

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 MAY 21, 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 Steverson.

Alderman Lockett, led the Pledge of Allegiance.

ACKNOWLEDGEMENTS

- PROCLAMATION – Pearl High School Track & Field Team- MHSAA Track and Field State Championship**
- Fireman of the Month Battalion Chief Donnie Boykin**

CONSENT AGENDA

Upon Motion by Alderman Thompson 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 May 7, 2019.
2. Approval of the claims docket for the period of May 7, 2019 to May 21, 2019, in the amount of \$1,747,924.58, in paid claims \$584,647.03, in unpaid claims and \$418,038.17, 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): [Removed to General Business]
5. Approval of authorization to travel:
Jim Brown, John Chalk and Amanda Thomasson-June23-25, 2019 to Oxford, MS for 2019 NIBRS Conference/ Cost \$349.67 each
Zack Goins, Dustin Brown, Donovan Randolph, and Lee Barton- June 27-29, 2019 to Olive Branch, MS for 2019 National Lawfit Challenge/ Cost \$793.29 each
6. Approval of merit increases:
Todd Tudor- Building& Grounds
Trey Moore-Fire
7. Order to adopt a Resolution finding that the employees on the list, which is attached hereto and made a part hereof, shall be paid solely from the City of Pearl Enterprise fund, effective June 1, 2019, due to the fact that their work is such that it solely benefits the
8. Order to adopt a Resolution Appointing Mississippi Municipal League 2019 Voting Delegates for the City of Pearl, MS. Said delegates to be: Voting Delegate: Jake Windham, First Alternate: John McHenry.
9. 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.
10. Order to approve the Facilities Use Agreement by and between the City of Pearl and Pearl Boxing Club and to authorize Mayor Windham and Scooter Myers, to sign the same.
11. Order to approve and authorize the Water Fun Day by Pearl Parks & Recreation on August 3, 2019 at Jenkins Park.
12. Order to approve and authorize the Pearl Parks and Recreations Pearl Youth Football and Cheer registration dates and fees.
13. Order to adopt a Resolution finding that the certain items identified on the attached list, submitted by IT, which is incorporated herein by reference, as surplus, and to approve the disposal and/or sale of each item as required by law.
14. Order to approve and authorize payment to Neel-Schaffer, Inc. in the amount of \$11,975.65, for the Pearl Intersection Improvements Project and \$33, 208.73 for the US Hwy 80 Signal Upgrade.
15. Order to adopt a Resolution Adjudicating the cost of cleaning of property at 447 Old Whitfield Rd., Pearl MS 39208 and assessing said costs against said property.

16. Order to adopt a Resolution to request project activation from MDOT for the Old Whitfield Road Overlay Project and to authorize Mayor Windham to sign all related documents.
17. Order to adopt a Resolution to request project activation from MDOT for the US Hwy 80 Traffic Signal Upgrades Project and to authorize Mayor Windham to sign all related documents.
18. Order to approve and authorize the advertisement of bids to implement construction for Parks & Recreation.
19. Order to set public hearing for June 18, 2019, at 6:00 p.m. to consider request by Rodney White on behalf of Total Electric, LLC for a Waiver of Section 1304(B) to allow for a 5 ft. setback and Section 5-95 to allow for a metallic building at 157 Fairmont Plaza, Pearl, MS 39208.
20. Order to set public hearing for June 18, 2019, at 6:00 p.m. to consider request by Dave Holly for a Waiver of Section 407.06 of the Zoning Ordinance to allow him to build a 900 sq. ft. shop at 113 La Gail Dr., Pearl, MS 39208.
21. Order to set public hearing for June 18, 2019, at 6:00 p.m. to consider request by Brookwood Properties, LLC, for a Waiver of Section 1403.1 Maximum Building Height and to rezone Parcel No.: G08M-27-10 and G08M-27 from C-1 to Warehouse District.

PUBLIC COMMENT

There were no public comments.

PUBLIC HEARING

1. 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.

Community Development Director, Brad Robertson, 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. Further, he stated that he believes the cost to renovate and restore the building to a livable condition is greater than fifty percent of the assessed value of the house.

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. J. Lee Oglesby and other interested parties were served with notice of the public hearing on May 21, 2019, as required by law.

2) The parcel of 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 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 by obtaining the necessary permits and by performing significant progress within thirty (30) 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 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.

This Motion was made by Alderman Thompson and seconded by Alderman McHenry; 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, and Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

2. 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.

Motion was made by Alderman Thompson and seconded by Alderman Steverson to continue this hearing until September 3, 2019, to give Jaegec Renovations the additional time to complete the repairs needed in order for this home to be inhabitable. 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 Lockett, Alderman Gill, and Alderman McHenry.

3. Consider request by Alliance Holdings to grant a conditional use for the property located at 2544 Highway 468 to include 2538 and 2540 Highway 468, Pearl, MS 39208.

