential damage from severe weather event.  
(Severe storm, tornado, damaging winds, flash flooding, river flooding

drought, wildland fire, structural fire, hail, hazardous material incident, epidemic, hurricane, earthquake, other)

commencing on or about 8pm AM/PM on the 28<sup>th</sup> day of April, 2014 ;  
and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency in order to provide for the health and safety of the citizens and the protection of their property within the affected jurisdiction;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-17(d), Mississippi Code of 1972, as amended, a local emergency now exists throughout said City /County; and shall be reviewed every seven (7) days until such local emergency is no longer in effect and proclaimed terminated by the City Council / Board of Supervisors of the City / County of Jessett, State of Mississippi.

IT IS FURTHER PROCLAIMED AND ORDERED that all City / County agencies and departments shall render all possible assistance and discharge their emergency responsibilities as set forth in the City / County Emergency Operations Plan.

DATE: 4-29-14

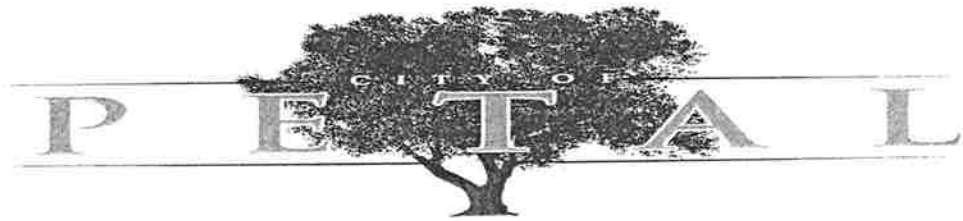
x Hal May  
Mayor / President of Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of City / Chancery

\_\_\_\_\_  
Councilperson / Supervisor

EXHIBIT "C"



*Proclamation*

Whereas, the Petal High School and Petal Middle School archery teams competed for the first time this year, and;

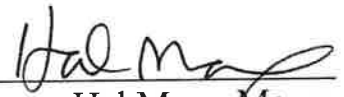
Whereas, both teams enjoyed great success, with the Petal High team finishing as state runners-up among all 6-A schools, and 13<sup>th</sup> out of all high schools in Mississippi, and;

Whereas, the Middle School team finished in 5<sup>th</sup> place among all middle schools statewide, qualifying them to compete nationally, and;


Whereas, **Meghan Bullard** also finished ranked among the top 10 female competitors in the high school ranks, qualifying to compete nationally;

Therefore, be it proclaimed that the Mayor and Board of Aldermen of the City of Petal, Mississippi, that we congratulate the members of the Petal High School and Middle School archery teams on their success and recognize their coach, **Scott Conway**, for his outstanding leadership .

Alderman Brad Amacker	Aye
Alderman Craig Bullock	Aye
Alderman David Clayton	Aye
Alderman Tony Ducker	Aye
Alderman William King	Aye
Alderman James Runnels	Aye
Alderman Steve Stringer	Aye

  
\_\_\_\_\_  
Hal Marx, Mayor

Attest

  
\_\_\_\_\_  
Melissa Martin, City Clerk

~~EXHIBIT 'D'~~  
CITY OF PETAL  
ORDINANCE BOOK 4

ORDINANCE NUMBER 1979 (42-A387)

**AN ORDINANCE CHANGING AND AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 1979 (42) OF THE CITY OF PETAL, MISSISSIPPI, AS AMENDED BY ORDINANCE NUMBERS 1979 (42-1) THROUGH 1979 (42-A386) SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF SOUTH MAIN STREET & W. TENTH AVENUE FROM R-4 (HIGH DENSITY RESIDENTIAL) TO C-2 (GENERAL COMMERCIAL DISTRICT)**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL,  
MISSISSIPPI:

SECTION 1. That the Comprehensive Zoning District Map, adopted as part of the Comprehensive Zoning Ordinance Number 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A386) and the same is hereby changed and amended as per petition filed in connection therewith so that the land described as listed below. Change of current zoning from R-4 (High Density Residential) to C-2 (General Commercial District).

