

**MINUTES OF THE SPECIAL CALLED MEETING OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF PEARL, MISSISSIPPI, HELD IN THE BOARD ROOM
AT CITY HALL NOVEMBER 15, 2019 AT 7:00 O'CLOCK A.M.**

CALL TO ORDER

The special called meeting of the Mayor and Board of Aldermen was called to order by Mayor Windham at 7:00 a.m.

Roll call indicated the following Aldermen present:

Alderman McHenry
Alderman Luckett
Alderman Thompson
Alderman Gill

Alderman Sartor, Alderman Steverson and Alderman Foy attended the meeting by telephone.

Also in attendance was Kelly Scouten, City Clerk and Brendan Sartin, City Attorney.

PRAYER

The meeting was opened with prayer by Alderman McHenry.

Alderman Thompson led the Pledge of Allegiance.

GENERAL BUSINESS

1. Consider an Order to adopt a Resolution accepting the bid of Barnard & Sons Construction, LLC, for City of Pearl Parks and Recreation: Baseball and Softball Fields, finding that the conforming bid of Barnard & Sons Construction, LLC, is the lowest and best bid in the amount of \$7,476,140.96, and that the contract should be and hereby is awarded to Barnard & Sons Construction, LLC, and to authorize Mayor Windham to sign all related documents.

Motion was made by Alderman Gill and seconded by Alderman Thompson to adopt a Resolution accepting the bid of Barnard & Sons Construction, LLC, for City of Pearl Parks and Recreation: Baseball and Softball Fields, finding that the conforming bid of Barnard & Sons Construction, LLC, is the lowest and best bid in the amount of \$7,476,140.96, and that the contract should be and hereby is awarded to Barnard & Sons Construction, LLC, and to authorize Mayor Windham to sign all related documents. 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 Luckett, Alderman Steverson, Alderman Sartor, Alderman Thompson and Alderman Foy.

2. Consider an Order to approve and authorize payment to Wier Boerner Allin Architecture, in the amount of \$42,880.00, for City of Pearl Parks and Recreation Baseball and Softball Fields Project construction documents.

Motion was made by Alderman McHenry and seconded by Alderman Gill to approve and authorize payment to Wier Boerner Allin Architecture, in the amount of \$42,880.00, for City of Pearl Parks and Recreation Baseball and Softball Fields Project construction documents. 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 Lockett, Alderman Steverson, Alderman Sartor, Alderman Thompson and Alderman Foy.

3. Consider an Order to adopt a Resolution finding that the certain items identified on the attached list, which is incorporated herein by reference, as surplus, the fair market value of said personal property is zero, and to approve and authorize the disposal of said personal property which may be disposed as deemed appropriate and in the best interest of the City of Pearl as required by law.

Motion was made by Alderman Gill and seconded by Alderman Thompson to adopt a Resolution finding that the certain items identified on the attached list, which is incorporated herein by reference, as surplus, the fair market value of said personal property is zero, and to approve and authorize the disposal of said personal property which may be disposed as deemed appropriate and in the best interest of the City of Pearl as required by law. 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 Lockett, Alderman Steverson, Alderman Sartor, Alderman Thompson and Alderman Foy.

4. Consider Executive Session to discuss personnel matters in the Municipal Court.

Motion was made by Alderman Foy and seconded by Alderman Gill to consider an executive session to discuss personnel matters in the Municipal Court; 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.

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 in the Municipal Court; 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 McHenry, Alderman Thompson, Alderman Sartor and Alderman Steverson.

Having no further business Mayor Windham asked that the meeting be adjourned.

Motion was made by Alderman Gill and seconded by Alderman Thompson approving an order to adjourn the meeting. The following members of the Board of Aldermen voted in favor of the Motion: Alderman Gill, Alderman Foy, Alderman Lockett, Alderman McHenry, 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 on this the 15th day of November 2019.

WITNESS MY SIGNATURE on this the 3rd day of December, 2019.

JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:

CITY CLERK

**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
NOVEMBER 15, 2019 AT 7:00 O'CLOCK A.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 personnel matters in the Municipal Court.

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 in the Municipal Court; 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 McHenry, Alderman Thompson, Alderman Sartor and Alderman Steverson.

