

AUGUST 16, 2022

REGULAR MEETING

AUGUST 16, 2022

Be It Remembered that a Regular Meeting of the Mayor and Board of Aldermen of the City of Batesville was held on the third Tuesday afternoon of August, being the 16th day of August 2022, at 2:00 p.m., when and where were present the following, to-wit:

Mayor Hal Ferrell; Aldermen Stan Harrison, Dennis Land, Bill Dugger, Teddy Morrow and Bobby Walton. Also present were: City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford; Greg Smith of Mendrop Engineering Resources; Chief Building Official Andy Berryhill; Public Works Director David Karr; Assistant Public Works Director Newt Benson; Fire Chief Tim Taylor; Deputy Fire Chief David Tarver; Assistant City Clerk Shonnah Weaver and Jeremy Weldon of The Panolian.

A quorum being present, the meeting was duly opened by the Mayor and, after the invocation given by Chris Pope, the following business was taken up.

IN RE: APPROVAL OF AGENDA

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the agenda of August 16, 2022, was approved.

AUGUST 16, 2022

**CITY OF BATESVILLE BOARD MEETING**AUGUST 16, 2022
2:00 P.M. | CITY HALL**AGENDA****CALL TO ORDER:** Mayor Hal Ferrell**INVOCATION:** Chris Pope**MAYOR'S WELCOME STATEMENT:** "To all in attendance, pursuant to Order by the Board of Aldermen, adopted on March 1, 2022, in order to address the Mayor and Board of Aldermen, you must be on the agenda."**CONFIRMATION OR AMENDMENT TO THE AGENDA****PROCLAMATION/RECOGNITION****MINUTES OF PRIOR MEETINGS**

1. Regular Meeting – August 2, 2022
2. Adjourned Meeting – August 5, 2022
3. Adjourned Meeting – August 11, 2022
4. Adjourned Meeting – August 12, 2022

CONSENT AGENDA

1. Approval for Bradie Bailey to attend the 2022 Fall Certification Training Program for Municipal Clerks October 19-21, 2022, in Oxford, Mississippi. Registration: \$200.00 plus per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.
2. Approval for Andy Berryhill to attend the 2022 Fall Conference of the Arkansas Floodplain Management Association Conference September 25-28, 2022, in Eureka Springs, Arkansas. Registration: \$250.00 (early) or \$300.00 (late), plus lodging and per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.

AUGUST 16, 2022

3. Approval for Alli Payne to attend the Municipal Court Clerks 2022 Training Course in Oxford, Mississippi, September 21-23, 2022 with expenses covered by the Mississippi Judicial College. Reimburse travel expenses if necessary.
4. Approval for Lieutenant Justin Davis and Lieutenant Chris Cline to attend Glock Armorer's School October 19-20, 2022, in Denmark, Tennessee. Costs to the city are registration, per diem for meals and mileage for one officer's use of his personal vehicle. Reimburse travel expenses if necessary.
5. Approval for Police Secretary Holly White to attend the virtual training "Managing Police Records" on August 23, 2022, and "Redacting Records-What Can and Cannot be Release" on August 30, 2022. Cost for both trainings: \$418.00.
6. Approval to send Matt Myrick in place of Newt Benson to attend the Mississippi Damage Prevention Summit November 2-4, 2022, in Biloxi, Mississippi. Registration, per diem for meals, lodging and mileage if necessary. Reimburse travel expenses if necessary.
7. Approval for Vernon Howell and Taylor Jaudon to attend a one-day wastewater training August 25, 2022, in Pearl, Mississippi. No registration fee and they will travel in a city vehicle. City to reimburse for lunch, up to \$15.00 with receipt. Reimburse travel expenses if necessary.
8. Approval for Vernon Howell and Mark Ivy to attend a two-day MDEQ math workshop September 21-22, 2022, in Hattiesburg, Mississippi. No registration fee. City to cover lodging, per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.

