

BE IT REMEMBERED THAT THERE WAS BEGUN AND HELD A SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI ON NOVEMBER 15, 2007 AT 5:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT	CARL L SCOTT
ALDERMEN	DAVID CLATYON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER
OTHERS	E L PORTER TONY READY BRIAN LEE ALLEN FLYNT AUBRA EVANS CHARLES BLACKWELL AND MANY OTHERS

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

THE NOTICE OF SPECIAL MEETING WAS PRESENTED FOR FILING. THE NOTICE READS AS FOLLOW:

SEE EXHIBIT "A"

NOTICE OF SPECIAL MEETING

MAYOR SCOTT LEFT THE ROOM.

WHEREAS, MAYOR PRO-TEMP CLAYTON REQUESTED AN EXECUTIVE SESSION TO DISCUSS PERSONNAL MATTERS.

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO CLEAR THE ROOM IN ORDER TO DETERMINE IF AN EXECUTIVE SESSION IS NEEDED. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR PRO-TEMP CLAYTON REOPENED THE MEETING.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS PERSONNAL MATTERS. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN FAIRLEY MADE A MOTION TO ADJOURN THE EXECUTIVE SESSION. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE

CITY OF PETAL
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ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

NO OFFICIAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

WHEREAS, MAYOR PRO-TEMP CLAYTON PRESENTED THE FOLLOWING
STATEMENT OF FACTS.

SEE EXHIBIT "B"

STATEMENT OF FACTS
A-M

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO ACCEPT THE
STATEMENT OF FACTS AND PLACE IN MINUTES. ALDERMAN WEAVER SECONDED THE
MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO LIFT THE SUSPENSION
OF BUILDING INSPECTOR DARRIN CARROLL EFFECTIVE NOVEMBER 15, 2007.

DIED DUE TO LACK OF A SECONDED.

WHEREAS, MAYOR PRO-TEMP CLAYTON ASKED THE BOARD THE DECISION OF
BUILDING INSPECTOR DARRIN CARROLL.

THEREUPON, ALDERMAN MOORE MADE A MOTION TO REJECT THE REQUEST
MADE BY MAYOR SCOTT TO TERMINATE BUILDING INSPECTOR DARRIN CARROLL.
ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN STRINGER MADE A MOTION TO LIFT THE SUSPENSION
OF BUILDING INSPECTOR DARRIN CARROLL EFFECTIVE NOVEMBER 15, 2007 AND RETURN
TO WORK. ALDERMAN WEAVER SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND ABSTAINING

ALDERMAN JAMES MOORE

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO ADJOURN THE SPECIAL
MEETING. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN KAY FAIRLEY

CITY OF PETAL
MINUTE BOOK 28

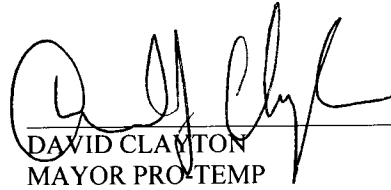
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ALDERMAN JAMES MOORE
ALDERMAN STEVE STRINGER
ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE


THEREBEING NO FURTHER BUSINESS, THE SPECIAL MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS ADJOURNED ON THIS THE 15TH DAY OF NOVEMBER, A.D. 2007.



DAVID CLANTON
MAYOR PRO-TEMP

(SEAL)

ATTEST:




JEAN ISHEE
CITY CLERK

EXHIBIT "A"

NOTICE OF SPECIAL MEETING

Please be advised that a special meeting of the Mayor and Board of Aldermen of the City of Petal, Mississippi, will be held Thursday, November 15, 2007 at 5:00 P.M. in the Boardroom of said City for the purpose of:

1. Personnel Matters



JAMES MOORE



KAY FARLEY

Statement of Facts on November 6, 2007

Fact – That on November 6, 2007, Darrin Carroll did revoke and issue a Stop Work Order to Creative Customs as evidenced by his letter of that date and submitted as Exhibit A.

Fact – That the reason for such action was an Invoice dated October 2, 2007 for the Building Permits to Creative Customs for Lot 1 and Lot 2 George Street submitted as Exhibit B.

Fact – That no written policy exists regarding billing procedures for contractors. According to Amy Heath, Building Department Administrator, that the present procedure is to mail another invoice in sixty (60) days, followed by some action by the Building Official. Amy Heath's statement is submitted as Exhibit C.

