

CITY OF PETAL
MINUTE BOOK 23

480

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

THOSE PRESENT MAYOR TONY PHILLIPS

CITY ATTORNEY THOMAS W TYNER

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

OTHER PRESENT JAMES WALLACE
 B C LEWIS
 PARKER CHAPMAN
 DAN TOLBERT
 ASST CHIEF DON SEALY
 ADA MADDISON
 AND MANY OTHERS

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

REV REGISTER, TEMPLE BAPTIST CHURCH, OFFERED THE INVOCATION.

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

- IX. GENERAL BUSINESS
 - 8. OMIT
 - 20. REQUEST TO REFUND SEWER TAP FEE FOR H C CLEARMAN IN AMOUNT OF \$415.00.
- XII. RESOLUTIONS & PROCLAMATION
 - 2. REQUEST TO SEND LETTER TO CITY OF HATTIESBURG SUPPORTING THE \$12 MILLION BOND REFERENDUM FOR USM

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ADOPT THE AGENDA AS AMENDED. 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 MINUTES OF THE REGULAR MEETING OF AUGUST 17, 2004, THE SPECIAL MEETING OF AUGUST 23, 2004 AND THE SPECIAL MEETING OF AUGUST 30, 2004.

THEREUPON, ALDERMAN STRINGER MADE A MOTION THAT THE MINUTES OF THE REGULAR MEETING OF AUGUST 17, 2004, THE SPECIAL MEETING OF AUGUST 23, 2004 AND THE SPECIAL MEETING OF AUGUST 30, 2004 AND BE APPROVED AS WRITTEN. 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 CALLED FOR PUBLIC COMMENT.

THEREUPON, ADA MADISON ADDRESSED THE MAYOR AND BOARD OF ALDERMEN TO THANK THEM FOR GETTING HER STREET LIGHT TURNED AROUND AND FOR FIXING THE STREET.

WHEREAS, MAYOR PHILLIPS PRESENTED A REQUEST FROM HEATHER FLATHAU FOR FLATHAU'S GOURMENT COOKIE SHOP TO PUT A STORAGE TRAILER ON THE PROPERTY LOCATED ON 209 W 2ND AVENUE TO STORE COOKIES UNTIL THEY CAN ADD ON TO THEIR STRUCTURE.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO GRANT THE REQUEST TO PUT A STORAGE TRAILER ON PROPERTY LOCATED AT 209 W 2ND AVE FOR SIX MONTHS UNTIL MARCH 7, 2005. 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 TO SET A HEARING DATE FOR ROBERT AND BETTY CASADA FOR PROPERTY LOCATED AT 946 HWY 42, TO REZONE SAID PROPERTY.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO SET A HEARING DATE WITH THE PLANNING COMMISSION FOR ROBERT AND BETTY CASADA AT 946 HWY 42 FOR SEPTEMBER 14, 2004 AT 7:00 P.M. IN THE BOARDROOM. 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 REQUEST TO SET A HEARING DATE FOR GIL AND PENNY LUCKEL FOR PROPERTY LOCATED AT 1172 HIGHWAY 42, TO REZONE SAID PROPERTY.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO SET THE HEARING DATE WITH THE PLANNING COMMISSION FOR GIL AND PENNY LUCKEL AT 1172 HIGHWAY 42 FOR SEPTEMBER 28, 2004 AT 7:00 P.M. IN THE BOARDROOM. 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 RESIGNATION OF MELISSA SCOTT FROM THE PLANNING COMMISSION EFFECTIVE AUGUST 16, 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION, WITH REGRETS, TO ACCEPT THE LETTER OF RESIGNATION OF MELISSA SCOTT FROM THE PLANNING COMMISSION EFFECTIVE AUGUST 16, 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 RESIGNATION OF KELLY NUTTING,
SCHOOL CROSSING GUARD, EFFECTIVE AUGUST 31, 2004.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO ACCEPT THE LETTER OF
RESIGNATION FROM KELLY NUTTING, SCHOOL CROSSING GUARD, EFFECTIVE AUGUST 31,
2004. 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 THE RESIGNATION OF CHARLES SUGGS,
POLICE DISPATCHER, EFFECTIVE SEPTEMBER 28, 2004.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO ACCEPT THE LETTER OF
RESIGNATION FROM CHARLES SUGGS, POLICE DISPATCHER, EFFECTIVE SEPTEMBER 28,
2004. 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 AN AMENDMENT TO THE EAGLE WASTE
CONTRACT TO INCREASE THE MONTHLY AMOUNT BY \$464.40 DUE TO GAS PRICE
INCREASE.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE INCREASE
IN EAGLE WASTE CONTRACT EFFECTIVE OCTOBER 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 A REQUEST TO PURCHASE AN AD ON THE
OUTFIELD WALL FOR PRCC BASEBALL FIELD.