Said land being more particularly described as follows, to wit:

COMMENCE AT A SET COTTON SPINDLE AT THE NE COR OF THE NE 1/4 OF THE NE 1/4 OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 13 WEST, AND RUN S89°58'01"W FOR 28.36 FEET; THENCE RUN S00°07'41"W FOR 21.08 FEET TO A 1/2" REBAR AT THE INTERSECTION OF THE SOUTH ROW LINE OF WEST TENTH AVENUE AND WEST ROW LINE OF SOUTH MAIN STREET FOR THE POINT OF BEGINNING, FROM THE POINT OF BEGINNING CONTINUE S00°07'41"W ALONG SAID WEST ROW LINE FOR 184.04 FEET TO A 1/2" REBAR; THENCE RUN N89°35'36"W FOR 299.58 FEET TO A 1/2" IRON PIPE; THENCE RUN N00°27'10"E FOR 180.03 FEET BACK TO THE AFOREMENTIONED SOUTH ROW LINE AND A 1/2" REBAR; THENCE RUN N89°38'23"E ALONG SAID SOUTH ROW LINE FOR 301.42 FEET BACK TO THE POB, SAID PARCEL OF LAND IS PART OF THE NE 1/4 OF NE 1/4 OF SECTION 11, TOWNSHIP 4 NORTH, RANGE 13 WEST, CONTAINING 1.256 ACRES MORE OR LESS, PARCEL #3-030K-11-001.00

as per map or plat thereof on file in the office of the Chancery Clerk of Forrest County, Mississippi, is hereby classified and placed in the C-2 (General Commercial District) zoning.

SECTION 2. Except as hereby expressly changed and amended, the aforesaid Comprehensive Zoning Ordinance No. 1979 (42) of the City of Petal, Mississippi, as amended by Ordinance Numbers 1979 (42-1) through 1979 (42-A386) shall be and remain in full force and form as adopted on May 6<sup>th</sup>, 2014.

SECTION 3. That this Ordinance shall take effect and be in full force within thirty (30) days from and after its passage as provided by law. The foregoing Ordinance having been reduced to writing, the same was introduced and read, and a vote was taken thereon, first section by section and then upon the Ordinance as a whole with the following results:

Those present and voting "AYE" and in favor of the passage, adoption and approval of Sections 1, 2 and 3 of the foregoing Ordinance:

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

Those present and voting "NAY" or against the adoption of any section of the foregoing Ordinance:

NONE

Those present and voting "AYE" and in favor of the adoption of the foregoing Ordinance as a whole:

ALDERMAN BRAD AMACKER  
ALDERMAN CRAIG BULLOCK  
ALDERMAN DAVID CLAYTON  
ALDERMAN TONY DUCKER  
ALDERMAN WILLIAM KING  
ALDERMAN JAMES RUNNELS  
ALDERMAN STEVE STRINGER

Those present and voting "NAY" or against the adoption of the foregoing Ordinance as a whole:

NONE

WHEREUPON, the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 6<sup>TH</sup> day of May 2014.

  
\_\_\_\_\_  
HAL MARX, MAYOR



  
\_\_\_\_\_  
MELISSA MARTIN, CITY CLERK

PUBLISH 1 TIME: June 15, 2014.

EXHIBIT "E"

APPROVED MAY 06 2014

**INSPECTION SERVICES AGREEMENT**

This agreement is made this 5 day of November, 2013, by and between the City of Petal, MS, hereafter referred to as the City, and Rodco, LLC, hereafter referred to as the inspector. Whereas, the City hereby retains the services of the inspector to perform building code inspections for building permits issued by the City in accordance with the following terms and conditions:

**Section I: Definitions**

For purposes of this agreement the following definitions shall apply:

**Addition:** An addition to the *gross building area* of a building or an addition to occupiable spaces by converting non-occupiable spaces to occupiable spaces, such as converting garage, attic or porch space into occupiable space.

