

CITY OF PETAL
MINUTE BOOK 24

29

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON OCTOBER 19, 2004 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	MAYOR TONY PHILLIPS
CITY ATTORNEY	DAPHNE LANCASTER (FOR THOMAS W TYNER)
ALDERMEN	MICHAEL W DRAUGHN WILLIE W HINTON JOE C MCMURRY, SR STEVE STRINGER WILLIAM A TRAVIS
OTHER PRESENT	JOE ADAMO JAMES WALLACE LOUIS GRIFFIN JAMES MOORE ASST CHIEF DON SEALY AND MANY MORE

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

THE INVOCATION WAS OFFERED BY MAYOR TONY PHILLIPS.

WHEREAS, MAYOR PHILLIPS PRESENTED THE AGENDA WITH THE FOLLOWING CHANGES:

- IX. GENERAL FUND
17. REQUEST TO SET HEARING DATE OF NOVEMBER 9, 2004 AT 7:00 P.M. FOR A ZONING CHANGE FOR JAMES C BROWN FOR PROPERTY LOCATED AT #4 SPRINGFIELD ROAD.
 18. REQUEST TO SET HEARING DATE OF NOVEMBER 9, 2004 AT 7:00 P.M. FOR A ZONING CHANGE FOR H C CLEARMAN FOR PROPERTY LOCATED AT 604 NEW RICHTON ROAD.
 19. REQUEST TO SET HEARING DATE OF NOVEMBER 9, 2004 AT 7:00 P.M. FOR A ZONING CHANGE FOR RICHARD/DIANNE TOLBERT FOR PROPERTY LOCATED AT 600 HWY 42 E.
 20. REQUEST TO APPOINT PENNY LUCKEL TO THE PLANNING COMMISSION TO FINISH THE TERM OF MELISSA SCOTT
- XI. ORDERS/ORDINANCES
5. OMIT
 6. REQUEST TO HIRE CHRIS CARLISLE AS RECRUIT FIREFIGHTER AT RATE OF \$8.34 PER HOUR EFFECTIVE NOVEMBER 1, 2004
 7. REQUEST TO HIRE MARY LANGSTON AS PART-TIME BUS DRIVER AT RATE OF \$6.25 PER HOUR EFFECTIVE OCTOBER 25, 2004.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADOPT THE AGENDA AS AMENDED. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE MINUTES OF THE REGULAR MEETING OF OCTOBER 5, 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING OF OCTOBER 5, 2004 BE APPROVED AS WRITTEN. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR

ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIAM A TRAVIS

WHEREAS, MAYOR PHILLIPS CALLED FOR PUBLIC COMMENT. THERE WAS NONE.

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO ACCEPT THE RECOMMENDATION FROM THE PLANNING COMMISSION AMENDING THE SUBDIVISION REGULATIONS OF THE CITY OF PETAL.

DIED TO A LACK OF A MOTION.

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO ACCEPT THE PROPOSAL FROM WRIGHT & KING, CPA FOR SERVICES FOR FISCAL YEAR ENDING SEPTEMBER 2004.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO ACCEPT THE PROPOSAL FROM WRIGHT & KING, CPA FOR SERVICES RENDERED FOR AUDIT FOR FISCAL YEAR ENDING SEPTEMBER 2004 NOT TO EXCEED \$19,250.00. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING PROOFS OF PUBLICATION:

- A. PUBLIC NOTICE-MICHAEL DAVIS ZONING CHANGE HEARING
- B. ORDINANCE NUMBER 1979(42A-150)
- C. ORDINANCE NUMBER 1979(42A-152)
- D. ORDINANCE NUBMER 1979(42A-154)
- E. ORDINANCE NUMBER 1979(42A-153)
- F. ORDINANCE NUMBER 1979(42A-151)

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION THAT THE FOREGOING PROOFS OF PUBLICATION BE ACCEPTED AND FILED. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER FROM THE STATE OF MISSISSIPPI GOVERNOR'S OFFICE PROCLAIMING NOVEMBER 11, 2004, VETERAN'S DAY, BE OBSERVED AS A LEGAL HOLIDAY.