DIED DUE TO LACK OF A MOTION.

WHEREAS, MAYOR PHILLIPS PRESENTED AN INVOICE IN AMOUNT OF \$1,038.75 FROM FLYNT & ASSOCIATES, PLLC FOR SURVEYING THE .434 ACRE PARCEL OF LAND IN THE SOUTHEAST CORNER OF PETAL HIGH SCHOOL PROPERTY.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY THE INVOICE FROM FLYNT & ASSOCIATES, PLLC IN AMOUNT OF \$1,038.75. 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 REQUEST FROM DAN TOLBERT, BUILDING INSPECTOR, TO PAY BOB WILSON \$80.00 FOR INSPECTION DID WHILE HE WAS ON VACATION.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE THE CITY CLERK TO PAY BOB WILSON \$80.00 FOR THE INSPECTIONS HE DONE WHILE DAN TOLBERT WAS OUT. 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 AN INVOICE FROM SHOWS, DEARMAN & WAITS FOR \$10,401.28 FOR PREPARATION OF PLANS AND SPECIFICATIONS FOR PROPOSED WATER LINE ALONG S MAIN STREET.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO PAY THE INVOICE TO SHOWS, DEARMAN, & WAITS, INC FOR \$10,401.28 FOR WORK ON PREPARATION OF PLANS ON SOUTH MAIN STREET. 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 TO PAY INVOICE #13617 FROM SHOWS, DEARMAN, AND WAITS, INC FOR \$12,150.00 FOR DESIGN OF SEWER EXPANSION FOR ANNEXED AREAS.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO PAY THE INVOICE FROM SHOWS, DEARMAN, AND WAITS, INC FOR \$12,150.00 FOR DESIGN OF SEWER EXPANSION FOR ANNEXED AREAS. 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 PAY THE COST OF ISSUANCE IN THE AMOUNT OF \$45,000.00 FOR THE \$2.5 MILLION GENERAL OBLIGATION BONDS, SERIES 2004.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO PAY THE FOLLOWING INVOICES IN THE AMOUNT OF \$45,000.00 FOR THE COST OF ISSUANCE FOR THE \$2.5 MILLION GENERAL OBLIGATION BONDS, SERIES 2004. ALDERMAN MCMURRY SECONDED THE MOTION.

A.	ISSUER COUNSEL, THOMAS TYNER	\$12,500.00
B.	BUTLER, SNOW, O'MARA, STEVENS & CANNADA	\$20,500.00
C.	HOLLEY, GRUBBS, MITHCAM & PHILLIPS	\$10,000.00
D.	SPENCE FLATGARD, ATTORNEY	\$ 500.00
E.	TRUSTMARK NATIONAL BANK	\$ 1,500.00

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 PAY INVOICE NUMBERS 13594 AND 13563 IN AMOUNT OF \$72,900.00 FOR DESIGN OF SEWER EXPANSION FOR ANNEXED AREA.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO PAY INVOICES FROM SHOWS, DEARMAN AND WAITS, INC FOR \$72,900.00 FOR DESIGN OF SEWER EXPANSION FOR ANNEXED AREA. 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 PROOFS OF PUBLICATION:

