

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 OCTOBER 3, 2017 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 Lockett
Alderman Sartor
Alderman Steverson
Alderman Foy
Alderman Thompson
Alderman Gill

Also in attendance was Kelly Scouten, City Clerk and Rusty Fortenberry, City Attorney.

PRAYER

The meeting was opened with prayer by Alderman Lockett.

Alderman Gill led the Pledge of Allegiance.

EMPLOYEE RECOGNITION

MAYOR’S REMARKS

The Mayor swore in the 2017-2018 Mayor’s youth council members

CONSENT AGENDA

Upon Motion by Alderman McHenry 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 September 19, 2017.
- B. Approval of the claims docket for the period of September 19, 2017 to October 3, 2017, in the amount of \$0.00 in paid claims \$165,563.26, in unpaid claims and \$7,828.00, addendum.
- C. Approval of garbage exemptions applications and renewals:

Gary Langford	3283 Pauline Dr.
Virginia Joyner Scow	234 Nelson Cir
Mary Virginia Porch	410 Sweetwater Dr.
Julia Mary Alice Bridges	104 Lake Trial Dr.
Danny Neal	3458 Longstreet Dr.
Sally Day Bullock	232 Bermuda Dr.
James A Wilson	3435 Christy Dr.
Deborah Mary Parmley	340 Harle St.
Joseph Herbert Freeman	3476 Old Brandon Rd.

D. Approval of application(s) :

Richard Blackburn – Golf (p/t)
 Shane Fletcher – Reserve police officer program
 Richard McGahey - Reserve police officer program
 Shane Roberts - Reserve police officer program
 Ronald Odom - Reserve police officer program

E. Approval of authorization to travel:

Billy Hudson, MTOA Basic SWAT School, November 27 – December 8, 2017,
 Desoto So Training Facility
 (Cost: Travel Only)

F. Approval of merit increases:

Marshall Cooper	Water
Charles Foy	Water
Sylvester McDonald	Water
James Odom	Water
Felix Howard	Street
Antonio Washington	Street
Joe Washington	Solid Waste

G. Order to approve and authorize budget amendment for the City of Pearl, Mississippi, for the fiscal year beginning October 1, 2016 and ending September 30, 2017, budget equals actual.

H. Order to approve and authorize the write off of inactive water/sewer/garbage accounts as uncollectible and to send the same to Advanced Recovery Systems, Inc. for collection.

I. Order to approve and authorize the purchase of (4) tires for PD 112 from Thomas Tire & Service Inc. in the amount of \$556.00. (quotes obtained)

J. Order to approve and authorize payment to Heflin Engineering Inc. in the amount of \$29,509.27 for Water Systems Improvements Project.

- K. Order to approve and authorize payment to Baker Donelson in the amount of \$586.25, for East Metro Corridor Commission Counsel Fees and Expenses.
- L. Order to approve and authorize payment to Price & Zirulnik, PLLC, in the amount of \$5,247.46, for East Metro Corridor Commission Fees and Expenses for condemnation.
- M. Order to adopt a Resolution Adopting the Hazard Mitigation Plan for the City of Pearl.
- N. Order to approve and authorize the Fire Protection Services Agreement between the Rankin County Board of Supervisors and the City of Pearl Fire Department.
- O. Order to set public hearing for November 7 2017, at 6:00 p.m. to consider request by Andy Kanengiser to waive the city metallic building ordinance and set-backs that will allow him to keep his metal storage shed in the front yard of the property located at 5264 Old Brandon Road.
- P. [Tabled by Alderman Foy]
- Q. Order to adopt a Resolution declaring a 2012 Chevrolet Tahoe, VIN 1GNLC2E09CR191370, to be surplus property and authorizing the Mayor to execute any documents necessary to transfer the title of said Tahoe to Jefferson Davis County in exchange for the payment of \$9,000.00.

PUBLIC COMMENT

Tyler Burnell addressed the Mayor and Board of Aldermen on behalf of Officer Adair.