Fact – Only one invoice was sent dated October 2, 2007 without follow up. Refer to Exhibit B.

Fact – That the procedure described in Exhibit C is indeed the normal operating procedure for the collection of permit fees in the Building Inspection Department as evidenced by Invoices to Eddie Pearson Roofing, Exhibit D, and James Hayden Law Office, Exhibit E.

Fact – That the procedure presently being followed is unlawful as evidenced by Section 108.1 of the International Building Code of 2003 specifically stating that no permit is valid until the fees prescribed by law have been paid. This is submitted as Exhibit F.

Fact – That there is no basis in law for the Building Official to start his own fee collection system. That this is a legislative function of the City of Petal's form of government and any schedule of fees, collection procedures or other monetary transactions fall under the jurisdiction of the City Clerk as municipal treasurer and must have Mayor and Board of Alderman approval.

Fact – That a Stop Work Order form exists for the City of Petal that was never issued on November 6, 2007 and was merely verbally communicated to workers present on site at Lot 1 and Lot 2 George Street. See Exhibit G.

Fact – That per Section 114.2 of the 2003 International Building Code the owner of the property involved, or the owner's agent, or the person doing the work shall receive a stop work order in writing. See Exhibit G-1.

Fact – That on the morning of November 6, 2007 after receiving the letter dropped off in the mailbox of Mayor Scott at approximately 10:30 AM the permits were paid in full to the City Clerk. See Exhibit H.

CITY OF PETAL, MINUTE BOOK 28

EXHIBIT "B"

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Fact – Building permits Number 4522 and Number 4523, Exhibits I and J, respectively, are valid, have been valid and are not in violation of any law of the City.

Fact – At no time did I, as the Mayor, use my power or influence to obtain some form of favored status by the City of Petal, nor break any law as passed by the Mayor and Board of Alderman of the City of Petal. That I have at all times acted within the scope and responsibility as either a Mayor or a private business owner.

Fact – That the only applicable edition of the International Building Code is the one dated 2003. No other edition as presently being used in the Building Inspection Department has been authorized by the Mayor and Board of Alderman. See Exhibit K.

Statement of Facts on November 7, 2007

Fact – That sometime after 8 AM on November 7, 2007, another letter appeared in the mailbox of Mayor Scott addressed to Creative Customs, LLC stating specifically that a stop work order was issued effective immediately for the following properties 207 Mitchell, 209 Mitchell, 211 Mitchell, 112 McKinnon, Lot 1 George Street and Lot 2 George Street until a hearing could be set to determine the legality of the Cottage Overlay District. See Exhibit L.

Fact – No Stop Work Order form was issued, nor was proper procedure followed in the issuance of said stop work orders. Refer back to Exhibits G and G-1.

Fact – That at approximately 9 AM on November 7, 2007, I, acting in my official duty as Mayor did suspend Darrin Carroll, the acting Building Official, for the commission of illegal acts in the performance of his duties.

Fact – That on November 9, 2007 pursuant to the City of Petal Employee Handbook, the following letter was delivered to Darrin Carroll personally by the City of Petal Police Department at approximately 2:00 PM:

November 7, 2007

Mr. Darrin Carroll:

Pursuant to Rule VI of the City of Petal Employee Handbook, this memo will serve as written notice of the proposed action requested, the charges filed against you and notification of your right to respond to these charges in writing prior to your hearing date before the Board of Alderman at 5:00 P.M. on Monday, November 12, 2007. As your supervisor, I find you in violation of the following:

Rule VI, Section 1, Item (a). Negligence in performing job duties.

You unreasonably ran a risk and harm to others, thereby breaching your duty of reasonable care in not upholding the laws of the City of Petal as passed to you by the

Mayor and Board of Alderman. Namely, Section 6.8 of the City of Petal Zoning Ordinances entitled Cottage Overlay District. Further points of negligence can be proven in Rule VI, Section 1, Item (x).

Rule VI, Section 1, Item (x). Incompetence or inefficiency in the performance of duties of the position to which he/she is appointed.