Motion was made by Alderman Thompson and seconded by Alderman Gill to grant the request by Alliance Holdings to grant a conditional use for the property located at 2544 Highway 468 to include 2538 and 2540 Highway 468, 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 Lockett, Alderman Thompson, Alderman McHenry, Alderman Steverson, Alderman Foy, Alderman Sartor and Alderman Gill.

GENERAL BUSINESS

1. Consider an Order to approve and authorize the acceptance of Woodson Bend Phases I and II.

Motion was made by Alderman Lockett and seconded by Alderman Thompson to grant an Order to approve and authorize the acceptance of Woodson Bend Phases I and II. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Lockett, Alderman Thompson, Alderman McHenry, Alderman Steverson, Alderman Foy, Alderman Sartor and Alderman Gill.

2. Consider an Order to adopt a Resolution adopting the “City of Pearl Employee Policy and Procedures” and the “Drug and Alcohol Testing Program for the City of Pearl” effective July 1, 2019.

Motion was made by Alderman Gill and seconded by Alderman Thompson to adopt a Resolution adopting the “City of Pearl Employee Policy and Procedures” and the “Drug and Alcohol Testing Program for the City of Pearl” effective July 1, 2019. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Lockett, Alderman

Thompson, Alderman McHenry, Alderman Steverson, Alderman Foy, Alderman Sartor and Alderman Gill.

3. Consider entering Executive Session to discuss approval of applications and disciplinary matters in the Pearl Police Department.

Motion was made by Alderman Foy and seconded by Alderman Gill to consider an executive session to discuss Applications for Employment and disciplinary matters in the Pearl Police Department; 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 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 Applications for Employment and disciplinary matters in the Pearl Police Department; 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 Sartor and Alderman Steverson.

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 Gill and seconded by Alderman Lockett 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, 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 21st day of May, 2019

WITNESS MY SIGNATURE on this the 4th day of June, 2019.

JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:

CITY CLERK, KELLY SCOUTEN

GARBAGE REDUCTION

22-0160005
26-0322009
39-0001001
48-0054002

LINDA ANN SPENCER
RICHARD M GONZALES
GARY WILLIAMSON
GORDON RUSSELL NELSON

3645 FLYNN DR
331 FERN SPRINGS
2050 BEECHWOOD BLVD
262 E MEADE ST

SENT 5/15/209

Public Works to Water Dept.

- **Jerry Brown**
- **Robert Killingsworth**
- **Nate Sandifer**
- **Johnny Winston**
- **Xavier Simpson**
- **William Taylor**

I spoke with Tom Chain with Technical Assistance and he said that we can move these employees because they maintain ditches and repair ditches. We would have to make a finding on our minutes that we transferred these employees to the water payroll.

**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
MAY 21, 2019 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 to discuss applications for employment and merit increases.

It was announced that upon a Motion made by Alderman Gill and seconded by Alderman Foy the board entered executive session to discuss Applications for Employment and disciplinary matters in the Pearl Police Department; The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Gill, Alderman McHenry, Alderman Foy, Alderman Lockett, Alderman Thompson, Alderman Sartor and Alderman Steverson.

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

Motion was made by Alderman Lockett and seconded by Alderman Sartor to approve all applications for employment with the exception of the application of Greg Flynn: The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Foy, Alderman Thompson, Alderman Steverson, Alderman Sartor, Alderman McHenry, Alderman Lockett and Alderman Gill.

The applications approved are as follows:

**Cedrick Moffett- Public Works
Demonte Hollimun- Public Works
Gunner Williams- Street
Blake Robertson- Water**

Motion was made by Alderman Thompson and seconded by Alderman McHenry to approve the application for employment of Greg Flynn; The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Thompson, Alderman Steverson, Alderman Gill, and Alderman McHenry; Alderman Sartor, Alderman Lockett, and Alderman Foy voted against the Motion.

Motion was made by Alderman Gill and seconded by Alderman McHenry to accept the recommendation of Police Chief Dean Scott and to remove the rank of Patrol Sgt. and the accompanying salary for said position of employee identified as No.28. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Gill, and Alderman McHenry; Alderman Foy, Alderman Lockett, Alderman Thompson, Alderman Steverson and Alderman Sartor voted against the Motion. The Motion failed.

Motion was made by Alderman Thompson and seconded by Alderman Foy to suspend for five days without pay the employee identified as No.28. 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 Steverson and Alderman Sartor.

Motion was made by Alderman Foy and seconded by Alderman Gill 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 McHenry, Alderman Foy, Alderman Lockett, Alderman Thompson, 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 21st day of May, 2019.

WITNESS MY SIGNATURE on this the 4th day of June, 2019.

JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:

KELLY SCOUTEN, CITY CLERK