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 Luckett
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 Luckett.

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 & Zirlnik, 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 setbacks 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 Luckett.
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 Luckett.

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

Alderman Luckett 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 Luckett excused himself from the meeting and did not participate in any discussion regarding this matter. Alderman Luckett 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 Luckett 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 Luckett.

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 Luckett 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, Alderman Thompson, 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 Luckett, 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.

JAKH WINDHAM, MAYOR

ATTEST AND CERTIFY:

CITY CLERK, KELLY SCOUTEN

SEAL
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       X  aye       ___ nay
ALDERMAN DAVID LUCKETT       X  aye       ___ nay
ALDERMAN MICHAEL SARTOR      X  aye       ___ nay
ALDERMAN JOHNNY STEVERSON    X  aye       ___ nay
ALDERMAN CASEY FOUY           X  aye       ___ nay
ALDERMAN JAMES THOMPSON       X  aye       ___ nay
ALDERMAN GAVIN GILL          X  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.

ATTEST:

[Signature]
Kelly Scuten, City Clerk
City of Pearl, Mississippi

[Signature]
Jake Windham, Mayor

[City of Pearl Seal]
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 Luckett,
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 Luckett 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 reappoin-
ting 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 Luckett, 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 Luckett, 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

CITY OF PEARL
MISSISSIPPI
SEAL
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

Senior Services
Ruth Gullette
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 Burleson
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

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

Limited Term/Summer Help
Joshua Carter
Charles Hammes, IV
Nick T. Lewis
Xavier McGraw
Tracy Throne Norwood
Jonathan Ruie Weeks
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 Marcil
James McGraw
Craig Millett

Tyler Monts
James Moore
Trey Moore
Alvin Morris
Brian Mott
Phillip Ohls
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