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

The City Attorney advised the Mayor and Board of Aldermen that a miscalculation in payroll has resulted in overpayment of a certain employee that was previously discussed in Executive Session on November 5, 2019; The employee has been overpaid in the total amount of \$53,227.64 Due to an error in payroll the total amount of overpayment of the employee is \$80,000.00. The City Attorney has requested the Board of Aldermen consider a Motion to Reconsider based on these lesser amounts.

Motion was made by Alderman Thompson and seconded by Alderman McHenry that the City shall (a) issue a demand letter to the current employee for full amount of overpayment paid to him which was \$53,227.64; (b) correct the pay period amount for the employee to the amount authorized by the Board in July 2017; (c) the employee shall make an initial down payment of \$20,000.00 by November 22, 2019 and effective with the month of November, the City shall withhold an amount from each following month for the next 19 months (ending June 2021) in the amount of \$1,250.00 and a final payment from employee of \$8,227.64 in June 2021; (d) enter into an agreement with the employee to accomplish the withholding and payment of payroll overpayment as set out herein; (e) the employee may prepay the remaining balance at any point; (f) the City will contact Mississippi PERS, the Federal Internal Revenue Service, the Mississippi Department of Revenue and any other sources that may have been overpaid, in order to recoup the overpayment of taxes and retirement benefits and the employee should also agree to cooperate and execute any necessary documents to correct the error. Any funds received by the City from these sources shall be applied to the total amount due to the City which will be \$80,000.00 once completed. 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 McHenry, Alderman Thompson, Alderman Steverson and Alderman Sartor.

Motion was made by Alderman Gill and seconded by Alderman Thompson 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 15th day of November, 2019.

WITNESS MY SIGNATURE on this the 3rd day of December, 2019.

**_____
JAKE WINDHAM, MAYOR**

ATTEST AND CERTIFY:

**_____
KELLY SCOUTEN, CITY CLERK**

MEMORANDUM OF AGREEMENT

TO: Greg Hemphill, Employee
FROM: Mayor Jake Windham
DATE: November 15, 2019
SUBJECT: Payroll Deduction for Salary Overpayment

I, Greg Hemphill, the undersigned employee of the City of Pearl, request and authorize the City of Pearl to deduct payments of \$1,250.00 from each of my paychecks for the next twenty (20) months and one (1) final payment of \$8,227.64, (or until total amount due is paid in full) to reimburse to the City the full cost of an overpayment of salary to me. The initial amount due on November 22, 2019 is \$20,000.00. The total original amount due is \$53,227.64.

I understand that if I separate employment from the City of Pearl, the remaining amount will be deducted from my last paycheck, if it will cover the balance. If my last paycheck will not cover the balance, I will pay the balance in full prior to my separation, or make other satisfactory arrangements in advance with the City for repayment of this amount.

The City will contact Mississippi PERS, the Federal Internal Revenue Service, the Mississippi Department of Revenue and any other sources that may have been overpaid, in order to recoup the overpayment of taxes and retirement benefits and the employee herein agrees to cooperate and execute any necessary documents to correct the error. Any funds received by the City from these sources shall be applied to the total amount due to the City which will be \$80,000.00 once completed. The undersigned employee acknowledges and agrees that any funds received from these sources shall be retained by the City.

Upon payment in full of the amount due to City by payroll deduction and cash payments from employee this agreement shall terminate.

This agreement and the terms of repayment were approved by the Board of Aldermen at a meeting held on November 15, 2019.

Employee Social Security Number: 425-61-4965

Employee Signature: 

Department/Work Extension: Municipal Court as Public Defender

Note: This form is to be kept in the Payroll Department. Employee is to be furnished a copy after signing.

PROMISSORY NOTE

FOR VALUE RECEIVED, the undersigned promises to pay to the order of the City of Pearl, Mississippi, its successors or assigns, the principal sum of \$53,227.64 due and payable as follows:

The principal sum of \$53,227.64 shall be paid with an initial payment of \$20,000.00, twenty (20) monthly payments of \$1,250.00 beginning in November 2019 and thereafter with the monthly payments and a final balloon payment of \$8,227.64 due on or before June 30, 2021 and as further outlined in the separate executed Memorandum of Agreement

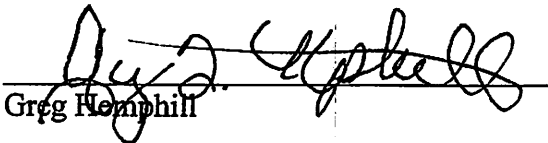
This Note may be prepaid in whole or in part at any time without penalty.

