



BOARD OF ALDERMEN REGULAR MEETING

August 20, 2024

6:00 PM

Board Room • 119 W 8th Ave, Petal MS

MINUTES

CALL TO ORDER

Roll Call, Invocation, Pledge of Allegiance

PRESENT

Mayor Tony Ducker
Alderman Drew Brickson
Alderman Craig Bullock
Alderman Mike Lott
Alderman Blake Nobles
Alderman Gerald Steele
Alderman Craig Strickland
Alderwoman Kim Stringer

Invocation was offered by Craig Strickland.

Pledge of Allegiance was recited.

ADOPT AGENDA

Motion made by Alderman Steele, Seconded by Alderman Strickland.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

CONSENT AGENDA

- Minutes - Regular Meeting of August 6, 2024
- Resignation of Josh Klem eff. 8/16/2024
- Resignation of Jason Bordelon eff. 8/17/2024
- Revenue & Expenditures for July 2024
- Privilege License Report - July 2024
- FY2023 Financial Audit

Motion made by Alderman Steele, Seconded by Alderman Strickland.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to hire Abby Shows part time in the Police Dept at a rate of \$13.00 per hour effective Aug. 21, 2024.
(Chief Hiatt)

Order

Whereas the Mayor and Board of Aldermen
Of the City of Petal deem it necessary to
Hire a part time Police receptionist

It is hereby ordered that Abby Shows be
Hired part time in the Police Dept at
A rate of \$13.00 per hour effective
Aug. 21, 2024.

So ordered this the 20th day of August 2024

Motion made by Alderman Steele, Seconded by Alderman Nobles.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

PUBLIC COMMENT

Order hiring Abby Shows prior to Public Comment.

Petal Chamber of Commerce - requested a motion to authorize the Christmas Extravaganza at the River Park for 2025. Motion to authorize use of the River Park for the event. Gerald, Blake - All

Carolyn Jordan - thanks the board for the effort on the ditch on Short South. Somebody did a very good job on one side. Needs someone to get the area near the dead end.

Doug Estes - extend thanks for HB1438 and the things it has done for PSA. Other areas are raving about Petal Sports.

Alisha Johnson - requested a second adjustment to water services. Gerald, Blake - All

Aaron Ryals - Support to continue HB1438. Has made a difference for his kids.

Henrine Boyd - 100 Maryland Dr.; Request to be placed on a hardship. Paid \$500.00 with check from Mt Vernon Baptist Church. Gerald, Kim - All

Alex Lee - Support HB1438 extension.

PROCLAMATIONS & RESOLUTIONS

Letters of Commendation for Firefighters

Motion made by Alderman Lott, Seconded by Alderman Strickland.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to adopt Resolutions from Public Hearing of 8/20/2024. (City Clerk)

Exhibit "A"

Resolutions

123 W Cherry

300 W 7th Ave

203 E Central Ave.

Motion made by Alderman Brickson, Seconded by Alderman Nobles.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to adopt Resolution assessing cleanup fees in the amount of \$2,795.52 to property located at 103 Ridgmont Lane. (City Clerk)

Exhibit "B"

Resolution

Motion made by Alderwoman Stringer, Seconded by Alderman Brickson.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to adopt Resolution approving a request for the Legislature to extend the repeal date of HB1438, Reg Session 2021. (City Clerk)

Exhibit "C"

Resolution

Motion made by Alderman Bullock, Seconded by Alderman Nobles.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

BIDS — QUOTES

OLD BUSINESS

GENERAL BUSINESS

Request to accept License Agreement for Temporary Use and Right of Entry with MS Power for Oct. 14 - Nov. 15, 2024. (Mayor)

Exhibit "D"

Agreement

Motion made by Alderman Bullock, Seconded by Alderman Brickson.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to authorize the Mayor to sign Administrative Adjustment of Cost Sheet and to offer \$4,000 for ROW parcel #29816 for Matthews Branch Sidewalk Project. (R Eaton)

Motion made by Alderman Steele, Seconded by Alderman Strickland.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to authorize the Mayor to execute the Establishment of Just Compensation for Parcel #30390 for Matthews Branch Sidewalk Project.