SEE EXHIBIT "A"

STATE OF MISSISSIPPI

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO APPROVE THE HOLIDAY FOR, VETERAN'S DAY, NOVEMBER 11, 2004. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO OBSERVE OCTOBER 22, 2004 AS "ROSIE KINARD" DAY IN THE CITY OF PETAL.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE CITY TO OBSERVE OCTOBER 22, 2004 AS "ROSIE KINARD" DAY IN THE CITY OF PETAL. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM STACY WALTERS, WATER DEPARTMENT, TO REFUND GREGORY PHILLIPS \$60.40 FOR CREDIT BALANCE ON HIS WATER BILL.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO REFUND GREGORY PHILLIPS \$60.40 DUE TO A CREDIT BALANCE LEFT IN THE WATER DEPARTMENT. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED AN INVOICE FROM GRIFFIN ARCHITECTURE IN THE AMOUNT OF \$12,810.00 FOR DESIGN SERVICES FOR FIRE STATION NUMBER 3.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO PAY THE INVOICE TO GRIFFIN ARCHITECTURE IN THE AMOUNT OF \$12,810.00 FOR DESIGN SERVICES FOR FIRE STATION NUMBER 3. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF SEPTEMBER 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ACCEPT THE PRIVILEGE LICENSE REPORT FOR THE MONTH OF SEPTEMBER 2004. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE REVENUE AND EXPENDITURES REPORT FOR THE MONTH OF SEPTEMBER 2004.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ACCEPT THE REVENUE AND EXPENDITURES REPORT FOR THE MONTH OF SEPTEMBER 2004. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER APPOINTING MELISSA MARTIN AS DEPUTY CITY CLERK.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DEEM IT NECESSARY TO APPOINT MELISSA MARTIN AS DEPUTY CITY CLERK.

IT IS THEREFORE ORDERED THAT MELISSA MARTIN BE APPOINTED AS DEPUTY CITY CLERK FOR THE CITY OF PETAL, MISSISSIPPI EFFECTIVE OCTOBER 19, 2004.

SO ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON THIS THE 19TH DAY OF OCTOBER, 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN TRAVIS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE RECOMMENDATION FROM THE PLANNING COMMISSION FOR PROPERTY LOCATED AT 909 HIGHWAY 42.

SEE EXHIBIT "B"

ORDINANCE NUMBER 1979(42A-155)

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ACCEPT THE RECOMMENDATION FROM THE PLANNING COMMISSION TO REZONE THE PROPERTY LOCATED AT 909 HIGHWAY 42 FOR MICHAEL DAVIS FROM R-1 TO C-2 AND TO ADOPT THE FOREGOING ORDINANCE. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING FIGURES FOR THE CITY OF PETAL AND THE PETAL SCHOOL DISTRICT AD VALOREM ROLLS FROM FORREST COUNTY.

SEE EXHIBIT "C"

CITY OF PETAL ASSESSMENTS
PETAL SCHOOL DISTRICT ASSESSMENTS
2004 ASSESSED VALUATION LANDROLL

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ACCEPT THE COUNTY'S 2004 LAND ROLL FIGURES FOR THE CITY OF PETAL AND THE PETAL SCHOOL DISTRICT. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A LIST OF SURPLUS PROPERTY TO BE AUCTIONED BY DURHAM AUCTIONEERS.

SEE EXHIBIT "D"

LIST FOR AUCTION

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE SALE OF THE SURPLUS PROPERTY BY DURHAM AUCTIONEERS. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM LARRY BYRD, STREET SUPERVISOR, TO ADVERTISE FOR BRUSH CHIPPER.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE CITY CLERK TO ADVERTISE FOR BRUSH CHIPPER FOR THE STREET DEPARTMENT. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE MUNICIPAL COMPLIANCE QUESTIONNAIRE THAT THE CITY IS REQUESTED TO COMPLETE AT THE END OF EACH FISCAL YEAR.

