CITY OF PETAL MINUTE BOOK 28

BE IT REMEMBERED THAT THE RECESSED MEETING OF JUNE 17, 2008 O FTHE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI WAS CALLED TO ORDER ON THIS THE 30TH DAY OF JUNE, 2008 AT 5:00 P.M. IN THE BOARDROOM OF SAID CITY.

THOSE PRESENT

MAYOR CARL SCOTT

CITY ATTORNEY

THOMAS W TYNER

ALDERMEN

DAVID CLAYTON KAY FAIRLEY JAMES MOORE STEVE STRINGER LIESA WEAVER

OTHERS

CHIEF LEE SHELBOURN LT LEONARD FULLER

JOHN WEEKS
JIM SMITH
BRUCE SMITH
JEFF PITTMAN
TAMMY MOORE
JASON JAMES
MATTHEW HIATT
DAVID WARD

AND MANY OTHERS

WHEREAS, MAYOR SCOTT DELCARED A QUORUM PRESENT AND DECLARED THE CITY COUNCIL IN SESSION.

WHEREAS, MAYOR SCOTT PRESENTED A REQUEST FOR AN EXECUTIVE SESSION TO DISCUSS LEGAL MATTERS AS TO POSSIBLE LAW SUITES AGAINST THE CITY.

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

THOSE PRESENT AND VOTING "AYE"

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

THOSE PRESENT AND VOTING "NAY"

NONE

WHEREAS, MAYOR SCOTT REOPENTED THE MEETING.

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

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON ALDERMAN KAY FAIRLEY ALDERMAN JAMES MOORE ALDERMAN STEVE STRINGER

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ALDERMAN LIESA WEAVER

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, ALDERMAN WEAVER MADE A MOTION TO ADJOURN THE EXECUTIVE SESSION. ALDERMAN CLAYTON SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

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

THOSE PRESENT AND VOTING "NAY"

NONE

NO OFFICIAL ACTION WAS TAKEN IN EXECUTIVE SESSION.

WHEREAS, MAYOR SCOTT REQ UESTED THE WISHES OF THE BOARD CONCERNING WILLIAMSBURG ESTATES WEST.

SEE EXHIBIT "A"

GRAND BANK DATED JUNE 30, 2008

THEREUPON. ALDERMAN STRINGER MADE A MOTON TO ADOPT AND ACCEPT THE LIST MADE BY THE DEVELOPERS OF WILLIAMSBURG ESTATES WEST AS SET FORTH IN THE LETTER DATED JUNE 30, 2008 AND FOR THE DEVELOPER OF WILLIAMSBURG ESTATES TO COMPLY WITH ALL THE ORDERS OF THE MAYOR AND BOARD OF ALDERMEN AND ON THE COST OF THE IMPROVEMENTS THAT THE CITY OBLIGATIONS IS NOT TO EXCEED \$50,000.00. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

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

THOSE PRESENT AND VOTING "NAY"

NONE

THEREUPON, JOE EDWARDS, ROBERTS CO/CORNER MARKET ADDRESSED THE MAYOR AND BOARD OF ALDERMEN ABOUT THE SEWER LINE AT CORNER MARKET. HE STATED THAT MISSISSIPPI POWER HAD PLACED A POWER POLE IN THE MIDDLE OF THE SEWER LINE, FOR WHICH THE WATER DEPARTMENT LOCATED THE LINE WITH MISSISSIPPI ONE CALL. MR EDWARDS WOULD LIKE FOR THE CITY TO PAY HALF OF THE BILL OF \$32,032,40.

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THEREUPON, ALDERMAN STRINGER MADE A MOTION TO TAKE UNDER ADVISEMENT TO DO SOME MORE RESEARCH ON THE SITUATION. ALDERMAN FAIRLEY SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

ALDERMAN DAVID CLAYTON 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 ADJOURN. ALDERMAN MOORE SECONDED THE MOTION.

THOSE PRESENT AND VOTING "AYE"

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

THOSE PRESENT AND VOTING "NAY"

NONE

THEREBEING NO FURTHER BUSINESS, THE REGULAR RECESSED MEETING OF JUNE 17, 2008 WAS ADJOURNED ON THIS THE $30^{\rm TH}$ DAY OF JUNE, A.D., 2008.