Motion made by Alderman Nobles, Seconded by Alderman Brickson.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to authorize Chief Sims to execute a Purchase Agreement with EEP for two engines at a cost of \$2,411,355.90 under State Contract. (Chief Sims)

Motion made by Alderman Steele, Seconded by Alderman Bullock.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request to accept the list of unmarked vehicles in the Police Dept. (Chief Hiatt)

Motion made by Alderman Bullock, Seconded by Alderman Brickson.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

SEMINARS & TRAVEL

Request for Mickey Hurt and Daniel Klem to attend MS Sexual Assault Kit Tracking System class in Biloxi, MS on Aug. 26, 2024. Total cost: 0 (Chief Hiatt)

Motion made by Alderman Bullock, Seconded by Alderman Nobles.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request for Kaelin Wright to attend Crimes in Progress class in Wiggins, MS on Oct. 15, 2024. Total cost: \$150.00 (Chief Hiatt)

Motion made by Alderman Lott, Seconded by Alderman Steele.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

Request for Mayor Ducker to attend MML Board of Directors meeting in Tunica, MS on Sept. 26-27, 2024. Total cost: \$241.90 (Mayor)

Motion made by Alderman Brickson, Seconded by Alderman Strickland.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

ORDERS & ORDINANCES

Request to adopt order promoting Bartley Faulkner to the rank of Captain at a rate of \$16.7378 per hour effective Aug. 20, 2024. (Chief Sims)

Order

Whereas the Mayor and Board of Aldermen
Of the City of Petal deem it necessary to
Promote Bartley Faulkner in the Fire Dept

It is hereby ordered that Bartley Faulkner
Be promoted to Captain at a rate of \$16.7378
Per hour effective August 20, 2024

So ordered this the 20th day of August 2024

Motion made by Alderman Steele, Seconded by Alderman Bullock.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele,

Alderman Strickland, Alderwoman Stringer

Request to adopt Ordinance 1981 (53-4) prohibiting Jake Brakes in the city limits. (G Steele)

Exhibit "E"

Ordinance 1981 (53-4)

Motion made by Alderman Steele, Seconded by Alderman Brickson.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer

MAYOR'S REPORT

CONSIDERATION OF COMMITTEE, COMMISSION AND BOARD MATTERS

LEGAL

ADJOURN

Harold Patrick would like to thank the Board, Mayor, and Attorney for all they've done for the city.

Motion to adjourn made by Alderman Nobles, Seconded by Alderman Brickson.

Voting Yea: Alderman Brickson, Alderman Bullock, Alderman Lott, Alderman Nobles, Alderman Steele, Alderman Strickland, Alderwoman Stringer



Mayor Tony Ducker





Melissa Martin, City Clerk

RESOLUTION

Resolution finding and determining that the property located at 300 W 7th Ave in Petal, Mississippi and owned by Silva Keila Pereira, Etal., is in such a state of uncleanness as to be a menace to the public health and safety of the community

WHEREAS, due and proper notice has been given to the owners of the property located at 300 W 7th Ave, # 3-030C-02-172.00 in Petal, Mississippi of a hearing conducted before the Mayor and Board of Aldermen of City of Petal to determine that said property needs to be cleaned and brought up to code.

WHEREAS, said hearing having been duly and properly held and evidence having been presented, all in conformance with Section 21-19-11 of the Mississippi Code of 1972 as amended,

NOW THEREFORE, BE IT RESOLVED:

SECTION 1.

That the property located at 300 W 7th Ave, Parcel# 3-030C-02-172.00, in Petal, Mississippi is in such a state of uncleanness as to be a menace to the public health and safety of the community, and

SECTION 2.

That if the owner of said property has not brought the property up to code within ten (10) days, the City of Petal shall, by the use of Municipal Employees or by Contract, proceed to clean the property by exercising its rights under the "Cleaning of Private Property" section of the Mississippi code 21-19-11.

SECTION 3.

That all cost incurred by the Municipality, if any, plus penalty, if any, shall become as assessment against said property, all authorized and permitted pursuant to Section 29-19-11 of the Mississippi Code of 1972, as amended.

SO RESOLVED, on this the 20th day of August, 2024 A.D.