**Business Day:** Monday through Friday, excluding holidays recognized by the City.

**Business Hours:** Eight o'clock AM until five o'clock PM on *business days*.

**Director:** Director of the building department of the City.

**Gross Building Area:** The total of occupiable plus non-occupiable area on all floors of a building as the International Building Code defines gross building area.

**Inspection:** Any inspection performed by the inspector for purposes of this agreement, including but not limited to consultation inspections, re-inspections and preliminary inspections as described by section 109.2 of the 2006 International Building Code.

**Permit Applicant:** The person, persons, entity or entities making application to the City to obtain a building permit.

**Permit Holder:** The person, persons, entity or entities independently or collectively responsible for the construction of a project for which a building permit has been issued.

**Remodeling (project):** A project which involves changes to the floor plan or effects the means of egress of an existing building, including but not limited to the addition or removal of walls or partitions, moving the location of walls or partitions, adding or removing doors or other means of egress or rearranging other building elements which could affect the means of egress.

**Renovation (project):** A project that involves restoring a building without changing any element of its floor plan or means of egress. See also: Restoration

**Repair (project):** A project that involves only repairing building elements, systems or components without changing the building's floor plan or means of egress.

**Restoration (project):** A project that involves restoring a building without changing any element of its floor plan or means of egress. See also: Renovation.

**Section II: Overview of the Process**

For each building permit the City issues, the City will have the *permit holder* sign an acknowledgement notifying the *permit holder* of the process for scheduling *inspections* directly with the inspector. The acknowledgement will contain the name and phone number of the inspector, the process for scheduling *inspections* and other relevant information. The City will give at least one copy of the acknowledgement to the *permit holder*, one signed copy to the inspector and will keep a copy for the City's records. The *permit holder* will schedule required *inspections* by contacting the inspector. The inspector will perform *inspections* on a date agreed upon by the inspector and *permit holder*. The inspector will attempt to perform *inspections* within one *business day* following the request. If that is not practical, the inspector will perform *inspections* within two *business days* except in extreme circumstances. In many cases the inspector may be able to perform *inspections* the same day of the request. *Inspections* will normally be performed between eight o'clock AM and five o'clock PM on *business days* as agreed upon by the inspector and *permit holder*. When special conditions warrant, the inspector and *permit holder*, when agreed on by both parties, may schedule special scheduled *inspections* outside normal business hours. The special scheduled *inspections* will result in additional charge in an amount agreed upon by the inspector and *permit holder* and will be paid by the *permit holder* to the inspector. The inspector will not encourage or solicit special scheduled *inspections* and will perform *inspections* during normal business hours under normal circumstances, but may, at the inspector's option, make special scheduled *inspections* available to the *permit holder* when circumstances warrant.

The inspector will prepare an inspection report for each *inspection* performed. One copy of the report will be given to the City, one copy will be retained by the inspector and one copy will be made available to the *permit holder* if he/she is present during the *inspection*. The inspection report will indicate the permit number, subject address, type of inspection performed, whether the inspection passed or re-inspection required and other relevant information.

The City will issue a certificate of occupancy or certificate of final inspection, when applicable as per the building code and/or City policy, to the permit holder after all required *inspections* for the scope of work have been performed and passed inspection.

**Section III: Fees and Related Conditions**

A. **Inspections:** The City will pay the inspector a base fee of \$2500.00 per month to cover the first fifty *inspections* performed during the calendar month. The City will pay the inspector \$50.00 per *inspection* for each *inspection* over fifty performed during the calendar month.

B. **Plans Review:** The City will pay the inspector to perform building plans review for plans as required by the International Building Code and Section V of this agreement. Fees for plans review will be in accordance with the following schedule:

**Buildings Under 5000 square feet of gross building area:** \$250.00

**Buildings 5000 square feet or more of gross building area:** Five cents per square foot of *gross building area*.

C. **Consulting:** The City may, at the City's option, from time to time, hire the inspector to perform consulting services on matters related building code adoption, building code enforcement, zoning, property maintenance enforcement and/or other matters. Fees for consulting services will be determined on a case by case basis according to the size and complexity of the matter or project.

