

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 DECEMBER 3, 2019 AT 6:30 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 6:30 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 City Attorney, Brendan Sartin.

Jack Durr led the Pledge of Allegiance.

ACKNOWLEDGEMENTS

- **Proclamation – 2019 Pearl High School Boys Cross Country Team; 2019 Boys and Girls Cross Country and Track and Field Program; 2019 Pearl Junior High Boys Cross Country Team**
- **Proclamation – 2019 Pearl Pirates 11/12 Football Team**
- **Recognize Marc Gatlin for 5 years with the Pearl Police Dept.**
- **Recognize Vincent Burnwell for 20 years with the Pearl Police Dept.**
- **Police Officer of the Month Sgt. John Burt**

CONSENT AGENDA

Upon Motion by Alderman McHenry and seconded by Alderman Gill, the following items were approved and adopted as the Orders of the Board by majority affirmative vote (“Aye”) of the Aldermen present; Alderman Sartor abstained from voting:

1. **Approval/corrections of minutes of the Regular Board Meeting, November 5, 2019 and Special Called Meeting, November 15, 2019.**
2. **Approval of the claims docket for the period of November 5, 2019 to December 3, 2019, in the amount of \$6,625,537.99, in paid claims \$1,301,359.06, in unpaid claims and**

\$534,270.09, 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:
Brendan Sartin- December 12-13, 2019 to New Orleans, LA for Annual Employment Law Conference/ Cost \$ 2104.20
Casey Foy- January 14-16, 2020 to Jackson, MS for the 2020 Mid-Winter Conference/ Cost \$ 135.00
Kelly Scouten- December 11-13, 2019 to Jackson, MS for the MMCCA Winter Education Workshop/ Cost \$165.00
Blake Chennault, James McGraw, Patrick Finnegan and Charles Weathersby- December 13-14, 2019 to Southaven, MS for the NREMT Exam/ Cost \$417.00 each
Frank Hutton- November 11-15, 2019 to Dallas, TX for the Alcatel-lucent OXO Connect VOIP server training/ Cost \$1699.95
6. [Removed to General Business]
7. Order to approve the FY 2020 Parks & Recreation Budget Amendment to include Referendum Funds and the 2019 Construction Bond Funds.
8. Order to approve the FY 2020 Public Works Budget Amendment to include the 2019 General Obligation Bond Funds to be used for street paving and repairs.
9. Order to approve and authorize the police officers identified on the proposed part-time work schedule, which is attached hereto and made a part hereof, the use of the official Pearl Police Department uniform and official Pearl Police Department duty weapon and finding that the proposed employment is not likely to bring disrepute to the City of Pearl, or the Pearl Police Department, the officers at issue, or law enforcement generally, and that the use of the official uniform and weapon in the discharge of the officer's private security endeavor promotes the public interest of the City of Pearl.
10. Order to approve and authorize the promotion of Daniel Chase Elam to Sergeant in the Pearl Police Department.
11. Order to approve and authorize the transfer of William Marshal Steen from Animal Control to Patrol Officer.
12. Order to approve and authorize the financing through PNC Equipment Finance for the purchase of (50) TXT gas fleet golf carts and (2) TXT Transporting golf carts under state contract #8200044247 from Ben Nelson Golf and Outdoor in the total amount of \$204,414.47 and to authorize Mayor and/or City Clerk to sign any necessary documents.

And to authorize the 1st yearly payment of \$32,552.00. This purchase will be financed in a lease/purchase with 1 payment of \$32,552.00 per year for 4 years with a balloon payment due February 1, 2024, to be paid by the trade-in value of fleet for a new lease/purchase as recommended by the purchasing agent.