Tony Ducker
Tony Ducker, Mayor

Melissa Martin
Melissa Martin, City Clerk

RESOLUTION

Resolution finding and determining that the property located at 203 New Richton Rd in Petal, Mississippi and owned by Barney Hill, Jr., is in such a state of uncleanness as to be a menace to the public health and safety of the community

WHEREAS, due and proper notice has been given to the owners of the property located at 203 New Richton Rd, Parcel# 3-0220-36-222.00 in Petal, Mississippi of a hearing conducted before the Mayor and Board of Aldermen of the City of Petal to determine that said property needs to be cleaned and brought up to code.

WHEREAS, said hearing having been duly and properly held and evidence having been presented, all in conformance with Section 21-19-11 of the Mississippi Code of 1972 as amended,

NOW THEREFORE, BE IT RESOLVED:

SECTION 1.

That the property located at 203 New Richton Rd, Parcel# 3-0220-36-222.00, in Petal, Mississippi is in such a state of uncleanness as to be a menace to the public health and safety of the community, and

SECTION 2.

That if the owner of said property has not brought the property up to code within ten (10) days, the City of Petal shall, by the use of Municipal Employees or by Contract, proceed to clean the property by exercising its rights under the "Cleaning of Private Property" section of the Mississippi code 21-19-11.

SECTION 3.

That all cost incurred by the Municipality, if any, plus penalty, if any, shall become as assessment against said property, all authorized and permitted pursuant to Section 29-19-11 of the Mississippi Code of 1972, as amended.

SO RESOLVED, on this the 20th day of August, 2024 A.D.



Tony Ducker
Tony Ducker, Mayor

Melissa Martin
Melissa Martin, City Clerk

RESOLUTION

Resolution finding and determining that the property located at 123 W Cherry Dr in Petal, Mississippi and owned by Scotty McDaniel, is in such a state of uncleanness as to be a menace to the public health and safety of the community

WHEREAS, due and proper notice has been given to the owners of the property located at 123 W Chery Dr, Parcel# 3-022N-35-261.00 in Petal, Mississippi of a hearing conducted before the Mayor and Board of Aldermen of the City of Petal to determine that said property needs to be cleaned and brought up to code.

WHEREAS, said hearing having been duly and properly held and evidence having been presented, all in conformance with Section 21-19-11 of the Mississippi Code of 1972 as amended,

NOW THEREFORE, BE IT RESOLVED:

SECTION 1.

That the property located at 123 W Cherry Dr, Parcel# 3-022N-35-261.00, in Petal, Mississippi is in such a state of uncleanness as to be a menace to the public health and safety of the community, and

SECTION 2.

That if the owner of said property has not brought the property up to code within ten (10) days, the City of Petal shall, by the use of Municipal Employees or by Contract, proceed to clean the property by exercising its rights under the "Cleaning of Private Property" section of the Mississippi code 21-19-11.

SECTION 3.

That all cost incurred by the Municipality, if any, plus penalty, if any, shall become as assessment against said property, all authorized and permitted pursuant to Section 29-19-11 of the Mississippi Code of 1972, as amended.

SO RESOLVED, on this the 20th day of August, 2024 A.D.



Tony Ducker
Tony Ducker, Mayor

Melissa Martin
Melissa Martin, City Clerk

CITY OF PETAL
MINUTE BOOK "39"
EXHIBIT "B"

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Prepared by and return to:
City of Petal
P O Box 564
Petal, MS 39465
601-545-1776

RESOLUTION

WHEREAS, Section 21-19-11 of the Mississippi Code of 1972, Annotated, authorizes the governing authorities of municipalities to adjudicate the actual cost to the City of Petal for cleaning properties that have been determined to be in such a state of uncleanness as to be a menace to the public health and safety of the community, and that the owner has failed, after appropriate notice, to clean said property; and

WHEREAS, the following property has been cleaned by the City of Petal on or about the 1st day of August 2024, on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Petal, Mississippi:

Section 1. That the City Board of the City of Petal, Mississippi does hereby adjudicate and direct the placement as an assessment the cleanup cost, not to exceed the value of the property per State Law, against the following described property:

<u>OWNER/LEGAL</u>	<u>ADDRESS</u>	<u>PARCEL NUMBER</u>	<u>CLEAN-UP COST</u>
Amy Campbell	103 Ridgemont Lane	3-021E-30-043.00	\$2,795.52

*LOTS 166 & 167 OF BEVERLY HILLS ESTATES 5TH ADDITION SUBDIVISION
FORREST COUNTY, MS*

Section 2. That public interest and necessity requiring same, this resolution shall become effective immediately from and after passage.

