



BOARD OF ALDERMEN REGULAR MEETING

September 07, 2021

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

Alderman Steve Stringer

Invocation was given by Alderman Craig Strickland

Pledge of Allegiance was recited.

ADOPT AGENDA

Motion made by Alderman Stringer, Seconded by Alderman Strickland.

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

CONSENT AGENDA

Approve Minutes from Regular Meeting of August 17, 2021.

Motion made by Alderman Stringer, Seconded by Alderman Strickland.

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

Approve Minutes from Public Hearing of August 17, 2021

Motion made by Alderman Strickland, Seconded by Alderman Nobles.

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

Proofs of Publication

Notice of Special Election

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

PROCLAMATIONS & RESOLUTIONS

Request to adopt the Resolution setting the ad valorem tax levy for 2021.

Exhibit "A"

Resolution

Motion made by Alderman Bullock, Seconded by Alderman Steele.

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

BIDS — QUOTES

OLD BUSINESS

Revisit 303 Griffith Dr. (Property has been cleaned.)

No action taken.

GENERAL BUSINESS

All Pro Disposal request to address the board regarding recycling.

Kyle Cook with All Pro Disposal addressed the board. Wishes to provide recycling bins at a cost of \$75.00 per month.

Request to set a hearing date of Sept. 28, 2021 @ 6:00 p.m. for the following properties:

50 Parkway Lane

302 W Central Ave.

108 Elizabeth Cir.

108 Elizabeth Circle to move forward only if Title Opinion shows ownership.

Motion made by Alderman Stringer, Seconded by Alderman Steele.

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

Request to adjust water services billed to 11 Kimela Rd in the amount of \$107.00 + late fees in the amount of \$27.64 due to a leak.

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

Request to adjust water services billed to 223 W 4th Ave in the amount of \$961.20 due to a leak.

Motion to table.

Motion made by Alderman Bullock, Seconded by Alderman Stringer.

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

Request to adjust water services billed to 141 Van Slyke Dr in the amount of \$122.00 due to a leak.

Motion made by Alderman Bullock, Seconded by Alderman Stringer.

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

Request to adjust water services billed to 205 Sunset Dr in the amount of \$88.75 due to a leak.

Motion made by Alderman Stringer, Seconded by Alderman Brickson.

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

Request to adjust water services billed to 107 Green St in the amount of \$90.00 due to a leak.

Motion made by Alderman Bullock, Seconded by Alderman Brickson.

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

Request to adjust water services billed to 128 Stevens St in the amount of \$294.00 + late fees in the amount of \$41.29 due to a leak.

Motion made by Alderman Steele, Seconded by Alderman Brickson.

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

Request to approve the docket of claims for the month of August 2021.

Exhibit "B"

Docket

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

Request to grant a Special Exception allowing a temporary office building/trailer at 46 Parkway Lane for a period of ninety (90) days.

Motion made by Alderman Stringer, Seconded by Alderman Nobles.

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

Request to accept resignation of Rocky Walters in the Fire Dept. Effective September 17th, 2021.

Motion made by Alderman Stringer, Seconded by Alderman Strickland.

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

SEMINARS & TRAVEL

Request for Michelle Strebeck to attend Fall Court Clerk Conference in Philadelphia, MS on 9/21-9/24/21. Total cost: \$115.00 + mileage

Motion made by Alderman Stringer, Seconded by Alderman Brickson.

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

Request for Amanda Richardson to attend Water Operator Certification in Raymond, MS on 9/27-9/30/21. Total cost: \$581.00

Motion made by Alderman Stringer, Seconded by Alderman Brickson.

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

Request for the SWAT team to travel to Jackson, MS on October 13, 2021 for a SWAT Team Conference. Total cost: 0

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

Request for Mayor Ducker to attend MML Board of Directors Fall Meeting in Tunica, MS on 9/23-9/24. Total cost: \$216.00 + mileage.

Motion made by Alderman Stringer, Seconded by Alderman Brickson.

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

ORDERS & ORDINANCES

Request to adopt order hiring Katie Bounds as full-time 1st Class dispatcher at a rate of \$14.65 per hour effective Sept. 08, 2021.

Order

Whereas the Mayor and Board of Aldermen
Of the City of Petal deem it necessary to
Hire a full time dispatcher in the Police Dept

It is hereby ordered that Katie Bounds be
Hired full time as 1st Class dispatcher at a
Rate of \$14.65 per hour effective Sept 8, 2021

So ordered this the 7th day of September 2021

Motion made by Alderman Stringer, Seconded by Alderman Steele.

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

Request to adopt order hiring Heide Lederman as full time clerk in the Water Dept pending drug screen and physical results.

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

Request to adopt order hiring Carlton Murphy full time in the water dept at a rate of \$11.00 per hour effective 9/08/2021.