13. Order to adopt the Park Attendant job description, declare a vacancy in Parks and Recreation and direct the City Clerk to post and publish vacancy for applications.
14. Order to approve and authorize the removal of approximately (36) Pine trees and stump grinding by Couch Tree Service in the amount of \$13,860.00. (quotes obtained)
15. Order to adopt a Resolution rejecting all bids for Pearl Richland Intermodal Connector Project and to direct and authorize the City Clerk to re-advertise for bids for contractor for construction.
16. Order to approve and authorize the Lease Agreement and Maintenance Support Agreement, by and between Advantage Business Systems and City of Pearl, for (1) Konica Minolta Bizhub C558 system, in the amount of \$340.00 per month for 36 months, and Maintenance Support, in the amount of \$.71 per B/W page and \$.0459 per page for color, and to authorize Mayor Windham to sign all related documents; machine will be placed in Public Works/Water Dept. (state contract# 8200038141)
17. Order to approve and authorize the military leave for Daniel Allen, of the Pearl Fire Department, beginning November 18, 2019 and continuing for 28 weeks and 4 days.
18. Order to approve and authorize payment to Mississippi 811 in the amount of \$6,069.03 for Underground Facilities Damage Prevention.
19. Order to approve and authorize the Annual Software Maintenance Agreement effective January 1, 2020 to December 31, 2020, and to authorize Mayor Windham to sign the same.
20. Order to approve and authorize the Pearl Parks and Recreations Pearl Youth Baseball and Fast-Pitch Registration League registration dates and fees.
21. Order to adopt a Resolution authorizing the City Clerk and Mayor Windham to create an additional checking account for the purpose of the 2019 Construction Fund Bond Proceeds and to authorize Mayor Windham, City Clerk, and Alderman McHenry to sign all related documents.
22. Order to approve the Professional Services Agreement by and between the City of Pearl and Pickering Firm, Inc. for the Southeast Sanitary Sewer Improvements Project, Phase 1, and to authorize Mayor Windham to sign all related documents.
23. Order to approve and authorize payment to Pickering Firm, Inc., in the amount of \$35,615.01, for the Detention Pond Project.

24. 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.
25. Order to set public hearing for January 7, 2019 at 6:30 p.m. to consider the proposed Comprehensive Plan for the City of Pearl.
26. Order to consider request by Brad Robertson, to Amend the Floodplain Ordinance, Article 5, Section B6(B)(I) and II pertaining to Manufactured Homes on January 7, 2019 at 6:30 p.m.
27. Order to consider request by Brad Robertson, to Amend Section 407.07 of the Zoning Ordinance pertaining to Dumpster Enclosures on January 7, 2019 at 6:30 p.m.
28. Order to set public hearing for January 7, 2019, at 6:30 p.m. to determine whether or not that certain parcel of real property owned by George Michael Roland Estate, C/O George T. Roland, and located at 160 Baugh St., Pearl, Rankin County, Mississippi 39208 (Parcel No. F09C000002 ; PPIN No. 015559) 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.
29. Order to set public hearing for January 7, 2019 at 6:30 p.m. to consider request by Josh McClintoch, for a variance to allow him to operate a mechanic shop at 159 Fairmont Plaza, that is zoned C-1.
30. Order to adopt a Resolution accepting the Notice of Grant and Agreement Award by the USDA for the Fowler GMC ditch project and to authorize Mayor Windham to sign all related documents.
31. Order to approve and authorize Contract Change Order Number One (1) between the City of Pearl and Barnard & Sons Construction, LLC. and to authorize Mayor Windham to sign all related documents.
32. Order to approve and authorize the Professional Services Agreement by and between the City of Pearl and Guest Consultants Inc., for Professional Engineering Services.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARING

1. Determine whether or not that certain parcel of real property owned by Meredith Slade Sawin, and located at 216 Sandburr Lane, Pearl, Rankin County, Mississippi 39208 (Parcel No. E08J000011 00020; PPIN No. 010144 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 Gill to continue this hearing until January 21, 2020. The following members of the Board of Aldermen voted in favor of the Motion, which became the Orders of the Board: Alderman Foy, Alderman Steverson, Alderman Sartor, Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

2. Consider request by Mike Love for a variance to waive Section 805 of the Zoning Ordinance that requires a subdivision to have 35% of the total gross area for common open space for Silver Ridge Part 2.

Motion was made by Alderman Luckett and seconded by Alderman McHenry to grant the request by Mike Love for a variance to waive Section 805 of the Zoning Ordinance that requires a subdivision to have 35% of the total gross area for common open space for Silver Ridge Part 2. The following members of the Board of Aldermen voted in favor of the Motion, which became the Orders of the Board: Alderman Foy, Alderman Steverson, Alderman Sartor, Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

3. Consider request by J.T. Crownover for a variance to waive R-1 Zoning Ordinance to allow for 60 ft. lot width, 7,800 sq. ft. lot size and setbacks of 25 ft. front setback and 20 ft. rear setback, and to waive Article 7 Section 3 of the Subdivision Ordinance to allow them to have street width of 27 ft. back of curb to back of curb.

