

BE IT REMEMBERED THAT THERE IS BEGUN AND HELD THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON MAY 5, 1998 AT 7:00 P.M. IN THE BOARD ROOM OF SAID CITY.

THOSE PRESENT

MAYOR JACK GAY

CITY ATTORNEY

VIC DUBOSE IN MR.
TYNER'S ABSENCE

ALDERMAN

WILLIE W. HINTON
CHARLES E. HOLBROOK
ROBERT F. LANGFORD
DONALD H. ROWELL
LEROY SCOTT

OTHERS PRESENT

JEFFREY RAINEY
JOE GOSSETT
DAN TOLBERT
NETTIE FARRIS
PERCY SCARBOROUGH
AND OTHERS

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

THE INVOCATION WAS OFFERED BY WILLIE W. HINTON.

THE PLEDGE OF ALLEGIANCE WAS RECITED.

WHEREAS, MAYOR GAY PRESENTED THE AGENDA TO THE BOARD WITH THE FOLLOWING AMENDMENT:

ADD: X. GENERAL BUSINESS

3. A. SET HEARING FOR AMENDMENT TO ORDINANCE
1979(42-A1) CONCERNING ARTICLE V 5.56
ADDRESSING PARKING AREAS FOR SALES LOTS
MAY 28, 1998 8:00 P.M.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO ADOPT THE AGENDA WITH THE FOREGOING AMENDMENT. ALDERMAN HOLBROOK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, ALDERMAN ROWELL MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL BE ACCEPTED AS WRITTEN. ALDERMAN LANGFORD SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY CALLED FOR PUBLIC COMMENT.

THEREUPON, JEFFREY RAINEY, REPRESENTING THE "CONCERNED CITIZENS OF PETAL" PRESENTED A LETTER OF APPRECIATION TO THE BOARD FOR APPOINTING CHARLES R. JARRELL AS POLICE CHIEF.

SEE EXHIBIT "A"

LETTER

WHEREAS, JOE GOSSETT, ZONING COORDINATOR FOR SPECTRASITE COMMUNICATIONS ADDRESSED THE BOARD CONCERNING THE PROPOSED SITE FOR THE TELECOMMUNICATIONS GUYED TOWER AT 145 KING BOULEVARD. MR GOSSETT REQUESTED THAT THE BOARD APPROVE THE REQUEST AND ALLOW THE PLACEMENT OF THE TOWER.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO APPROVE THE REQUEST AND TO ALLOW THE PLACEMENT OF THE TOWER ACCORDING TO THE SPECIFICATIONS PRESENTED. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A ZONING CHANGE REQUEST FROM HUBERT AND MARGARETTE P. FREEMAN FOR THEIR PROPERTY AT 596 HIGHWAY 42 EAST.

THEREUPON, ALDERMAN ROWELL MADE A MOTION THAT THE ZONING HEARING BE SET FOR 7:30 P.M. ON MAY 28, 1998. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A ZONING CHANGE REQUEST FROM DENNIS R. CARPENTER AND WILLIAM E. GRAYSON FOR THEIR PROPERTY AT 727 S. MAIN STREET.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO SET THE ZONING HEARING AT 7:00 P.M. ON MAY 28, 1998. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED THE FOLLOWING RECOMMENDED CHANGES TO ZONING ORDINANCE 1979 (42-A1) CONCERNING ARTICLE 5.56 ADDRESSING PARKING AREAS ON NEW OR USED DEALER LOTS.

SEE EXHIBIT "B"

PROPOSED AMENDMENTS

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO SET A ZONING HEARING FOR MAY 28, 1998 AT 8:00 P.M. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A REQUEST FOR THE CITY TO SPONSOR THE WOMEN'S LEADERSHIP CONFERENCE.

NO ACTION WAS TAKEN.

WHEREAS, MAYOR GAY PRESENTED THE SPECIFICATIONS FOR A NEW 1998 FORD CROWN VICTORIA FOR THE EXECUTIVE DEPARTMENT AT A COST OF \$19,167.00 ON THE STATE CONTRACT # 070-71-3592-0.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO PURCHASE THE 1998 FORD CROWN VICTORIA FROM EAST FORD, INC. ALDERMAN HOLBROOK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED CLAIMS # 46958 - 47339 OF THE CITY OF PETAL GENERAL FUND AND THE PETAL WATER AND SEWER FUNDS.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO PAY CLAIMS # 46958 - 47339 OF THE CITY OF PETAL GENERAL FUNDS AND THE PETAL WATER AND SEWER FUNDS. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A RESOLUTION AND ORDER AUTHORIZING THE MAYOR OF THE CITY OF PETAL TO EXECUTE A CONTRACT WITH THE EMERGENCY MANAGEMENT DISTRICT FOR RADIO SERVICES FOR THE CITY SO THAT THE PETAL EMERGENCY PERSONNEL WILL BE ABLE TO COMMUNICATE WITH THE OTHER AREA AGENCIES.