SEE EXHIBIT "E"

MUNICIPAL COMPLIANCE QUESTIONNAIRE

THEREUPON, ALDERMAN HINTON MADE A MOTION TO ACCEPT THE QUESTIONNAIRE AND TO MAKE IT A PART OF THE CITY'S MINUTES. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A LETTER FROM ATTORNEY TOM TYNER, STATING THAT THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO FIND AND ADJUDICATE THAT CERTAIN IRREVOCABLE LETTER OF CREDIT ISSUED BY PRIORITY ONE BANK AND DATED OCTOBER 6, 2004, ON BEHALF OF ITS CUSTOMER, DEEPSOUTH DEVELOPERS, INC., IS SUFFICIENT ASSURANCE AND SECURITY FOR THE CONSTRUCTION OF CERTAIN IMPROVEMNTS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF PETAL IN TRAILWOOD WEST, PHASE II, AND THAT SAID SUBDIVISION PLAT AS PREVIOUSLY SUBMITTED TO THE MAYOR AND BOARD OF ALDERMEN FOR TRAILWOOD WEST, PHASE II, BE APPROVED, ADOPTED AND ACCEPTED.

SEE EXHIBIT "F"

IRREVOCABLE LETTER

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ADOPT THE IRREVOCABLE LETTER OF CREDIT FROM PRIORITY ONE BANK FOR TRAILWOOD WEST, PHASE II. ALDERMAN HINTON SECONDED THE MOTION AND TO APPROVE SAID SUBDIVISION PLAT.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO ADVERTISE FOR BIDS FOR FIRE STATION NUMBER 3.

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO TABLE THE REQUEST FOR ADVERTISEMENT OF BIDS. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON

ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A ZONING CHANGE REQUEST FOR JAMES C BROWN FOR PROPERTY LOCATED AT #4 SPRINGFIELD ROAD.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO SET THE HEARING DATE OF NOVEMBER 9, 2004 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A ZONING CHANGE REQUEST FOR H C CLEARMAN FOR PROPERTY LOCATED AT 604 NEW RICHTON ROAD.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO SET THE HEARING DATE OF NOVEMBER 9, 2004 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A ZONING CHANGE REQUEST FOR RICHARD/DIANE TOLBERT FOR PROPERTY LOCATED AT 600 HWY 42 E.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO SET THE HEARING DATE OF NOVEMBER 9, 2004 AT 7:00 P.M. IN THE BOARDROOM OF SAID CITY. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST TO APPOINT PENNY LUCKEL TO THE PLANNING COMMISSION TO FINISH THE TERM OF MELISSA SCOTT.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO APPOINT PENNY LUCKEL TO THE PLANNING COMMISSION TO FINISH THE TERM OF MELISSA SCOTT WHICH EXPIRES JULY 2007. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN

ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FOR CITY CLERK JEAN ISHEE TO ATTEND THE 2004 CERTIFICATION PROGRAM DECEMBER 15-17, 2004 IN JACKSON, MS.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE CITY CLERK JEAN ISHEE TO ATTEND THE 2004 CERTIFICATION PROGRAM DECEMBER 15-17, 2004 IN JACKSON, MS. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER HIRING LANAN K BREWER AS DISPATCHER IN THE POLICE DEPARTMENT.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO HIRE A DISPATCHER IN THE POLICE DEPARTMENT.

IT IS HEREBY ORDERED THAT LANAN K BREWER BE HIRED AS A RECRUIT DISPATCHER EFFECTIVE OCTOBER 28, 2004 AT A RATE OF \$8.541 PER HOUR.

SO ORDERED ON THIS THE 19TH DAY OF OCTOBER, 2004.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO ADOPT THE FOREGOING ORDER PENDING THE LETTER OF RESIGNATION FROM JAMES KNIGHT. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER INCREASING THE PAY OF LARRY BYRD.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO INCREASE THE PAY OF STREET SUPERVISOR LARRY BYRD.

IT IS HEREBY ORDERED THAT LARRY BYRD, STREET SUPERVISOR, SALARY BE INCREASED TO \$26,500.00 ANNUALLY EFFECTIVE OCTOBER

27, 2004.

SO ORDERED ON THIS THE 19TH DAY OF

CITY OF PETAL
MINUTE BOOK 24

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OCTOBER 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER INCREASING THE PAY OF GARY WATTS.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO INCREASE THE PAY OF GARY WATTS IN THE WATER DEPARTMENT.

