

MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PEARL, MISSISSIPPI, HELD IN THE BOARD ROOM AT CITY HALL AUGUST 7, 2018 AT 6:00 O’CLOCK P.M.

CALL TO ORDER

The regular meeting of the Mayor and Board of Aldermen was called to order by Mayor Windham at 6:00 p.m.

Alderman McHenry
Alderman Luckett
Alderman Sartor
Alderman Steverson
Alderman Foy
Alderman Thompson
Alderman Gill

Also in attendance was Kelly Scouten, City Clerk and Brendan Sartin, City Attorney.

PRAYER

The meeting was opened with prayer by Alderman Foy.

Alderman Sartor, led the Pledge of Allegiance.

RECOGNITIONS

Proclamation – Spring Lake Garden Club

CONSENT AGENDA

Upon Motion by Alderman Foy and seconded by Alderman Gill, the following items were approved and adopted as the Orders of the Board by unanimous affirmative vote (“Aye”) of all Aldermen present:

- A. Approval/corrections of minutes of the Regular Board Meeting July 17, 2018.
- B. Approval of the claims docket for the period of July 17, 2018 to August 7, 2018, in the amount of \$2,641,163.26 in paid claims \$284,713.00, in unpaid claims and \$192,352.14, addendum.
- C. Approval of garbage exemptions applications and renewals, as attached hereto and made a part of the Minutes.
- D. Approval of application(s)

- E. Approval of authorization to travel
- F. Approval of Merit Increases:
Christi Jenkins- Court Records
- G. Order to approve and authorize the sale of one (1) Glock Model 22, 40 Caliber with Serial # RFG498 to Chief Carl Kibby for a reasonable amount of \$.01, upon his retirement from the City of Pearl, on August 1, 2018.
- H. Order to authorize Donnie Sullivan and Brad Robertson to determine as necessary whether a property or parcel of land within the limits of the City of Pearl, Mississippi, is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community pursuant to *Miss. Code Ann.* 21-19-11 and said property or parcel of land is one (1) acre or less and the fee or cost to clean said property does not exceed Two Hundred Fifty Dollars (\$250.00), excluding administrative costs.
- I. Order to approve and authorize the purchase of (100) 5/8" M25 Badger HRE and Orion CE Endpoint and (25) Badger Meters from Central Pipe Supply in the amount of \$16,125.00. (sole source)
- J. Order to approve and authorize the emergency repair to Sweet Home West water well by Grinder Drilling in the amount of \$74,912.00.
- K. Order to approve and authorize payment to Utility Services for yearly maintenance in the amount of \$87,733.34, for annual maintenance to 2,000,000 GST Ball Park Tank, 500,000 Elevated WalMart Tank and 1,000,000 Fluted Column Hydropillar at Sweet Home Church Rd.
- L. Order to approve and authorize the use of Central Bidding Company for services in the reverse auction process. There is no charge to the City of Pearl for this service.
- M. Order to approve and authorize payment to Federal Signal Safety and Security Systems for annual maintenance on outdoor weather sirens in the amount of \$6,375.00.
- N. Order to approve and authorize the purchase of (1) Voice over IP Allcatel-Lucent phone server from Mid-State Telephone in the amount of \$25, 839.86. (state contract#3760-IT Hardware)
- O. Order to approve and authorize the Telecommunications Service Agreement by and between, the City of Pearl and CSpire for phone service for 36 months in the amount of \$2,436.00 per month.
- P. Order to approve and authorize the purchase of (1) 2018 Ford F350 Crew Cab, White in Color, from Kirk Auto Group in the amount of \$29,648.00 for the Water Dept. (Quotes Obtained)