You with malicious intent presented a letter to Creative Customs that was neither certified nor allowed for proper notice of any City violation. This same letter, dated November 6, 2007, specifically lists properties located on Mitchell and McKinnon Streets as being in violation of the Cottage Overlay District until such time as a hearing can be set to determine the legality of the Cottage Overlay District. First, the properties described were not part of the Cottage Overlay District as you were well aware and are part of a legally acquired dimensional variance granted to Creative Customs on May 15, 2007, thus rendering your stop work orders both erroneous and unlawful. Second, you lack any legal standing in determining the legality of any ordinance as passed by the Board of Alderman and maliciously attempted to circumvent the law for your own personal satisfaction. Third, the law cited as MS Municipal Law Annotated 17-1-5 is not applicable or relevant to this situation. More to the point would have been MS Code of 1972 Annotated 17-1-17. However, again you have neither standing, nor authority to interpret the law and are charged solely with the responsibility of enforcing that law as handed down to you by the Mayor and Board of Alderman.

Not to be an exhaustive list, without a legal challenge to the Cottage Overlay District in the Circuit Court or any of the many other ordinances passed in like manner without the public hearing requirement as amendments to the Zoning Ordinances, it is not up to your determination what is or is not legal, nor do you have any standing in starting a hearing process to ascertain the legality of any ordinance.

Rule VI, Section 1, Item (aa.) Any attempt to include any employee of the City to commit an illegal act or acts in violation of any law or reasonable departmental regulation.

Due to the fact that as a department head you personally instructed Mr. Joe McMurray to shut down the job sites located at (Mitchell and McKinnon) and (N. George St. and W. 2nd Avenue) based on an illegal act of law for the sole purpose of committing harm to Creative Customs, LLC.

It will be my recommendation to the Board that you be terminated effective Monday, November 12, 2007.

Sincerely,

arl L. Scott
Mayor

Fact – That the alleged allegations of wrong doing as per the flood plain criteria are erroneous at best. Further, that Darrin Carroll failed to obtain certification after the City spent the money to send him to class in matters of flood plain enforcement and thus lacks standing to make any such determination.

Fact – That Allen Flynt presented the case for Creative Customs in regard to flood plain compliance and provides the written narrative supplied as Exhibit M showing without a doubt compliance with any and all issues regarding same.

Based on the information provided I would like the Board to acknowledge that Creative Customs, LLC is in no violation of law, nor has it ever violated any law. Further, I want the Board to acknowledge that the Mayor in his capacity as an elected official did not seek favor, nor utilize his position to not meet the same requirements as any other private contractor in the City of Petal. Lastly, I want the Board to acknowledge that the Building Official acted outside his authority, committed several illegal acts and should be held accountable for his actions.

Petal



CITY OF PETAL
MUTE BOOK

CITY OF PETAL
BUILDING DEPARTMENT
P.O. BOX 564
PETAL, MISSISSIPPI 39465
601-544-6048 fax 601-705-0014

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EXHIBIT "B"

INVOICE

Customer		Date 10/2/2007	
Name	CREATIVE CUSTOMS	P. O. Number	
Address	3 SALINAS AVENUE	Rep	
City	PETAL STATE MS ZIP 39465	FOB	
Phone			

Qty	Description	Unit Price	TOTAL
1	BUILDING PERMIT FOR LOT 1 N. GEORGE STREET (INC. PLAN REVIEW)	\$444.75	\$444.75
1	BUILDING PERMIT FOR LOT 2 N. GEORGE STREET	\$363.50	\$363.50

MAILED
10/2/2007

Please make checks payable to City of Petal.
Please return a copy of this invoice with your payment and mail to:
City of Petal Building Department
P. O. Box 564
Petal, MS 39465

Payment Details	
<input type="radio"/> Cash	
<input checked="" type="radio"/> Check	
<input type="radio"/> Credit Card	
Name	
CC #	
Expires	

SubTotal	\$808.25
Shipping & Handling	\$0.00
Taxes MISSISSIPPI	
TOTAL	\$808.25

Office Use Only

HAVE A GREAT DAY!

THE FRIENDLY CITY

Creative Customs

November 6, 2007

Our records indicate that your account is over 30 days past due. All permits related to this account have been revoked and a Stop Work Order issued until such time that your account is paid in full. Your total balance is \$808.25 plus any late charges that may apply.

