

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 APRIL 16, 2019 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 Brendan Sartin, City Attorney.

PRAYER

The meeting was opened with prayer by Alderman Gill.

Alderman Steverson, led the Pledge of Allegiance.

ACKNOWLEDGEMENTS

PROCLAMATION – Lady Pirate Basketball ranked #1 in Mississippi and #84 in Nation

**Brandon Jordan for 5 years of service in the Police Dept.
Brandy Pepper for 10 years of service in the Police Dept.**

Police Officer of the month Chase Elam.

CONSENT AGENDA

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

1. Approval/corrections of minutes of the Regular Board Meeting April 2, 2019 and the Special Called Board Meeting April 5, 2019.
2. Approval of the claims docket for the period of April 2, 2019 to April 16, 2019, in the amount of \$447,788.39, in paid claims \$1,653,007.25, in unpaid claims and \$59,742.63,

addendum. The Mayor and Board of Aldermen further find that the claims being paid are for budgeted items and those items are authorized to be purchased by law.

3. Approval of garbage exemptions applications and renewals, as attached hereto and made a part of the Minutes.
4. Approval of application(s)
Alan Tindall- Community Development
Joseph McDaniel- Street
5. Approval of authorization to travel:
Brendan Sartin – July 7-13, 2019 to Sandestin, Florida for The Mississippi Bar 2019 Annual Meeting and Summer School/ Cost \$3280.00
Christa Billings- May 1-3 2019, to Biloxi, MS for ESAP Emergency Service Admin. Prof. / Cost 606.88
Christi Jenkins- June 23-25, 2019 to Biloxi, MS for Municipal Court Clerk Summer Program / \$106.99
6. Approval of merit increases
Nathan Bradshaw- Building and Grounds
Joseph Stevens-Street
Felton Hill- Street
Mark Youngblood- Water
Rusty Jones-Water
Lakeisha Love- Senior Services
Kimberleigh Turner- Police
7. Order to adopt a Resolution authorizing and approving a loan in the amount of \$1,035,493.00 on behalf of the City of Pearl from the Mississippi Development Authority for the purpose of completing capital improvements.
8. Order to approve and authorize the purchase of (18) fire truck tires from Goodyear in the amount of \$9,450.36. (state contract #G0006481)
9. Order to approve and authorize the application for store charge credit at Dicks Sporting Goods.
10. Order to approve and authorize the purchase of (50) Badger Meters from Central Pipe Supply, Inc. in the amount of \$17,040.00 (sole source)
11. Order to receive and accept the donation of (2) 2010 Ford Crown Victoria's with VIN#2FABP7BV9AX118272 and VIN#2FABP7BV0AX118273 to the City of Pearl Police Dept.at no cost; said items shall be placed on the inventory of the Pearl Police Department.

12. Order to set public hearing for May 21, 2019, at 6:00 p.m. to determine whether or not that certain parcel of real property owned by J. Lee Oglesby, and located at 807 Harvey St., Pearl, Rankin County, Mississippi 39208 (Parcel No. F08A-20-330; PPIN No. 014432), 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.
13. Order to set public hearing for May 21, 2019, at 6:00 p.m. to determine whether or not that certain parcel of real property owned by Jaegec Renovations, LLC, and located at 803 Harvey St., Pearl, Rankin County, Mississippi 39208 (Parcel No. F08A-20-340; PPIN No. 014433), 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.
14. Order to award the bid for CDBG Grant Project Appraiser to Bobby L. Cloud, as the sole bid for Project Appraiser.
15. Order to approve entering into an Agreement for Security Services by and between the City of Pearl and Justice LLC for Security Services on April 26, 2019.
16. Order to approve and authorize the purchase of (1) Scag Tiger Cat from Revell Hardware in the amount of \$8,000.00. (state contract# 8200037906)

PUBLIC COMMENT

Cynthia Acy, 1 Lakeside, Pearl MS 39208.

PUBLIC HEARING

1. Consider request by Judy Peagler for a waiver of Code of Ordinance Section 5-95 metallic buildings to place a 12 x 20 metallic building in her back yard at 1900 Edwin Ave., Pearl, MS 39208.

The Public Hearing was opened with respect to whether or not a waiver of Code of Ordinance Section 5-95 metallic buildings to place a 12 x 20 metallic building in the back yard at 1900 Edwin Ave., Pearl, MS 39208. Judy Peagler, the owner, spoke in favor of the request. Community Development Director, Brad Robertson, informed the Mayor and Board of Aldermen that the requested building would fit with the other properties in this area and recommended granting the waiver.

Motion was made by Alderman Foy and seconded by Alderman Sartor to approve the request for a waiver of Code of Ordinance Section 5-95 metallic buildings to place a 12 x 20 metallic building in the back yard at 1900 Edwin Ave., Pearl, MS 39208. The following members of the Board of Aldermen voted in favor of the Motion,

which became the Orders of the Board: Alderman Foy, Alderman Gill, Alderman Steverson, Alderman Thompson, Alderman Lockett, Alderman McHenry and Alderman Sartor.