PAY REQUEST AGENDA

1. Approval of pay request #2 in the amount of \$65,850.46 to be made to Aldridge Construction in connection with the Highway 6 Water Extension.

HUMAN RESOURCES

1. Approval to accept the resignation of Damien Harbin from the Batesville Police Department, effective August 9, 2022.

PUBLIC HEARINGS – 3:00 P.M.

1. Zoning for newly annexed areas
2. Table of uses – medical cannabis

BIDS RECONSIDERED

1. Cathodic Protection Deep Well Anode Project

AUGUST 16, 2022

VISITORS

1. Mamie Avery
2. William Broome

PERMANENT VISITORS

- Panola Partnership
- North Delta Planning and Development
- Mendrop Engineering Resources
- Panola County Board of Supervisors and department heads
- State or Federal legislators representing any part of Panola County
- Any person engaged in contractual business with the City of Batesville
- The Panolian Jeremy Weldon or his proxy

REPORT OF DEPARTMENT HEADS

- **CHIEF BUILDING OFFICIAL – ANDY BERRYHILL**
 1. Mayor and Board of Aldermen Use Permit for Lisa Taylor to allow use #8.400 Restaurant and Catering Service at 131 Public Square; recommended by the Planning Commission
- **CHIEF OF POLICE – KERRY PITTMAN**
 1. Approval to rescind order on March 1, 2022, approving the disposal of surplus property and to approve advertising for bids – tasers (see attached)
 2. Monthly report
 3. Executive Session – request to hire
- **CITY ATTORNEY – COLMON MITCHELL**
 1. Executive Session – potential purchase of real property
- **CITY CLERK – SUSAN BERRYHILL**
 1. Final – ad valorem tax exemption – TG Missouri Company
 2. Water and sewer rate increase
 3. Boy Scouts use of the Indian Mounds – October 14-16, 2022 for a family campout

AUGUST 16, 2022

- FIRE CHIEF – TIM TAYLOR

1. Approval of specifications and to obtain quotes – additional light tower (grant)

- PUBLIC WORKS DIRECTOR – DAVID KARR

1. Street
 - a. Quotes – 42" HD Pipe
 - b. C-Spire boring request
 - c. Executive Session – request to hire
2. Gas Department
 - a. Quotes- 2 locators for use by the gas and water department
 - b. Executive Session – personnel matter
3. Parks & Recreation
 - a. Approval for the city to join the National Recreation and Parks Association at the cost of \$675.00 per year and to join the Mississippi Recreation and Parks Association at a cost of \$377.00 per year.
 - b. Approval to seek pricing and obtain copy right protection for any movie nights sponsored by the city at our parks.
 - c. Approval to subscribe to TVI-Fiber for Trussell Park and Patton Lane Park
 - d. Executive Session – personnel matter
4. Water & Sewer
 - a. Executive Session – personnel matter

OTHER MATTERS BY MAYOR OR ALDERMAN:

MATTERS UNDER ADVISEMENT:

EXECUTIVE SESSION

1. Street – request to hire
2. Gas – personnel matter
3. Parks and Recreation – personnel matter
4. Water and Sewer – personnel matter
5. Police – request to hire
6. City Attorney – potential purchase of real property

ADJOURNMENT

IN RE: APPROVAL OF MINUTES

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the minutes of the August 2, 2022, regular meeting, and the minutes of the August 5, 2022, August 11, 2022, and August 12, 2022, adjourned meetings, were approved.