- A. PUBLIC NOTICE-ZONING HEARING ADVANCED BUILDING SPECIALTIES
- B. PUBLIC NOTICE-ZONING HEARING ROBERT AND BETTY CASADA
- C. PUBLIC NOTICE-VARIANCE HEARING FOR PERRY WILLIAMS
- D. ORDINANCE NUMBER 1979(42A-139)
- E. ORDINANCE NUMBER 1979(42A-140)
- F. ORDINANCE NUMBER 1979(42A-141)
- G. ORDINANCE NUMBER 1979(42A-142)
- H. ORDINANCE NUMBER 1979(42A-143)
- I. ORDINANCE NUMBER 1979(42A-144)
- J. ORDINANCE NUMBER 1979(42A-145)

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION THAT THE FOREGOING PROOFS OF PUBLICATIONS 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 A REQUEST FROM CONVA-REST OF PETAL TO ACCEPT THE ABANDONMENT OF PROPERTY LOCATED ON W 10TH AVENUE.

SEE EXHIBIT "A"

ORDER

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE REQUEST FOR ABANDONMENT OF PROPERTY LOCATED ON W 10TH AVENUE FOR CONVA-REST OF PETAL AND TO ADOPT THE FOREGOING ORDER. 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 PHILIPS PRESENTED THE CLAIMS #77775-78187 OF THE CITY OF PETAL GENERAL FUNDS AND THE CITY OF PETAL WATER AND SEWER FUNDS.

THEREUPON, ALDERMAN DRAUGHN MADE A MOTION TO PAY THE CLAIMS #77775-78187 OF THE CITY OF PETAL GENERAL FUND AND THE CITY OF PETAL WATER AND SEWER FUNDS FOR THE MONTH OF AUGUST 2004. ALDERMAN TRAVIS SECONDED THE MOTION WITH THE EXCEPTION OF EAGLE WASTE TO BE PAID AT THE OLD CONTRACT.

MICHEAL DRAUGHN APPROVES THE CLAIMS DOCKET WITH THE EXCEPTION OF PAYING THE MAYOR AND CITY CLERK SALARIES.

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 THE PLANNING COMMISSION TO AMEND THE SUBDIVISION REGULATIONS ORDINANCE.

THEREUPON, ALDERMAN TRAVIS MADE A MOTION TO TAKE UNDER ADVISEMENT. 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 FROM THE WATER DEPARTMENT TO REFUND H C CLEARMAN \$415.00 FOR SEWER TAP ON S GEORGE STREET.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO REFUND H C CLEARMAN \$415.00 FOR THE SEWER TAP ON S GEORGE STREET. 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 TO ATTEND THE MML SMALL TOWN CONFERENCE, NOVEMBER 3-4, 2004 IN VICKSBURG, MS.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE TONY PHILLIPS TO ATTEND THE MML SMALL TOWN CONFERENCE NOVEMBER 3-4, 2004 IN VICKSBURG, MS AND TO PAY HIS EXPENSES. 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 FIRE CHIEF RICHARD BRYANT FOR JASON WALTERS TO ATTEND THE MS STATE FIRE ACADEMY, FIREFIGHTER DRIVER OPERATOR 1002, SEPTEMBER 13-24, 2004 IN JACKSON, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE JASON WALTERS TO ATTEND THE MS STATE FIRE ACADEMY FIREFIGHTER DRIVER OPERATOR 1002 SEPTEMBER 13-24, 2004 IN JACKSON, MS AND TO PAY HIS EXPENSES. 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 FIRE CHIEF RICHARD BRYANT FOR LEE DRAUGHN AND SHANE PICKETT TO ATTEND THE DIVE RESCUE COURSE SEPTEMBER 18-25, 2004 IN HATTIESBURG, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE LEE DRAUGHN AND SHANE PICKETT TO ATTEND THE DIVE RESCUE COURSE SEPTEMBER 18-25, 2004 IN HATTIESBURG, MS AND TO PAY THEIR EXPENSES. 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 FOR SHAROLD FRANKLIN-FEDRICK TO ATTEND THE MUNICIPAL COURT CLERK FALL SEMINAR SEPTEMBER 9-10, 2004 IN JACKSON, MS.