GENERAL BUSINESS

1. Consider Mayoral Veto with regard to request by Brandon Deer on behalf of Magnolia Equipment, LLC, for conditional use to operate a golf cart dealership at 315 Airport Rd., Pearl, Mississippi 39208.

Motion was made by Alderman Foy and seconded by Alderman Sartor to overturn the Mayoral Veto with regard to the request for a conditional use variance at 315 Airport Road, Pearl, MS 39208 and no further discussion was made on the request. A voice vote was taken but no result was determined by the Mayor. The Mayor restated the Motion, asking for a roll call vote for alderman favoring the overturn of the Mayoral Veto granting of the conditional use as had been presented, same receiving no objection from the Movant or the Second. The roll call resulted in Alderman Sartor, Alderman Lockett, Alderman Thompson and Alderman Foy voting in favor to overturn the Mayoral Veto with regard to the request for a conditional use variance at 315 Airport Road, Pearl, MS 39208. Alderman Gill, Alderman McHenry and Alderman Steverson voted in opposition of Motion to overturn the Mayoral Veto with regard to the request for a conditional use variance at 315 Airport Road, Pearl, MS 39208. The Mayor announced that the Motion did not carry and the Veto stood thereby denying the request to grant a conditional use to operate a golf cart dealership at 315 Airport Rd., Pearl, Mississippi 39208.

The Mayor informed the public that the current zoning ordinances were adopted in 2009 and that deviation from the zoning ordinances has the potential to hinder future development. Additionally, he read a letter from David Wade at Central Mississippi Planning and Development District wherein he advised against granting the request. (Said letter is attached hereto and incorporated herein by reference.)

Alderman Foy stated that for the record, it was his understanding that Mr. Wade admitted at the Work Session held on April 15, 2019, that his paragraph 1 of the letter sent was incorrect. Alderman Foy stated that paragraph read, "Vehicle repair and service businesses are not allowed outright (1301) or as a conditional use (1302) in the C-1 (Restricted Commercial District." Alderman Foy further stated that he had received numerous calls from constituents in support of this business and had 3 negative conversations regarding the same.

2. **A Motion was made by Alderman Foy and seconded by Alderman Sartor to approve and authorize the purchase of 1500 sand bags with white sand ahead of the storms expected later in the week.**

The following members of the Board of Aldermen voted in favor of the Motion, which became the Orders of the Board: Alderman Sartor, Alderman Steverson, Alderman Thompson, Alderman Lockett, Alderman Gill, Alderman Foy and Alderman McHenry.

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 Sartor 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 Luckett, Alderman Gill and Alderman McHenry.

The foregoing were adopted as, and became, the Resolutions and Orders of the Governing Authorities of the City of Pearl, Mississippi on this the 16th day of April, 2019

WITNESS MY SIGNATURE on this the 7th day of May, 2019.

JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:

CITY CLERK, KELLY SCOUTEN

GARBAGE REDUCTION

18-3795001
18-5085001
25-0313000
26-0306006
37-0340000
46-0111002

KENNIE R UNDERWOOD
EMILY VIRGINA PACE
JOAN B OLIVER
RHONDA C GUILLORY
BEVERLY HARDIN
RACHEL JOANN OLIVER

502 WILDBERRY DR
420 SWEETWATER DR
3616 HOOD DR
314 FERN SPRINGS DR
661 BRUIN AVE
110 SHADOW LODGE CIR

SENT 4/9/2019



CENTRAL MISSISSIPPI PLANNING AND DEVELOPMENT DISTRICT

1170 Lakeland Drive • P.O. Box 4935 • Jackson, Mississippi 39296-4935 • (601) 981-1511 • Fax: (601) 981-1515

Les Childress, President
Isla Tullos, Vice President
William Banks, Secretary-Treasurer
Michael Monk, Chief Executive Officer

April 2, 2019

The Honorable Jake Windham
Mayor of City of Pearl
P.O. Box 5948
Pearl, MS 39288-5948

Dear Mayor Windham:

I have reviewed your current (2009) Zoning Ordinance and based on my understanding of the requested conditional use, I have made the following findings:

1. Vehicle repair and service businesses are not allowed outright (1301) or as a conditional use (1302) in the C-1 (Restricted Commercial District).
2. Outdoor storage is expressly prohibited in the C-1 district under Sections 1300 and 1301.
3. Section 1303 expressly prohibits "Any use involving the outdoor storage of materials, inventory or equipment..." as well as "Warehouses and Storage Facilities".
4. The requirements for granting a Conditional Use under Section 2505 expressly address "General compatibility with adjacent properties and other property in the district."

Based on these findings, as well as my understanding that the request is for a utility vehicle (golf cart) service and repair shop to include outdoor display and storage along with warehousing, I recommend denial of the request. Another consideration is that we are just now beginning an update of the City's Comprehensive Plan. During the development of the Plan we will be considering and addressing land use development patterns as they relate to future zoning of lands. The allowance of otherwise incompatible land uses in an area could greatly affect the outcome of the new Land Use Plan.

Sincerely,

David Wade, AICP
Principal Planner