Section 3. A copy of this Resolution will be certified and recorded in the Chancery Clerk's Office of Forrest County, Mississippi and the Forrest County Tax Collector's Office.

The foregoing Resolution having been reduced to writing, the same was introduced by Alderman Stringer. Seconded by Alderman Steele and was adopted by the following vote, to-wit:

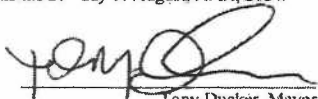
Those present and voting "AYE"

Alderman Drew Brickson
Alderman Craig Bullock
Alderman Mike Lott
Alderman Blake Nobles
Alderman Gerald Steele
Alderman Craig Strickland
Alderwoman Kim Stringer

Those present and voting "NAY"

NONE

The Mayor hereby declared the motion carried and the Resolution adopted, this the 20th day of August, A. D., 2024.


Tony Ducker, Mayor

The foregoing instrument was acknowledged before me this the 21st day of August 2024 by Mayor Tony Ducker, City of Petal, who is personally known to me or who has produced identification.


Melissa Martin, City Clerk



RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI UNANIMOUSLY APPROVING THE SUBMISSION TO THE LEGISLATURE A REQUEST TO EXTEND THE REPEAL DATE OF HB1438, REG SESSION 2021, A LOCAL AND PRIVATE BILL TO THE MISSISSIPPI LEGISLATURE FOR PURPOSES OF AUTHORIZING A 3% TAX TO BE LEVIED ON THE GROSS PROCEEDS FROM HOTEL/MOTEL OVERNIGHT ROOM RENTALS, BARS AND RESTAURANTS WITHIN THE CITY TO BE USED FOR TOURISM, PARKS AND RECREATION WITHIN THE CITY

WHEREAS, the Mayor and Board of Aldermen ("Governing Authority") of the City of Petal, Mississippi ("City") have identified numerous improvements needed to parks and recreation and a need to promote tourism within the City ("Projects"); and

WHEREAS, the Governing Authority of the City is desirous of continuing a 3% hotel/motel, bar and restaurant tax within the City to assist in financing the Projects.

NOW THEREFORE, be it resolved by the Governing Authority of the City as follows:

1. The City hereby unanimously approves for submission to the Legislature a request to extend the local and private bill to authorize a 3% hotel/motel, bar and restaurant tax to assist in financing the Projects, as more specifically set forth in Exhibit "A" attached hereto.

After being reduced to writing, the foregoing Resolution was read and considered, section by section, and then as a whole, whereupon Alderman Bullock moved for its adoption, and after a second by Alderman Nobles, the following roll call vote was had:

Alderman Drew Brickson	"Yea"
Alderman Craig Bullock	"Yea"
Alderman Mike Lott	"Yea"
Alderman Blake Nobles	"Yea"
Alderman Gerald Steele	"Yea"
Alderman Craig Strickland	"Yea"
Alderwoman Kim Stringer	"Yea"

Passed by the Board of Aldermen of the City of Petal on the 20th day of August, 2024.

CERTIFICATION

I, Melissa Martin, Clerk for the City of Petal, Mississippi, do hereby certify that the foregoing Resolution was approved and adopted in the public meeting of the Board of Aldermen held on August 20, 2024, a quorum being present, in the Board Meeting Room and to be recorded in the Minute Books of said Board, said Board being the duly elected, qualified, and acting governing body of Petal.



Presented by me to the Mayor on this, the 21st day of August, 2024.

Melissa Martin
Melissa Martin, City Clerk

Approved, and signed by me on this, the 21st day of August, 2024.

Tony Duckert
Tony Duckert, Mayor

"Hotel" or "Motel" means a place of lodging that at any one time will accommodate transient guests on a daily or weekly basis.