PUBLIC HEARING

- A. **Consider request by Bonnie Moore on the behalf of Tommy Simmons to waive SEC 5.95 of the City Ordinance prohibiting metal carports and to waive the 5 foot setback requirements for the structure.**

Motion was made by Alderman McHenry and seconded by Alderman Foy to continue this hearing to the next meeting of the Mayor and Board of Aldermen on October 17, 2017, due to no one appearing at this meeting to speak on behalf of Bonnie Moore or Tommy Simmons. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Gill, Alderman Sartor, Alderman McHenry, Alderman Steverson, Alderman Foy, Alderman Thompson and Alderman Lockett.

B. Consider request by Mississippi Baptist Bible for a conditional use to allow 3 to 5 seminary students to stay overnight for class at Antioch Baptist Church located at 2528 Old Country Club Rd., Pearl MS 39208.

Mayor Windham called the public hearing to order. Joe Griffin spoke on behalf of Antioch Baptist Church. He explained to the Board that the church had met all safety requirements and were now requesting the conditional use to allow seminary students to stay overnight at the church for class. 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 Thompson and seconded by Alderman Steverson to grant the request by Mississippi Baptist Bible for a conditional use to allow 3 to 5 seminary students to stay overnight for class at Antioch Baptist Church located at 2528 Old Country Club Rd., Pearl MS 39208. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Gill, Alderman Sartor, Alderman McHenry, Alderman Steverson, Alderman Foy Alderman Thompson and Alderman Lockett.

C. Consider request by Charles Walker to rezone 653 Eldorado Rd. from Residential Estates to C-3 High Intensity Commercial.

Alderman Lockett recused himself and left the meeting room and did not participate in any action regarding this matter. Prior to discussion regarding this matter at the Board's work session last night, Alderman Lockett excused himself from the meeting and did not participate in any discussion regarding this matter. Alderman Lockett is recusing himself from any action on the matter to avoid a possible conflict of interest resulting from his being involved in a decision regarding the matter. Alderman Lockett has been advised to not discuss this matter with the Mayor, other Board members or any other city officials. The remaining Board members have been advised not to discuss the matter with Alderman Lockett.

Mayor Windham called the public hearing to order. Mr. Loper explained that he is requesting to rezone 653 Eldorado Rd. from Residential Estates to C-3 High Intensity Commercial. Mr. Loper explained to the Board that it is his intention to clear the buildings in the front of the property and place the property for sale. 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 Sartor and seconded by Alderman Thompson to grant the request to rezone 653 Eldorado Rd. from Residential Estates to C-3 High Intensity Commercial. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Sartor, Alderman McHenry, Alderman Steverson, Alderman Foy and Alderman Thompson; Alderman Gill voted against the Motion and Alderman Lockett did not vote.

GENERAL BUSINESS

1. Consider adoption of a Resolution finding that the Eforce Product License and Service Agreement is not a valid contract with the City of Pearl.

Motion was made by Alderman Luckett and seconded by Alderman Thompson to adopt a Resolution finding that the Eforce Product License and Service Agreement is not a valid contract with the City of Pearl; The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Luckett, AldermanThompson, Alderman Foy, Alderman Steverson, Alderman Gill, Alderman McHenry and Alderman Sartor.

2. Consider entering Executive Session to discuss:
 - A) personnel matters associated with City “at will” employees identified on the reappointment and non-reappointment lists attached to the Agenda, as well as the Adoption of an Order, in accordance with Mississippi Code Annotated Section 21-3-5, appointing the individuals identified on the reappointment list and not reappointing the individuals identified on the non-reappointment list; and, the status of pending litigation styled Homewood vs. The City Of Pearl

Motion was made by Alderman Foy and seconded by Alderman Gill to consider an executive session to discuss personnel matters associated with City “at will” employees identified on the reappointment and non-reappointment lists attached to the Agenda, as well as the Adoption of an Order, in accordance with Mississippi Code Annotated Section 21-3-5, appointing the individuals identified on the reappointment list and not reappointing the individuals identified on the non-reappointment list and the status of Homewood v. City of Pearl litigation; 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 upon a Motion made by Alderman Gill and seconded by Alderman Foy the board entered executive session to discuss personnel matters associated with City “at will” employees identified on the reappointment and non-reappointment lists attached to the Agenda, as well as the Adoption of an Order, in accordance with Mississippi Code Annotated Section 21-3-5, appointing the individuals identified on the reappointment list and not reappointing the individuals identified on the non-reappointment list and the status of pending litigation styled Homewood vs. The City of Pearl; 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 during executive session that the Board adopted an Order, in accordance with Mississippi Code Annotated Section 21-3-5, appointing the individuals identified on the reappointment list and not reappointing the individuals identified on the non-reappointment list.