AUGUST 16, 2022

IN RE: **SIGNATURE SHEET FOR MEETING OF AUGUST 16, 2022**

The following were present at the meeting on August 16, 2022, of the Mayor and Board
of Aldermen:

Board Meeting

August 16, 2022

Signature Sheet

PLEASE PRINT NAME CLEARLY

Jake Bennett

Please print name clearly

Jim Whitaker

Please print name clearly

George Williford

Please print name clearly

Kenny Pittman

Please print name clearly

B. Brown

Please print name clearly

Tyler Loder

Please print name clearly

David Tarver

Please print name clearly

Tina Taylor

Please print name clearly

Andy Benhill

Please print name clearly

Nice LaB

Please print name clearly

Regina Drivels

Please print name clearly

David Karr

Please print name clearly

Nick Brown

Please print name clearly

Darrell Dixie

Please print name clearly

Greg Smith

Please print name clearly

Eve Gee

Please print name clearly

Clay Swift

Please print name clearly

AUGUST 16, 2022

IN RE: APPROVAL OF CONSENT AGENDA

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the following matters and items on the consent agenda be and they are hereby approved:

1. Approval for **Bradie Bailey** to attend the 2022 Fall Certification Training Program for Municipal Clerks October 19-21, 2022, in Oxford, Mississippi. Registration: \$200.00 plus per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.
2. Approval for **Andy Berryhill** to attend the 2022 Fall Conference of the Arkansas Floodplain Management Association Conference September 25-28, 2022, in Eureka Springs, Arkansas. Registration: \$250.00 (early) or \$300.00 (late), plus lodging and per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.
3. Approval for **Alli Payne** to attend the Municipal Court Clerks 2022 Training Course in Oxford, Mississippi, September 21-23, 2022 with expenses covered by the Mississippi Judicial College. Reimburse travel expenses if necessary.
4. Approval for **Lieutenant Justin Davis** and **Lieutenant Chris Cline** to attend Glock Armorer's School October 19-20, 2022, in Denmark, Tennessee. Costs to the city are registration, per diem for meals and mileage for one officer's use of his personal vehicle. Reimburse travel expenses if necessary.
5. Approval for **Police Secretary Holly White** to attend the virtual training "Managing Police Records" on August 23, 2022, and "Redacting Records-What Can and Cannot be Release" on August 30, 2022. Cost for both trainings: \$418.00.
6. Approval to send **Matt Myrick** in place of Newt Benson to attend the Mississippi Damage Prevention Summit November 2-4, 2022, in Biloxi, Mississippi. Registration, per diem for meals, lodging and mileage if necessary. Reimburse travel expenses if necessary.
7. Approval for **Vernon Howell** and **Taylor Jaudon** to attend a one-day wastewater training August 25, 2022, in Pearl, Mississippi. No registration fee and they will travel in a city vehicle. City to reimburse for lunch, up to \$15.00 with receipt. Reimburse travel expenses if necessary.
8. Approval for **Vernon Howell** and **Mark Ivy** to attend a two-day MDEQ math workshop September 21-22, 2022, in Hattiesburg, Mississippi. No registration fee. City to cover lodging, per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.

AUGUST 16, 2022

IN RE: APPROVAL OF PAY REQUEST AGENDA

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the following matters and items on the pay request agenda be and they are hereby approved:

1. Approval of pay request #2 in the amount of \$65,850.46 to be made to Aldridge Construction in connection with the Highway 6 Water Extension.

IN RE: APPROVAL OF HUMAN RESOURCES AGENDA

Upon motion of Alderman Morrow and second of Alderman Walton and upon unanimous vote taken, it was ordered that the following matters and items on the Human Resources agenda be and they are hereby approved:

1. Approval to accept the resignation of Damien Harbin from the Batesville Police Department, effective August 9, 2022.

AUGUST 16, 2022

IN RE: MAINSTREET EVENTS

The Mayor recognized Mamie Avery, Director of Mainstreet, who appeared before the Mayor and Board of Aldermen requesting the use of the Downtown Square for the following events, with said events being coordinated with the Batesville Police Department and the Street Department:

- Fall Concerts - September 29, 2022; October 6, 2022; October 13, 2022 and October 20, 2022
- Scare on the Square - October 29, 2022
- Holiday Open House - November 20, 2022

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that the above mentioned events be and they are hereby approved.