ALL INSTALLMENTS are payable in lawful money of the United States of America, which shall be legal tender for public and private debts at the time of payment, at the address of the payee, the same being: 2420 Old Brandon Rd, Pearl, MS 39208.

MAKER AND ENDORSER waives presentment, demand, protest and notice of protest as the indebtedness evidenced hereby or any part thereof.

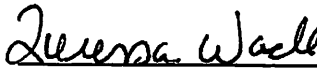
IT IS FURTHER AGREED that the prevailing party shall pay all costs of collection, including a reasonable attorney's fee on any amount due or declared to be due, and placed with an attorney for collection, on failure to pay any installment on this note.

THIS NOTE is to be construed according to the laws of Mississippi, where it is executed.


Greg Hemphill

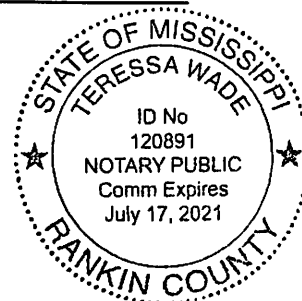
STATE OF MISSISSIPPI
COUNTY OF RANKIN

PERSONALLY appeared before me, the undersigned authority in and for the said county and state, on this 22nd day of November, 2019, within my jurisdiction, the within named **Greg Hemphill**, who acknowledged that he executed the above and foregoing instrument.


NOTARY PUBLIC

My Commission Expires:

July 17, 2021



CAME ON FOR CONSIDERATION before the Board of Alderman of City of Pearl, Mississippi, the matter of a payroll error and the action necessary to correct said error. After discussion of the matter, the following Order was offered by Alderman Gavin Gill and seconded by Alderman James Thompson, to wit:

ORDER

WHEREAS, the CITY OF PEARL, MISSISSIPPI (the "City") has been advised that a miscalculation in payroll has resulted in overpayment of a certain employee and it is now necessary for the Board of Aldermen to take action to correct the error by implementing a plan to correct the error and collect overpayment of payroll from employee;

WHEREAS, employee has been overpaid in the total amount of \$53,227.64 with this employee being employed as the Public Defender in the City's municipal court.

Based upon the evidence received, the Board of Aldermen makes the following finds of fact:

- (a) The Public Defender position is paid an annual salary of \$30,000.00. Due to an error in payroll the total amount of overpayment of the employee is \$80,000.00, and
- (b) The City has a duty to collect any overpayment of employees and create a plan for collection of same, and
- (c) The City has created a plan to collect the funds that have been overpaid to the employee.

IT IS, THEREFORE, ORDERED by the Board of Aldermen of the City of Pearl, Mississippi as follows:

1. The City shall (a) issue a demand letter to the current employee for full amount of overpayment paid to him which was \$53,227.64; (b) correct the pay period amount for the employee to the amount authorized by the Board in July 2017; (c) the employee shall make an initial down payment of \$20,000.00 by November 22, 2019 and effective with the month of November, the City shall withhold an amount from each following month for the next 19 months (ending June 2021) in the amount of \$1,250.00 and a final payment from employee of \$8,227.64 in June 2021; (d) enter into an agreement with the employee to accomplish the withholding and payment of payroll overpayment as set out herein; (e) the employee may prepay the remaining balance at any point; (f) the City will contact Mississippi PERS, the Federal Internal Revenue Service, the Mississippi Department of Revenue and any other sources that may have been overpaid, in order to recoup the overpayment of taxes and retirement

benefits and the employee herein agrees to cooperate and execute any necessary documents to correct the error. Any funds received by the City from these sources shall be applied to the total amount due to the City which will be \$80,000.00 once completed.

The Order was then adopted with the following Aldermen voting yea/nay:

District 1, David Lockett	<u>yea</u>
District 2, Michael Sartor	<u>yea</u>
District 3, Johnny Steverson	<u>yea</u>
District 4, Casey Foy	<u>yea</u>
District 5, James Thompson	<u>yea</u>
District 6, Gavin Gill	<u>yea</u>
Alderman at Large, John McHenry	<u>yea</u>

So ordered, this 15th day of November, 2019.

CITY OF PEARL, MISSISSIPPI



By:

Jake Windham
Jake Windham, Mayor

Attest:

Kelly Scouten
Kelly Scouten, City Clerk