IT IS HEREBY ORDERED THAT GARY WATTS, WATER DEPARTMENT, SALARY BE INCREASED TO \$6.97 PER HOUR EFFECTIVE NOVEMBER

10, 2004.

SO ORDERED ON THIS THE 19TH DAY OF OCTOBER 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER INCREASING THE PAY OF STACY WALTERS.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO INCREASE THE PAY OF STACY WALTERS, WATER DEPARTMENT.

IT IS HEREBY ORDERED THAT STACY WALTERS, WATER DEPARTMENT, SALARY BE INCREASED TO \$18,500.00 ANNUALLY EFFECTIVE

NOVEMBER 24, 2004

SO ORDERED ON THIS THE 19TH DAY OF OCTOBER, 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER

ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER HIRING CHRIS CARLISLE IN THE FIRE DEPARTMENT.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO HIRE A RECRUIT IN THE FIRE DEPARTMENT.

IT IS HEREBY ORDERED THAT CHRIS CARLISLE BE HIRED AS A RECRUIT IN THE FIRE DEPARTMENT AT A RATE OF \$8.34 PER HOUR EFFECTIVE NOVEMBER 1, 2004.

SO ORDERED ON THIS THE 19TH DAY OF OCTOBER 2004.

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

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING ORDER TO HIRE MARY LANGSTON AS A DISPATCHER.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO HIRE A PART TIME BUS DRIVER IN THE RECREATION DEPARTMENT.

IT IS HEREBY ORDERED THAT MARY LANGSTON BE HIRED AS A PART-TIME BUS DRIVER IN THE RECREATION DEPARTMENT AT A RATE OF \$6.25 PER HOUR EFFECTIVE OCTOBER 25, 2004.

SO ORDERED ON THIS THE 19TH DAY OF OCTOBER, 2004.

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ADOPT THE FOREGOING ORDER. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE FOLLOWING RESOLUTION AMENDING THE FINAL BUDGET FOR 2003-2004 YEAR.

SEE EXHIBIT "G"

RESOLUTION

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE FOREGOING RESOLUTION. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS PRESENTED THE REQUEST FROM ALDERMAN BILL TRAVIS ON THE FOLLOWING ORDINANCE PROHIBITING THE USE OF STREETS AND SIDEWALKS FOR SOLICITATION OF CHARITABLE, CIVICS OR SERVICE FUNDS.

SEE EXHIBIT "H"

ORDINANCE

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ADOPT THE FOREGOING ORDINANCE. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, ALDERMAN WILLIAM A TRAVIS REQUESTED AN EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO CLEAR THE ROOM IN ORDER TO DECIDE IF AN EXECUTIVE SESSION IS NEEDED. ALDERMAN MCMURRY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PHILLIPS REOPENED THE MEETING.

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS. ALDERMAN HINTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN HINTON MADE A MOTION TO ADJOURN THE EXECUTIVE SESSION. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

NO ACTION WAS TAKEN IN EXECUTIVE SESSION.

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


THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHAEL W DRAUGHN
ALDERMAN WILLIE W HINTON
ALDERMAN JOE C MCMURRY, SR
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

THEREBEING NO FURTHER BUSINESS, THE MEETING OF OCTOBER 19, 2004 OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 19TH DAY OF OCTOBER, AD, 2004.



TONY PHILLIPS
MAYOR

(SEAL)

ATTEST:



JEAN ISHEE
CITY CLERK

EXHIBIT "A"

TO THE OFFICERS AND EMPLOYEES OF THE STATE OF MISSISSIPPI:

WHEREAS, the Legislature has designated the 11th day of November as the day for the observance of **Armistice Day/Veteran's Day**, and under the provisions of Section 3-3-7, Mississippi Code of 1972, is a legal holiday in the State of Mississippi;

THEREFORE, all officers and employees of the State of Mississippi are authorized and empowered, at the discretion of the executive head of the department or agency, to close their respective offices in observance of the holiday on

THURSDAY, NOVEMBER 11, 2004

GIVEN under my hand and seal of office at Jackson, Mississippi, this the 1st day of October, 2004.