IN RE: APPROVAL OF 9/11 MEMORIAL BROTHERHOOD GEAR WALK

The Mayor recognized Billy Broome who appeared before the Mayor and Board of Aldermen requesting the City to allow a gear walk to honor the fallen heros of 9/11. This walk will be held on September 10, 2021, from approximately 7:48 a.m. until around 10:00 a.m.

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the above request be and it is hereby allowed, contingent upon said walk being coordinated with the Batesville Police Department.

AUGUST 16, 2022

IN RE: APPROVAL FOR FEASIBILITY STUDY - EROSION CONTROL

Upon recommendation of Darrell Dixon of North Delta Planning and Development District and upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the City will pay up to \$100,000.00 for a feasibility study in connection with the Corps of Engineers in regards to the erosion control at the Indian Mounds.

IN RE: MATCHING FUNDS - ARPA

Upon recommendation of Darrell Dixon of North Delta Planning and Development district and upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, the following Resolution was adopted:

RESOLUTION
AUTHORIZING
NORTH DELTA PLANNING AND DEVELOPMENT DISTRICT, INC.
TO PREPARE AND SUBMIT
ARPA ADDITIONAL FUNDING THROUGH THE
MISSISSIPPI MUNICIPAL AND COUNTY WATER INFRASTRURURE PROGRAM
FOR THE CITY OF BATESVILLE, MISSISSIPPI

WHEREAS, The City of BATESVILLE, Mississippi has certain pressing Economic and Community Development needs; and

WHEREAS, the Mississippi Department of Environmental Quality (MDEQ) has available funds under the FY-2022 Municipal and County Water Infrastructure (MCWI) Program; and

WHEREAS, the City of BATESVILLE, Mississippi is eligible to apply for said MCWI assistance; and

WHEREAS, North Delta Planning and Development District, Inc. (NDPDD) has sufficient experienced professional staff to prepare necessary application documents, and upon approval, to administer said MCWI project;

THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the City of BATESVILLE, Mississippi

- (1) That North Delta Planning and Development District is hereby authorized to prepare and submit a FY-2022 MCWI Program Application on behalf of the community; and
- (2) That, upon funding of said application, North Delta Planning and Development District, Inc. is hereby authorized to administer said MCWI project; and
- (3) That the Mayor of the City of BATESVILLE, Mississippi, Hal Ferrell, in his official capacity as Mayor, is hereby authorized to advertise and conduct required public hearings, to advertise and conduct the review of engineering proposals, and to sign all necessary documents, including Grant Agreements with the State of Mississippi & Mississippi Department of Environmental Quality, upon approval of said applications.

SO ORDERED THIS THE 16th day of August 2022, by the Board of Aldermen of the City of BATESVILLE, Mississippi in a Regularly Scheduled Meeting.

Susan Berryhill
City Clerk

Hal Ferrell, Mayor
City of BATESVILLE, Mississippi

AUGUST 16, 2022

IN RE: LOCAL PROCUREMENT POLICY - MCWI - ARPA FUNDS

Upon recommendation of Darrell Dixon of North Delta Planning and Development District and upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, the following local procurement policy was adopted, in connection with the Mississippi Municipal and County Water Infrastructure Program (MCWI):

City of Batesville, Mississippi

Municipal and County Water Infrastructure Program (MCWI) 2022

Engineering & Construction Procurement Guidelines

Adopted:

Hal Ferrell

Mayor

Signed

Susan Berryhill

Clerk

Signed

METHODS OF PROCUREMENT - 2 CFR 200.320

All procurement transactions, regardless of dollar amount must be conducted to provide “free and open competition”. The appropriate level of procurement is determined by the aggregate dollar amount of goods or services acquired from a single source. Items purchased with CDBG and/or ARC funds, in whole or in part, may not be categorized into activities in order to avoid these requirements. The basic guidelines for the procurement methods has been adopted per the federal procurement regulation at 2 CFR Part 200.320. All Applicants and Sub-recipients must determine the appropriate method of procurement best suited for goods and services needed to for the purpose of the federal project. The five (5) methods of procurement set forth at 2 CFR Part 200.320 are **Micro-Purchase, Small Purchase, Competitive Seal Bids, Competitive Proposals, Non-Competitive Proposals**: The description for each method of procurement and procedures are outlined within this section.