THEREUPON, ALDERMAN HINTON MADE A MOTION TO AUTHORIZE SHAROLD FRANKLIN-FEDRICK TO ATTEND THE MUNICIPAL COURT CLERK FALL SEMINAR SEPTEMBER 9-10, 2004 IN JACKSON, MS. 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 FROM POLICE CHIEF LEE SHELBOURN FOR SGT MATTHEW HIATT AND PATROLMAN DANIEL BENOIT TO ATTEND THE STORM CONFERENCE OCTOBER 26-28,2004 IN VICKSBURG, MS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO AUTHORIZE SGT MATTHEW HIATT AND PATROLMAN DANIEL BENOIT TO ATTEND THE STORM CONFERENCE OCTOBER 26-28,2004 IN VICKSBURG, MS AND TO PAY THEIR EXPENSES. 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 POLICE CHIEF LEE SHELBOURN FOR SGT TAMMY MOORE TO ATTEND THE FALL STORM CONFERENCE OCTOBER 25-28,2004 IN VICKSBURG, MS.

THEREUPON, ALDERMAN MCMURRY MADE A MOTION TO AUTHORIZE SGT TAMMY MOORE TO ATTEND THE FALL STORM CONFERENCE IN VICKSBURG, MS OCTOBER 25-28,2008 AND TO PAY HER EXPENSES. 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 RECREATION DIRECTOR TOM HARDGES, JR TO INCREASE THE PAY OF GERRY STANLEY.

ORDER

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI DO HEREBY DEEM IT NECESSARY TO INCREASE THE PAY OF GERRY STANDLEY UPON THE COMPLETION OF ONE YEAR OF SERVICE WITH

THE CITY.

IT IS HEREBY ORDERD THAT GERRY
STANDLEY'S PAY BE INCREASED TO \$7.71 PER
HOUR EFFECTIVE SEPTEMBER 23, 2004.

SO ORDERED ON THIS THE 7TH DAY OF
SEPTEMBER 2004.

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

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHEAL 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 RECREATION
DIRECTOR TOM HARDGES, JR TO HIRE A PART-TIME WORKER FOR THE OPTIMIST PARK.

ORDER

WHEREAS, THE MAYOR AND BOARD
OF ALDERMEN OF THE CITY OF PETAL,
MISSISSIPPI DO HEREBY DEEM IT NECESSARY
TO HIRE A PART-TIME WORKER IN THE
RECREATION DEPARTMENT TO WORK THE
OPTIMIST PARK.

IT IS HEREBY ORDERED THAT THOMAS
FITE BE HIRED AS A PART-TIME IN THE
RECREATION DEPARTMENT AT A RATE OF
\$6.25 PER HOUR EFFECTIVE SEPTEMBER 8, 2004.

SO ORDERED ON THIS THE 7TH DAY OF
SEPTEMBER 2004.

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

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHEAL 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 ASSISTANT POLICE
CHIEF DON SEALY TO HIRE A SCHOOL CROSSING GUARD.

ORDER

WHEREAS, THE MAYOR AND BOARD
OF ALDERMEN OF THE CTIY OF PETAL,
MISSISSIPPI DO HEREBY DEEM IT NECESSARY
TO HIRE A SCHOOL CROSSING GUARD FOR THE
PETAL MIDDLE SCHOOL

IT IS HEREBY ORDERED THAT AMELIA
SMITH BE HIRED AT PETAL MIDDLE SCHOOL
AS THE SCHOOL CROSSING GUARD AT A RATE
OF \$6.24 PER HOUR EFFECTIVE SEPTEMBER 13,
2004.