It was further announced that the Board of Alderman took no action on the litigation styled Homewood vs. The City of Pearl.

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

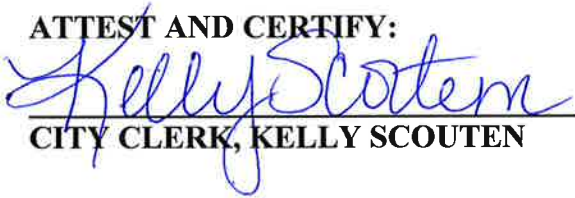
The foregoing were adopted as, and became, the Resolutions and Orders of the Governing Authorities of the City of Pearl, Mississippi on this the 3rd day of October, 2017.

WITNESS MY SIGNATURE on this the 17th day of October, 2017.



JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:



CITY CLERK, KELLY SCOUTEN



RESOLUTION

WHEREAS, the City of Pearl Police Department has been receiving training for a Public Safety Software System pursuant to a document identified as the Eforce Product License and Service Agreement (“Document”); and,

WHEREAS, the terms of said Document were never incorporated into the minutes of any meeting of the City of Pearl Board of Aldermen; and,

WHEREAS, the current City of Pearl Board of Aldermen have never approved said Document, nor incorporated its terms into the minutes of the City of Pearl; and,

WHEREAS, Mississippi law requires that in order for any agreement to be valid and enforceable, its terms must be incorporated into the official minutes of a Public Board;

WHEREAS, this Resolution being reduced to writing and being considered by the Mayor and Board of Aldermen upon a proper motion and second and the vote being as follows:

ALDERMAN JOHN MCHENRY	<u>X</u>	aye	_____	nay
ALDERMAN DAVID LUCKETT	<u>X</u>	aye	_____	nay
ALDERMAN MICHAEL SARTOR	<u>X</u>	aye	_____	nay
ALDERMAN JOHNNY STEVERSON	<u>X</u>	aye	_____	nay
ALDERMAN CASEY FOY	<u>X</u>	aye	_____	nay
ALDERMAN JAMES THOMPSON	<u>X</u>	aye	_____	nay
ALDERMAN GAVIN GILL	<u>X</u>	aye	_____	nay

WHEREAS, the subject proposed Resolution received the required number of positive votes and became the Order and Resolution of the Mayor and Board of Aldermen.

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

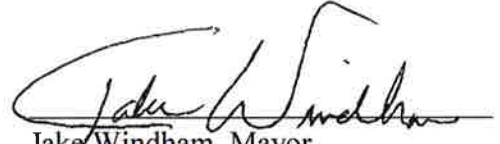
SECTION 1. The Governing Authorities of the City of Pearl, Mississippi adopt as their findings those matters set forth in the foregoing unnumbered paragraphs.

SECTION 2. That the Eforce Product License and Service Agreement is not a valid contract with the City of Pearl because its terms were never incorporated into the minutes of the City of Pearl.

SECTION 3. That the current Board of Aldermen has never approved the Eforce Product License and Service Agreement.

SECTION 4. That the Attorney for the City of Pearl shall provide Eforce with a duly executed copy of this Resolution.

SO ORDERED this the 3rd day of October, 2017.


Jake Windham, Mayor

ATTEST:

Kelly Scouten, City Clerk
City of Pearl, Mississippi



**MINUTES OF THE EXECUTIVE SESSION HELD DURING REGULAR MEETING
OF THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF PEARL, MISSISSIPPI, HELD IN THE BOARD ROOM AT CITY HALL
OCTOBER 3, 2017 AT 6:00 O'CLOCK P.M.**

The Mayor and all Aldermen and the City Clerk and City Attorney entered the Alderman's anteroom. The Mayor brought the closed assembly to order and asked for a Motion to consider an Executive Session due to pending litigation.