CARL L SCOTT, MAYOR

(SEAL)

ATTEST:

JEAN ISHEE, CITY CLERK

June 30, 2008



CITY OF PETAL

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Honorable Mayor Carl Scott and Honorable Alderwomen and Aldermen City of Peta!, Mississippi

Re: Williamsburg Estates West Subdivision, Phase I and II

Dear Ladies and Gentlemen.

Grand Bank is the lending institution with regard to the above referenced matter and this letter's purpose is to memorialize our position with regard to the approval of Phase I and Phase II of Williamsburg Estates West Subdivision (Williamsburg).

As the lender we were advised initially that both Phase I and Phase II were approved However, the borrowers, Rathiff and Smith, for tax reasons delayed the recordation of the Phase II. We were unaware that any approval would be withdrawn due to a deaty in recordation. Also, we have recently learned that certain requirements as specified in the approval for both phases were not completed as originally approved. We are advised that they will be done in accordance with the original terms and conditions of approval or more specifically as described to you by Alien Flynt and charged by professionals as detailed below.

Subsequent to the initial approval, we are now advised that additional requirements were made changing the terms of the original approval. These changes have been the sub-set of a great deal of discussion and review by both the city and all the professionals involved with Williamsburg.

Most recently a letter was addressed to the city by Allen Flynt of Flynt and Associates, PLLC who has represented the developers, Railiff and Snath. In the letter dated June 3, 2008 Mr. Flynt enumerates 12 ttems that are of significant importance with regard to your review for finalization of the approval process. Many of the items make disclosure with regard to previous conditions of the area, whereas it creates doubt as to who was responsible for corrective actions being taken in the first place.

- However, it is my understanding that there has been a negotiated settlement with final resolution of this matter requiring the following.

 1. Allen Flynt to print and record said subdivision plat(s) after completion of topographic survey, etc. and presentation to the city, all for a total fee of \$8,972,50.
 - 88,97,250.

 Pittiman Engineers, Inc. final certification of Phases 1 and 11 for a total fee of \$21,561.07
 - Camed Utilities for finalization of rock work, etc. in the final amount of \$23,805.0:

CITY OF PETAL

To District the MINUTE BOOK 28 A contribution to the City of Petal by Rathiff and Smith or their assignee(s), for completion of site drainage issues on Leeville & Robinson Roads. The maximum contribution amount toward the total cost is \$255,000.00 to hold in escrow for completion of the work required. The city will be responsible for any cost over and above said \$25,000.00.

This is a total of \$79,338.51 to satisfy any and all responsibility of the developers, Rathirt and Smith or their assignee(s), to obtain final and absolute approval of Phase I and Phase II of Williamsburg

Mr. Michael Miller has entered into an agreement with Bruce Smith and Jim Ratliff to purchase this development at such time that both Phases I and II of Williamsburg are finally and fully approved and accepted by the City of Petal. Mr. Miller does agree that the \$79,378.57 enumerated above will be incurred as part of the approval process and will be paid by him with loan proceeds from Grand Bank.

Grand Bank has agreed to make a loan to Mr. Miller for the purchase of the subdivision and these additional expenses subject to full, absolute and final approval by the City of Petal. It is of the utmost importance to Grand Bank as the lender that there is no further misunderstanding regarding final approval of both phases and that this will resolve any further financial or other responsibility liability for obtaining said approval.

We will rely on you to communicate to us any and all further communications and the final approval of the development. Williamsburg Phase I and II. This will be an economically beneficial development to the City of Petal as it will generate substantial tax revenue and fring many families into the city creating a "multiplier effect" of minimum proportions for the economic welfare of the city.

I want to take this apportunity to thank Mayor Scott, the entire Board of Aldermen, Tom Tyner, and Alten Flynt for their tireless efforts in resolving this situation. If anyone needs any additional information, please do not hesitate to contact me.

Sincerely IN Enith

Jim Smith President, Petal Division Grand Bank for Savings <u>um snuth a grandbanktSb.com</u> Coll 6: 1-297-4529