SO ORDERED ON THIS THE 7TH DAY OF
SEPTEMBER 2004.

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

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHEAL 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 PROCLAMATION FOR SEPTEMBER 2004 TO BE NATIONAL PREPAREDNESS MONTH.

SEE EXHIBIT "B"

PROCLAMATION

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

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHEAL 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 TO PROMOTE THE \$12 MILLION BOND REFERUNDUM TO SUPPORT THE BOND FOR USM.

SEE EXHIBIT "C"

LETTER OF SUPPORT

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

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHEAL 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 THE U S DEPARTMENT OF JUSTICE FOR THE 2004 REDISTRICTING PLAN OF RESIDENTS FOR THE CITY OF PETAL, MISSISSIPPI.

SEE EXHIBIT "D"

U S DEPARTMENT OF JUSTICE

THEREUPON, ALDERMEN STRINGER MADE A MOTION TO ACCEPT AND FILE THE LETTER FROM THE U S DEPARTMENT OF JUSTICE. ALDERMAN DRAUGHN SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

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

CITY OF PETAL
MINUTE BOOK 23

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ALDERMAN WILLIAM A TRAVIS

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, ALDERMAN HINTON MADE A MOTION TO RECESS THIS MEETING UNTIL 5:00 P.M., WEDNESDAY, SEPTEMBER 15, 2004. ALDERMAN TRAVIS SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN MICHEAL 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 OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS RECESSED ON THIS THE 7TH DAY OF SEPTEMBER, AD, 2004 UNTIL 5:00 P.M. ON SEPTEMBER 15, 2004.



TONY PHILLIPS
MAYOR

(SEAL)

ATTEST:



JEAN ISHEE
CITY CLERK

EXHIBIT "A"

BY THE HONORABLE CITY COUNCIL
OF THE CITY OF PETAL, MISSISSIPPI

ORDER ABANDONING INTEREST IN REAL PROPERTY

THERE CAME on for consideration and determination by the City Council of the City of Petal, the matter of the Petition to the City of Petal to Abandon such interest, if any, held in certain real property known as West Tenth Avenue in an effort to clear title to the property and, the City Council, upon hearing and considering said matter, finds the following:

1. That a right of way easement for the explicit purposes of "maintaining a public street, laying gas lines, water lines, sewer lines and any and all other public projects in, over and across the land described hereunder" was granted in favor of Forrest County, Mississippi, concerning land now known as West Tenth Avenue, but more particularly described herein below;

2. That on April 5, 1974, the City of Petal incorporated and by operation of law obtained jurisdiction over county public roads within the new municipal boundary lines;

3. That pursuant to Miss. Code § 21-37-3 (Rev. 2001), this governing Body has the power to exercise full jurisdiction in matters concerning streets within the municipal boundaries of Petal and all of the above described property is located within the City of Petal;

0943:635

4. That although the right of way easement was originally granted for a public street, etc., the property in question has never been constructed, improved or maintained by the City of Petal or Forrest County as a public road, and currently serves no public use.

5. That the property has never been used by the public and no future public use is anticipated;

6. That non-governmental entities have constructed, improved and maintained the subject property uninterrupted for the last 28 years, and no other entity has used it for any other purpose during said 28 years, and as such, there is no necessity for a public hearing in that the public has never maintained an interest in the subject property known as West Tenth Avenue;

7. That the City of Petal has assessed Conva-Rest of Petal, Inc., with taxes for subject property as if they were the record title owners thereof, and Conva-Rest of Petal, Inc., has faithfully paid said taxes for 28 years.

