

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD A RECESSED MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON APRIL 12, 2006 AT 6:00 P.M. IN THE COURTROOM OF SAID CITY.

THOSE PRESENT	MAYOR CARL SCOTT
CITY ATTORNEY	THOMAS W TYNER
ALDERMEN	KAY FAIRLEY JAMES MOORE STEVE STRINGER
OTHERS	BRUCE LAUNEY MARY ANN LAUNEY HUGH GARRAWAY TOMMYE CORLEY B C LEWIS

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

THEREUPON, ATTORNEY THOMAS W TYNER STATED THAT THE PURPOSE OF THIS MEETING IS TO DETERMINE AN APPEAL BY MR HUGH GARRAWAY FROM THE RECOMMENDATION OF THE BOARD OF ZONING APPEALS, RECOMMENDING A VARIANCE FOR THE ICE HOUSE OWNED BY DIXIE PEANUT COMPANY, LOCATED AT 1251 HIGHWAY 42, PETAL, MISSISSIPPI.

THEREUPON, ATTORNEY THOMAS W TYNER MADE A REQUEST THAT THE RECOMMENDATION OF THE BOARD OF ZONING APPEALS DATED MARCH 28, 2006 BE MADE AN EXHIBIT TO THE MINUTES.

SEE EXHIBIT "A"

BOARD OF ZONING APPEALS
LETTER OF MARCH 28, 2006

THEREUPON, ALDERMAN MOORE MADE A MOTION TO MAKE THE BOARD OF ZONING APPEAL LETTER OF MARCH 28, 2006 AN EXHIBIT TO THE MINUTES. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ATTORNEY THOMAS W TYNER MADE A REQUEST TO MAKE THE WRITTEN NOTICE OF APPEAL OF MR HUGH GARRAWAY, AN EXHIBIT TO THE MINUTES.

SEE EXHIBIT "B"

NOTICE OF APPEAL
HUGH GARRAWAY

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO MAKE THE WRITTEN NOTICE OF APPEAL OF MR. HUGH GARRAWAY AS AN EXHIBIT TO THE MINUTES. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

PRIOR TO THE MEETING, THE CITY CLERK PROVIDED ALL INTERESTED PARTIES, A COPY OF CHAPTER 11 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF PETAL, MISSISSIPPI, CONCERNING THE BOARD OF ZONING APPEALS. THE CITY CLERK HAS ALSO

PROVIDED TO THOSE IN ATTENDANCE, A COPY OF ORDINANCE 1979(42-A35) ADOPTED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON OCTOBER 7, 1986, WHICH REQUIRED THAT THE MAYOR AND BOARD OF ALDERMEN DETERMINE ANY APPEALS FROM THE ACTION OF THE BOARD OF ZONING APPEALS.

WHEREAS, MAYOR SCOTT STATED THAT IT HAS BEEN DETERMINED THAT THE ICE HOUSE OWNED AND OPERATED BY DIXIE PEANUT COMPANY, LOCATED AT 1251 HIGHWAY 42, PETAL, MISSISSIPPI IS IN AN AREA ZONED C-1, NEIGHBORHOOD COMMERCIAL DISTRICT, PURSUANT TO AN AMENDMENT TO PETAL'S ZONING ORDINANCE ADOPTED BY THE MAYOR AND BOARD OF ALDERMEN ON JUNE 2, 2004.

WHEREAS, MAYOR SCOTT ASK FOR PUBLIC COMMENT CONCERNING THE APPEAL.

THEREUPON, BRUCE LAUNEY ADDRESSED THE MAYOR AND BOARD OF ALDERMEN TO DISCUSS THE ICE HOUSE. HE STATED THAT HE IS NOT AGAINST THE FACILITY EXCEPT THAT IT IS LOCATED IN THE WRONG PLACE. HE JUST WANTED TO KNOW HOW A BUILDING LIKE THAT GOT TO GO IN THE AREA IT IS IN. MR LAUNEY STATED THAT WE DO NEED AN ICE HOUSE IN PETAL, MISSISSIPPI, JUST NOT IN THIS AREA.

THEREUPON, HUGH GARRAWAY ADDRESSED THE MAYOR AND BOARD OF ALDERMEN TO DISCUSS THE ICE HOUSE. MR GARRAWAY STATED THAT HE AGREES WITH BRUCE LAUNEY, THAT PETAL DOES NEED A FACILITY LIKE THIS, JUST NOT IN THIS AREA.

