

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 FEBRUARY 5, 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 Thompson.

Alderman Lockett, led the Pledge of Allegiance.

RECOGNITIONS

Shawn Buchanan for 20 years of service in the Fire Dept.

CONSENT AGENDA

Upon Motion by Alderman Gill and seconded by Alderman Steverson, 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 January 15, 2019.
2. Approval of the claims docket for the period of January 15, 2019 to February 5, 2019, in the amount of \$2,304,551.50, in paid claims \$587,119.30, in unpaid claims and \$186,054.53, 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. [Removed to General Business]

5. Approval of authorization to travel:
 Jake Windham- March 25, 2019 to Pearl, Ms CMO Elective evening class/ \$25.00
 John Chalk and Brian Ellis- March 18-22, 2019 to Nashville, TN Regional Organized
 Crime Information Center Training / \$1238.50 each
 Billy Hudson and Jeremy Haywood- Feb 24- March 8, 2019 to Holly Spring, MS MTOA
 Swat in Desoto County S.O. Training Facility / \$836.00 each
 Just Allen and William Long- November 12-15, 2018 to Pearl, MS Fireground leader
 ship/ \$360.00

6. Approval of Merit Increases:
 Carlton Greg Fagan: Golf
 Eric Sheffield: Auto Maintenance
 Hannah Green: Police
 Shanna Minga: Police
 Melba Prince: Police
 Meagan Bilbro: Police
 William David Roberts: Street
 Felix Howard: Street
 Justin Allen: Fire
 Shawn Buchanan: Fire
 William Pearson: Auto Maintenance

7. Order to approve and authorize the settlement of claim by the City of Pearl against S&B
 Trucking LLC, James Stevens, Prime Insurance Company and Claims Direct and to
 authorize Mayor Windham to sign all related documents.

8. Order to approve and authorize the purchase of Ruckus Wireless Virtual Smartzone 3.0, 1
 instance with 1 AP license along with 10 refurbished 7982 Access Points, 14 AP license
 and 3 year support contract from TechSource Solutions in the amount of \$4,995.00.

9. 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.

10. Order to approve and authorize the Agreement by and between, the City of Pearl and
 TransUnion (TLO) and to authorize Mayor Windham to sign all related documents.

11. Order to approve and authorize the purchase of (1) 2019 Nissan Frontier SV from Paul
 Barnett Nissan in the amount of \$22,000.00 for the Wells Dept. (State Contract No.
 8200042048)

12. Order to approve and authorize the purchase of (1) 2019 Ford F350 Cab & Chasis Crew
 Cab from Landers Ford South in the amount of \$27,618.00 for Public Works. (State
 Contract No.8200042046)

13. Order to approve and authorize the purchase of (1) 9' dump body installed from Warren,
 Inc. in the amount of \$6,950.00 for the 2019 Ford F350. (quotes obtained)

14. Order to approve the Notice of Amendment to the City of Pearl Zoning Ordinance by re moving Section 1921.
15. Order to approve and authorize payment to Wellington Associates, Inc. in the amount of \$9,438.00 for Pearl Day event insurance. (quotes obtained)
16. Order to set public hearing for March 5, 2019, at 6:00 p.m. to Determine whether or not that certain parcel of real property located at 2655 Old Brandon Road, Pearl, Rankin County, Mississippi 39208 (Parcel No. E08P000027 00000; PPIN No.011433), 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.
17. Order to set public hearing for March 5, 2019, at 6:00 p.m. to Determine whether or not that certain parcel of real property located at 161 Mack Willie Dr., Pearl, Rankin County, Mississippi 39208 (Parcel No. G08K000003 00000; PPIN No. 018873), 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.
18. Order to set public hearing for March 5, 2019, at 6:00 p.m. to Determine whether or not that certain parcel of real property located at 201 and 205 Lake Dr., Pearl, Rankin County, Mississippi 39208 (Parcel No. EOM000026 00000; PPIN No. 011098), 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.
19. Order to adopt a Resolution acknowledging receipt of TIF Plan and an Order to set public hearing for March 5, 2019, at 6:00 p.m. for the Tax Increment Financing Plan Heritage Hospitality Project.
20. Order to approve and authorize the demolition of any and all dwellings located at 3618 Highway 80 East, Pearl, MS 39208, by Faircloth Demolition, Inc. in the amount of \$10,000.00. (quotes obtained)

PUBLIC COMMENT

Gene Newman and Gayle Charnley addressed the Mayor and Board of Aldermen.

PUBLIC HEARING

1. Consider request by Chad Davis for a dimensional variance for the size of an accessory building.

The Public Hearing was opened with respect to the dimensional variance for the size of an accessory building request of Chad Davis whereupon the Director of Community Development advised that all prerequisites to the public hearing have been met and further advised the Mayor and Board of Aldermen with respect to the nature of the application, all of which is contained in the file regarding this matter, which is incorporated herein by reference. Thereafter those in favor of or in opposition to the application were requested to come forward and speak, whereupon Chad Davis spoke in favor of the request. No one spoke in opposition and no one provided any additional comment regarding the matter and the Public Hearing was then closed. Motion was made by Alderman Luckett and seconded by Alderman Gill to grant a request by Chad Davis for.