SEE EXHIBIT "C"

RESOLUTION
RESOLUTION AND ORDER AUTHORIZING THE MAYOR OF THE
CITY OF PETAL TO EXECUTE A CONTRACT WITH THE EMERGENCY
MANAGEMENT DISTRICT FOR RADIO SERVICES

AND

EMD - CITY OF PETAL
CONTRACT TO PROVIDE RADIO SERVICE

THEREUPON, ALDERMAN HINTON MADE A MOTION TO ADOPT THE FOREGOING RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE CONTRACT BETWEEN THE CITY OF PETAL AND THE EMERGENCY MANAGEMENT DISTRICT FOR THE USE OF THE SYSTEM AT A COST NOT TO EXCEED \$60,000. OR \$10,158.30 PER YEAR FOR SEVEN YEARS IF ON THE LEASE-PURCHASE. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY RECOMMENDED THAT TED COLE BE APPOINTED TO FILL THE UNEXPIRED TERM OF RODNEY SESSIONS ON THE PETAL TREE BOARD.

THEREUPON, ALDERMAN HOLBROOK MADE A MOTION TO APPOINT TED COLE TO FILL THE UNEXPIRED TERM OF RODNEY SESSIONS ON THE TREE BOARD. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT THE CURRIE FAMILY HAS AGREED TO SELL TO THE CITY OF PETAL FOR RECREATIONAL PURPOSES THE FOLLOWING DESCRIBED PROPERTIES BEING APPROXIMATELY 25.5 ACRES FOR A TOTAL OF \$ 63,000.00.

SEE EXHIBIT "D"

LAND DESCRIPTION
APPRAISAL

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO PURCHASE THE DESCRIBED PROPERTY AND TO AUTHORIZE THE CITY ATTORNEY TO PROCEED WITH THE TITLE OPINION AND ANY OTHER LEGAL DOCUMENTATION NEEDED FOR THE PURCHASE OF THE PROPERTY. ALDERMAN HOLBROOK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A TRAVEL REQUEST FOR DAN TOLBERT TO ATTEND THE WORKSHOP FOR BUILDING OFFICIALS ASSOCIATION OF MISSISSIPPI ON JUNE 17-20, 1998 IN BILOXI, MS.

THEREUPON, ALDERMAN LANGFORD MADE A MOTION TO AUTHORIZED MR. TOLBERT TO ATTEND THE WORKSHOP AND TO PAY HIS EXPENSES. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY PRESENTED A TRAVEL REQUEST FOR FIRE CHIEF AUBRA EVANS AND THE ASSISTANT CHIEF, VOLUNTEER FIREFIGHTER, DON NORMAN TO ATTEND THE ANNUAL FIRE CHIEFS & FIREFIGHTERS CONFERENCE IN OLIVE BRANCH, MS. JUNE 3-7, 1998.

THEREUPON, ALDERMAN LANGFORD MADE A MOTION TO AUTHORIZE CHIEF EVANS AND ASSISTANT CHIEF NORMAN TO ATTEND THE CONFERENCE AND TO PAY THEIR EXPENSES. ALDERMAN SCOTT SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY STATED THAT THIS WEEK IS NATIONAL LAW WEEK.

THEREUPON, ALDERMAN ROWELL MADE A MOTION TO PROCLAIM THE WEEK OF MAY 4-9, 1998 AS LAW WEEK IN PETAL, MS. ALDERMAN HOLBROOK SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

WHEREAS, MAYOR GAY, PURSUANT TO THE PUBLIC HEARING HELD AT 6:00 P.M. ON THIS DATE, PRESENTED THE FLOOD DAMAGE PREVENTION ORDINANCE, AS RECOMMENDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. MAYOR GAY STATED THAT THERE WAS NO PUBLIC PARTICIPATION AT THE PUBLIC HEARING.

SEE EXHIBIT "E"

ORDINANCE 1998 (93)

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREUPON, ALDERMAN SCOTT MADE A MOTION TO ADJOURN. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE":

ALDERMAN WILLIE W. HINTON
ALDERMAN CHARLES E. HOLBROOK
ALDERMAN ROBERT F. LANGFORD
ALDERMAN DONALD H. ROWELL
ALDERMAN LEROY SCOTT

THOSE PRESENT AND VOTING "NAY":

NONE

THEREBEING NO FURTHER BUSINESS, THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN WAS ADJOURNED ON THIS THE 5TH DAY OF MAY, A.D., 1998.



JACK GAY
MAYOR

(SEAL)

ATTEST:



PRISCILLA C. DANIEL
CITY CLERK

EXHIBIT "A"

Concerned Citizens of Petal, Mississippi

Board of Aldermen City of Petal, Mississippi
102 West 8th Avenue
Petal, Mississippi 39465

We the concerned citizens of Petal, Mississippi previously petitioned the Board of Aldermen to inform them that we supported Charles R. (Rodney) Jarrell as our next police chief. This letter is our response to the board's decision to appoint Charles R. (Rodney) Jarrell to that position.