AUGUST 16, 2022

MICRO PURCHASE - 2 CFR 200.320(a)

Procurement by micro-purchase is the acquisition of supplies or services, where the aggregate dollar amount does not exceed the threshold of \$3,000. To the extent practicable, the Sub-recipient must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the Sub-recipient considers the price to be reasonable. If the cost of the proposed goods and service is \$3,000 or less the Sub-recipients must take the following steps:

MICRO-PURCHASE PROCUREMENT PROCEDURES

1. The Sub-recipient may identify the supplies and/or services without a competitive process.
2. Although not a competitive process the Sub-recipient is encourage to seek MBE/WBE vendors and known Section 3 vendors where they are potential sources and is qualified to provide the specific type of service being procured.
3. The Sub-recipient must document the method of procurement utilized and document the vendor selected for the services.
4. Award to the lowest responsive bidder.
5. File and maintain all documentation related to the micro-purchase procurement in the procurement historical file.

SMALL PURCHASE - 2 CFR 200.320 (b)

Procurement by small purchase are those relatively simple and informal procurement method for securing services, supplies, or other property without formal advertising, where the cost is no more than the \$50,000. If the small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. (*CSD considers an adequate number of sources to be 2 or more*). If the cost of the proposed goods and service is \$50,000 or less the Sub-recipients must take the following steps:

SMALL PURCHASE PROCUREMENT PROCEDURES

1. Generate the specifications and provide to two (2) or more qualified firms for the service.
2. Notify two (2) or more MBE/WBE vendors where they are potential sources and is qualified to provide the specific type of service being procured. *The Sub-recipient is encouraged to solicit known Section 3 vendors where they are identified a potential sources,

AUGUST 16, 2022

3. After receiving two (2) or more quotes, the Sub-recipient should document the name, address and phone number of the businesses and the price quotes received from each source.
4. Make the award to the lowest responsive and responsible source.
5. Notify all bidders in writing as to whether or not they are the apparent lowest responsive bidder.
6. Execute the contract and/or agreement to the lowest responsive bidder.
7. File and maintain all documentation related to the small purchase procurement in the procurement historical file.

COMPETITIVE SEALED BIDS - 2 CFR 200.320(c)

The Competitive Sealed Bid Method of Procurement, also referred to as an Invitation for Bid (IFB) is best utilized for the purpose of obtaining Contractors for Construction Projects but also for securing Supplies and Services over \$50,000. When utilizing the Competitive Sealed Bid procedure all bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. In order for sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two (2) or more responsible bidders are willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publically advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;