D. **Invoices: For Inspections:** The inspector will submit an invoice to the City each month for the base fee plus *inspections* over fifty as per the terms "A" above. Along with the invoice, the inspector will provide the City an inventory of *inspections* performed for the month indicating the permit number, subject address and type *inspection*.

**For Plans Review:** The inspector will submit an invoice for each plans review upon completion of the plans review.

**For Consulting Services:** The inspector will submit an invoice(s) for consulting services at the time of service.

All invoices are payable within thirty days of date.

**Section IV: Scope of Inspections**

*Inspections* performed by the inspector are for the purpose of determining code compliance with the International Building Code as adopted by the City. *Inspections* do not represent home inspections as regulated by the Mississippi Real Estate Commission.

No warranties are made by the inspector or the City related to workmanship, equipment, building components or any other element of a building. *Inspections* cover only conditions that exist at the moment the *inspection* is being made. The International Building Code references other codes and standards. Those other codes and standards reference more codes and standards. All the codes and standards required for any construction project are too voluminous for any one normal person to have knowledge of them all. Additionally, many code requirements require the expertise of architects, engineers or other specialists to design and/or install systems in compliance with the codes. The inspector is not an architect, engineer or specialist and, as such, must assume that other professionals involved in the design and/or construction of projects are competent and qualified to perform such design and/or installations. State laws and national standards require architects, engineers, contractors, subcontractors and specialists to be knowledgeable of code requirements. The inspector will make every reasonable effort to ensure code compliance, but makes no warranties as such, and it is understood by the parties that all construction projects require competency of designers, contractors and specialists, in addition to competency of the inspector, to ensure compliance with the International Building Code and its related codes and standards. In accordance with section 109.1 of the 2006 International Building Code, "Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or other ordinances of the jurisdiction."

**Section V: Plans Required**

Prior to issuing a building permit, the City will require the permit applicant to submit two sets of plans and construction documents in accordance with section 106 of the 2006 International Building Code for projects that involve the construction of a new building, addition to an existing building or remodeling of an existing building. For minor remodeling projects, the City may allow the inspector to perform a preliminary inspection in accordance with section 109.2 of the 2006 International Building Code in order to determine if the project will require submittal of plans to determine code compliance. Renovation, repair and/or restoration projects will not normally require plan submittal, but in some cases may require plans. All permit applications should be accompanied by a detailed description of work to be performed.

The plans will be reviewed by the inspector and the inspector will furnish the City with a plans review report. One set of plans will be retained by the City and made available to the inspector. The other set of plans will be stamped "Field Copy" and given to the *permit holder*. The *permit holder* will make the "Field Copy" plans available to the inspector while performing *inspections*.

EXHIBIT "E"

**Section VI: Qualified Contractors**

Prior to issuing building permits, the City will make every reasonable effort to determine that contractors and subcontractors are qualified to perform the work covered by the permit and that said contractors and subcontractors are duly licensed in accordance with state, national and local regulations.

**Section VII: Duration of the Agreement**

This agreement will commence on February 03, 2014 and will continue for four consecutive years and will be renewable if agreed by both parties.  
The agreement may be terminated at any time by either party by serving thirty days advance notice in writing.