Section 2. (1) For the purpose of providing funds to provide lodging and improve parks and recreation within the City of Petal, Mississippi, the governing authorities of the City of Petal are authorized, in their discretion, to levy and collect from the following persons a tax, which shall be in addition to all of the taxes and assessments imposed. The tax shall be imposed on the following persons:

(a) A tax upon every person, firm or corporation operating a bar in the City of Petal, at a rate not to exceed three percent (3%) of the gross proceeds of the sales of such bar;

(b) A tax upon every person, firm or corporation operating a restaurant in the City of Petal, at a rate not to exceed three percent (3%) of the gross proceeds of the sales of beer and alcoholic beverage sold for consumption on the premises and all prepared foods of such restaurant;

(c) A tax upon every person, firm or corporation operating hotels and motels in the city, in an amount not to exceed three percent (3%) of the gross proceeds from overnight room rental, exclusive of charges for food, telephone, laundry, beverages and similar charges;

(2) Persons, firms or corporations liable for the levy imposed under subsection (1) of this section shall add the amount of the levy to the sales issue of the products and services on which the levy is imposed, and shall collect, issue and pay, as is practicable, the amount of the tax due by them from the person receiving the services or product at the time of payment therefor.

Exhibit "A"
MISSISSIPPI LEGISLATURE 2019
Rep. Representative _____
HOUSE BILL NO. _____
REGULAR SESSION
The Local and Private Legislation

AN ACT TO AUTHORIZE THE CITY OF PETAL, MISSISSIPPI TO IMPOSE A TAX UPON THE GROSS SALES OF HOTELS, MOTELS, BARS AND RESTAURANTS IN AN AMOUNT NOT TO EXCEED THREE PERCENT FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PROMOTION OF TOURISM, PARKS AND RECREATION WITHIN THE CITY; TO PROVIDE FOR AN ELECTION ON WHETHER THE TAX MAY BE LEVIED; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. As used in this act:

(a) "City" means the City of Petal, Mississippi;

(b) "Governing authorities" means the governing authorities of the City of Petal, Mississippi;

(c) "Bar" means all places, required by law to possess an on-premises Alcoholic Beverage Control permit, where beer and/or alcoholic beverages are sold for consumption on the premises;

(d) "Restaurant" means all places where prepared food and beverages, including beer and alcoholic beverages, are sold for consumption, whether such food is consumed on the premises or not. The term "restaurant" does not include any school, hospital, convalescent or nursing home, or any restaurant-like facility operated by or in connection with a hospital, hospital, medical clinic, convalescent or nursing home providing food for students, patients, visitors or their families;

(e) "Facilities" means tourism and parks and recreation and other related and auxiliary facilities.

Line, "AGAINST THE TAX," and the voters at the election shall be placed in a box (X) or check (✓) opposite their name.

When the results of any such referendum are hereinafter ascertained by the election commission and certified, the city may levy the tax beginning on the first day of the second month following the referendum, only if at least sixty percent (60%) of the qualified electors who vote in the election vote in favor of the tax. No public funds shall be used for the purpose of promoting the adoption of the referendum and no city employee may promote the referendum during business hours.

Section 4. (1) Persons, firms or corporations liable for the tax imposed under this act shall add the amount of the tax to the sales issue and shall collect, transfer as practicable, the amount of tax due from the person receiving the services or products at the time of the payment therefor.

Section 5. Accounting for receipts and expenditures of the funds provided in this act shall be made separately from the accounting of receipts and expenditures of the general fund and any other funds of the City of Petal. The records reflecting the receipts and expenditures of the funds provided in this act shall be audited annually by an independent certified public accountant, and the accountant shall make a written report of the audit to the governing authorities. The audit shall be made and completed as soon as practicable after the close of the fiscal year, and expenses of such audit shall be paid from the funds received pursuant to this act.

Section 6. This act shall be repealed from and after July 1, 2024.

Section 7. This act shall take effect and be in force from and after its passage.

(2) Such tax shall be collected by and paid to the Department of Revenue on a form prescribed by the Department of Revenue so the manner that state sales taxes are computed, collected and paid, and all enforcement provisions and all other provisions of Chapter 83, Title 26, Mississippi Code of 1972, shall apply as necessary to the implementation and administration of this act.

(3) The proceeds of such tax, less three percent (3%) percent which shall be retained by the Department of Revenue to defray the cost of collection, shall be paid to the governing authorities of the City of Petal, on or before the fifteenth day of the month in which collected.

(4) The proceeds of such tax shall not be considered by the City of Petal as general fund revenue but shall be dedicated to and expended solely for the purposes specified in this section.

