

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 JUNE 19, 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 Sartor.

Alderman Luckett, led the Pledge of Allegiance.

RECOGNITIONS

FIREMAN OF THE MONTH MICHAEL FIVECOAT

CONSENT AGENDA

Upon Motion by Alderman Luckett and seconded by Alderman Thompson, 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 June 5, 2018.
- B.** Approval of the claims docket for the period of June 5, 2018 to June 19, 2018, in the amount of \$773,709.62 in paid claims \$593,145.97, in unpaid claims and \$551,843.60, addendum.
- C.** Approval of garbage exemptions applications and renewals, as attached hereto and made a part of the Minutes.
- D.** [Removed to General Business]

- E. Approval of Authorization to travel:

Shaun McDaniel & Justin Barnette- July 16-18, 2018 to Flowood, MS Sirchie Evidence Collection class at Northwest Rankin High School / cost \$350.00 each
- F. Approval of Merit Increases: [Removed to General Business]
- G. Order to approve and authorize the Leasing Contract by and between The City of Pearl Police Department and Advantage Business Systems for 3 Konica Minolta Printers for a total price of \$418.00 per month for 36 months and to authorize Mayor Windham to sign all related documents.
- H. Order to approve and authorize the quarterly maintenance to 1,000,000 fluted column on Pete Walker Lane by Utility Service Co. in the amount of \$7,501.95.
- I. Order to approve and adopt an Ordinance of the City of Pearl, Mississippi Amending Section 3-20 of Article II Chapter 3 of the Code of Ordinances of the City of Pearl, Mississippi, and providing an effective date therefor.
- J. Order to approve and adopt City of Pearl Flood Damage Prevention Ordinance.
- K. Order to approve and accept the preliminary plat for Phase 8 of Patrick Farms Subdivision.

PUBLIC COMMENT

James Chaffee, George Wilson and Willie Moore.

PUBLIC HEARING

- A. Determine whether or not that certain parcel of real property, owned by Lisa Marie Murphy, its successors and assigns, 2831 Rodney St., Pearl, Rankin County, Mississippi 39208 (Parcel No.E08P000005 00030; PPIN NO. 0111398), 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.

Mayor Windhan called the public hearing to order and asked if anyone was present to speak in favor of the property. The Community Development Director 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 further stated that the owner continues to feed numerous cats on the property. Mayor Windham asked if anyone else desired to speak on the matter. Mr.

Pritchard spoke and said he was the husband to Lisa Marie Murphy. He stated that he is working with a neighbor to get a contract on the house to be sold. He further stated that the purchaser would have a contractor demolish the existing structure as soon as it was purchased. Mayor Windham recommended that we continue the hearing to the next meeting to give Mr. Pritchard time to obtain the contract for the sale of the property.

Motion was made by Alderman McHenry and seconded by Alderman Steverson to continue this hearing until July 3, 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 Lockett, Alderman McHenry and Alderman Gill.

- B. Determine whether or not that certain parcel of real property, owned by Marie Christina Callahan, John Robert Callahan, Jeffery Head and Leslie Head and located at 302 Pearl Drive, Pearl, Rankin County, Mississippi 39208 (Parcel No. E08N000002 00260; PPIN No. 011161), 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.

Mayor Windham called the public hearing to order and asked if anyone was present to speak in favor of the property. No one answered. Mayor Windham asked if anyone else desired to speak against the property. The Community Development Director informed the Mayor and Board that the property, built in 1953, has not been inhabited since April of 2015. The Community Development Director also 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 or electricity since April 2015. He further stated that the house serves as a host for mold and mildew, which poses a menace to the public health and safety of the community. 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, which is twenty-eight thousand dollars (\$28,000.00). Marie Christina Callahan, John Robert Callahan, Jeffery Head and Leslie Head, owner(s) of 302 Pearl Drive, failed to appear and address the Mayor and Board of Alderman concerning the property condition at 302 Pearl Drive. There has been no contact with the owner(s) about the property in question. Mayor Windham asked if anyone else desired to speak on the matter. No one answered. Mayor Windham closed the public hearing and asked for the pleasure of the Board. **Motion was made by Alderman Foy and seconded by Alderman Sartor to adopt the following Order:**