We are grateful to the Board of Aldermen for hearing our petition and honoring our request. In days where it is common for a government body to ignore the opinions of their citizens, or simply appoint someone based on the "good ole boy" philosophy, it is good to know that our Board of Aldermen hear and respect our wishes. The actions of this government body has likewise made it possible for the hard-working employees of Petal to realize that their efforts do pay off. The appointment of Charles R. (Rodney) Jarrell not only allowed him to obtain a much deserved promotion but also two other officers who have now been promoted from within the department.

The Concerned Citizens of Petal hereby congratulate the Board of Aldermen for their outstanding leadership and politic excellence!

Petal is fortunate to have leadership that responds to the concerns of its citizens and also rewards its employees for their efforts. Keep up the good work.

Sincerely,
The Concerned Citizens of Petal

EXHIBIT "B"



CITY OF PETAL

POST OFFICE BOX 564
PETAL, MISSISSIPPI 39465
(601) 545-1776
Fax No. (601) 545-6685

JACK GAY
MAYOR

WILLIE W. HINTON
CHARLES E. HOLBROOK
ROBERT F. LANGFORD
DONALD H. ROWELL
LEROY SCOTT
ALDERMEN

PRISCILLA C. DANIEL
CITY CLERK

THOMAS W. TYNER
CITY ATTORNEY

AMENDMENT TO ORDINANCE 1979 (42-A1)
SECTION 1, 8.3

Automotive vehicles, trailers, manufactured homes & etc., offered for sale/lease on new or used dealer lots shall not be required to park on spaces described in Article V, 5.56 (definition of parking space) of the official zoning ordinance.

However, the area where automotive vehicles, trailers, manufactured homes & etc. are parked, shall be a prepared surface using Class 4, Group "B" Clay Gravel as specified in the MS State-Aid Specification Book or other similar materials that has been prior approved by the City Building Inspector and/or City Engineer.

All other spaces for customer and employee parking, access areas to sales offices and etc. shall comply with Article V, 5.56. Any access to public street or rights-of-way shall be from hard surfaces as described in Article V, 5.56. No access shall be allowed from the the prepared surface used for parking.

The areas in which the automotive vehicles, trailers, manufactured homes & etc. offered for sale or lease shall be neatly maintained at all times.

EXHIBIT "C"

BEFORE THE BOARD OF ALDERMEN OF
THE CITY OF PETAL

RESOLUTION AND ORDER AUTHORIZING THE MAYOR OF THE CITY OF PETAL TO EXECUTE A CONTRACT WITH THE EMERGENCY MANAGEMENT DISTRICT FOR RADIO SERVICES.

WHEREAS, the Emergency Management District (hereinafter referred to as "the **DISTRICT**") is an entity created by Interlocal Agreement between Forrest County, Mississippi, and the City of Hattiesburg, Mississippi; and

WHEREAS, the **DISTRICT** was created to implement and maintain an emergency communication system (among other things) within the territorial limits of Forrest County, Mississippi; and

WHEREAS, the **DISTRICT**, in cooperation with Forrest County, Mississippi, the City of Hattiesburg, the City of Petal, AAA Ambulance Service and Forrest County General Hospital (collectively referred to as "the **USERS**") now desires to upgrade, expand and establish a state-of-the-art common radio system that will serve the needs of the entire county, as well as the municipalities located therein, to provide a radio system for service to all public safety, emergency responders and emergency care providers; and

WHEREAS, the proposed expansion and upgrade to new technology will require a major capital expenditure by the **DISTRICT** in order to develop a comprehensive communication system that will link all local response agencies and governmental departments of the County and Cities together, thereby greatly enhancing the efficiency and effectiveness of all agencies through better communications; and

WHEREAS, the City of Petal desires to participate in the acquisition, expansion and

EXHIBIT "C"

enhancement of the radio system to be owned and managed by the **DISTRICT**; and

WHEREAS, the service agreement to be entered into by the City of Petal with the **DISTRICT** is an inducement to the **DISTRICT** to undertake the obligation of the purchase and establishment of the system and as a part of the financial package, to underwrite the repayment of the Lease-Purchase Agreement to be entered into by the **DISTRICT**. Therefore, the City is authorized to enter into this Agreement; and

WHEREAS, the City desires to contract with the **DISTRICT** to provide communication services.