Section 3. Before any tax authorized under this act may be imposed, the governing authorities shall adopt a resolution declaring its intention to levy the tax, setting forth the amount of such tax to be imposed, the date upon which such tax shall become effective and calling for a referendum to be held on the question. Notice of such intention shall be published once each week for at least three (3) consecutive weeks in a newspaper published or having a general circulation in Forrest County, with the first publication of such notice to be made not less than twenty-one (21) days before the date fixed in the resolution for the election and the last publication to be made not more than seven (7) days before the referendum. At the referendum, all qualified electors of the City of Petal may vote, and the ballots used in such election shall have printed thereon a brief statement of the amount and purposes of the proposed tax, levy and the words "FOR THE TAX" and, on a separate

LICENSE AGREEMENT FOR TEMPORARY USE AND RIGHT-OF-ENTRY

STATE OF MISSISSIPPI
COUNTY OF FORREST

THIS LICENSE AGREEMENT FOR TEMPORARY USE AND RIGHT-OF-ENTRY (the "License" or "Agreement"), made and entered into, by and between MISSISSIPPI POWER COMPANY with its principal place of business at 2992 West Beach Boulevard, Gulfport, Mississippi 39501 (the "LICENSOR"), and City of Petal, whose address is 119 W 8th Ave, Petal, Mississippi 39465 (the "LICENSEE").

WITNESSETH:

For and in consideration of the mutual covenants and conditions contained herein, the sufficiency of which is hereby acknowledged, LICENSOR hereby agrees to permit LICENSEE to access that certain portion of parcel of land (hereinafter referred to as the "Premises") and more accurately described and depicted as follows:

See attached Exhibit "A"

This License shall be for a term beginning on the 14th day of October 2024, and ending on the 15th day of November 2024, (the "Term"), unless sooner terminated in accordance with the provisions hereof. LICENSEE shall notify LICENSOR at least twenty-four (24) hours prior to entry of the Premises for purposes contemplated herein by contacting Lisa Craft, Real Estate Agent/Coordinator of LICENSOR, at (228) 539-7632 or her assignee.

This License is made subject to the following terms, provisions, and conditions:

- 1. The use of all or any part of the Premises by LICENSEE shall be for the sole and limited purpose of permitting LICENSEE, and its guests, to enter upon said parcel for the Run the River race event, including the reasonable right of ingress and egress to the premises. The Premises shall be used by LICENSEE solely for the activities described herein; and in accepting this License, the LICENSEE agrees that the Premises may or may not be suitable for such use. LICENSEE desires to make of the same and that the Premises may not be in a safe or proper condition for such use, but LICENSEE accepts the Premises in their present "as-is" condition as suitable for said use.
2. Prior to accessing the Premises, LICENSEE shall provide to LICENSOR satisfactory evidence of insurance for the use contemplated in this License. Upon LICENSOR's written approval as to the satisfaction of this requirement, which shall not be unreasonably withheld, LICENSEE may then enter the Premises and begin the activities contemplated in this License.

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STATE OF MISSISSIPPI
COUNTY OF HARRISON

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21 day of day of August, 2024, within my jurisdiction, the within named Adam P Speights, who acknowledged that he is the Land Supervisor of MISSISSIPPI POWER COMPANY, a Mississippi corporation, and that for and on behalf of the said corporation, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said corporation to do so.

Given under my hand this the 21 day of August, 2024.

NOTARY PUBLIC

My Commission Expires:

STATE OF MS
COUNTY OF Forrest

Personally appeared before me, the undersigned authority in and for the said county and state, on this 21 day of day of Aug, 2024 within my jurisdiction, the within named Tony Ducker, who acknowledged that he is the Mayor, on behalf of the City of Petal, a foreign corporation authorized to conduct business in the State of Mississippi, and that for and on behalf of the said corporation, and as its act and deed she executed the above and foregoing instrument, after first having been duly authorized by said corporation so to do.

Given under my hand this the 21 day of Aug, 2024.