WHEREAS Marie Christina Callahan, John Robert Callahan, Jeffery Head and Leslie Head, owner(s) of 302 Pearl Drive, failed to appear and address the Mayor and Board of Alderman concerning the property condition at 302 Pearl Drive. There has been no contact with the owner(s) about the property in question.

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 Marie Christina Callahan, John Robert Callahan, Jeffery Head and Leslie Head, and located at 302 Pearl Drive, Pearl, Rankin County, Mississippi 39208 (Tax Parcel No. E08N000002 00260 and PPIN No. 011161), 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, removing mold and mildew, 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.

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. Determine whether or not that certain parcel of real property, owned by Harry McMMain and located at 2035 Small Drive, Pearl, Rankin County, Mississippi 39208 (Parcel No. E08E000008 00010; PPIN No. 058979), 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.

Mayor Windhan called the public hearing to order and asked if anyone was present to speak in favor of the property. No one answered. Mayor Windham asked if anyone else desired to speak against the property. The Community Development Director informed the Mayor and Board that the property, built in 1957, has not been inhabited since October of 2015. The Community Development Director also 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 or electricity since October 2015. He further stated that the house serves as a host for mold and mildew, which poses a menace to the public health and safety of the community. 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, which is nineteen thousand dollars (\$19,000). Mayor Windham asked if anyone else desired to speak on the matter. No one answered. Mayor Windham closed the public hearing and asked for the pleasure of the Board. **Motion was made by Alderman Foy and seconded by Alderman Steverson to adopt the following Order:**

WHEREAS Harry McMMain at 2035 Small Drive failed to appear and address the Mayor and Board of Alderman concerning the property condition at 2035 Small Drive. There has been no contact with the owner concerning 2035 Small Drive.

WHEREAS Alderman Foy addressed the Mayor and other Aldermen stating that he has received numerous complaints over the years regarding the poor condition of the house and property located at 2035 Small Drive.

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 Harry McMMain, and located at 2035 Small Drive, Pearl, Rankin County, Mississippi 39208 (Tax Parcel No. E08E000008 00010 and PPIN No. 058979), 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, removing mold and mildew, 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.

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. Determine whether or not that certain parcel of real property, owned by Kitty Ruth Lowry and located at 4144 Bright Street, Pearl, Rankin County, Mississippi 39208 (Parcel No. F09C000002 00760; PPIN No. 015626), 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.

Mayor Windhan called the public hearing to order and asked if anyone was present to speak in favor of the property. No one answered. Mayor Windham asked if anyone else desired to speak against the property. The Community Development Director informed the Mayor and Board that the property, built in 1961, was not properly maintained, and the building was unsafe, the owner had failed and refused to cut the grass and vegetation that has overtaken the house 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 or electricity since January 2014. Further, he stated that he be-

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, which is thirty-one thousand dollars (\$31,000.00).

Kitty Ruth Lowry at 4144 Bright Street failed to appear and address the Mayor and Board of Alderman concerning the property condition at 4144 Bright Street. There has been no contact with the owner about the condition of this property. Alderman Sartor addressed the Mayor and other Aldermen stating that he has received numerous complaints over the years regarding the poor condition of the house and property located at 4144 Bright Street. He also stated that the children of the owner will not maintain the property and that vagrants are staying within the house. Mayor Windham asked if anyone else desired to speak on the matter. No one answered. Mayor Windham closed the public hearing and asked for the pleasure of the Board. **Motion was made by Alderman Gill and seconded by Alderman McHenry to adopt the following Order:**

WHEREAS Harry McMMain at 2035 Small Drive failed to appear and address the Mayor and Board of Alderman concerning the property condition at 2035 Small Drive. There has been no contact with the owner concerning 2035 Small Drive.