NOW, THEREFORE, the Board of Aldermen, acting for and on behalf of the City of Petal, does hereby FIND, ORDER and ADJUDICATE as follows, to-wit:

1. That the Emergency Management District is requested to purchase the necessary equipment and to take all actions required to upgrade, expand and enhance the 800 MHz radio system in order to provide a comprehensive communication system which will link the Forrest County General Hospital, the City of Hattiesburg, the City of Petal, AAA Ambulance Service and Forrest County to a radio system for the service of all public safety and emergency responders.
2. That the participation of the City of Petal in this endeavor is necessary to protect the public health and safety of the residents of the City of Petal.
3. That the Mayor is authorized and directed to enter into a Contract to provide radio services with the **DISTRICT**, pursuant to which the City will receive radio services and access to the 800 MHz radio system and all other related communication services from the **DISTRICT**, and the form of the Contract is attached to this Resolution as Exhibit "A".

EXHIBIT "C"

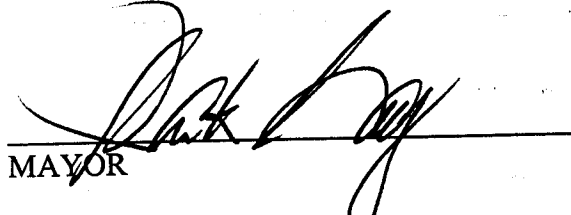
4. That the City is obligated and does pledge to make the payments set forth in the Contract with the **DISTRICT**, i.e. the sum of \$10,158.00 on or before October 15, 1998, and the same sum on or before the 15th of each October thereafter, to and including October 15, 2004.

5. That the execution of the Contract to provide radio service with the **DISTRICT** is an inducement to the **DISTRICT** to enter into the Lease-Purchase Agreement for the purchase, installation and establishment of the common communication system.

7. That all of the findings set forth in the "WHEREAS" portion of this Resolution are readapted herein and adjudicated by the Board as being true and correct.

8. On motion by Aldermen Hinton seconded by Aldermen Scott, a motion was made to adopt the foregoing Resolution and the question being put to a roll call was adopted by unanimous vote of the Board of Aldermen of the City of Petal.

SO ORDERED AND RESOLVED on this the 5th day of May, 1998.


MAYOR

ATTESTED:



CITY CLERK

EXHIBIT "C"

STATE OF MISSISSIPPI
COUNTY OF FORREST

**EMD - CITY OF PETAL
CONTRACT TO PROVIDE RADIO SERVICE**

WHEREAS, the Emergency Management District (hereinafter referred to as "the **DISTRICT**") is an entity created by Interlocal Agreement between Forrest County, Mississippi, and the City of Hattiesburg, Mississippi; and

WHEREAS, the **DISTRICT** was created to implement and maintain an emergency communication system (among other things) within the territorial limits of Forrest County, Mississippi; and

WHEREAS, the **DISTRICT**, in cooperation with Forrest County, Mississippi, the City of Hattiesburg, the City of Petal, AAA Ambulance Service and Forrest General Hospital (collectively referred to as "the **USERS**") now desires to upgrade, expand and establish a state-of-the-art common radio system that will serve the needs of the entire county, as well as the municipalities located therein, to provide a radio system for service to all public safety and emergency responders; and

WHEREAS, the proposed expansion and upgrade to new technology will require a major capital expenditure by the **DISTRICT** in order to develop a comprehensive communication system that will link all local response agencies and governmental departments of the County and Cities together, thereby greatly enhancing the effectiveness of all agencies through better communications; and

WHEREAS, the **USERS** desire to participate in the acquisition, expansion and enhancement of the radio system to be owned and managed by the **DISTRICT**; and

EXHIBIT "C"

WHEREAS, as an inducement to the **DISTRICT** to enter into a Lease-Purchase Agreement for the necessary equipment, the installation of the equipment and the establishment of a common communication system, each of the **USERS** desire to become a part of the system, share in the cost, and contract with the **DISTRICT** for access to and management of the system by the **DISTRICT** for the life of the Lease Purchase Agreement entered into by the **DISTRICT**;
and

WHEREAS, the **DISTRICT** desires to contract with each **USER** to provide communication services.

NOW, THEREFORE, the Emergency Management District, acting by and through the Emergency Management Council on the one hand, and City of Petal, acting through the Mayor and Board of Aldermen, on the other hand, for mutual considerations hereinabove set forth and hereinafter stated, do hereby agree as follows, to-wit:

1. The **DISTRICT** will immediately undertake to acquire, expand and establish an 800 MHz radio system and a wide-area paging system (hereinafter referred to as "the Project"), at an estimated total cost of \$1,150,000.00. The cost to the City of Petal being \$10,158.00 per year for seven (7) years.
2. The Project will be owned, controlled and managed by the **DISTRICT** in consultation with a Users Committee, hereinafter established, which will include system management, monitoring, technical support to **USERS**, participating agencies, programming, record keeping, FCC licensing for agencies and maintenance, all to insure the continuous efficient operation of the system.
3. The **DISTRICT** intends to acquire the new equipment, to include installation, by

EXHIBIT "C"

Lease Purchase Agreement, at a total capital outlay of just under \$1,000,000.00. The **DISTRICT** will acquire the equipment and begin the Project upon the execution of this Contract by all **USERS**. The Project is expected to be completed and operational by December, 1998.