Thank you for giving the your immediate attention.

Carl Scott
Building Office
City of Petal

"EXHIBIT A"

"EXHIBIT B"

Page 1 of 1

Carl Scott

From: Amy Heath <Amy.heath@cityofpetal.com>
To: "Carl Scott" <CScott@cityofpetal.com>
Sent: Wednesday, November 14, 2007 4:39 PM
Subject: INVOICE PROCEDURE

The Building Department does not have a written policy regarding billing procedures for contractors. The procedure used is as follows. An invoice is sent to specific contractors once a permit is ready. If the invoice is not paid within thirty (30) days, I mail another invoice. Once the invoice is outstanding, usually over sixty (60) days, I consult the Building Official on what steps to take next (send another invoice, double permit fees, shut down job, etc.).

Sincerely,

Amy M. Heath
City of Petal Building Department
Building Department Administrator
P. O. Box 564
Petal, MS 39465
Office: (601) 544-0048
Fax: (601) 705-0014
Email: Amy.heath@cityofpetal.com



CITY OF PETAL
BUILDING DEPARTMENT
P.O. BOX 564
PETAL, MISSISSIPPI 39465
601-544-6048 fax 601-705-0014

INVOICE

Customer		Date 11/1/2007	
Name	EDDIE PEARSON ROOFING & REMODELING, LLC	P. O. Number	
Address	321 OLD RIVER ROAD	Rep	
City	PETAL STATE MS ZIP 39465	FOB	
Phone			

Qty	Description	Unit Price	TOTAL
1	ROOFING PERMIT FOR 119 SKYLAND TERRACE, PETAL	\$25.00	\$25.00
1	ROOFING PERMIT FOR 102 GREEN STREET, PETAL	\$25.00	\$25.00

MAILED
11/1/07

****FINAL NOTICE OF PAYMENT DUE****
PERMIT FEES WILL BE DOUBLED IF NOT PAID IN FULL
BY NOVEMBER 9, 2007

Please make checks payable to City of Petal.
Please return a copy of this invoice with your payment and mail to:
City of Petal Building Department
P. O. Box 564
Petal, MS 39465

Payment Details	
<input type="radio"/> Cash	
<input checked="" type="radio"/> Check	
<input type="radio"/> Credit Card	
Name	
CC #	
Expires	

SubTotal	\$50.00
Shipping & Handling	\$0.00
Taxes MISSISSIPPI	
TOTAL	\$50.00

Office Use Only

HAVE A GREAT DAY!

THE FRIENDLY CITY

"EXHIBIT C"

"EXHIBIT D"

11/14/2007



CITY OF PETAL
BUILDING DEPARTMENT
P. O. BOX 564
PETAL, MISSISSIPPI 39465
601-544-6048 fax 601-705-0014

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MINUTE BOOK

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P. O. BOX 564
PETAL, MISSISSIPPI 39465
601-544-6048 fax 601-705-0014

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MAILED
4/2/07

EXHIBIT "B"

== INVOICE ==

== INVOICE ==

Customer Name: EDDIE PEARSON ROOFING & REMODELING, LLC Address: 321 OLD RIVER ROAD City: PETAL STATE MS ZIP 39465 Phone:		Date: 10/2/2007 P. O. Number Rep FOB
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Qty	Description	Unit Price	TOTAL
1	ROOFING PERMIT FOR 119 SKYLAND TERRACE, PETAL	\$25.00	\$25.00
1	ROOFING PERMIT FOR 102 GREEN STREET, PETAL	\$25.00	\$25.00
		SubTotal	\$50.00
		Shipping & Handling	\$0.00
		Taxes MISSISSIPPI	
		TOTAL	\$50.00

*****SECOND NOTICE*****

Please make checks payable to City of Petal.
Please return a copy of this invoice with your payment and mail to:
City of Petal Building Department
P. O. Box 564
Petal, MS 39465

Payment Details <input type="radio"/> Cash <input checked="" type="radio"/> Check <input type="radio"/> Credit Card	SubTotal \$50.00 Shipping & Handling \$0.00 Taxes MISSISSIPPI
--	---

Name _____ CC # _____ Expires _____

Office Use Only

HAVE A GREAT DAY!