THEREUPON, MARY ANN LAUNEY ALSO ADDRESSED THE MAYOR AND BOARD OF ALDERMEN ABOUT THE ICE HOUSE. SHE STATED THAT IT JUST DETRACTS FROM THE EAST OAK SHOPPING CENTER, SINCE WE ARE TRYING TO IMPROVE PETAL.

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST UPON EXAMINATION OF PETAL'S ZONING ORDINANCE 6.07, DOES THE ICE HOUSE OWNED AND OPERATED BY DIXIE PEANUT COMPANY COMPLY WITH THE ZONING REQUIREMENTS OF SECTION 6.07, AS AMENDED ON JUNE 2, 2004.

THEREUPON, ALDERMAN MOORE MADE A MOTION THAT THE ICE HOUSE DOES NOT MEET THE CRITERIA OF PETAL'S ZONING ORDINANCE 6.07, IN ZONE C-1, NEIGHBORHOOD COMMERCIAL ZONE. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT STATED IN THE EVENT THAT THE BOARD OF ALDERMEN HAVE DETERMINED THAT THE OWNERSHIP AND OPERATION OF THE ICE HOUSE OWNED BY DIXIE PEANUT COMPANY FAILS TO COMPLY WITH THE ZONING REQUIREMENTS OF C-1 OF PETAL'S ZONING ORDINANCE, THEN IT WILL BE NECESSARY FOR THE BOARD TO ADDRESS THOSE ISSUES, THAT WOULD HAVE BEEN REVIEWED BY THE BOARD OF ZONING APPEALS, TO DETERMINE WHETHER OR NOT THE FACTS SUPPORT THE GRANTING OF A VARIANCE FOR OWNERSHIP AND OPERATIONS OF THE ICE HOUSE. THOSE SIX FACTORS ARE SET FORTH IN SECTION 11.5.3 OF PETAL'S ZONING ORDINANCE.

WHEREAS, MAYOR SCOTT REQUESTED THE BOARD TO FIND WHETHER OR NOT THE ICE HOUSE QUALIFIES FOR A VARIANCE PER SECTION OF 11.5.3, #1.

THEREUPON, ALDERMAN MOORE MADE A MOTION THAT IT DOES NOT MEET THE CRITERIA FOR A VARIANCE PER SECTION 11.5.3 #1. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REQUESTED THE BOARD FIND WHETHER OR NOT THE ICE HOUSE QUALIFIES FOR A VARIANCE PER SECTION 11.5.3, #2.

THEREUPON, ALDERMAN STRINGER MADE A MOTION THAT IT DOES NOT MEET THE CRITERIA FOR A VARIANCE PER SECTION 11.5.3 #2. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REQUESTED THE BOARD FIND WHETHER OR NOT THE ICE HOUSE QUALIFIES FOR A VARIANCE PER SECTION 11.5.3, #3.

THREUPON, ALDERMAN MOORE MADE A MOTION THAT IT DOES MEET THE CRITERIA FOR A VARIANCE PER SECTION 11.5.3 #3. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REQUESTED THE BOARD FIND WHETHER OR NOT THE ICE HOUSE QUALIFIES FOR A VARIANCE PER SECTION 11.5.3, #4.

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION THAT IT DOES NOT MEET THE CRITERIA FOR A VARIANCE PER SECTION 11.5.3 #4. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REQUESTED THE BOARD FIND WHETHER OR NOT THE ICE HOUSE QUALIFIES FOR A VARIANCE PER SECTION 11.5.3, #5.

THEREUPON, ALDERMAN STRINGER MADE A MOTION THAT IT DOES NOT MEET THE CRITERIA FOR A VARIANCE PER SECTION 11.5.3 #5. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

ALDERMAN JAMES MOORE

WHEREAS, MAYOR SCOTT REQUESTED THE BOARD FIND WHETHER OR NOT THE ICE HOUSE QUALIFIES FOR A VARIANCE PER SECTION 11.5.3, #6.

THEREUPON, ALDERMAN MOORE MADE A MOTION THAT IT DOES NOT MEET THE CRITERIA FOR A VARIANCE PER SECTION 11.5.3 #6. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT STATED THAT BASED ON THE FINDINGS OF THE ALDERMEN CONCERNING SECTION 11.5.3 OF PETAL'S ZONING ORDINANCE SIX CRITERIA, THAT THE ICE HOUSE WILL HAVE TO BE MOVED FROM THE PREMISES AND THAT THEY RECOMMENDATION OF THE BOARD OF ZONING APPEALS BE SET ASIDE.