AUGUST 16, 2022

4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason

COMPETITIVE SEALED BID PROCUREMENT PROCEDURES

1. An Invitation for Bids (IFB) must be prepared by the Sub-recipient and must include complete and accurate technical specifications with all pertinent attachments that clearly define items or services needed in sufficient detail for the bidders to properly respond.
2. The IFB must be published in a newspaper of general circulation once each week for two (2) consecutive weeks (14 days). The bid opening for construction projects with total cost in excess of \$50,000 must not be less than 15 working days after the last notice appears in the newspaper. Therefore, the bid opening must not be sooner than the 16th working day. Working days are defined as days that your entity is officially open for business. The IFB must state the date, time and location for submission of bids. The legal advertisement must provide information pertaining to where the project plans and specifications may be obtained or reviewed.
3. The Sub-recipient must send the IFB to two (2) or more MBE/WBE via certified mail. The MBE/WBE individual or firm must be potential sources and is qualified to provide the specific type of service being procured.
4. The Sub-recipient must submit the IFB to the Mississippi Procurement Technical Assistance Program (MPTAP) via the agency bid bank website located at www.agencybidbank.mississippi.org before or on the same day as submitted to the newspaper for publication.
5. The Sub-recipient must receive at least two (2) or more responsible bids for competition to be deemed valid. All bids received must be dated and timed stamped and must be recorded and listed on a bid tabulation sheet. If the Sub-recipient does not receive 2 or more bids for the initial bid process, the Sub-recipient must re-bid the project as soon as possible to prevent further delays. If the Sub-recipient receives only one (1) bid after the second bid, the Sub-recipient may negotiate with the one (1) bidder for that project. Any bid not received by the date and time stated in the legal advertisement must be returned unopened to the submitter.
6. If awarded, a firm fixed-price contract award must be made in writing to the lowest responsive and responsible bidder who has satisfied all requirements according to the IFB.
7. Any or all bids may be rejected if there is a sound documented reason to do so.
8. The Sub-recipient must notify all successful and unsuccessful bidders, in writing.
9. The Sub-recipient may execute contracts with the successful bidder and file all documents related to the sealed bid procurement in the procurement historical file.

AUGUST 16, 2022

ADVERTISEMENT FOR BIDS 20XX (PROJECT TITLE)
CDBG – PF GRANT #XXXX-XX-XXX-PF-XX
TOWN/CITY/COUNTY OF _____, MISSISSIPPI

Sealed bids will be received by the Town/City/County of _____, Mississippi, located at (street address) (P.O. Box), _____, Mississippi, until 1:00pm local time on (weekday), (month day, year), for supplying all labor and materials (as specified) necessary for construction of the 20XX (project title).

The work generally consists of (Give a description of the work required).

The above general outline of features of the work does not in any way limit the responsibility of the Contractor to perform all work and furnish all plant, labor, equipment and materials required by the specifications and the drawings referred to therein.

Contract time shall be XXX consecutive calendar days from the effective date shown in the Notice to Proceed. Liquidated damages will be assessed in the amount of the actual costs incurred for each consecutive calendar day beyond the specified contract time.

Special Damages: In addition to the amounts provided for liquidated damages, expenses and other losses, Contractor, in the event of such default, shall pay to the Owner the actual costs, expenses and other losses reasonably incurred by Owner.

Bidder must be qualified under Mississippi Law and show current Certificate of Responsibility issued by the Mississippi State Board of Public Contractors establishing his classification as to the value and type of construction on which he is authorized to bid.

Each Bidder shall write his Certificate of Responsibility Number on the outside of the sealed envelope containing his proposal.

Proposals be submitted in duplicate, sealed and deposited with the City/Town/County of _____, Mississippi prior to the hour and date hereinbefore designated. No bidder may withdraw his bid within 90 days after the actual date of the opening thereof.

Each Bidder must submit with his proposal a separate attachment stating his qualifications to perform the work. The Statement of Qualifications shall list past projects of similar size and nature, a list of references with name and telephone number, a list of key personnel who will perform the work, and other information supporting the Bidder's qualifications.

Awarding public contracts to non-resident Bidders will be on the same basis as the non-resident Bidder's state awards contracts to Mississippi Contractors bidding under similar circumstances. In order to ensure that Mississippi's so-called Golden Rule is followed state law requires a non-resident bidder to attach to his bid a copy of his resident state's current laws pertaining to such state's treatment of non-resident contractors.

Each Bidder must deposit with his proposal, a Bid Bond or Certified Check in an amount equal to five percent of his bid, payable to the City/Town/County of _____, Mississippi, as bid security.

AUGUST 16, 2022

ADVERTISEMENT FOR BIDS (continued)

Bidders shall also submit a current financial statement, if requested, by the City/Town/County of _____, Mississippi.

The successful bidder will be required to furnish a Payment Bond and Performance Bond each in the amount of 100 percent of the contract amount.