Motion was made by Alderman Thompson and seconded by Alderman McHenry to grant the request by J.T. Crownover for a variance to waive R-1 Zoning Ordinance to allow for 60 ft. lot width, 7,800 sq. ft. lot size and setbacks of 25 ft. front setback and 20 ft. rear setback, and to waive Article 7 Section 3 of the Subdivision Ordinance to allow them to have street width of 27 ft. back of curb to back of curb. The following members of the Board of Aldermen voted in favor of the Motion, which became the Orders of the Board: Alderman Foy, Alderman Steverson, Alderman Sartor, Alderman Thompson, Alderman Luckett, Alderman McHenry and Alderman Gill.

4. Determine whether or not that certain parcel of real property owned by J. Lee Oglesby, and located at 2124 & 2126 Vera St., Pearl, Rankin County, Mississippi 39208 (Parcel No. E08M-4; PPIN No. 011028) 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. Alderman also stated for the Minutes that he has received numerous complaints on this property.

WHEREAS, 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.

2) The parcel of property owned by J. Lee Oglesby, and located at 2124 & 2126 Vera St., Pearl, Rankin County, Mississippi 39208 (Parcel No. E08M-4; PPIN No. 011028) 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 within ten (10) 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 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 Gill and seconded by Alderman Steverson. 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.

5. Consider request by Bryan Batterfield for a variance of Section 803 and 804 of the R-3 Zoning Ordinance to allow for a total acreage of approx. 2.825 acres and a variance of Section 805 of the R-3 Zoning Ordinance to allow for the removal of extra green space.

Motion was made by Alderman Thompson and seconded by Alderman McHenry to grant the request by Bryan Batterfield for a variance of Section 803 and 804 of the R-3 Zoning Ordinance to allow for a total acreage of approx. 2.825 acres and a variance of Section 805 of the R-3 Zoning Ordinance to allow for the removal of extra green space. 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 Gill, Alderman Sartor, Alderman Luckett, Alderman McHenry, and Alderman Thompson.

6. Consider request by Tommy Donovan for a waiver of Section 5-95 of the Metallic Ordinance and the square foot Ordinance to allow for a 1200 sq. ft. metal accessory building to be located at 112 Summerwood Dr., Pearl, MS 39208.

Motion was made by Alderman Luckett and seconded by Alderman Gill to grant the request Tommy Donovan for a waiver of Section 5-95 of the Metallic Ordinance and the square foot Ordinance to allow for a 1200 sq. ft. metal accessory building to be located at 112 Summerwood 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 Gill, Alderman Sartor, Alderman Luckett, Alderman McHenry, and Alderman Thompson.

GENERAL BUSINESS

1. Consider request by Hinds Community College to approve and authorize the acceptance of Jimmy C. Smith Blvd., College Dr., and Country Place Pkwy.

Motion was made by Alderman Thompson and seconded by Alderman Gill to approve and authorize the acceptance of the Jimmy C. Smith Blvd., College Dr., and Country Place Pkwy. The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman McHenry, Alderman Gill, Alderman Foy, Alderman Steverson, Alderman Sartor, Alderman Thompson, and Alderman Luckett.

2. Consider executive session to discuss personnel matters in the Municipal Court and the Public Works Department, Applications for Employment and Merit Increases and to discuss potential litigation.

Motion was made by Alderman Foy and seconded by Alderman Gill to consider an executive session to discuss personnel matters in the Municipal Court and the Public Works Department, Applications for Employment and Merit Increases and to discuss potential 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.

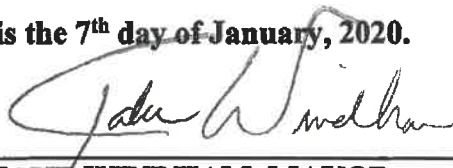
It was announced that upon a Motion made by Alderman Gill and seconded by Alderman Foy the board entered executive session to discuss personnel matters in the Municipal Court; The following members of the Board of Aldermen voted in favor of the Motion which became the Order of the Board: Alderman Gill, Alderman Foy, Alderman Luckett, Alderman McHenry, Alderman Thompson, Alderman Sartor and Alderman Steverson.

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 Sartor and seconded by Alderman McHenry 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 Thompson, Alderman Sartor, Alderman Luckett, Alderman McHenry 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 3rd day of December, 2019.

WITNESS MY SIGNATURE on this the 7th day of January, 2020.



JAKE WINDHAM, MAYOR

ATTEST AND CERTIFY:



CITY CLERK, KELLY SCOUTEN