Melhamah
NOTARY PUBLIC



10/9/2024

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- 3. Unless otherwise prior approved by LICENSOR, no commercial activities or operations or uses beyond those specifically authorized in Paragraph One (1) of this Agreement shall be conducted on or from the Premise by LICENSEE. Furthermore, LICENSEE acknowledges that some activities engaged in or under this Agreement involve inherent dangers and risks, including without limitation, operation of vehicles on the Premises and walking or running on or across the Premises. In addition, the exercise of the rights and privileges and the use of the Premises by LICENSEE as contemplated herein shall be in compliance with any further directives of LICENSOR, all applicable laws, orders, rules and regulations of the United States, the State of Mississippi, and any other governmental authority having jurisdiction over the same.
4. LICENSEE shall not cause or permit unnecessary damage, waste or injury to the Premises, normal wear and tear excepted, and LICENSEE shall keep said Premises in good order and repair. LICENSEE agrees that immediately following the conclusion of its activities contemplated hereunder, LICENSEE shall, at its sole cost and expense, place the Premises in a condition substantially the same as that condition which existed prior to such activities, including, but not limited to, making a good faith effort to restore the Premises fully within three (3) business days from the expiration of the Term or any extension thereof.
5. LICENSEE shall not, under any circumstance, in the use of the Premises hereunder be deemed to be a partner, agent, joint venture or employee of LICENSOR. Voluntarily choosing to enter the Premises with or without guests, volunteers, agents, and invitees, LICENSEE fully and freely waives notice of, acknowledges and assumes all such dangers and risks, whether known or unknown, which may result in LICENSEE or LICENSEE's guests', volunteers', agents' and invitees' property damage, personal injury and/or death. Further, LICENSEE agrees that LICENSOR has no duty make any part of the Premises safe. LICENSEE shall and does hereby agree to indemnify and save harmless and defend the LICENSOR, its agents and employees from the payment of any sum or sums of money to any persons whatsoever, including, but not limited to, LICENSEE's employees, agents, and/or contractors, on account of claims or suits growing out of injuries to persons (including death) or damage to property (including the property of the LICENSOR) in any way attributable to or arising out of the use or occupancy of the Premises by the LICENSEE, as herein provided, including but not limiting the generality of the foregoing) all liens, garnishments, attachments, claims, damages, suits, judgments, costs, attorney's fees, cost of investigation and of defense, and excepting only those situations where the personal injury, and property damage claimed have been caused by reason of the sole willful negligence on the part of LICENSOR, its agents or employees. LICENSEE having inspected the Premises (or voluntarily waived the opportunity to inspect) and having accepted the Premises in their present condition and having agreed that said Premises may not be suitable for the use intended by LICENSEE, and further that the Premises may not be in a safe or proper condition for such use, if the liability of the LICENSOR arises due to the condition of the Premises or the suitability of the Premises for the use intended in this Agreement, such shall not be deemed the sole negligence or willful negligence of LICENSOR.

- 6. The rights and privileges herein granted are made solely for the benefit of the LICENSEE and only the LICENSEE is permitted to exercise any right or privilege under this Agreement. LICENSEE shall not in any manner assign, or otherwise extend, in whole or in part, to any other party any of the rights granted hereby without the prior express written permission of LICENSOR.
7. It is expressly understood and agreed that LICENSOR, in its sole and absolute discretion, shall have the right and option, for any reason, to terminate this Agreement at any time.
8. Neither LICENSEE nor approved employees, agents, volunteers, guests, or invitees of LICENSEE, shall have any right under this Agreement to prevent LICENSOR or any party who has permission of LICENSOR, whether said party be an agent or employee of LICENSOR or not, from accessing the Premises.
9. This License is made by LICENSOR and accepted by LICENSEE subject to (i) all taxes and assessments, (ii) all easements serving or crossing the Premises, (iii) all liens and encumbrances whether or not shown on the public records, and (iv) all laws, ordinances, rules and regulations of any governmental authority or agency, including zoning restrictions, which may now or hereafter be applicable to the Premises.
10. Wherever this Agreement provides for the giving of notice by one party to the other, the same shall be deemed received by such party upon the date said notice shall have been duly mailed through the United States mail, certified, return receipt requested, directed to the following address:
LICENSOR: Mississippi Power Company, 2992 West Beach Blvd, Gulfport, MS 39501, ATTN: Land Supervisor
LICENSEE: City of Petal, 119 W 8th Ave, Petal, MS 39465, ATTN: Mayor Tony Ducker
11. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect in a final ruling or judgment of a court of competent jurisdiction from which no appeal has or can be taken, this Agreement shall not terminate and there shall be immediately substituted for such invalid or unenforceable provision a like, but valid enforceable provision, which most nearly satisfies the ruling of such court and comports with the original intention of the parties.
12. No waiver by LICENSOR to exercise any right or privilege hereunder shall operate as a waiver to exercise the same in the future.
13. LICENSEE shall not use the Premises in any manner as to endanger health or create a nuisance. In addition, LICENSEE will in its use of the Premises use its best efforts to protect the environmental features of the Premises.