- Q. Order to receive and accept the Intergovernmental transfer from the Rankin County Sheriff's Department to the Pearl Police Department at no cost, Pursuant to the Mississippi Code Annotated §31-7-13; (1) 2010 Chevy Tahoe – VIN#1GNMCAE03AR203735; (1) 2007 Ford CV VIN#2FAFP71W77C13077; (1) 2006 Ford CV VIN#2FAFP71W56X117848; (1) 2004 Ford Crown Victoria – VIN# 2FAFP71W4X154439; said vehicles shall be placed on the inventory of the Pearl Police Department.
- R. Order to set public hearing for August 21, 2018, at 6:00 p.m. to Determine whether or not that certain parcel of real property owned by the Paul J. Bymum Trust, c/o Rosemary Mooney, and located at 2210 Old Brandon Road, Pearl, Rankin County, Mississippi 39208 (Parcel No. E08I000052 00000; PPIN No. 009809), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.
- S. Order to set public hearing for August 21, 2018, at 6:00 p.m. to Determine whether or not that certain parcel of real property owned by Prakash Agrawal and Sadhana Agrawal, and located at 2212 Old Brandon Road, Pearl, Rankin County, Mississippi 39208 (Parcel No. E08I000053 00000; PPIN No. 009810), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.
- T. Order to set public hearing for August 21, 2018, at 6:00 p.m. to Determine whether or not that certain parcel of real property owned by John Thelbert Whitley, and located at 3618 Hwy 80 E, Pearl, Rankin County, Mississippi 39208 (Parcel No. F09B000024 00000; PPIN No. 015424), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.
- U. Order to set public hearing for September 4, 2018, at 6:00 p.m. to Determine whether or not that certain parcel of real property owned by Ida Luvane, and located at 662 Boston Rd., Pearl, Rankin County, Mississippi 39208 (Parcel No. F08A000016 00170; PPIN No. 014307), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.
- V. Order to set public hearing for September 4, 2018, at 6:00 p.m. to Determine whether or not that certain parcel of real property owned by Martha Luvane, et. al., and located at 666 Boston Rd., Pearl, Rankin County, Mississippi 39208 (Parcel No. F08A000016 00160; PPIN No. 014306), is in such a condition or state as to be unsightly and unkept or otherwise

a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.

- W. Order to set public hearing for September 4, 2018, at 6:00 p.m. to Determine whether or not that certain parcel of real property owned by Meghan Dillard & Gabriel Collom and located at 1236 Deeb St., Pearl, Rankin County, Mississippi 39208 (Parcel No. E07K000006 00200; PPIN No. 007984), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.
- X. Order to set public hearing for September 4, 2018, at 6:00 p.m. to Determine whether or not that certain parcel of real property owned by Sidney Manning Estate & Velma Cheeks and located at 3134 A St., Pearl, Rankin County, Mississippi 39208 (Parcel No. F071000006 00020; PPIN No. 013931), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.
- Y. Order to approve and authorize the Independent Contractor Professional Services Agreement between Pearl Municipal Broadcasting Sports of Pearl, Mississippi and The Spirit Radio Network.
- Z. Order to authorize the application of the City of Pearl for a CDBG grant for the purpose of smoke testing the city sewer lines.
- AA. Order to approve and authorize the publication of a Notice of Request for Qualifications for CDBG Engineering Services.
- BB. Order to approve and authorize the publication of a Notice of Request for Proposals for CDBG Administration Services.
- CC. Order to designate the selection review committee as the Board of Aldermen to review and score proposals for CDBG engineering and CDBG application preparation/administration services.
- DD. Order to set public hearing for September 4, 2018, at 6:00 p.m. to consider amendments to the Land Use Plan map.
- EE. Order to set public hearing for September 4, 2018, at 6:00 p.m. to consider amendments to the Official Zoning Map.

PUBLIC COMMENT

Thomas Sagar, 620 Sweetwater Dr., Pearl, MS 39208.

PUBLIC HEARING

1. Determine whether or not that certain parcel of real property, owned by owned by Philip P. Weathersby and Donald W. and located at 112 Chotard Avenue, Pearl, Rankin County, Mississippi 39208 (Parcel No. E08P000004 00090; PPIN No. 011381), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.

Alderman Gill ask that the Minutes reflect the numerous complaints he has recived about this property.

Motion was made by Alderman Gill and seconded by Alderman Steverson to continue this hearing until September 4, 2018. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

2. Determine whether or not that certain parcel of real property owned by owned by Margie C. Holmes Estate and located at 418 Marilyn Dr., Pearl, Rankin County, Mississippi 39208 (Parcel No. F09A000004 00070; PPIN No. 015072), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.

Community Development Director, Donnie Sullivan, informed the Mayor and Board that the property was not properly maintained and the building was unsafe, the owner had failed and refused to cut the grass and vegetation on the property and maintain the property in a manner to keep it from being an eye sore, unsightly and unkept or otherwise a menace to the public health and safety of the community. He also stated that the property has not had active water since April 2011. He further stated there is a fallen tree on the roof of the house which has resulted in a hole in the roof of the house and with such the house serves as a host for mold and mildew, rodents and criminal activity. Further, he stated that he believes the cost to renovate and restore the house to a livable condition is greater than fifty percent of the assessed value of the house.