Contract Drawings, Contract Specifications, Instructions to Bidders and Bidders Proposal Forms are on file and open to public inspection in the office of the City/Town/County Clerk of _____, Mississippi. Copies of the Instructions to Bidders, Bid Forms, Contract Drawings and Contract Specifications may be procured at the office of the Engineer between 8:00 AM and 5:00 PM, Local Time, Monday through Friday, upon payment of \$100.00 for each set, which will not be refunded. Checks are to be made payable to the Engineer.

The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended 12 U.S.C. 1701u (Section 3). CDBG regulations governing the grant require that, to the greatest extent feasible, opportunities for contracting, subcontracting, training and employment arising in connection with this CDBG project will be extended to Section 3 businesses and Section 3 residents.

A pre-bid meeting will be held on (Weekday), (Month Day), 20XX, at XX: 00PM at _____ to discuss the Section 3 requirements of the Contract and outline Contractor's action steps during the bidding process which are necessary to comply with the current CDBG requirements.

Minority and women's business enterprises are solicited to bid on this contract as prime contractors and are encouraged to make inquiries regarding potential subcontracting opportunities, equipment, material and/or supply needs.

The City/Town/County of _____ is an Equal Opportunity Employer. The City/Town/County of _____ hereby notifies all Bidders that it will affirmatively insure that in a contract entered into pursuant to this advertisement will be afforded the full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, sex, national origin, age, disability, sexual preference, marital or veteran status, or any other legally protected status in consideration for an award.

The Engineer is (Name, Address and Telephone Number of Engineer).

The City/Town/County of _____ reserves the right to reject any and all bids and to waive any informalities or irregularities therein.

BY: _____, Mayor/President

City/Town/County of _____, Mississippi

Dates of Publication: _____

AUGUST 16, 2022

COMPETITIVE PROPOSALS - 2 CFR 200.320(d)

The competitive proposal process is normally conducted with **more than one source, (individual, business or firm) submitting a bid or offer**, and either a fixed price or cost-reimbursement type contract is awarded. This method of procurement has two parts, the **Request for Proposals (RFP) and the Request for Qualifications (RFQ)**. RFPs are used to procure all professional services with the exception of A/E professional services. If the Competitive Proposal method is utilized the following requirements apply:

1. The Requests for Proposals (RFP) or Request for Qualification (RFQ) must be publicized and identify all evaluation factors and their relative importance. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. Proposals and/or Qualification must be solicited from an adequate number of qualified sources (2 or more);
3. The Sub-recipient must send the RFP and/or the RFQ to two (2) or more MBE/WBE individual or firm via certified mail. The MBE/WBE vendor must be potential sources and is qualified to provide the specific type of service being procured.
4. The Sub-recipient must have a written method for conducting technical evaluations of the proposals received and for selecting recipients;
5. Contracts must be awarded to the responsible firm whose proposal or qualifications is most advantageous to the program with price and other factors being considered;
6. The method where price is not used as a selection factor can only be used in procurement of A/E professional services thru RFQs. It cannot be used to purchase other types of services though A/E firms where they are a potential source to perform the proposed effort.

**COMPETITIVE PROPOSAL PROCUREMENT PROCEDURES
REQUEST FOR PROPOSALS (RFP)**

1. The Applicant and/or Sub-recipient should prepare and advertise the Request for Proposals (RFP) at least once in a newspaper of general circulation once each week for two consecutive weeks with the second notice being published on or after the 7th calendar day after the first notice was published.

The bid opening must not be less than 7 working days after the last notice appears in the newspaper. Therefore, the bid opening must not be sooner than the 8th working day. Working days are defined as days that your entity is officially open for business.