Order

Whereas the Mayor and Board of Aldermen
Of the City of Petal deem it necessary to
Hire a full time laborer in the Water Dept

It is hereby ordered that Carlton Murphy be
Hired full time in the Water Dept at a
Rate of \$11.00 per hour effective Sept 8, 2021

So ordered this the 7th day of September 2021

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

Request to adopt flood plain ordinance.

Exhibit "C"

Flood Plain Ordinance

Motion made by Alderman Stringer, Seconded by Alderman Steele.

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

Alderman Steele requests to appoint Kim Kleinpeter as Ward 1 Planning Commissioner. Alderman Stringer made a motion, Seconded by Alderman Nobles.

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

PUBLIC COMMENT

Robbie Brock addressed the board with wishes to hold a garage sale at the city ballfields to raise funds for adoption. Board will seek legal advice.

Jerry Defatta addressed the board with an update on Petal Sports Association.

Clear the Room to determine the need for executive session.

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

Enter into Executive Session to discuss personnel issues in the Fire Dept:

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

Adjourn Executive Session:

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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

No official action was taken in Executive Session.

MAYOR'S REPORT

CONSIDERATION OF COMMITTEE, COMMISSION AND BOARD MATTERS

LEGAL

ADJOURN

Meeting adjourned honoring Dr. Leland Hogan.

Motion made by Alderman Stringer, Seconded by Alderman Bullock.

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



Mayor Tony Ducker





Melissa Martin, City Clerk

Melissa Martin, City Clerk

Exhibit "A"

RESOLUTION FIXING THE AD VALOREM TAX LEVY
ON REAL AND PERSONAL PROPERTY FOR TAXES
IN THE CITY OF PETAL, MISSISSIPPI, AND THE PETAL
MUNICIPAL SEPARATE SCHOOL DISTRICT FOR THE
YEAR OF 2021

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PETAL, MISSISSIPPI:

SECTION I: That for the year 2021 there shall be and is hereby levied on all taxable property real and personal within the corporate limits of the City of Petal, Mississippi, for ad valorem taxes for municipal purposes as indicated, the following levies to be collected on each dollar of assessed value shown upon, the real and personal ad valorem assessment rolls of said City, within the city limits thereof, to-wit:

FOR GENERAL REVENUE PURPOSES-----40.13

TOTAL LEVIED FOR MUNICIPAL PURPOSES-----40.13

SECTION II. That for the year 2021, there shall be and there is hereby levied on all taxable property, real and personal, within the Petal Municipal Separate School District within the City of Petal, Mississippi, and within the added territory outside the City of Petal for ad valorem taxes for school purposes such levies having been authorized by the Board of Trustees of said School District by order entered on it's minutes and certified to the Mayor and Board of Aldermen, the following levies to be collected on each dollar of assessed valuation shown on the said ad valorem assessment rolls, to-wit:

FOR DISTRICT SCHOOL OPERATION AND MAINTENANCE FUND,
LEVIED UNDER THE PROVISIONS OF SECTION 37-57-104
OF THE CODE OF 1972, AS AMENDED---55.00

TOTAL LEVIED FOR SCHOOL PURPOSES---55.00

SECTION III. That for the year 2021 there shall be and there is hereby levied on all taxable property real and personal, within the Petal Municipal Separate School District within the City of Petal, Mississippi, and within the added territory outside the City of Petal for ad valorem taxes for the School Building Program Fund, such levies having been authorized by the Board of Trustees of said School District by order entered on it's minutes and certified to the Mayor and Board of Aldermen, the following levies to be collected on each dollar of assessed valuation shown on the said ad valorem assessment rolls, to-wit:

FOR DISTRICT SCHOOL BUILDING PROGRAM FUND, LEVIED
UNDER THE PROVISIONS OF SECTION 37-59-105 OF THE CODE
OF 1972 AS AMENDED-----2.64

SECTION IV. That for the year 2021 there shall be and there is hereby levied on all taxable property real and personal, within the Petal Municipal Separate School District within the City of Petal, Mississippi, and within the added territory outside the City of Petal for ad valorem taxes for the School Shortfall Note, such levies having been authorized by the Board of Trustees of said School District by order entered on it's minutes and certified to the Mayor and Board of Aldermen, the following levies to be collected on each dollar of assessed valuation shown on the said ad valorem assessment rolls, to-wit:

FOR DISTRICT SCHOOL SHORTFALL NOTE, LEVIED
UNDER THE PROVISIONS OF SECTION 37-57-108 OF THE CODE
OF 1972 AS AMENDED-----1.01

SECTION V. That for the year 2021 there shall be and there is hereby levied on all taxable property real and personal, within the Petal Municipal Separate School District within the City of Petal, Mississippi, and within the added territory outside the City of Petal for ad valorem taxes for the School Limited Tax Note Series 2010, such levies having been authorized by the Board of Trustees of said School District by order entered on it's minutes and certified to the Mayor and Board of Aldermen, the following levies to be collected on each dollar of assessed valuation shown on the said ad valorem assessment rolls, to-wit:

FOR DISTRICT SCHOOL LIMITED TAX NOTE SERIES 2010, LEVIED
UNDER THE PROVISIONS OF SECTION 37-57-101 OF THE CODE
OF 1972 AS AMENDED-----1.83

SECTION VI. That for the year 2021, there shall be and is hereby levied on all taxable property, real and personal, within the corporate limits of the City of Petal, Mississippi, for ad valorem taxes for the following levies to be collected on each dollar of assessed value shown upon the real and personal ad valorem assessment rolls of said City, within the city limits thereof, to-wit:

FOR LIBRARY PURPOSES LEVIED UNDER THE PROVISIONS
OF SECTION 39-3-7 OF THE MISSISSIPPI CODE OF 1972,
AS AMENDED-----0.50

TOTAL LEVIED FOR LIBRARY PURPOSES-----0.50

SECTION VII. That for the year of 2021, there shall be and is hereby levied on all taxable property, real and personal within the corporate limits of the City of Petal, Mississippi, for ad valorem taxes for the following levies to be collected on each dollar of assessed value shown upon the real and personal ad valorem assessment rolls of said City, within the City limits thereof, to-wit:

FOR GENERAL OBLIGATION REFUNDING BONDS, SERIES
2012 PURPOSE LEVIED UNDER THE PROVISIONS
OF SECTION 21-33-301 THROUGH 21-33-329 OF THE
MISSISSIPPI CODE OF 1972 AS AMENDED-----1.81

SECTION VIII. That for the year of 2021, there shall be and is hereby levied on all taxable property, real and personal within the corporate limits of the City of Petal, Mississippi, for ad valorem taxes for the following levies to be collected on each dollar of assessed value shown upon the real and personal ad valorem assessment rolls of said City, within the City limits thereof, to-wit:

FOR SOLID WASTE PURPOSES,
LEVIED UNDER THE PROVISIONS OF
SECTION 21-19-2 OF THE MISSISSIPPI
CODE OF 1972 AS AMENDED-----,50

SECTION IX. That for the year of 2021, there shall be and is hereby levied on all taxable property, real and personal within the corporate limits of the City of Petal, Mississippi, for ad valorem taxes for the following levies to be collected on each dollar of assessed value shown upon the real and personal ad valorem assessment rolls of said City, within the City limits thereof, to-wit:

FOR \$5,000,000.00 GENERAL OBLIGATION BONDS, SERIES
2006 PURPOSE LEVIED UNDER THE PROVISIONS OF
SECTION 21-33-301 THROUGH 21-33-329 OF THE
MISSISSIPPI CODE OF 1972 AS AMENDED-----3.27

SECTION X. That this resolution shall be in full force and effect from and after its passage.

Alderman Craig Bullock made a motion to adopt the foregoing resolution, and the motion was seconded by Alderman Gerald Steele.

Those present and voting "AYE"

Alderman Drew Brickson
Alderman Mike Lott
Alderman Blake Nobles
Alderman Craig Strickland
Alderman Steve Stringer

Those present and voting "NAY"

None

The motion to adopt the aforesaid resolution having received the affirmative vote of the majority of the members of the Board of Aldermen, the Mayor declared the motion passed and the resolution adopted on this the 7th day of September, 2021.

Tony Duckert
Tony Duckert
Mayor



City of Petal, Mississippi

Flood Damage Prevention Ordinance



Ordinance 2021 (144)

Adopted September 7, 2021

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE, AND OBJECTIVES

SECTION A. STATUTORY AUTHORIZATION.

The Legislature of the state of Mississippi has in Title 17, Chapter 1, Mississippi Code of 1972, Announced delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Aldermen of the City of Petal does hereby adopt the following floodplain management regulations.

SECTION B. FINDINGS OF FACT.

- (1) The City of Petal is subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions, both inside and outside the identified Special Flood Hazard Areas, causing increases in flood heights and velocities and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damage.

SECTION C. STATEMENT OF PURPOSE.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage, and;
- (5) Prevent or regulate the construction of flood barriers which will unreasonably divert floodwaters or which may increase flood hazards to other lands.

SECTION D. OBJECTIVES.

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions.

FLOOD DAMAGE PREVENTION ORDINANCE

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- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood litigation; and
- (7) To ensure that potential homebuyers are notified that property is in a flood-prone area.

SECTION E. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and;
- (5) Preventing or regulating the construction of flood barriers that will unreasonably divert floodwaters or may increase flood hazards in other areas.

ARTICLE 2. DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A Zone is the Area of Special Flood Hazard without base flood elevations determined.