Anthony Adams at 424 Marilyn Drive appeared and addressed the Mayor and Board of Alderman concerning the property condition at 418 Marilyn Drive. He stated that he has cut the grass at 418 Marilyn Drive for the previous two years and has not spoken with anyone at the property for the previous several years. He stated that the property is in extremely poor condition and he believes the house should be torn down to protect health, safety and welfare of the other residents in the area.

Luther Thompson, another resident on Marilyn Drive, appeared and addressed the Mayor and Board of Alderman concerning the property condition at 418 Marilyn Drive. He stated that he had cut the grass as well at 418 Marilyn Drive and has not spoken with

anyone at the property for the previous several years. He stated that the property is in extremely poor condition and he believes the house should be torn down to protect health, safety and welfare of the other residents in the area.

WHEREAS, said hearing was held at the time and place mentioned aforesaid, therefore:

BE IT ORDERED AND RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF PEARL, MISSISSIPPI THAT:

1) The required notice which was mailed and posted in relation to this hearing is hereby received and recorded and the City Clerk is directed to record said copy in the minutes of these proceedings.

2) The parcel of property owned by Margie C. Holmes Estate, and located at 418 Marilyn Drive, Pearl, Rankin County, Mississippi 39208 (Tax Parcel No. F09A000004 00070; PPIN No. 015072), is hereby adjudicated, in its present condition, to be a menace to the public health and safety of the community for the reason that said property is in an unsafe and unclean condition with grass, weeds and other unsightly vegetation growing thereon and with debris present thereon, and said owner(s) has failed to remedy these hazardous, unsafe, and unsightly conditions thereon.

3) That the Department of Community Development is hereby directed to post a copy of this Order on the property, and if said owner fails to bring said property into compliance within ten (10) days of the date of this Order, then the Department of Public Works with the aid of the various departments of the City, including the Department of Community Development, to perform one or more or all of the following acts on and to said property to clean said lot and remedy the hazardous, unsafe and unsightly conditions thereon:

Cutting grass, weeds, unsightly vegetation, cutting dead trees in danger of falling, filling cisterns, removing rubbish, dilapidated fences, outside toilets, demolishing and removing any dilapidated or unsafe or unsanitary buildings, including the residence, and other debris, and draining cesspools and standing water therefrom.

4) That the Director of Community Development is hereby directed to keep a careful and correct accounting of the cost of cleaning and remedying said lot and to report this accounting to the next regular meeting of the Mayor and Board of Aldermen after said property is cleaned and remedied in compliance with this Order.

5) That there should be and hereby is imposed and assessed against the subject property a penalty of One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost, whichever is more, which the City Clerk shall cause to be included in the assessments for municipal ad valorem taxes.

6) This adjudication that the property or parcel of land is in need of cleaning will authorize the will also authorize the municipality to reenter the property or parcel of land up to six (6) times in any twelve-month period with respect to removing dilapidated buildings, dilapidated fences and outside toilets, and up to twelve (12) times in any twenty-four-month period with respect to cutting grass and weeds and removing rubbish, personal property and other debris on the subject property, without any further hearing if notice is posted on the property or parcel of land and at city hall or another place in the municipality where such notices are generally posted at least seven (7) days before the property or parcel of land is reentered for cleaning.

3. Determine whether or not that certain parcel of real property, owned by Richard E. Jenkins Sr. and located at 447 Old Whitfield Rd., Pearl, Rankin County, Mississippi 39208 (Parcel No. E08C000011 00000; PPIN No. 008820), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.

Motion was made by Alderman McHenry and seconded by Alderman Thompson to continue this hearing until September 4, 2018. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

4. Determine whether or not that certain parcel of real property, owned by Howard Jenkins, Ethel Atkins, Herie Jenkins, Jr., Pearlie Jenkins, and Ricky Jenkins, Sr. and located at 800 Old Whitfield Rd., Pearl, Rankin County, Mississippi 39208 (Parcel No. F07M000023 00000; PPIN No. 014013), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.