THE FRIENDLY CITY

Customer Name: EDDIE PEARSON ROOFING & REDMODELING, LLC Address: 321 OLD RIVER ROAD City: PETAL STATE MS ZIP 39465 Phone:		Date: 8/23/2007 P. O. Number Rep FOB
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Qty	Description	Unit Price	TOTAL
1	ROOFING PERMIT FOR 119 SKYLAND TERRACE, PETAL	\$25.00	\$25.00
1	ROOFING PERMIT FOR 102 GREEN STREET, PETAL	\$25.00	\$25.00
		SubTotal	\$50.00
		Shipping & Handling	\$0.00
		Taxes MISSISSIPPI	
		TOTAL	\$50.00

Please make checks payable to City of Petal.
Please return a copy of this invoice with your payment and mail to:
City of Petal Building Department
P. O. Box 564
Petal, MS 39465

Payment Details <input type="radio"/> Cash <input checked="" type="radio"/> Check <input type="radio"/> Credit Card	SubTotal \$50.00 Shipping & Handling \$0.00 Taxes MISSISSIPPI
--	---

Name _____ CC # _____ Expires _____

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HAVE A GREAT DAY!

THE FRIENDLY CITY



CITY OF PETAL
BUILDING DEPARTMENT
P. O. BOX 564
PETAL, MISSISSIPPI 39465
601-544-6048 fax 601-705-0014

== INVOICE ==



CITY OF PETAL
BUILDING DEPARTMENT
P. O. BOX 564
PETAL, MISSISSIPPI 39465
601-544-6048 fax 601-705-0014

== INVOICE ==

Customer Name: JAMES HAYDEN LAW OFFICE Address: 105 FORD DRIVE City: PETAL STATE MS ZIP 39465 Phone:		Date: 11/1/2007 P. O. Number Rep FOB
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Qty	Description	Unit Price	TOTAL
1	SIGN PERMIT FOR LAW OFFICE AT 105 FORD DRIVE	\$50.00	\$50.00
		SubTotal	\$50.00
		Shipping & Handling	\$0.00
		Taxes MISSISSIPPI	
		TOTAL	\$50.00

******FINAL NOTICE OF PAYMENT DUE******
PERMIT FEES WILL BE DOUBLED IF NOT PAID IN FULL
BY NOVEMBER 9, 2007

Please make checks payable to City of Petal.
Please return a copy of this invoice with your payment and mail to:
City of Petal Building Department
P. O. Box 564
Petal, MS 39465

Payment Details <input type="radio"/> Cash <input checked="" type="radio"/> Check <input type="radio"/> Credit Card	SubTotal \$50.00 Shipping & Handling \$0.00 Taxes MISSISSIPPI
--	---

Name _____ CC # _____ Expires _____

Office Use Only

HAVE A GREAT DAY!

THE FRIENDLY CITY

Customer Name: JAMES R HAYDEN Address: 105 FORD DRIVE City: PETAL STATE MS ZIP 39465 Phone:		Date: 9/25/2007 P. O. Number Rep FOB
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Qty	Description	Unit Price	TOTAL
1	SIGN PERMIT FOR OFFICE LOCATED AT 105 FORD DRIVE, PETAL	\$50.00	\$50.00
		SubTotal	\$50.00
		Shipping & Handling	\$0.00
		Taxes MISSISSIPPI	
		TOTAL	\$50.00

Please make checks payable to City of Petal.
Please return a copy of this invoice with your payment and mail to:
City of Petal Building Department
P. O. Box 564
Petal, MS 39465

Payment Details <input type="radio"/> Cash <input checked="" type="radio"/> Check <input type="radio"/> Credit Card	SubTotal \$50.00 Shipping & Handling \$0.00 Taxes MISSISSIPPI
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Name _____ CC # _____ Expires _____

Office Use Only

HAVE A GREAT DAY!