AR Zone is the Area of Special Flood Hazard with base flood elevations determined.

Accessory structure (Appurtenant structure) means a structure, which is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

Addition (to an existing building) means any walled and roofed expansion to the perimeter or height of a building. Any addition shall be considered new construction. If the addition is more than 50% of the market value of the structure, then the addition and the existing structure are now new construction.

Appeal means a request for a review of the Floodplain Administrator's interpretation of any provision of this ordinance or a request for a variance.

AR/AE, AR/AH, AR/AO, and AR/A Zones are SFHAs that result from the designation of a previously unclassified flood protection system or levee that is in the process of being restored to provide a one percent chance or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

AR9 Zone is that part of the SFHA inundated by the one percent chance flood to be protected from the one percent chance flood by a Federal flood protection system or FEMA under construction, no base flood elevations are determined.

Area of shallow flooding means a designated Zone in the community's Flood Insurance Rate Map (FIRM).

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EXHIBIT "C"

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with flood depths from one to three feet where a clearly defined channel does not exist; where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard is the land in the floodplain within a community subject to one percent or greater chance of flooding in any given year. This area is also referred to as the Special Flood Hazard Area (SFHA).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "one percent chance flood").

Base Flood Elevation (BFE) is the elevation shown in the Flood Insurance Study (FIS) for Zones AE, AH, A1, AR/A, AR/AE, AR/AH, AR/AO, and VE that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

Basement means any portion of a building having its floor sub-grade (below ground level) on all sides.

Building see Structure.

Community is a political entity and/or its authorized agents or representatives that have the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

Community Floodplain Management Map means any map produced by the community reflecting best available base flood elevation and floodway data that is from a federal, state, or other accepted technical source.

Community Rating System (CRS) is a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

Community Flood Hazard Area (CFHA) is an area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety and general welfare. This includes areas downstream from dams.

Critical facility (also called critical asset) means facilities for which the effects of even a slight chance of flooding would be too great. The minimum floodplain of concern for critical facilities is the 0.2 percent return period flood level.

Critical facilities include, but are not limited to facilities critical to the health and safety of the public such as, emergency operations centers, designated public shelters, schools, nursing homes, hospitals, police, fire and emergency response facilities, vital data storage centers, power generation and water and other utilities (including related infrastructure such as principal points of utility systems) and installations which produce, use or store hazardous materials or hazardous waste (as defined under the Clean Water Act and other Federal statutes and regulations).

D Zone is an area in which the flood hazard is undetermined.

Dam is any artificial barrier, including appurtenant works, constructed to impound or divert water, waste water, liquid home materials, or solids that may flow if saturated. All structures necessary to maintain the water level of an impoundment or to divert a stream from its course will be considered a dam.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drifting operations, or storage of materials or equipment.

Dry floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real estate property, water, and sanitary facilities, antennas, and their contents. Structures shall be floodproofed with a minimum of 17 inches of freeboard (more is recommended) in return to the base flood elevation. Dry floodproofing of a pre-FIRM residential structure that has not been substantially damaged or improved is allowed. Dry floodproofing of a post-FIRM residential building is not allowed. Non-residential structures may be dry floodproofed in all flood zones with the exception of the Coastal High Hazard Area or the Cow

ordinance

(6) Variances shall not be issued "after the fact."

SECTION E. VARIANCE NOTIFICATION.

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base Flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and,
- (2) Such construction below the base Flood level increases risks to life and property. A copy of the notice shall be provided by the Floodplain Administrator to the Office of the Chancery Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances to the Federal Emergency Management Agency and the Mississippi Emergency Management Agency upon request.

SECTION F. HISTORIC STRUCTURES.

Variances may be issued for the repair or rehabilitation of "historic structures" only upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

SECTION G. SPECIAL CONDITIONS.

Upon consideration of the factors listed in Article 6, and the purposes of this ordinance, the Board of Aldermen may attach such conditions to the granting of variances, as it deems necessary to further the purposes of this ordinance.

SECTION H. FLOODWAY.

Variances shall not be issued within any designated regulatory Floodway if any increase in flood levels during the base Flood discharge would result.

ARTICLE 7. SEVERABILITY.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

This ordinance having first been reduced to writing was adopted at a public meeting of the Board of Aldermen of the City of Petal, on September 7, 2021, whereon the vote was as follows and shall take effect 11/16/2021:

Alderman Drew Brickson	Aye
Alderman Craig Bullock	Aye
Alderman Mike Lott	Aye
Alderman Mike Nobles	Aye
Alderman Gerald Steele	Aye
Alderman Craig Strickland	Aye

Alderman Steve Stringer Aye

SIGNED: Tony Duckler
TONY DUCKLER, MAYOR

ATTESTED BY: Melissa Martin
MELISSA MARTIN, CITY CLERK