Motion was made by Alderman Thompson and seconded by Alderman McHenry to continue this hearing until September 4, 2018. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

5. Determine whether or not that certain parcel of real property, owned Kitty Ruth Lowry and located at 4144 Bright Street, Pearl, Rankin County, Mississippi 39208 (Parcel No. F09C000002 00760; PPIN No. 015626), is in such a condition or state as to be unsightly and unkept or otherwise a menace to the public health and safety of the community, and therefore, prohibited, pursuant to Chapter 11 of the Code of Ordinances of the City of Pearl, Mississippi and Section 21-19-11 of the Mississippi Code of 1972, as Amended.

Motion was made by Alderman Sartor and seconded by Alderman Gill to continue this hearing until February 19, 2019. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

GENERAL BUSINESS

- A. Consider an Order to approve the request by Community Development to adopt the International Codes and NFPA Codes and Amend Existing Ordinances.

Motion was made by Alderman Gill and seconded by Alderman Thompson to approve the request by Community Development to adopt the International Codes and NFPA Codes and Amend Existing Ordinances. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

- B.** Consider an Order to adopt a Resolution of the Governing Authorities of the City of Pearl, Mississippi, declaring an intent to levy a tax at the rate of Three Percent (3%) of the Gross Proceeds of Sales of Room Rentals from Hotels and Motels for each such Hotel or Motel within the City and One Percent (1%) Tax of the Gross Proceeds of Restaurants operating within the City of Pearl, Mississippi, for the purpose of enhancing Parks and Recreations Programs and for Promoting the City of Pearl and For Related Purposes, and for the Payment of any debt incurred in connection therewith; And Declaring the date upon Which the Tax Shall become Effective, shall be September 1, 2018.

Motion was made by Alderman Luckett and seconded by Alderman Steverson to adopt a Resolution of the Governing Authorities of the City of Pearl, Mississippi, declaring an intent to levy a tax at the rate of Three Percent (3%) of the Gross Proceeds of Sales of Room Rentals from Hotels and Motels for each such Hotel or Motel within the City and One Percent (1%) Tax of the Gross Proceeds of Restaurants operating within the City of Pearl, Mississippi, for the purpose of enhancing Parks and Recreations Programs and for Promoting the City of Pearl and For Related Purposes, and for the Payment of any debt incurred in connection therewith; And Declaring the date upon Which the Tax Shall become Effective, shall be September 1, 2018. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

- C.** Consider an Order to adopt a Resolution requesting and memorializing the Mississippi Legislature to Amend the Applicable Sales Tax Laws and Use Tax Laws to continue to provide that 18.5% of the sales tax collected from Internet Interstate sales shall be paid to the Municipalities as currently provided for In-State Purposes.

Motion was made by Alderman Gill and seconded by Alderman Sartor to adopt a Resolution requesting and memorializing the Mississippi Legislature to Amend the Applicable Sales Tax Laws and Use Tax Laws to continue to provide that 18.5% of the sales tax collected from Internet Interstate sales shall be paid to the Municipalities as currently provided for In-State Purposes. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

- D. Consider the Offer to Purchase the forty (40) acre tract formerly known as the Trails at Pearl, located in the Southwest ¼ of Section 12, Township 5 North, Range 2 East, Pearl, MS, 39208, and owned by the City of Pearl.

Motion was made by Alderman Thompson and seconded by Alderman Lockett to accept the Offer to Purchase the forty (40) acre tract formerly known as the Trails at Pearl, located in the Southwest ¼ of Section 12, Township 5 North, Range 2 East, Pearl, MS, 39208, and owned by the City of Pearl and to authorize Mayor Windham to sign all related documents. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Lockett, and Alderman McHenry; Alderman Gill voted against the Motion.

- E. Consider appointing Brad Thornton as Chief of the Pearl Fire Department.

Motion was made by Alderman Foy and seconded by Alderman Gill to appoint Brad Thornton as Chief of the Pearl Fire Department. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Lockett, Alderman McHenry and Alderman Gill.

There were no emergency consideration of committees, commission and board matters. Having no further business Mayor Windham asked that the meeting be adjourned.

Motion was made by Alderman Thompson and seconded by Alderman Steverson approving an order to adjourn the meeting. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Foy, Alderman Steverson, Alderman Sartor, Alderman Thompson, Alderman Lockett, Alderman McHenry and Alderman Gill.

The foregoing were adopted as, and became, the Resolutions and Orders of the Governing Authorities of the City of Pearl, Mississippi on this the 7th day of August, 2018.

WITNESS MY SIGNATURE on this the 21st day of August, 2018.

JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:

CITY CLERK, KELLY SCOUTEN