THE FRIENDLY CITY

"EXHIBIT E"



CITY OF PETAL
BUILDING DEPARTMENT
P. O. BOX 564
PETAL, MISSISSIPPI 39465
601-844-6248 Fax: 601-705-9014

MAILED
4/11/07

CITY OF PETAL
MINUTE BOOK 28

EXHIBIT "B"

INVOICE

Customer		Date	
Name: JAMES HAYDEN LAW OFFICE		9/17/2007	
Address: 105 FORD DRIVE		P. O. Number	
City: PETAL STATE MS ZIP 39465		Rep	
Phone		FOB	

Qty	Description	Unit Price	TOTAL
1	SIGN PERMIT	\$50.00	\$50.00

Sub Total	\$50.00
Shipping & Handling	\$0.00
Taxes	MISSISSIPPI
TOTAL	\$50.00

Please make checks payable to City of Petal.
Please return a copy of this invoice with your payment and mail to:
City of Petal Building Department
P. O. Box 564
Petal, MS 39465

Payment Details

Cash
 Check
 Credit Card

Name _____
CC # _____
Expires _____

HAVE A GREAT DAY!

THE PRODUCT CITY

ADMINISTRATION

completion of the permitted work, or as required by state or local laws.

SECTION 107
TEMPORARY STRUCTURES AND USES

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

107.3 Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the ICC Electrical Code.

107.4 Termination of approval. The building official is authorized to terminate such permit for a temporary structure of use and to order the temporary structure or use to be discontinued.

SECTION 108
FEES

108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

108.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the

106.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

"EXHIBIT F"



CITY OF PETAL
BUILDING DEPARTMENT
P. O. BOX 564
PETAL, MISSISSIPPI 39465
OFFICE: 601-844-6248 FAX: 601-705-9014

STOP WORK ORDER

The City of Petal Building Department has determined that you must STOP WORK immediately on the following project:

Owner's/Contractor's Name _____

Location or Project _____

REASON FOR ORDER _____

In order for you to continue or commence work again, you must satisfy the following conditions:

Building Department _____ Date _____

"EXHIBIT G"

SECTION 114
STOP WORK ORDER

114.1 Authority. Whenever the building official finds any work performed by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

114.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

114.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 115
UNSAFE STRUCTURES AND EQUIPMENT

115.1 Conditions. Structures or existing equipment that are or have become unsafe, unsound, unsatisfactory or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

115.2 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

115.3 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

115.4 Method of service. Such notice shall be deemed properly served if a copy thereof is delivered to the owner personally, or sent by certified or registered mail addressed to the owner at the last known address, with the return receipt requested, or is deposited in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice to the foregoing owner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

115.5 Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be repaired to a

"EXHIBIT G-1"

ADMINISTRATION

safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

CITY OF PETAL
MINUTE BOOK 28

CITY OF PETAL
BUILDING PERMIT APPLICATION

Number 4522 97

EXHIBIT H

MINUTE BOOK 28

LEGAL OVERLAY: N. GEORGE STREET

LOT NO: 2

BLK: TRACT: (SEE ATTACHED SHEET)

2 CREATIVE CLUSTERS 3 SALINAS AVENUE, PETAL 39465 270-5854

CONTRACTOR: SEAN HANCOCK 108 LARWOOD POINT, PETAL 39465 297-2030

ARCHITECT OR DESIGNER: CRAIG STONE 125 BEN THOMSON RD., MOBILE 39459 550-0155

PLUMBING: DENVAINE PIERCE 244 COURINEX RD., PETAL 39465 466-9210

USE OF BUILDING: RESIDENTIAL

Class of work: NEW ADDITION ALTERATION REPAIR MOVE REMOVE

Describe work: CONSULT NEW COINCE HOME

NOT TO BE OCCUPIED UNTIL AFTER FINAL INSPECTION

Change of use from: Change of use to:

Valuation of work: \$ 63,992

INSPECTION FEE 45.00 PERMIT FEE 162.50

SPECIAL CONDITIONS: NO INSPECTIONS WILL BE PERFORMED UNLESS THE FOLLOWING REQUIREMENTS ARE MET: SOIL FENCING, FORTIFIED CONSTRUCTION ENTRANCE, MUST BE BUILT 12" ABOVE THE CROWN OF THE CURB

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING VENTILATING OR AIR CONDITIONING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 1 YEAR AT ANY TIME AFTER WORK IS COMMENCED.

WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT

PLAN CHECK VALIDATION CK. M.O. CASH PERMIT VALIDATION CK. M.O. CASH

"EXHIBIT H"

"EXHIBIT I"

CITY OF PETAL
BUILDING PERMIT APPLICATION

Number 4523

MINUTE BOOK 28

LEGAL OVERLAY: N. GEORGE STREET

LOT NO: 1

BLK: TRACT: (SEE ATTACHED SHEET)

2 CREATIVE CLUSTERS 3 SALINAS AVENUE, PETAL 39465 270-5854

CONTRACTOR: SEAN HANCOCK 108 LARWOOD POINT, PETAL 39465 297-2030

ARCHITECT OR DESIGNER: CRAIG STONE 125 BEN THOMSON RD., MOBILE 39459 550-0155

PLUMBING: DENVAINE PIERCE 244 COURINEX RD., PETAL 39465 466-9210

USE OF BUILDING: RESIDENTIAL

Class of work: NEW ADDITION ALTERATION REPAIR MOVE REMOVE

Describe work: CONSULT NEW COINCE HOME

NOT TO BE OCCUPIED UNTIL AFTER FINAL INSPECTION

Change of use from: Change of use to:

Valuation of work: \$ 63,992

INSPECTION FEE 45.00 PERMIT FEE 243.75

SPECIAL CONDITIONS: NO INSPECTIONS WILL BE PERFORMED UNLESS THE FOLLOWING REQUIREMENTS ARE MET: SOIL FENCING, FORTIFIED CONSTRUCTION ENTRANCE, MUST BE BUILT 12" ABOVE THE CROWN OF THE CURB

NOTICE: SEPARATE PERMITS ARE REQUIRED FOR ELECTRICAL, PLUMBING, HEATING VENTILATING OR AIR CONDITIONING. THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZED IS NOT COMMENCED WITHIN 6 MONTHS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 1 YEAR AT ANY TIME AFTER WORK IS COMMENCED.

WHEN PROPERLY VALIDATED (IN THIS SPACE) THIS IS YOUR PERMIT

AN CHECK VALIDATION CK. M.O. CASH PERMIT VALIDATION CK. M.O. CASH

"EXHIBIT J"

ORDINANCE NUMBER 2006 (103)
AN ORDINANCE ADOPTING BUILDING, PLUMBING, ELECTRICAL, GAS, FIRE PREVENTION, MECHANICAL, AND PROPERTY MAINTENANCE CODES FOR THE CITY OF PETAL, MISSISSIPPI

WHEREAS, the City of Petal, Mississippi, is authorized by Section 21-19-25 and Section 21-10-25 of the Mississippi Code Annotated (1972, as amended), to enact such Codes as may be necessary and proper to preserve the general public health, safety, and welfare of the people of the City of Petal, Mississippi; and

WHEREAS, the City of Petal, Mississippi, acting by and through its Mayor and Board of Aldermen, has found certain conditions to exist which make it necessary to adopt certain Codes in order to preserve the general health, safety, and welfare of its citizens; and

WHEREAS, the Mayor and Board of Aldermen have examined the following revised Codes and found them to be reasonable and necessary in providing the City of Petal, Mississippi adequate protection in preserving the general public health, safety, and welfare;

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI, AS FOLLOWS:

SECTION 1: ADOPTION OF CODES

For the purpose of establishing uniform rules and regulations this body hereby adopts those certain Codes for building, plumbing, gas, electrical, fire prevention, mechanical, and property maintenance, all being incorporated herein by reference and specifically identified as follows:

- 2005 edition of, The National Electric Code, as amended.
- 2003 edition of The International Building Code, including appendices A, F, G & J
- 2003 edition of International Residential Code, including appendices A, B, C, D, E, F, G, J & K
- 2003 edition of the International Fire Code, including appendices B, C, D, E, F & G
- 2003 edition of the International Mechanical Code, including appendix A
- 2003 edition of the International Plumbing Code, including appendices B, C, D, E, F & G
- 2003 edition of the International Fuel Gas Code, including appendices A, B, C & D
- 2006 edition of International Property Maintenance

Said Codes are adopted in their entirety, save and except such portions which are hereinafter deleted, replaced, or modified. Said Codes are hereby adopted by reference and are incorporated herein as fully as if set out at length herein. The provisions of said Codes shall be controlling in the construction, alteration, and repair, including any and all improvements which by their nature fall under the provisions of the Codes herein enumerated, of any and all buildings and structures which are situated within the corporate limits of the City of Petal, Mississippi, from and after the effective date of this Ordinance.