- 14. This agreement shall be governed by, construed, interpreted and enforced in accordance with the laws of the State of Mississippi and the parties hereby unconditionally and irrevocably submit to the exclusive jurisdiction of and to the filing venue in the Chancery Court of the First Judicial District of Harrison County, Mississippi.
15. This Agreement constitutes the full and complete agreement between the parties hereto and said parties shall not be bound by any statement, special condition or agreements not herein expressed. Any alteration or amendment to this Agreement shall be in writing and signed by both parties hereto. This Agreement shall be binding on permitted successors and assigns of LICENSEE.
16. This Agreement may be executed in several counterparts, and any such counterpart shall be binding upon and inure to the benefit of the parties hereto.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the 21 day of August, 2024.

LICENSOR: MISSISSIPPI POWER COMPANY
By: Adam Speights, Land Supervisor

LICENSEE: City of Petal
By: Tony Ducker, The City of Petal Mayor

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EXHIBIT "A"
Aerial Depiction of Premises

The Premises to be used by the City of Petal during its Run the River event is depicted as the area shaded in red on the image below:



6

CITY OF PETAL
MINUTE BOOK "39"
EXHIBIT "D"

530

ORDINANCE 1981 (53-4)

AN ORDINANCE AMENDING ARTICLE III, SECTION 22-79 OF THE CITY OF PETAL CODE OF ORDINANCES PROHIBITING THE MAKING, CREATION, OR MAINTENANCE OF EXCESSIVE, UNNECESSARY, UNNATURAL, OR UNUSUALLY LOUD NOISES

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Petal, Mississippi:

SECTION 1. Section 1-3 of Ordinance 1981 (53) as originally adopted on November 3, 1981 is hereby amended to read as follows, to-wit;

SECTION 22-79 (18) JAKE BRAKES

No person shall operate an engine of any motor vehicle to "brake" or slow the same through the use of gears (commonly known or referred to as "Jake Brake" or "Jake Braking") or by any other method which produces any noise in addition to the normal operating engine noise.

SECTION 2. Except as amended herein, the provisions of Ordinance 1981(53) and Ordinance 1981(53-3), are in full force and effect.

SECTION 3. This Ordinance will be effective thirty (30) days from and after its passage.

The foregoing Ordinance having been reduced to writing, the same was introduced and read and a vote was taken thereon, first section by section, then upon the Ordinance as a whole, with the following results:

Those present and voting "Yea" and in favor of the passage, adoption and approval of Section 1, 2, and 3 of the foregoing Ordinance:

- Alderman Drew Brickson
- Alderman Craig Bullock
- Alderman Mike Lott
- Alderman Blake Nobles
- Alderman Gerald Steele
- Alderman Craig Strickland
- Alderwoman Kim Stringer

Those present and voting "Nay" or against the adoption of any section of the

foregoing Ordinance:

None

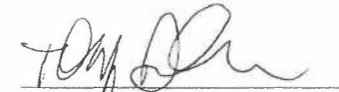
Those present and voting "Yea" and in favor of the adoption of the foregoing Ordinance as a whole:

- Alderman Drew Brickson
- Alderman Craig Bullock
- Alderman Mike Lott
- Alderman Blake Nobles
- Alderman Gerald Steele
- Alderman Craig Strickland
- Alderwoman Kim Stringer

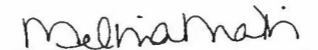
Those present and voting "Nay" or against the adoption of the foregoing Ordinance as a whole:

None

WHEREUPON the foregoing Ordinance be, and the same is hereby passed, adopted and approved on this the 20th day of August 2024.


 Tony Ducker
 Mayor




 Melissa Martin
 City Clerk

PUBLISH 1 TIME: August 29, 2024

THIS

PAGE

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