4. That as an inducement to the **DISTRICT** to purchase and establish the system, and for access to the system by the **USER**, **USER** agrees to pay the **DISTRICT** the following sums:

\$10,158.00 on or before October 15, 1998, and \$10,158.00 on the 15th of October of each year thereafter, to and including October 15, 2004.

Payment of said sums by **USER** will be used by the **DISTRICT** to defray the cost of the purchase, establishment, management, operation and maintenance of said system and, in return, the **DISTRICT** will provide each **USER** with access to the 800 MHz radio system, programming services, weather alerts, area-wide paging, and all other related communication services for the next seven years. The sums paid by each **USER** shall be considered user fees for remuneration to the **DISTRICT** for the acquisition, establishment, operating cost, and management of the system herein described for said seven year period.

5. The **DISTRICT** and **USER** agree that the **DISTRICT** will continue to provide the services beyond the seven year period herein contracted for. The terms of the specific agreement will be arrived at by the **DISTRICT**, the participating **USER** and the Users Committee during the sixth year of this Contract.

6. The **DISTRICT** will manage the system in consultation with the Users Committee to be made up of a representative to be appointed by Forrest County, Mississippi, a representative to be appointed by the City of Hattiesburg, a representative to be appointed by

EXHIBIT "C"

AAA Ambulance Service, a representative to be appointed by City of Petal, a representative to be appointed by Forrest County General Hospital, the Director of the Emergency Management District, and the Telecommunications Officer employed by the Emergency Management District. The Telecommunications Officer shall serve as chairman of the User Committee. The Committee will assist in the establishment of policy for talk groups, new participation eligibility, and overall operation of the system. The Committee will meet at least quarterly to review systems operations and to execute such other functions as may be necessary. The Telecommunications Officer shall be required to maintain a record of all proceedings of the User Committee.

7. The **DISTRICT** will acquire the new radio equipment and secure its installation by Lease-Purchase Agreement pursuant to §31-7-13 of the Mississippi Code of 1972, annotated for a term of seven (7) years. The **USER** has the same authority to acquire equipment for communication purposes pursuant to the same authority set forth in §31-7-13, Mississippi Code of 1972. This service agreement is entered into by City of Petal as an inducement to the **DISTRICT** to undertake the obligation of the purchase and establishment of the radio systems and as a part of the financial package to underwrite the repayment of the Lease-Purchase Agreement by the **DISTRICT**. Therefore, the City is authorized to enter into this Agreement for the term stated.

8. That should this agreement be interpreted to violate the provision of the law related to binding the City beyond the present terms of office of the present Board of Aldermen, then this agreement may be renewed by the City of Petal in July of each year of any new term of office by adopting a Resolution ratifying and re-adopting this agreement.

EXHIBIT "C"


Signed this the 5th day of May, 1998, pursuant to a Resolution of the
Board of Aldermen adopted on the 5th day of May, 1998.

CITY OF PETAL

BY:


MAYOR

ATTEST:


CITY CLERK

Signed this the 5th day of May, 1998, pursuant to a Resolution of the
Emergency Management Council, adopted on the 5th day of May, 1998.

EMERGENCY MANAGEMENT DISTRICT

BY:

TERRY STEED, EXECUTIVE DIRECTOR

EXHIBIT "D"

J. W. MCARTHUR, REALTOR INC. P.2
SALES, APPRAISALS, PROPERTY MANAGEMENT



P.O. BOX 1646 - TELEPHONE: (601) 261-6646 HATTIESBURG, MISSISSIPPI 39403-1546
FAX: (601) 264-3178
400 NORTH 20th AVE. (2nd FL)

February 12, 1998

Mr. Michael A. Webb
232 Second Street
Columbia, MS 39429

Re: CURRIE Property-2 Tracts in Petal, MS
Parcel A-14 acres, more or less
Parcel B-11.5 acres, more or less

Dear Mr. Webb;

In accordance with your request, I have personally inspected the above referenced property, for the purpose of preparing an estimate of its Market Value, as of February 11, 1998. The legal descriptions, from tax receipts, are contained later in this report. At the time of the appraisal, no survey of the subject tracts were available, however, the attached plats are believed to be an accurate depictions of the subject properties. The Market Approach to value was the appraisal method used to estimate the Market Value of the subject properties. The Income and Cost Approaches were not applicable and not used. Please be advised that the final appraised value does not include any allocation for mineral rights or timber value.

Parcel A consists of about 14 acres of relatively level timbered land located in Petal, Ms. This tract has road frontage along its north and west sides. Additionally, it is joined by a city recreational facility along its south side. All city utilities appear to be at least available to the general area of Parcel A. According to city officials, this parcel is zoned "R-3, Medium Density Residential District", and a copy of their zoning ordinance as it relates to this classification is contained later in this report. The attached flood map #28035C0045 C appears to indicate that none of Parcel A is in a designated flood zone. Based on its characteristics, it is my opinion that Parcel A has a highest and best use as zoned.