Eric Clark

ERIC CLARK
SECRETARY OF STATE
STATE OF MISSISSIPPI

EXHIBIT "B" 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-A154) SO AS TO CHANGE THE ZONING CLASSIFICATION OF PROPERTY LOCATED AT 909 HIGHWAY 42, PETAL, MS, FROM R-1 (LOW 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-A154) 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-1 (Low Density Residential) to C-2 (General Commercial District).

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

FROM THE POB RUN N00°10'50"E FOR 213.45' TO A 1/2" REBAR; THENCE RUN W FOR 4.0' TO A 1/2" REBAR; THENCE RUN N 00°10'50"E FOR 420' TO A 1/2" REBAR; THENCE RUN E FOR 237.60' TO A 1/2" REBAR; THENCE RUN S00°30'00"W FOR 388.76' TO A 1/2" REBAR; THENCE RUN N 89°48'15"E FOR 12' TO A IRON PIN; THENCE RUN S03°59'52"W FOR 244.71' TO IRON PIN ON THE SAID N ROW LINE OF MS HWY 42; THENCE RUN ON AND ALG SAID ROW LINE S89°50'25"W FOR 227.14' BACK TO THE POB. IS PART OF THE NE 1/4 OF THE SW 1/4 ALL BEING IN SECTION 32, T-5-N, R-12-W, FORREST COUNTY, MS CONTAINING 3.43 ACRES MORE OR LESS.

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).

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-A154) shall be and remain in full force and form as adopted on October 19, 2004.

SECTION 3. That this Ordinance shall take effect and be in full force from and after its passage as provided by law.

111

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 MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCHURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

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 MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCHURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

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 19th day of October 2004.


TONY PHILLIPS, MAYOR

(SEAL)

ATTEST:


JEAN SHEE, CITY CLERK

PUBLISH 1 TIME: November 16, 2004.

CITY OF PETAL
MINUTE BOOK 24
EXHIBIT "C"

TYPE PROPERTY	ASSESSED VALUE		HOMESTEAD	
REAL	65,767,726		APPLICANTS	4,495
PERSONAL	23,365,927		REGULAR	OVER 65
AUTOMOBILE	20,881,661			711,814
MOBILE HOME	1,104,828			7,511,687
GRAY ROLL	341,440		NEW GROWTH	
PUBLIC UTILITY	9,289,595	2003		
			REAL	1,470,273
TOTAL	110,841,177		PERSONAL	2,019,668
IN LIEU OF TAXES				
EL PASO:				
REAL	966,495			
PERSONAL	7,391,635			
PUBLIC UTILITY	2,658,650	2003		
TOTAL	11,016,880			

2004 ASSESSED VALUATION CITY OF PETAL

TYPE PROPERTY	ASSESSED VALUE		HOMESTEAD	
REAL	33,682,869		REGULAR	OVER 65
PERSONAL	8,087,760			384,633
AUTOMOBILE	10,538,810			4,598,227
MOBILE HOME	148,003		NEW GROWTH	
GRAY ROLL	341,440			
PUBLIC UTILITY	4,298,401	2003		
			REAL	858,032
TOTAL	58,067,283		PERSONAL	1,724,183
IN LIEU:				
EL PASO:				
REAL	966,495			
PERSONAL	7,391,635			
PUBLIC UTILITY	2,658,650	2003		

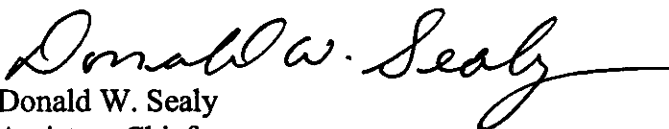
P CITY OF PETAL
P DEPARTMENT OF POLICE
D 127 West 8th Ave.
Petal, Ms. 39465
Phone: (601) 544-5331
Fax: (601) 544-5347

To: Mayor and Board of Aldermen
From: Assistant Chief Don Sealy
Reference: Sell of Vehicles at Durham Auction
Date: October 13, 2004

Honorable Mayor and Board of Aldermen

We are requesting to sell at Durham Auction one (1) 1974 Beige GMC Van Vin: TGQ2540513272 (vehicle was abandoned); one (1) Green Yamaha Motorcycle Vin: JYA388E03NA03742 (vehicle was abandoned); one (1) 1987 Olds Delta 88 Vin: 1G3HYS437JJ313721; (vehicle was abandoned); one (1) 1998 Ford Vin: 2FAF71W9WX118887; one (1) 2003 Yamaha Motorcycle Vin: JYARJ06E23A001295; one (1) 1985 Chevrolet Corvette Vin: 1G1YY0783F113307; one (1) 1997 Mazda 626 Vin: 1YVGE22C9V5610406; one (1) 1990 Honda Accord Vin: 1MGCB7558LA121914; one (1) 1988 Chevrolet Z-24 Vin: 1G1JJ11W2J7158224.