WHEREAS Alderman Foy addressed the Mayor and other Aldermen stating that he has received numerous complaints over the years regarding the poor condition of the house and property located at 2035 Small Drive.

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 Harry McMMain, and located at 2035 Small Drive, Pearl, Rankin County, Mississippi 39208 (Tax Parcel No. E08E000008 00010 and PPIN No. 058979), 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, removing mold and mildew, 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.

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.

GENERAL BUSINESS

- A. Order to adopt a Resolution of the City of Pearl, Mississippi Accepting and Approving Naloxone Administration of the Pearl Police Department Policies and Procedures, and Establishing an Effective Date therefore.

Motion was made by Alderman Steverson and seconded by Alderman Thompson to adopt a Resolution of the City of Pearl, Mississippi Accepting and Approving Naloxone Administration of the Pearl Police Department Policies and Procedures, and Establishing an Effective Date therefore. 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.

- B. Consider request of Spinal USA, Inc., for exemption from Ad Valorem Taxes as authorized by Section 27-31-51, et seq., of the Miss. Code of 1972, as Amended.

Jennifer Stewart addressed the Mayor and Board and described the businesses operations and desire to continue to grow in Pearl, Mississippi.

Motion was made by Alderman Sartor and seconded by Alderman Thompson to find that Spinal USA, Inc., made a written application pursuant to Section 27-31-51, et seq., of the Miss. Code of 1972, as Amended, and that the exemption from Ad Valorem Taxes should be, and hereby is, granted for a period of one (1) year. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Lockett, Alderman McHenry and Alderman Gill; Alderman Foy voted against the Motion.

- C. Consider request of Nissan North America, Inc. for exemption from Ad Valorem Tax-

es for a period of 1 year as authorized by Section 27-31-51, et seq., of the Miss. Code of 1972, as Amended.

Motion was made by Alderman Thompson and seconded by Alderman Sartor to find that Nissan North America, Inc., made a written application pursuant to Section 27-31-51, et seq., of the Miss. Code of 1972, as Amended, and that the exemption from Ad Valorem Taxes should be, and hereby is, granted for a period of one (1) year. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill; Alderman Foy voted against the Motion.

- D.** Consider request of HABE USA, Inc., for exemption from Ad Valorem Taxes for a period of 10 years as authorized by Section 27-31-105, et seq., of the Miss. Code of 1972, as Amended.

Motion was made by Alderman Steverson and seconded by Alderman Sartor to find that HABE USA Inc., made a written application pursuant to Section 27-31-105, et seq., of the Miss. Code of 1972, as Amended, and that the exemption from Ad Valorem Taxes should be, and hereby is, denied. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Steverson, Alderman Sartor, and Alderman Thompson, Alderman Luckett, Alderman McHenry, Alderman Gill and Alderman Foy.

- E.** Consider approval of application(s) and merit increases.

Motion was made by Alderman Luckett and seconded by Alderman Gill to consider an executive session to discuss personnel matters. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Gill, Alderman Foy, Alderman Luckett, Alderman Thompson, Alderman McHenry, Alderman Sartor and Alderman Steverson.

It was announced that upon a Motion made by Alderman Gill and seconded by Alderman Thompson the board entered executive session to discuss personnel matters. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Gill, Alderman Foy, Alderman Luckett, Alderman Thompson, Alderman McHenry, Alderman Sartor and Alderman Steverson.

It was announced that there were no applications to consider and all merit increases and transfers were approved by the Board of Aldermen unanimously during the executive session.

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 McHenry and seconded by Alderman Thompson

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 19th day of June, 2018.

WITNESS MY SIGNATURE on this the 3rd day of July, 2018.

JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:

CITY CLERK, KELLY SCOUTEN