SECTION 2: COPIES

There shall be not less than three (3) copies of said Codes placed on file in the City Hall for public inspection and use, said copies to be located in the offices of the Building/Codes Official and the City Engineer.

SECTION 3: DELETIONS, ADDITIONS, AND MODIFICATIONS:

- A. The provisions of this Ordinance shall be administered and enforced by a Building/Codes Official, or his designated representatives, and, as appropriate, the Fire Chief, the Fire Inspector, or their designated representatives.
- B. The provisions of this Ordinance dealing with appeals shall be administered and enforced by the City of Petal Planning Commission as set forth in Section 112 of the International Building Code.
- C. The method of appointment and the term of office of the City of Petal Planning Commission shall be established by the Mayor and Board of Aldermen of the City of Petal, Mississippi.
- D. Any person violating any provision of this Ordinance shall be fined, upon conviction, not less than \$10.00 nor more than \$500.00 and the cost of Court for each offense. Each day such violation continues shall constitute a separate offense.
- E. In case any building or other structure is erected, constructed, reconstructed, repaired, altered, converted, or maintained, or any building, structure, or land is used in violation of this Ordinance, the Building/Codes Official of the municipality shall take appropriate

"EXHIBIT K"

Petal



CITY OF PETAL
MINUTE BOOK 28
O Ray Sealey PLS



FLYNT AND ASSOCIATES, PLLC
PROFESSIONAL SURVEYORS
MISSISSIPPI, LOUISIANA AND ALABAMA
511 SOUTH MAIN STREET
PETAL, MS 39465-2203



PHONE: (601) 582-1818
FAX: (601) 582-1839
e-mail: aflynt@neldoor.com

EXHIBIT "B"

www.cityofpetal.com

Carl L. Scott
Mayor

David Clayton
Ray Farkes
James Mosier
Steve Stringer
Lisa Weaver
Aldermen

November 6, 2007

Jean Lehee
City Clerk

Thomas W. Tynes
City Manager

Creative Customs

It has been brought to the attention of the building department that the Cottage Overlay Ordinance passed for the Mitchell and McKinnon area in Ward 1 was not advertised as required by state law. MS Municipal Laws Amended 17-1-5 and given a proper hearing. In light of this new evidence I regret to inform you that a stop work order will be issued on the following properties effective immediately until such time that a hearing can be set to determine the legality of the Cottage Overlay District.

207 Mitchell, 208 Mitchell, 211 Mutual, 112 McKinnon, Lot 1 North George, and Lot 2 North George.

Thank you for your anticipated cooperation.

Patricia Carroll

Building Official
City of Petal

"EXHIBIT L"

100 Woodhill Avenue • Pearl, MS 39445 • Phone: 601-582-1818 • Fax: 601-582-1839

November 14, 2007

Mr. Carl Scott

Via: Hand Delivery

Re: 207, 209 & 211 Mitchell Avenue and 112 McKinnon Street

Dear Carl,

As per your request I have made an archival record research in regards to the flood elevation survey on the above referenced property which finds the following:

- 1) 04-30-07 - Transferred true MSL (Mean Sea Level) elevation to project site, made elevation survey and prepared worksheet copy attached. (G-1)
- 2) 05-24-07 - Set blue top elevation hubs at 150.50 MSL for fill.
- 3) 06-25-07 - Make field investigation and sitewalk to verify fill. Completed flood elevation certificate OMB No 1660-0008 attached.
- 4) 06-25-07 - Completed LOMR-F forms and sent to FEMA/LOMA Depot attached.

As a follow up to your request of this information, on 11/13/07 we made an elevation survey on the existing finished floor elevations and determined them to be as follows:

Parcel #1: 152.75
Parcel #2: 152.84
Parcel #3: 152.91
Parcel #4: 152.80

The BFE (Base Flood Elevation) of this property is 150.20 MSL and all finished floors are 2.55 feet or more above said BFE.

I have not received the LOMR-F approval at this time, however, I have completed this process on two other sites and I do not foresee any problems with said approval.

If you have any questions please do not hesitate to contact me.

Respectfully,
FLYNT & ASSOCIATES, PLLC

R. Allen Flynt, PLS
Owner

"EXHIBIT M"