Parcel B consists of about 11.5 acres of rolling timbered land located in Petal, MS. This tract is triangular in shape, and has ample public road frontage along its northwest side. Parcel B is located directly across Hillcrest Loop from the same recreational facility that joins Parcel A. All

city utilities appear to be readily available to this parcel. According to city officials, this parcel is zoned "R-1, Low Density Residential District", and a copy of their zoning ordinance as it relates to this classification is included later in this report. The attached flood map noted above appears to indicate that none of Parcel B is in a designated flood zone. Based on its characteristics, it is my opinion that Parcel B has a highest and best use as zoned.

As discussed earlier in this report, the Market Approach was the appraisal method used to estimate the Market Value of the subject properties. This approach is used to arrive at values based on the prices buyers are paying in the market for similar or comparable properties. In using this approach, the market is examined, and sales of properties that are comparable to the subject property are investigated and then adjusted for any existing dissimilarities to arrive at a final conclusion of value for the subject property. The comparable sales used are included within the following pages in this report. A thorough search of land sales was made in the local market, however, few were found that were felt to be comparable to the subject properties. Of the ones found, sale #1 and #2 were felt to be most comparable to the subject properties. Based on the comparable sales, and all of the other factors that influence real estate values, it is my opinion that the subject properties have a Market Value, as of February 11, 1998, as follows:

Parcel A-\$39,000.00

Parcel B-\$28,750.00

It has been my pleasure serving you in this matter. If you have any questions, or if I may be of further service, please don't hesitate to call.

Respectfully Submitted;

J. W. MCARTHUR, REALTOR

WALT MCARTHUR
State Certified Appraiser FRA-296

attachments

TITLE OPINION

SUBJECT PROPERTY:

PARCEL NO. 1

Section 1, Township 4 North, Range 13 West: begin at the Southeast corner of the NW 1/4 of the NE 1/4; thence run North 220 feet; thence run West 198 feet; thence run South 220 feet; thence run East 198 feet to the Point of Beginning; said parcel containing 1.00 acres more or less.

PARCEL NO. 2

Section 1, Township 4 North, Range 13 West: Begin 264 feet East of the Southwest corner of the NW 1/4 of the NE 1/4; thence run North 660 feet; thence run East 838 feet; thence run South 660 feet; thence run West 858 feet to the Point of Beginning; said parcel containing 13.00 acres more or less.

PARCEL NO. 3

Section 1, Township 4 North, Range 13 West: the East 1/4 of the SW 1/4 of the NE 1/4, less 16.8 acres; said parcel being sometimes described as follows: Commence at the SW corner of the NW 1/4 of the NE 1/4 and run East 80 yards to the Point of Beginning; thence run East 286 yards; thence North 220 yards; thence West 286 yards; thence South 220 yards to the Point of Beginning; said parcel containing 11.50 acres more or less.

~~CITY OF PETAL~~

ORDINANCE 1998 (93)

FLOOD DAMAGE PREVENTION ORDINANCE

An ordinance making certain findings, making a statement regarding statutory authorization, making certain findings of fact, defining certain terms providing general provisions, providing for administration and other provisions for flood hazard reduction, repealing Ordinance No. 1987(71) and for related purposes.

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS IF FACT, PURPOSE AND OBJECTIVES.

SECTION A. STATUTORY AUTHORIZATION.

The legislature of the State of Mississippi has in the Mississippi Code 1972 Annotated delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Mayor and Board of Aldermen of the City of Petal, Mississippi, do ordain as follows:

SECTION B. FINDINGS OF FACT.

1. The flood hazard areas of the City of Petal are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which

are inadequately^{EXHIBIT "E"} elevated, flood-roofed, or otherwise unprotected from flood damages.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damage, and;
- (5) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

1. to protect human life and health;
2. to minimize expenditure of public money for costly flood control projects;
3. to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. to minimize prolonged business interruptions;

5. to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in floodplains;
6. to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
7. to insure that potential home buyers are notified that property is in a flood area.

ARTICLE 2. DEFINITIONS.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Accessory structure (Appurtenant structure) Means a structure which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal means a request for a review of the Board of Zoning Appeals' interpretation of any provision of this ordinance or a request for a variance.

Area of shallow flooding means a designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Elevated building means a non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

Existing Construction Any structure for which the "start of construction" commenced before 1987.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted in 1987.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. the overflow of inland or tidal waters;
- b. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map- (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

Flood Insurance Rate Map means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary Floodway Map and the water surface elevation of the base flood.

Floodplain means any land area susceptible to flooding.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

Highest adjacent grade means ^{EXHIBIT "E"} the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

Historic Structure means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register:
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district:
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor Means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the provisions of this code.

Manufactured home means a building, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also

includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain.