Motion was made by Alderman Gill and seconded by Alderman Foy to consider an executive session to discuss personnel matters associated with City "at will" employees identified on the reappointment and non-reappointment lists attached to the Agenda, as well as the Adoption of an Order, in accordance with Mississippi Code Annotated Section 21-3-5, appointing the individuals identified on the reappointment list and not reappointing the individuals identified on the non-reappointment list and the status of Homewood v. City of Pearl litigation; 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 Lockett, Alderman Thompson, Alderman McHenry, Alderman Sartor and Alderman Steverson.

The City Clerk returned to the Boardroom and announced this motion to those assembled.

Confidential Discussion was had regarding personnel matters associated with City "at will" employees identified on the reappointment and non-reappointment lists attached to the Agenda.

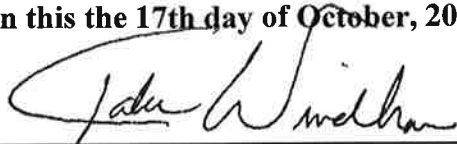
Motion was made by Alderman Foy and seconded by Alderman Lockett that the Board Adopt an Order, in accordance with Mississippi Code Annotated Section 21-3-5, appointing the individuals identified on the reappointment list and not reappointing the individuals identified on the non-reappointment list The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Gill, Alderman Lockett, Alderman McHenry, Alderman Thompson, Alderman Foy, Alderman Steverson and Alderman Sartor.

Confidential Discussion was had regarding the status of Homewood v. City of Pearl litigation. The Board took no action.

Motion was made by Alderman Gill and seconded by Alderman McHenry to adjourn the executive session and return to general session. 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 Lockett, Alderman Thompson, Alderman McHenry, Alderman Sartor and Alderman Steverson.

The foregoing were adopted as, and became, the Resolutions and Orders of the Governing Authorities of the City of Pearl, Mississippi during Executive Session on this the 3rd day of October, 2017.

WITNESS MY SIGNATURE on this the 17th day of October, 2017.



JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:



KELLY SCOUTEN, CITY CLERK



Non- Reappointments

Building & Grounds

Parks & Recreation

Matthew Vaughn

Charlie Dearman

John Head

Robert Beam

Michael Warren

Dennis Gardner

Police Department

Ron Nations

Jerry Adair

Britt Henkel

Fire Department

Addison Jones

Chad DiMartino

Cody Parker

Brian Hilton

Robert Wells

Charles Russum

Reappointments

Golf Course

Brian Bourgeois
Randolph Gilmore
Walter Hobgood
David Jones
Tim Jordan
Adrian Lewis
David Minett
Otis "Scooter" Myers
Brower Myers
Austin Patrick
Robyn Reynolds
Kenneth Traylor
Nathanael Webb
Angela Winstead

Auto Maintenance

Billy Jordan
Eric Sheffield
Kale Gammill

Community Development

Jamie Oliver
Brad Roberts
Eddie Sutton
Mandi Pearson

Mayor's Office

Kathy Bourgeois
Twyla Grant

Accounting

Pamela Malone
Leia Cooper
Cindy Jenkins

City Clerk's Office

Kelly Scouten
Teresa Wade
Kayla Collins
Taylor Linley

Senior Services

Ruth Gulette
Angela Bailey
Lakeisha Love
Doris Forbes- Contract
Jimmy Thompson-Contract
Danny Neal-Contract

Public Works

Judy Grimes
Elaine Kelly
Sandy Pruitt
Hazel Rogers
Aletha White
Teresa Wilson

Water Department

Chris Burlison
Bill Busby
Arthur Byrd
Marshall Cooper
James William Creel
Charles Foy
Rodger Blake Grady
Jesse Duane Haley
Taylor Wayne Hester
Myron Jackson
Cornelius Jenkins, Jr.
Rusty Jones
Sylvester McDonald
Christopher Mitchell
Christopher T. Moore
James (Jimbo) Odom, Jr.
Michael William Phillips
Cheryl Pollard
Sidney Spann, Jr.
Freddie Stapleton
David Wallace
M. Youngblood

Street Department

Donald Breakfield, Jr.
Napoleon Burch
Robert Mac Costello, Jr.
Roderick D. Crain
Niketa Fleming, Jr.
Charlie Jones Hill
Felton Hill, Jr.
Felix B. Howard
Lional Jackson
Undra Jackson
Michael Johnson
Larry Killens, II
Robert Killingsworth
William E. Pearson
William Russum
N.L. Sandifer
Brandon Scott
Joseph Jacob Stevens
Antonio L. Washington
Fred Winston
Kendric V. Wynn

Solid Waste

Willie Allen Jones
Thomas Mayo
David Walker
Joe H. Washington, Sr.