Your Consideration in this matter will be greatly appreciated.


Donald W. Sealy
Assistant Chief

CITY OF PETAL
MINUTE BOOK 24

EXHIBIT "E"

Municipal Compliance Questionnaire

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

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

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

Information

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

- Name and address of municipality:
CITY OF PETAL
P O BOX 564 PETAL, MS 39465
- List the date and population of the latest official U.S. Census or most recent official census:
96467-2002
- Names, addresses and telephone numbers of officials (include elected officials, chief administrative officer, and attorney).
- Period of time covered by this questionnaire:
From: OCTOBER 2003 To: SEPTEMBER 2004
- Expiration date of current elected officials' term: JULY 2005

IV-B5

MUNICIPAL COMPLIANCE QUESTIONNAIRE
Year Ended September 30, 20__

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

PART I - General

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

IV-B6

- Has the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31) Y
- Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19) Y

PART II - Cash and Related Records

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

IV-B7

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

PART III - Purchasing and Receiving

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

IV-B8

EXHIBIT "E"

PART IV - Bonds and Other Debt

1. Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303) Y
2. Has the municipality levied and collected taxes, in a sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-47) Y
3. Have the required trust funds been established for utility revenue bonds? (Section 21-27-65) Y
4. Have expenditures of bond proceeds been strictly limited to the purposes for which the bonds were issued? (Section 21-33-317) Y
5. Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5) Y

PART V - Taxes and Other Receipts

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

IV-B9

9. Has the municipality levied or appropriated not less than 1/4 mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax? (Sections 83-1-37 and 83-1-39) Y
10. Are state-imposed court assessments collected and settled monthly? (Section 99-19-73, 83-39-31, etc.) Y
11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-13-21) Y
12. Are bids solicited by advertisement or, under special circumstances, those appropriate obtained when real property is sold? (Section 21-17-1) Y

IV-B10

CITY OF PETAL
(MUNICIPAL NAME)

Certification to Municipal Compliance Questionnaire

Year Ended September 30, 2004

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


(City Clerk's Signature)


(Mayor's Signature)

October 19, 2004
(Date)

Oct. 19th, 2004
(Date)

Minute Book References:

Book Number 24

Page 34

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

IV-B11

DORRANCE ALTMAN
THOMAS W. TYNER
LOUIS F. RUFFIN
BEN E. SNEELY
COURTIS SMITH
DORRANCE ALTMAN, JR.
WILLIAM N. GRAHAM
GLENN W. SWEETMAN (MS & LA)
TROY N. BELL (LA)
DAPHNE M. LANCASTER (MS & LA)
KELLY CASH/LEE
CHRISTOPHER O. MASSENBURG (MS & LA)
W. HEATH HILLMAN
JEANETTE S. ROSSIGNOL (LA)
MARIA CLARA PARDO (LA)
KATHYNA M. HALL
CHRISTOPHER E. SAUER
R. DOUGLAS BAYLES
DIANAWOOL L. BUCKOCK (MS/TX/GA/LA)
MIKI L. FADE (MS, OR)
DAWN E. PULCE
ROCKY W. BAXTON (MS/LA/FL/GA)
LUCIAN LAMAR BULLEN
JENNIE WINDHAM (LA)
E. BETH WINDHAM
MILENE N. ST. JULIEN

AULTMAN, TYNER & RUFFIN, LTD.