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO OVER RULE THE ZONING APPEALS DECISION OF MARCH 28, 2006.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO OVERRULE THE ZONING APPEALS DECISION OF MARCH 28, 2006. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO INCREASE THE RENTAL FEES ON THE PAVILLION.

SEE EXHIBIT "C"

RENTAL FEE

THEREUPON, ALDERMAN MOORE MADE A MOTION TO INCREASE THE RENTAL FEES ON THE PAVILLION DUE TO HAVING ELECTRICITY. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO INCREASE THE SET UP CHARGES FOR THE CIVIC CENTER.

SEE EXHIBIT "D"

FEES FOR CIVIC CENTER

THEREUPON, ALDERMAN MOORE MADE A MOTION TO INCREASE THE SET UP CHARGES FOR THE CIVIC CENTER TO \$50.00 EFFECTIVE IMMEDIATELY. ALDERMAN STRINGER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST TO PURCHASE AN AD IN THE PETAL NEWS FOR THE 2006 RELAY FOR LIFE PUBLICATIONS.

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO PURCHASE AN 1/8TH PAGE AD FOR \$75.00 IN THE PETAL NEWS FOR THE 2006 RELAY FOR LIFE PUBLICATIONS. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ADJOURN. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER

THOSE PRESENT AND VOTING "NAY"

NONE

THERE BEING NO FURTHER BUSINESS, THE REGULAR MEETING OF APRIL 4, 2006 AND THE RECESSED MEETING OF APRIL 12, 2006 OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 12TH DAY OF APRIL, 2006.



CARL SCOTT
MAYOR

(SEAL)

ATTEST:



JEAN ISHEE
CITY CLERK



CITY OF PETAL

POST OFFICE BOX 564
PETAL, MISSISSIPPI 39465
(601) 545-1776
FAX NO. (601) 545-6885

March 28, 2006

To: Mayor and Board of Aldermen
From: Variance Committee

It is the recommendation of the Variance Committee that the variance for the ice house owned by Dixie Peanut Company, located at 1251 Highway 42, Petal, MS, be granted.

**CITY OF PETAL
MINUTE BOOK 25**

EXHIBIT "A"

CARL SCOTT
MAYOR
DAVID CLAYTON
KAY FAIRLEY
JAMES MOORE
STEVE STRONGER
LESA WEAVER
ALDERMEN
JEAN WISE
CITY CLERK
THOMAS W. TYNER
CITY ATTORNEY

VARIANCE HEARING FOR THE CITY OF PETAL
RE: ICE HOUSE OWNED BY DIXIE PEANUT COMPANY, LOCATED AT 1251 HIGHWAY 42, PETAL, MS

March 28, 2006

VARIANCE COMMITTEE MEMBERS PRESENT
ALEX POWE
DAVID ALLISON
NOLLIE BEAUMONT

OTHERS PRESENT
CHARLIE WILLIAMSON
BILLY ALLEN
JAMES MOORE
MAYOR CARL SCOTT
KAY FAIRLEY
JIM SMITH
DAN TOLBERT
AND MANY OTHERS

David Allison declared a quorum and called the hearing to order at 7:32 p.m. The City of Petal initiated this variance hearing to appeal Dan Tolbert's (Building Official) decision to allow Dixie Peanut Company to place an icehouse on the property in the existing C-1 zoning district. Buck Anderson, Dixie Peanut Company, presented the variance request to the Variance Committee. Mr. Anderson stated that the ice machine is convenient and user-friendly. He explained what the machine does and the amount of ice it can give out. He also stated that the unit does not pollute nor does it use sewage. It only requires electricity and water and is inspected by the Health Department. Mr. Anderson displayed pictures of the current shopping center and gave example of ways he has in mind to improve the area with the placement of the ice house. He stated that he would like to pave the area to make it large enough for an RV, boat, etc., have an elevated extended patio area with foliage and landscaping.

David Allison asked for questions from the Variance Committee. Mr. Allison asked about how much revenue is expected from this machine. Mr. Anderson stated that it could be as much as \$140,000 and sales tax is included with each bag sold. There will also be two people who will maintain the machines and grounds, but they will be there as needed. Dan Tolbert asked if there were a storm that disrupted power, would they have the ability to put a generator on it. Mr. Anderson stated that it would be up within eight hours of the power outage.