IT IS THEREFORE ORDERED that the City of Petal abandons and quitclaims all right, title and interest, if any, in and to the following described real property:

A part of the SW 1/4 of the SE 1/4 of Section 2; Township 4 North of Range 13 West, in Forrest County, Mississippi and being a strip of land 50.0 feet by 265.0 feet; having a frontage of 50.0 feet along the West margin line of South George Street and extending back (West) between parallel lines for a distance of 265.0 feet and further described as:

0943:636

Commencing at the Southeast corner of the said SW 1/4 of the SE 1/4 of the aforementioned Section 2; Township 4 North of Range 13 West, in Forrest County, Mississippi, at the intersection of the centerlines of South George Street and Tenth Avenue and run thence North and along the East boundary line of the SW 1/4 of the SE 1/4 and/or the centerline of South George Street for a distance of 45.0 feet; thence, at right angles, run West for a distance of 20.0 feet, to the West margin line of South George Street for the Point of Beginning.

Thence, continue West and parallel with the South line of the said SW 1/4 of the SE 1/4 for a distance of 265.0 feet; thence, at right angles, run North and parallel with the West margin line of the said South George Street, for a distance of 50.0 feet; thence, at right angles, run East and parallel with the South line of the said SW 1/4 of the SE 1/4 for a distance of 265.0 feet to the West margin line of South George Street; thence, at right angles, run South and along the West margin line of South George Street for a distance of 50.0 feet, to the Point of Beginning.

more commonly referred to as West Tenth Avenue.

IT IS FURTHER ORDERED that this Order be entered upon the regular minutes of the City Council of the City of Petal and that a copy of this Order be recorded in the Forrest County Land Deed Records.

SO ORDERED on this the 7 day of September, 2004.

99176
FORREST COUNTY
CERTIFY THIS INSTRUMENT
HAS FILED AND RECORDED
1209 SEP 22 A 10:48
WARD, BR. AND TASH. IN WOOD
FILE NO. AS GROWN
WITNESSED MY HAND AND SEAL
Denny A. Howard
CLERK

CITY OF PETAL, MISSISSIPPI
P.O. Box 56A
Petal, MS 394
Tony Phillips, Mayor
City Clerk

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0943:637

CITY OF PETAL
MINUTE BOOK 23

EXHIBIT "B"

CITY OF PETAL

WHEREAS, "National Preparedness Month" creates a significant opportunity for every American to learn more about ways to prepare for all types of emergencies from potential terrorist attacks, to natural disasters;

WHEREAS, emergency preparedness is the responsibility of every American;

WHEREAS, all Americans can take a few simple steps - getting a kit, making a plan, and being informed - in order to make citizen preparedness a priority in every community;

WHEREAS, the U. S. Department of Homeland Security and other federal, state and local officials and private citizens through organizations such as Citizens Corps, Neighborhood Watch associations and emergency management volunteers are working to deter, prevent and respond to all types of emergencies;

WHEREAS, these activities, along with an active American community, contribute to a level of national preparedness that is critical to security homeland;

WHEREAS, as we observe "National Preparedness Month," I urge adults and children to participate in citizen preparedness activities, and to review the Department of Homeland Security's Read campaign website at www.ready.gov and www.listo.gov for more information.

NOW, THEREFORE, the City of Petal, Mississippi thereby proclaims September 2004 to be "National Preparedness Month." I call upon the people of Petal to recognize the importance of preparing for all potential emergencies, and to celebrate this month with appropriate events, activities, and preparedness programs.



Honorable Mayor Tony Phillips

EXHIBIT "C"



CITY OF PETAL

POST OFFICE BOX 564
PETAL, MISSISSIPPI 39465
(801) 545-1776
FAX NO. (801) 545-6685

TONY PHILLIPS
MAYOR

MICHAEL W. DRALOWSKI
WILLIE W. HAYDON
JOE C. MCCLARY, SR.
STEVE STRASSER
WILLIAM A. THAVIS
ALDERMEN

JEAN BENSE
CITY CLERK

THOMAS W. TYNER
CITY ATTORNEY

September 8, 2004

Mr. Richard Giannini
Athletic Director
University of Southern Mississippi
118 College Dr. #5017
Hattiesburg, MS 39406-0001