For purposes of this ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction Any structure for which the "start of construction" commenced after 1971 and also includes any subsequent improvements to such structure.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of construction (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (P. L. 97-348)), includes substantial improvement, and means the date the building permit was issued,

provided the actual start of construction, ^{EXHIBIT "E"} repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during the life of a building, in which the cumulative cost equals or exceeds percent of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the

purposes of this definition, ^{EXHIBIT "E"} "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not however, include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions, or any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

ARTICLE 3. GENERAL PROVISIONS.

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES.

This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the City of Petal, Mississippi.

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Federal Emergency Management Agency in the map dated April 2, 1990, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT.

A Development Permit shall be required in conformance with the provision of this ordinance prior to the commencement of any development activities.

SECTION D. COMPLIANCE. ^{EXHIBIT "E"}

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS.

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION.

In the interpretation and application of this ordinance all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNINGS AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Petal, Mississippi or by any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION.

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this ordinance or

fails to comply with any of its ^{EXHIBIT "E"} requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 10 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Petal, Mississippi, from taking such other lawful actions as is necessary to prevent or remedy any violation.

ARTICLE 4. ADMINISTRATION.

SECTION A. DESIGNATION OF FLOOD DAMAGE PREVENTION ORDINANCE ADMINISTRATOR

The building inspector of the City of Petal is hereby appointed to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Ordinance Administrator, the Floodplain Administrator and/or the administrator.

SECTION B. PERMIT PROCEDURES.

Application for a Development Permit shall be made to the building inspector on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically, the following information is required.-

- (1) Application Stage.
 - (a) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings;
 - (b) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed;
 - (c) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building

will meet the ~~flood-proofing~~ ^{EXHIBIT "E"} criteria in Article 5, Section B

(2) and Section D (2);

(d) Description of the extent to which any watercourse will be altered or relocated as result of proposed development, and;

(2) Construction Stage.

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structure members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Floodplain Ordinance Administrator a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall -be at the permit holder's risk. The Floodplain Ordinance Administrator shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections

required hereby, shall ~~be~~ ~~use~~ ~~to~~ issue a stop-work order for the project.

**SECTION C. DUTIES AND RESPONSIBILITIES OF THE
FLOODPLAIN ORDINANCE ADMINISTRATOR**

Duties of the administrator shall include, but not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Advise permittee that additional federal or state permit requirements may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit.
- (3) Notify adjacent communities, the State Floodplain Coordinator, and other Federal and/or, state agencies with statutory or regulatory authority prior to any alteration or relocation of a watercourse.
- (4) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
- (5) Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Article 4, Section B (2).
- (6) Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved buildings have been flood-proofed, in accordance with Article 4, Section B (2).
- (7) When flood-proofing is utilized for a particular building, the permittee shall obtain certification from a registered professional engineer or architect, in accordance with Article 5, Section B (2).
- (8) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where

there appears to be a ^{EXHIBIT "E"} conflict between a mapped boundary and actual field conditions) the Floodplain Ordinance Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

(9) When base flood elevation data or floodway data have not been provided in accordance with Article 3, Section B, then the Floodplain Ordinance Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of Article 5.

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION.

SECTION A. GENERAL STANDARDS.

In all areas of special flood hazard the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

- (5) **Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.**
- (6) **New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;**
- (7) **New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;**
- (8) **On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;**
- (9) **Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of "new construction" as contained in this ordinance.**
- (10) **Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.**

SECTION B. SPECIFIC STANDARDS.

In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Article 3, Section B, or Article 4, Section C (11), the following provisions are required:

- (1) **Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement**

EXHIBIT "E"
elevated no lower than one (1) foot above the base flood

elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 5, Section B (3).

- (2) **Non-Residential Construction.** New construction or substantial improvement-of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-roofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Article 4, Section C (9).

- (3) **Elevated Buildings.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- (i) ~~Provide a minimum~~ ^{EXHIBIT E} Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
- (ii) The bottom of all openings shall be no higher than one foot above grade; and,
- (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both direction.
- (b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.
- (4) Standards for Manufactured Homes and Recreational Vehicles.
- (a) All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions to existing manufactured home parks or subdivisions, in a new manufactured home park or subdivision or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- (b) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

- (i) ~~The lowest floor of the manufactured home is~~ ^{EXHIBIT "E"} elevated no lower than two (2) feet above the level of the base flood elevation, or
- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above grade.
- (iii) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred 'substantial damage' as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Article 5, Section B(4)(b)(i) and (iii) above.
- (c) All recreational vehicles placed on sites must either:
- (i) Be fully licensed and ready for highway use, or
- (ii) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Article 5, Section B (4)(a) or (b)(i) and (iii), above, or be on the site for fewer than 180 consecutive days.
- (iii) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
- (5) Floodways. Located within areas of special flood hazard established in Article 3, Section B, are areas designated as

floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and has erosion potential, the following provisions shall apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge;
- (b) If Article 5, Section B(5)(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article 5.
- (c) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Article 5, Section A(2), and the elevation standards of Article 5, Section B(1) and the encroachment standards of Article 5, Section B(S)(a), are met.