A PROFESSIONAL LAW CORPORATION
ATTORNEYS AND COUNSELLORS AT LAW
319 HEMPHILL STREET
HATTIESBURG, MISSISSIPPI 39403-0790
TELEPHONE
(601) 583-2871
FAX # (601) 583-2977
E-MAIL aulty@meqgate.com

OTHER OFFICES

1201 28TH AVENUE, SUITE 200
POST OFFICE BOX 607
GULFPORT, MISSISSIPPI 39503
(281) 943-4913
FAX # (281) 943-5003
THE TEXACO CENTER
400 POYDRAS STREET, SUITE 1800
NEW ORLEANS, LOUISIANA 70112
(504) 528-0818
FAX # (504) 528-9640

CITY OF PETAL

MINUTE BOOK 24

EXHIBIT "F"

October 11, 2004

Page 2

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October 11, 2004

Under these circumstances, it would be my recommendation that the Mayor and Board of Aldermen accept in lieu of cash deposit, the irrevocable letter of credit attached as Exhibit "A" to this letter, and accept the plat previously tendered for Trailwood West, Phase II, by the developer.

It may well be that I am unable to attend the next meeting of the Mayor and Board of Aldermen, scheduled for October 19, 2004. In my absence, if the Aldermen concur, I would appreciate the adoption of the following motion:

That the Mayor and Board of Aldermen of the City of Petal, Mississippi do find and adjudicate that that certain irrevocable letter of credit issued by PriorityOne Bank and dated October 6, 2004, on behalf of its customer, DeepSouth Developers, Inc., is sufficient assurance and security for the construction of certain improvements required by the subdivision regulations of the City of Petal in Trailwood West, Phase II, and that said subdivision plat as previously submitted to the Mayor and Board of Aldermen for Trailwood West, Phase II, be approved, adopted, and accepted.

I am submitting all of this to each of you well in advance of the next meeting so that anyone who might have any questions, suggestions, or problems with the adoption of the proposed motion, might have an opportunity to discuss the matter with me.

By carbon copy of this letter, I am providing Dan Tolbert with a copy of this letter and my recommendation for his concurrence or objection.

Sincerely yours,


THOMAS W. TYNER

TWT/alm

cc: Dan Tolbert, Building Inspection, City of Petal

Tony Phillips, Mayor
Board of Aldermen
City of Petal
102 West 8th Avenue
Post Office Box 564
Petal, Mississippi 39465

RE: Trailwood West, Phase II (Deep South Developers, Inc.)

Dear Mayor Phillips & Board of Aldermen:

I have been provide with a copy of an irrevocable letter of credit issued by Priority One Bank in favor of its customer, Deep South Developers, Inc., in the principal amount of \$150,000.00 pledged to insure the completion of improvements to meet the requirements of our subdivision regulations for Trailwood West, Phase II.

It is my understanding that the original of this letter of credit has been previously provided to Dan Tolbert. I have also reviewed documents provided to Mr. Tolbert from the developer's engineers, indicating that their good faith estimate of the necessary cost of constructing the improvements in order to help the subdivision meet our subdivision regulations, is in the amount of \$150,000.00.

It is my further understanding that the developers intend to have the improvements constructed, approved by our city engineer and building inspector, prior to the expiration of the letter of credit on December 31, 2004.

I have made it clear to Mr. Brad Holmes, Vice President of PriorityOne Bank, that if the improvements are not completed and appropriately accepted by the City of Petal prior to December 20, 2004, that the City of Petal will draw on the letter of credit or in the alternative, will ask for an extension of the expiration date.



October 6, 2004

City of Petal
Attn: Tom Tyner, City Attorney
102 W. 8th Avenue
Petal, MS 39465

RE: Trailwood West, Phase 2

Gentlemen:

We hereby establish our Irrevocable Letter of Credit in your favor, for the account of Deep South Developers, Inc., for a sum not to exceed \$150,000.00 (One hundred fifty thousand dollars and no/100). Any lawful check or draft presented to us for payment under this Letter of Credit will be honored.

Each draft so drawn must be marked "Drawn under PriorityOne Bank formerly Citizens State Bank, Letter of Credit # 196 and be accompanied by a signed statement by the City of Petal, Board of Aldermen that Deep South Developers, Inc. has failed to honor its contractual agreement with the City of Petal.

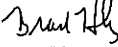
The credit is subject, so far as applicable, to "The Uniform Customs and Practice for Documentary Credits, 1983 Revision, The International Chamber of Commerce Publication No. 400".