**Inspector:**

William Bill Rodgers  
William (Bill) Rodgers, Managing Member  
Rodco, LLC

11-13-13  
Date

**City of Petal:**

Hal May  
Title Mayor

11-7-13  
Date

EXHIBIT "F"

Faxed 4/21/14

Matthew & Kristin Pratt  
108 SHERWOOD FOREST DRIVE - PRATT

MISSISSIPPI MUNICIPAL SERVICE COMPANY  
General Liability Loss Notice

**ESTIMATE #1**

Clean up - Service Master Estimate .....	\$17,137.54
Expenses .....	\$6,578.44
Losses .....	\$3,803.00
Replacement - BRAD BAGGETT HOMES .....	\$45,460.37
Soil Remediation Testing (approximate) .....	\$1,200.00
August Rental House (if needed) .....	\$1,250.00
<b>TOTAL .....</b>	<b>\$75,429.35</b>

**ESTIMATE #2**

Clean up - Service Master Estimate .....	\$17,137.54
Expenses .....	\$6,578.44
Losses .....	\$3,803.00
Replacement - FAIRLEY CONSTRUCTION .....	\$38,788.00
Soil Remediation Testing (approximate) .....	\$1,200.00
August Rental House (if needed) .....	\$1,250.00
<b>TOTAL .....</b>	<b>\$68,756.98</b>

CITY Petal		DATE OF ACCIDENT	
DEPARTMENT Water/Sewer	Date City Notified 4/18/14	Date Notice Sent To MMSC 4/21/14	Date Report Prepared 4/21/14
Member Address P.O. Box 504 Petal, MS 39465	Preparer's Name & Title Melissa Martin		Previously Reported Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
City Contact Person Melissa Martin		Contact's Phone (601) 582-1774	
<b>LOSS</b>		Time of Loss 4-18-14	Police Contacted
Location of Accident (include city & state) 108 Sherwood Forest Dr.			
Description of Claim Sewage backup into my home through every drain, both toilets + tubs. The water/sewage was up to 3 inches throughout the entire house. Then it started running out the walls, through the exterior brick into the yard. We lost some furniture, clothing, toiletry items, shoes, etc. I have a somewhat itemized list of what were missing, but it is far from complete. The home is currently uninhabitable. We are living in			
<b>OTHER PARTY - Bodily Injury/Property Damage</b>			
Other Party Name & Address Kristin Pratt 108 Sherwood Forest Dr Petal, MS 39465		Work Phone (601) 545-3006 ext	DOB
		Mobile Phone (601) 582-9598	Home Phone ( ) -
Describe Bodily Injury	Fatality <input type="checkbox"/>	What Was Injured Doing?	Location of Medical Treatment?
Describe Property Damage (type, model, etc.) Damage to entire house and yard. Service Master has complete report.		Where/When Can Property Be Seen?	Estimated Amount?
<b>WITNESSES</b>		Work Phone	Mobile/Home Phone
Name & Address Kristin Pratt		(601) 545-3006 ext	(601) 582-9598
Witness Name & Address		Work Phone ( ) - ext	Mobile/Home Phone ( ) -
Remarks			

a hotel. Our 3 dogs are kennel'd at Panther Pet. The initial backup occurred at Tamish. It was contained to 2 bedrooms and a hallway. Then the city workers came and pumped water down the line to remove the blockage. At that time the home was flooded entirely. We called the city's emergency line at this point.



EXHIBIT "F"



MISSISSIPPI MUNICIPAL SERVICE COMPANY  
MISSISSIPPI MUNICIPAL WORKERS' COMPENSATION GROUP  
MISSISSIPPI MUNICIPAL LIABILITY PLAN

April 24, 2014

Mrs. Kristin Pratt  
108 Sherwood Forest Drive  
Petal, MS 39465

Re: Member: City of Petal  
Claimant: Kristin Pratt  
D/L: 4-18-2014  
Claim Number: GC2014087089

Dear Mrs. Pratt:

The Mississippi Municipal Service Company investigates and handles claims brought against members of the Mississippi Municipal Liability Plan (MMLP).

We acknowledge receipt of the claim for sewer damage to your home.

Our investigation determined that unknown persons had thrown asphalt and concrete into the sewer main which lodged in the sewer pipe and caused this back-up. The city is not negligent as the blockage was created by unknown parties.

Please note that the Mississippi Code of 1972, Sec. 11-46-9 states that a government entity and its employees acting within the course and scope of their employment or duties shall not be liable for any claim:

(d) Based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a government entity or employee thereof, whether or not the discretion be abused.