SECTION C. STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION AND/OR FLOODWAYS.

Located within the areas of special flood hazard established in Article 3, Section B, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

- (1) When base flood elevation data or floodway data have not been provided in Accordance with Article 3, Section B, then the local

EXHIBIT "F"
administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of Article S. If data is not available from outside sources, then the following provisions (2 and 3) shall apply.

(2) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to one and one half (1 1/2) times the width of the stream at the top of the bank or fifty (50) feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(3) In Special Flood Hazard Areas without Base Flood Elevation Data, new construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three (3) feet above the highest adjacent grade ant the building site.

SECTION D. STANDARDS FOR SUBDIVISION PROPOSALS (AO ZONES).

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated a shallow flooding areas. These areas have flood hazards associated with base flood depths of one to three feet (1'-3'), where a clearly defined channel does not exist and the water path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Insurance Rate Map, above the highest adjacent grade. If no flood

depth number is specified, the lowest floor, including basement, shall be elevated at least two feet (2) above the highest adjacent grade.

(2) All new construction and substantial improvements of non-residential structures shall:

(a) Have the lowest floor, including basement, elevated to the flood depth number specified on the Flood Rate Map above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade, or;

(b) together with attendant utility and sanitary facilities be completely floodproofed to the specified flood level so that any space below that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required as stated in Article 5, Section B. (2).

SECTION E. STANDARDS FOR SUBDIVISION PROPOSALS.

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured

home parks and subdivisions) ^{EXHIBIT "E"} which is greater than the lesser of fifty lots or five acres.

ARTICLE 6. VARIANCE PROCEDURES:

SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD

The Board of Zoning Appeals as established by the Mayor and Board of Aldermen shall hear and decide appeals and requests for variances from requirements of this ordinance.

SECTION B. DUTIES OF VARIANCE AND APPEALS BOARD

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Ordinance administrator in the enforcement or administration of this ordinance.

SECTION C. JUDICIAL APPEAL

Any person aggrieved by the decision of the board may appeal such decision to the Circuit Court of Forrest County, as provided by the laws of the State of Mississippi, Mississippi Code, 1972, as Annotated.

SECTION D. HISTORIC STRUCTURES

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continue designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

SECTION E. LIMITING FACTORS AND CONSIDERATIONS

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:

- (1) The danger that materials may be swept onto other lands to the injury of others;

SECTION G: NO-IMPACT CERTIFICATION WITHIN THE FLOODWAY

Variations shall not be issued within any designated floodway if any impact in flood conditions or increase in flood levels during the base flood discharge would result.

SECTION H: CONDITIONS FOR VARIANCES:

- (1) Variations shall only be issued when there is
 - (a) a showing of good and sufficient cause, and
 - (b) a determination that failure to grant the variance would result in exceptional hardship, and;
 - (c) a determination that the granting of a variance will not result in increased flood heights, additional threats to public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (2) Variations shall only be issued upon a determination that the variance is the necessary, considering the flood hazard, to afford relief, and in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The Floodplain Ordinance Administrator shall maintain the records of all appeal actions and report any variations to the Federal Emergency Management Agency upon request.

ARTICLE 7: SEVERABILITY "E"

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

ARTICLE 8: REPEAL OF ORDINANCE NUMBER 1987(71)

Ordinance Number 1987(71) is hereby repealed.

The above and foregoing Ordinance having been presented to the Mayor and Board of Aldermen, and having been considered section by section, and then as a whole, the following vote was had and taken:

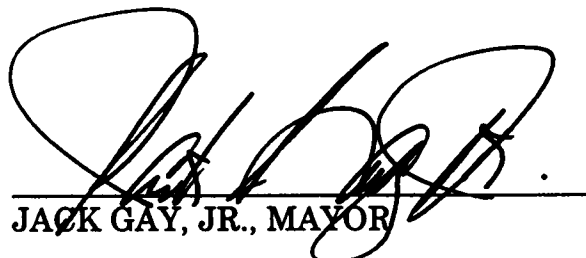
As to section by section: each alderman voting "Aye" and in favor of the passage, adoption, and approval of the foregoing Ordinance:

Willie W. Hinton
Charles E. Holbrook
Robert F. Langford
Donald H. Rowell
Leroy Scott

Those present and voting "Aye" and in favor of the passage, adoption and approval of the Ordinance as a whole:

Willie W. Hinton
Charles E. Holbrook
Robert F. Langford
Donald H. Rowell
Leroy Scott

The above and foregoing ordinance having received the majority of the vote of the Board of Aldermen, the above and foregoing ordinance is hereby adopted on this, the 5 day of May, A.D., 1998.



JACK GAY, JR., MAYOR

Attest:



PRISCILLA C. DANIEL, City Clerk