Limited Term/Summer Help

Joshua Carter
Charles Hammes, IV
Nick T. Lewis
Xavier McGraw
Tracy Throne Norwood
Jonathan Ruie Weeks

Police Department

Ronnie Conerly
Ricky Steen
Dean Scott
Brian McGairty
Melba Prince
Josh Bailey
Archie Bennett
Brandy Pepper
Tommy Boswell
Colandra Brown
Taylor Ambrose
Megan Campbell
Amanda Reel
Kayla Gentry
Vinessha Hill
Brandi Wolff
Kimberleigh Turner
Lacey Perkins
J. Scouten
Jamie Jones
Billy Hudson
Robert Mahaffey
Farris Thompson
Brian Ellis
Cassicy Andrews
Tammy Fitzhugh
Frank Hutton
Gregg Cupstid
Christi Jenkins
Melissa Lovorn
Debbie Nibert
Carol Ishee
Kathy Curry
Amanda Thomasson
Alfred Jenkins
Justin Barnette
Phillip Underwood
Vince Burnwell
Ronnie Decell
John Williams
Chris Godfrey
Wesley Flynt

Donovan Randolph
Josh Craig
Brad Chisholm
Mandi Dearman
Jeremy Haywood
Dave McCarley
Jamie Perry
Steve Culberson
John Chalk
Jim Brown
Shaun McDaniel
Steven Frederick
Kris Hough
Ruben Miles
Meagan Watson
Shanna Minga
Glenn Babbs
Greg Fagan
Max Gill
Mark Mooney
Patrick Walker
Eddie Hurtt
John Burt
Charlie Goodwin
Michael Bankston
Brandon Jordan
Mark Herrin
Kyle Camardelle
Chase Elam
Jason Scarborough
Ryan Erwin
Chris Sholar
Jeanne Jay
Heather Rodgers
Mark Gatlin
Glenn Westbrook
Wilks Carter
Brad Wunningham
Scott Frazier
Michael Holingsworth
John Wright
Tyler Burnell
Randy Newell

U. Oatis

Fire Department

Daniel Allen
Justin Allen
Blake Ball
Henry Ball
Jared Battee
Christa Billings
Preston Blocker
Donnie Boykin
Shawn Buchanan
Todd Burkes
James Byrd
Blake Chennault
Justin Collins
Aaron Conerly
Brandon Dearman
Adam Denson
Joseph Derriso
Allen Elliott
Chris Elliott
Matt Fagan
Patrick Finnegan
Michael Fivecoat
Chris Flaherty
Scott Graham
Samuel Granberry
Marty Grant
Johnny Hall
Keith Hall
Preston Harris
Todd Harvey
Brian Hill
Ron Hopson
Trace Hunt
Jimmy Jones
Robert Jones
Carl Kibby
Karl Kolb
Aaron LaRue
Michael Long
Jimmy Marciel
James McGraw
Craig Millett

Tyler Monts
James Moore
Trey Moore
Alvin Morris
Brian Mott
Phillip Ohlis
David Overton
Brad Phillips
Justin Priest
Ricky Purvis
Andrew Readman
Jack Readman
Blake Reeves
Michael Robin
Hunter Squires
Billy Stegall
Brad Thornton
John Throne, Jr
Stacey Underwood
Charles Weathersby
Nick Welch
Benji Wells
Joel Williams

Parks & Rec.

Will Bingham
Chris Collins
Jennifer Darling
Corrie Lofton

Building & Grounds

Joseph Bradshaw
Calvin Breland
James Broome
Raymond Houf
Steven Johnson
Henry Matthews
Jacqueline Parker
Timothy Richards
Landis Seals
James Sills
Jeffery Tudor
Marvin Williams
Raymond Wixson