600 EAST AMITE STREET, SUITE 200 / JACKSON, MS 39201 / 601 355-8581 / FAX 601 355-8584



MISSISSIPPI MUNICIPAL SERVICE COMPANY  
MISSISSIPPI MUNICIPAL WORKERS' COMPENSATION GROUP  
MISSISSIPPI MUNICIPAL LIABILITY PLAN

(v) "Arising out of an injury caused by a dangerous condition on property of the governmental entity that was not caused by the negligent or other wrongful conduct of an employee of the governmental entity or of which the governmental entity did not have notice, either actual or constructive, and adequate opportunity to protect or warn against; provided, however, that a governmental entity shall not be liable for the failure to warn of a dangerous condition which is obvious to one exercising due care.

We also want to point out that courts have determined that the city's operation and maintenance of a sewer system is a discretionary function and is subject to the immunity exemption quoted above in Exemption D. The Immunity Exemption V which is also quoted above discusses the issue of notice. The city was unaware of this vandalism until this loss occurred.

We suggest that you contact your insurance carrier for further consideration.

Sincerely,  
  
Mary Quinn  
Liability Claims Representative  
Mississippi Municipal Services Company

cc: Melissa Martin/City of Petal

600 EAST AMITE STREET, SUITE 200 / JACKSON, MS 39201 / 601 355-8581 / FAX 601 355-8584

EXHIBIT "G"

MISSISSIPPI MUNICIPAL SERVICE COMPANY  
General Liability Loss Notice

MISSISSIPPI MUNICIPAL SERVICE COMPANY  
General Liability Loss Notice

Frank Holder

CITY <u>Petal</u>		DATE OF ACCIDENT <u>4/18/14</u>	
DEPARTMENT <u>Water/Sewer</u>	Date City Notified <u>4/18/14</u>	Date Notice Sent To MMSC	Date Report Prepared <u>4/23/14</u>
Member Address <u>P.O. Box 504 Petal, MS 39465</u>	Preparer's Name & Title	Previously Reported Yes <input type="checkbox"/> No <input type="checkbox"/>	
City Contact Person <u>Melissa Martin</u>	Contact's Phone <u>601 545 1740</u>		
LOSS			
Location of Accident (include city & state) <u>106 Sherwood Forest Dr, Petal, MS</u>		Time of Loss <u>a.m.</u>	Police Contacted <u>no</u>
Description of Claim <u>see attached claim filled out by citizen</u>			
OTHER PARTY - Bodily Injury/Property Damage			
Other Party Name & Address <u>Frank Holder 106 Sherwood Forest Petal, MS 39465</u>	Work Phone ( ) - ext.	DOB	Sex
	Mobile Phone ( ) -	Home Phone <u>(601) 562 7944</u>	
Describe Bodily Injury	Fatality <input type="checkbox"/>	What Was Injured Done?	Location of Medical Treatment?
Describe Property Damage (type, model, etc.)	Where/When Can Property Be Seen?	Estimated Amount?	
WITNESSES			
Witness Name & Address	Work Phone ( ) - ext.	Mobile/Home Phone ( ) -	
Witness Name & Address	Work Phone ( ) - ext.	Mobile/Home Phone ( ) -	
Remarks:			