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

2. Consider request by Kenneth and Georgia Johnson for a conditional use permit to operate a child care facility at 214 Lonnie Jenkins Dr., Pearl MS 39208.

The Public Hearing was opened with respect to the conditional use whereupon the Director of Community Development advised that all prerequisites to the public hearing have been met and further advised the Mayor and Board of Aldermen with respect to the nature of the application, all of which is contained in the file regarding this matter, which is incorporated herein by reference. Thereafter those in favor of or in opposition to the application were requested to come forward and speak, whereupon Kenneth and Georgia Johnson spoke in favor of the request. No one spoke in opposition and no one provided any additional comment regarding the matter and the Public Hearing was then closed. Motion was made by Alderman Foy and seconded by Alderman Gill to grant a request by Kenneth and Georgia Johnson for a conditional use permit to operate a child care facility at 214 Lonnie Jenkins Dr., 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 Foy, Alderman Steverson, Alderman Sartor, Alderman Thompson, Alderman Luckett, Alderman Gill, and Alderman McHenry.

GENERAL BUSINESS

1. Consider the recommendation of City Clerk, Kelly Scouten, for the City of Pearl's depository to remain as Priority One Bank for calendar years 2019 and 2020.

Motion was made by Alderman Foy and seconded by Alderman Steverson to accept the recommendation of City Clerk, Kelly Scouten, for the City of Pearl's depository to remain as Priority One Bank for calendar years 2019 and 2020. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Lockett, Alderman Foy, Alderman Steverson, Alderman Thompson, Alderman McHenry and Alderman Gill.

2. Consider approval of applications.

Motion was made by Alderman Gill and seconded by Alderman Lockett to deny the job application of R.M.; 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 Thompson, Alderman McHenry, and Alderman Steverson. Alderman Foy and Alderman Sartor voted against the Motion.

3. Appoint Pearl Public School District board member.

The Board has been advised that there is not a violation of state law for a board member to vote on a school board appointment to the municipal school board and they may vote

However, the Mississippi Ethics Commission has stated that "public servants so situated to recuse themselves from voting on appointments to the school board to avoid the appearance of impropriety...Pursuant Section 25-4-101, Miss. Code of 1972, public servants should conduct themselves in a manner which enhances the public trust in government and avoid actions which may tend to create public suspicion regarding the honesty and integrity of those in government." Advisory Opinion No. 07-071-E.

Further, an alderman can vote but the ethics commission states: "While it is not an automatic or absolute violation for an alderman to vote on an appointment to the municipal school board while he or she is employed by the school district, the Commission has always advised municipal board members that a total and complete recusal is the only sure way to avoid a violation of Code Section 25-4-105(1)."

In the past, the board has had quorum issues due to the number of board members with employment connections with the School District. Hence, board members voted. There is not a quorum issue with the current board and the board members have been advised of the various issues and they have each individually decided to act accordingly.

Alderman Gill and Alderman McHenry recused themselves and left the meeting room and are not participating in any action regarding this matter. Prior to discussion regarding this matter at the Board's work session last night, Alderman Gill excused himself from the meeting and did not participate in any discussion regarding this matter. Alderman McHenry was absent from work session.

Motion was made by Alderman Luckett and seconded by Alderman Steverson to appoint Sondra Odom to the Pearl Public School District Board; The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Foy, Alderman Luckett, Alderman Thompson, and Alderman Steverson. Alderman Sartor voted against the Motion.

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 Foy 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, and Alderman Luckett.

The foregoing were adopted as, and became, the Resolutions and Orders of the Governing Authorities of the City of Pearl, Mississippi on this the 5th day of February, 2019

WITNESS MY SIGNATURE on this the 19th day of February, 2019.

JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:

CITY CLERK, KELLY SCOUTEN

GARBAGE REDUCTION

25-0338000
27-0376001
26-0662001
46-0091005
17-0111000
30-0299000

DAVID STRIBLING
ROBERT T BURT
WILLIAM FRANK WRIGHT SR
GAYLE ANN CHARNLEY
EMMA S KITCHENS
LEONARD B VAUGHN

3777 OLD BRANDON RD
3267 OLD BRANDON RD
215 S FOX HALL RD
84 LAMPLIGHTER RD
412 S SWEET HOME CHURCH RD
2563 NAPOLEON AVE

SENT 1-16-19

GARBAGE REDUCTION

26-0132002
26-0137000
26-0148003
26-0252008
46-0100001

Davie Garner
Lela Taylor
Lula G Williams
Nancy Necaise
Deborah Douglas

285 S Sweet Home Church Road
1012 N Sweet Home Church Road
1085 N Sweet Home Church Road
182 Aqua Way
122 Shadow Lodge Circle

Sent 1-23-2019

GARBAGE REDUCTION

18-5043002
28-0067004
29-0240004

FRANCIS J EICKE
MARQUITA KITCHENS
JEANNE STEEBER

140 SWEETWATER DR
113 OAK PARK DR
230 CHILDRE RD

SENT 1-28-19