David Allison asked for questions from the public. Jim Smith spoke in support of Mr. Anderson and his contributions to the community and school district. Mayor Carl Scott stated that the Variance Committee needs to decide if this icehouse belongs in the C-1 zoning or if the machine is in fact considered manufacturing. According to the Mayor's research, the icehouse is technically manufacturing because a substance is changed

13

1

4

from one form to another and the ice is bagged mechanically. He stated that the structure could be allowed in an I-1 or I-2. Alderman James Moore, stated that he would like to see the icehouse in Petal but not in its current location. He also stated that he would have no problem granting a variance for a C-1 or C-2 zoning, but in a less intrusive location. Hugh Garraway, a resident of Sherwood Forrest, stated that he does not like the way the trailer looks and that it is not aesthetically pleasing.

David Allison asked for a recommendation from Dan Tolbert. Mr. Tolbert gave the definition of a variance. He also stated that the Variance Committee should not base their decision on the appearance of the structure, but should determine whether or not the icehouse should be considered manufacturing. Mr. Tolbert stated that he stands by his decision to allow the icehouse in its present location.

David Allison called for discussion from the Variance Committee members. Alex Powe stated that since the City gave permission that the City should stand behind the decision because Mr. Anderson has invested money in the icehouse. Nollie Beaumont stated that the structure is not aesthetically pleasing but would like to see one in Petal but not in its current location. But he also felt that the City would have to stand behind the original decision to allow the icehouse at that location. David Allison stated that he believes that the machine is manufacturing and could not vote to approve it.

The Variance Committee voted for granting a variance by a show of hands with the following result:

THOSE VOTING "AYE"
ALEX POWE
NOLLIE BEAUMONT
THOSE VOTING "NAY"
DAVID ALLISON

The variance was granted. The hearing was adjourned at 8:27 p.m.

DAVID ALLISON, VARIANCE COMMITTEE CHAIRPERSON

AMY HEATH, SECRETARY

15

EXHIBIT "B"

4-4-2006

by Hugh Kenney
request an appeal to
The Varian Committee's
decision to allow
the 'ICE House'

to remain at its
present location
in the Best Oaks
shopping center

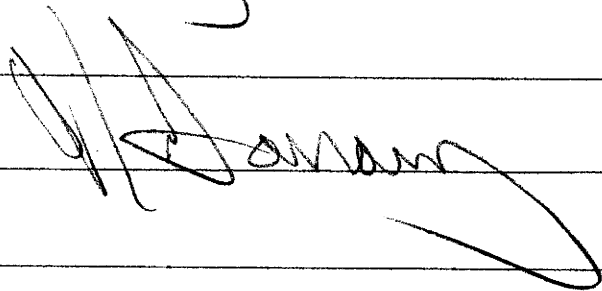
A large, stylized handwritten signature in black ink, appearing to read "J. Kenney".

EXHIBIT "C"

City Of Petal
Recreation Department
101 W. 8th Ave
Petal, Ms 39465
601-554-5440

Petal Pavilion Rental Fees

	<u>DEPOSIT</u>	<u>PER HOUR</u>
<u>Rental for Pavilion</u> <i>(without lights)</i>	\$50.00	\$25.00
<u>Rental for Pavilion</u> <i>(with lights)</i>	\$50.00	\$50.00

***\$50.00* Deposit Refundable, if cleaning is needed \$20.00 will be deducted from Deposit**

minimum of 2 hours* and *maximum of 4 hours

Cancellation must be made (2) weeks prior to date reserved or your deposit will not be return.

PAY YOUR DEPOSIT AND FEE AT CITY HALL

Name _____

Address _____

Phone Number _____ **Cell** _____

Date for use _____

**FOR ANY QUESTIONS OR CONCERNS CONTACT LURA HUFFMAN @ 299-3156 OR
TOM HARDGES @ 299-2344**

EXHIBIT "D"



CITY OF PETAL

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

TONY PHILLIPS
MAYOR

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

JEAN ISHEE
CITY CLERK

THOMAS W. TYNER
CITY ATTORNEY

April 12, 2006

To Mayor Scott and Aldermen:

This letter is requesting your approval to increase the set up charge from \$25.00 to \$50.00 effective immediately.

Thank you.

Respectively

Deborah Reynolds

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INTENTIONALLY