CITY		DATE OF ACCIDENT	
DEPARTMENT	Date City Notified	Date Notice Sent To MMSC	Date Report Prepared
Member Address <u>106 Sherwood Forest Dr Petal, Miss - 39465</u>	Preparer's Name & Title	Previously Reported Yes <input type="checkbox"/> No <input type="checkbox"/>	
City Contact Person <u>City Hall</u>	Contact's Phone		
LOSS			
Location of Accident (include city & state) <u>106 Sherwood Forest Dr, Petal, Miss</u>		Time of Loss <u>Early in AM</u>	Police Contacted <u>NO</u>
Description of Claim <u>Swamped in sewage and water over 2" deep filth, etc. All flooring damaged - Dr is trying to maintain stability.</u>			
OTHER PARTY - Bodily Injury/Property Damage			
Other Party Name & Address <u>Mr. Prost - Next Door - similar</u>	Work Phone ( ) - ext.	DOB	Sex
	Mobile Phone ( ) -	Home Phone <u>(601) 562 7944</u>	
Describe Bodily Injury	Fatality <input type="checkbox"/>	What Was Injured Done?	Location of Medical Treatment?
Describe Property Damage (type, model, etc.)	Where/When Can Property Be Seen?	Estimated Amount?	
WITNESSES			
Witness Name & Address <u>Neighbors + my family</u>	Work Phone ( ) - ext.	Mobile/Home Phone ( ) -	
Witness Name & Address	Work Phone ( ) - ext.	Mobile/Home Phone ( ) -	
Remarks:			

ESTIMATE FOR MR. FRANK HOLDER  
(DEMO)

REMOVE + DISPOSE OF 1976 sq. ft. of SHEETROCK (4' up) \$4,500.00  
 REMOVE + DISPOSE OF APPROX. 656 sq. ft. INSULATION ON EXT. WALLS \$850.00  
 REMOVE + DISPOSE OF DOOR TRIM + CASING ON OPENINGS \$450.00  
 REMOVE + DISPOSE OF APPROX. 286 sq. ft. OF FLOORING IN KIT + BATHS \$650.00  
 SPRAY BOTTOM PLATES + STUDS 4' HIGH WHERE SHEETROCK REMOVED. \$200.00  
 DUMPSTER \$400.00  
 TOTAL FOR LABOR + MATERIALS \$7,050.00

REPLACEMENT

HANG, TAPE, FLOAT + SAND 1976 sq. ft. OF SHEETROCK. \$3,500.00  
 REPLACE APPROX. 656 sq. ft. OF INSULATION IN EXT. WALLS \$2,400.00  
 REPLACE DOOR CASING + JAMBS + CASING IN OPENINGS. \$1,800.00  
 REPLACE BASEBOARD + QUARTER ROUND \$1,800.00  
 PRIME + PAINT INTERIOR WALLS + TRIM. \$13,500.00  
 TOTAL FOR LABOR + MATERIALS. \$23,000.00

Dale Green  
601-964-0402

EXHIBIT "G"



City of Petal MS  
Page 2 of 2

City of Petal MS  
102 W. 8th Avenue  
Petal, MS 39465

City of Petal MS  
Page 1 of 2

**Date prepared** June 2, 2014  
**Claim number** 63 23 HO 348962 04142014 01  
**Questions?** Contact Claims Associate  
Glynnis Gorum  
gorumg@nationwide.com  
Phone (251)370-8058

**For help when you need it**

If you have any questions or concerns, please contact me at [gorumg@nationwide.com](mailto:gorumg@nationwide.com) or

Sincerely,  
  
Glynnis Gorum  
Nationwide Property & Casualty Insurance Company

**We're seeking  
payment for damages**

Dear City of Petal MS,

Our records show you were involved in an incident with our insured, Frank B Holder, on 04-14-2014. We've concluded our investigation and determined you're responsible for the damages to our insured's property. This letter is notice of our intent to pursue collection of the damages after we've settled our insured's claim.

**Claim details**

Insurer: Nationwide Property & Casualty Insurance Company  
Policyholder: Frank B Holder  
Claim number: 63 23 HO 348962 04142014 01  
Loss date: 04-14-2014

**About our determination**

Our investigation revealed: that your sewer backed up into Mr. Holders home.

We paid him our policy limits of \$5,000 to date.

**What you need to do**

If you'll be submitting this loss to your insurance company, please complete the enclosed Insurance Information Request form and return it to me by mail. One Nationwide Gateway Department 5578 Des Moines, IA 50391-5578, email: [gorumg@nationwide.com](mailto:gorumg@nationwide.com) or fax: (251)370-8058 by the next 10 working day so we can contact your insurance company to discuss the matter.

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