Dear Richard,

The City of Petal is proud to announce our support of the proposed \$12 million capital improvements bond issue referendum for Southern Miss athletic facilities improvements. Our Board of Aldermen voted unanimously at our September 7th meeting in favor of the referendum (The minutes of this meeting can be provided upon request). Our message is simple - We believe strongly that the University of Southern Mississippi is a major contributor towards improving the quality of life not only for the City of Hattiesburg, but for our city and the surrounding area. You don't have to go very far to talk with someone who has been positively affected by USM. It is often said that the hardest thing about being successful isn't accomplishing it but maintaining it. Over the last several years USM has achieved a high level of success and maintained a course of excellence both academically and athletically, and they are doing this on a budget that is miniscule in comparison to other major colleges and universities throughout the country. In order to sustain this level of excellence and raise the bar, this referendum must be passed in order to allow USM to move forward in building the future! Thank you for your efforts in seeking support for this much-needed referendum. This is definitely a WIN-WIN situation for our area.

GO GOLD!!!

Respectfully Submitted,

Mayor Tony Phillips

MAILED
9/10/04



CITY OF PETAL

POST OFFICE BOX 564
PETAL, MISSISSIPPI 39465
(801) 545-1776
FAX NO. (801) 545-6685

TONY PHILLIPS
MAYOR

MICHAEL W. DRALOWSKI
WILLIE W. HAYDON
JOE C. MCCLARY, SR.
STEVE STRASSER
WILLIAM A. THAVIS
ALDERMEN

JEAN BENSE
CITY CLERK

THOMAS W. TYNER
CITY ATTORNEY

September 8, 2004

Mr. Holt McMullan
Citizens For Southern Miss - Chairman
P.O. Box 1071
Hattiesburg, MS 39403

Dear Holt,

The City of Petal is proud to announce our support of the proposed \$12 million capital improvements bond issue referendum for Southern Miss athletic facilities improvements. Our Board of Aldermen voted unanimously at our September 7th meeting in favor of the referendum. (The minutes of this meeting can be provided upon request). Our message is simple - We believe strongly that the University of Southern Mississippi is a major contributor towards improving the quality of life not only for the City of Hattiesburg, but for our city and the surrounding area. You don't have to go very far to talk with someone who has been positively affected by USM. It is often said that the hardest thing about being successful isn't accomplishing it but maintaining it. Over the last several years USM has achieved a high level of success and maintained a course of excellence both academically and athletically, and they are doing this on a budget that is miniscule in comparison to other major colleges and universities throughout the country. In order to sustain this level of excellence and raise the bar, this referendum must be passed in order to allow USM to move forward in building the future! Thank you for your efforts in seeking support for this much-needed referendum. This is definitely a WIN-WIN situation for our area.

GO GOLD!!!

Respectfully Submitted,

Mayor Tony Phillips

MAILED
9/10/04

CITY OF PETAL
MINUTE BOOK 23

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EXHIBIT "D"
U.S. Department of Justice

Civil Rights Division

JDR:MSR:JDH:par
DJ 166-012-3
2004-3046

Voting Section - NWB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

September 2, 2004

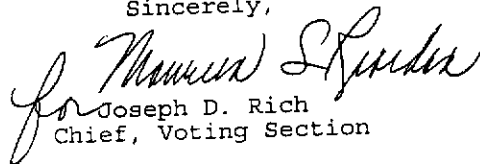
Thomas W. Tyner, Esq.
City Attorney
P.O. Box 564
Petal, Mississippi 39465

Dear Mr. Tyner:

This refers to the 2004 redistricting plan of residency districts for the City of Petal in Forrest County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on July 13, 2004; supplemental information was received on August 9, 2004.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. See Procedures for the Administration of Section 5 of the Voting Rights Act (28 C.F.R. 51.41).

Sincerely,


Joseph D. Rich
Chief, Voting Section

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INTENTIONALLY!