We hereby agree with you that all checks or drafts drawn under and in compliance with the terms of this Letter of Credit will be duly honored if drawn and presented for payment to our main office, PriorityOne Bank, formerly Citizens State Bank, P.O. Box 18409, Hattiesburg, MS 39404. This Letter will expire on December 31, 2004.

Letter of Credit # 196

Expiration Date: December 31, 2004

Sincerely,


Brad Holmes
Vice-President


Willie Macko
President - Hattiesburg Division

EXHIBIT "G"

BE IT RESOLVED AND ORDERED, by the Mayor and Board of Aldermen of the City of Petal, Mississippi as follows:

That pursuant to Section 21-35-25 of the Mississippi Code of 1972, annotated and amended, the year commencing October 1, 2003 and ending September 30, 2004 requires amending and,

WHEREAS, by Section 21-35-25, the Mayor and Board of Aldermen do hereby amend the 2003-2004 fiscal budget as follows:

FUND	INCREASE (DECREASE) BUDGET	REASON
REVENUE-GENERAL FUND		
TAX LEVY	13,775.00	
EXPENDITURES-GENERAL FUND		
LEGISLATIVE	1,550.00	ADVERTISING/HEALTH DNS.
FINANCIAL	11,900.00	HAZARDOUS GRANT
DATA PROCESSING	325.00	MAINTENANCE CONTRACT

WHEREAS, upon adoption, the City Clerk will cause this Resolution to be published as required by Section 21-35-25.

Those present and voting "AYE" and in favor of the Passage, adoption and approval of the Foregoing Resolution:


Alderman Michael W Draughn
Alderman Willie W Hinton
Alderman Joe C McMurry, SR.
Alderman Steve Stringer
Alderman William A Travis

Those present and voting "NAY" or against the adoption of the Resolution.

None

WHEREAS, the foregoing Resolution was duly passed, adopted and approved on this the 19TH day of October, A. D., 2004.

CITY OF PETAL, MISSISSIPPI


TONY PHILLIS
MAYOR

(SEAL)

ATTEST:


JEAN ISHER
CITY CLERK

EXHIBIT "H"

118

ORDINANCE 2004(104)

AN ORDINANCE PROHIBITING THE USE OF STREETS AND SIDEWALKS BY LICITORS, PEDDLERS, HAWKERS, OR ITINERANT VENDORS AND PROVIDING A PENALTY VIOLATION FOR

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

SECTION 1. Use of Streets and Sidewalks as Places of Solicitation or Business

It shall be unlawful for any person to use the streets or sidewalks of the city as places of solicitation or business. It is hereby declared to be a public nuisance and it shall be unlawful for any person to solicit, accost or canvass persons on the streets or sidewalks of the city. Such practice is hereby declared to be obnoxious to the personal rights, convenience and privileges of the public and is further declared as impeding orderly traffic on streets and sidewalks.

SECTION 2. Solicitation by Charitable, Civic or Service Organizations

The provisions of the preceding section (Section 1) shall apply to persons soliciting funds in drives sponsored by and solely for charitable, civic or service organizations. The provisions also apply to any solicitation or canvassing on the streets of the city of Petal by pedestrians which is declared to be a public nuisance, danger and hazard.

SECTION 3. Penalty for Violations

Any person convicted of violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than five hundred dollars (\$500.00) and/or six (6) months in jail.

SECTION 4. Effective Date

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 read and read, and a vote was taken thereon, first section by section and then upon the Ordinance as a whole with the following results:

119

Those present and voting "AYE" and in favor of the passage, adoption and approval of Sections 1, 2, 3 and 4 of the foregoing Ordinance:

ALDERMAN MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

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 MICHAEL W. DRAUGHN
ALDERMAN WILLIE W. HINTON
ALDERMAN JOE C. MCMURRY, SR.
ALDERMAN STEVE STRINGER
ALDERMAN WILLIAM A. TRAVIS

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 19th day of October 2004.


TONY PHILLIPS, MAYOR

(SEAL)

ATTEST:


JEAN ISHEE, CITY CLERK

PUBLISH 1 TIME: November 24, 2004

THIS

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INTENTIONALLY