AUGUST 16, 2022

2. The Applicant and/or Sub-recipient should submitted the RFP to the Mississippi Procurement Technical Assistance Program (MPTAP) via the bid bank website located at www.agencybidbank.mississippi.org before or on the same day as the newspaper publication.
3. The Sub-recipient must send the RFP to two (2) or more MBE/WBE individuals or firms. The MBE/WBE individual or firm must be potential sources and is qualified to provide the specific type of service being procured. RFPs must be received at the address stated in the legal advertisement, logged in and stamped with the date and time received prior to being opened.

Any RFP not received by the date and time stated in the legal advertisement must be returned unopened to the submitter. After receiving two (2) or more RFPs, the Applicant and/or Sub-recipient must establish an Evaluation Committee of knowledgeable members (town council, board of public works members, etc.) and develop an evaluation plan to rank all RFP respondents and provide guidance during the selection process. Where two (2) or more RFPs are not received, the Sub-recipient must conduct a cost analysis to determine the cost reasonable and/or responsiveness of the bidder and award the selected respondent. If no RFPs are received, the applicant or Sub-recipient must re-bid the RFP.

Each member of the Evaluation Committee must complete an Evaluation Tabulation Sheet for each Request for Proposal received. Each scorer must use the same scoring and weighting criteria making their best effort to score each statement of qualification fairly and without bias. All Evaluation/Score sheets must be individually signed. The vendor whose proposal is determined to be the most advantageous to the project, based upon qualifications, price and other factors may be selected.

4. The Sub-recipient must notify all unsuccessful bidders in writing.
5. The Sub-recipient may execute contracts with the successful bidder and file all documents related to the procurement in the procurement historical file.

COMPETITIVE PROPOSAL PROCUREMENT PROCEDURES REQUEST FOR QUALIFICATIONS (RFQ)

1. The Applicant and/or Sub-recipient should prepare and advertise the Request for Qualifications (RFQ) at least once in a newspaper of general circulation once each week for two consecutive weeks with the second notice being published on or after the 7th calendar day after the first notice was published.

The bid opening must not be less than 7 working days after the last notice appears in the newspaper. Therefore, the bid opening must not be sooner than the 8th working day. Working days are defined as days that your entity is officially open for business.

2. The Applicant and/or Sub-recipient should submitted the RFQ to the Mississippi Procurement Technical Assistance Program (MPTAP) via the bid bank website located at www.agencybidbank.mississippi.org before or on the same day as the newspaper publication.
3. The Sub-recipient must send the RFQ to two (2) or more MBE/WBE individuals or firm via certified mail. The MBE/WBE must be potential sources and is qualified to provide the specific type of service being procured. RFQs must be received at the address stated in the legal advertisement, logged in and stamped with the date and time received prior to being opened. Any RFQ not received by the date and time stated in the legal advertisement must be returned unopened to the submitter.
4. After receiving two (2) or more RFQs, the Applicant and/or Sub-recipient must establish an Evaluation Committee of knowledgeable members (town council, board of public works members, etc.) and develop an evaluation plan to rank all RFQ respondents and provide guidance during the selection process. Where two (2) or more RFQs are not received, the Sub-recipient must conduct a cost analysis to determine the cost reasonable and/or responsiveness of the bidder and award the selected respondent. If no RFQs are received, the applicant or Sub-recipient must re-bid the RFQ.

Each member of the Evaluation Committee must complete an Evaluation Tabulation Sheet for each statement of qualifications received. Each scorer must use the same scoring and weighting criteria making their best effort to score each statement of qualification fairly and without bias. All Evaluation/Score sheets must be individually signed. The vendor with the highest number of points should be selected for price negotiations.

If unable to reach an agreement on the fees to be charged for the services required, the Statement of Qualifications may be rejected and the vendor with the second highest number of points may be approached for price negotiations. This process may continue until an agreement is reached, so long as the vendor selected is capable of providing the requested services based upon quality and other relevant factors. The score sheets must be signed by each member of the Evaluation Committee and maintained in the project file.

5. The Sub-recipient must notify all unsuccessful bidders in writing.
6. The Sub-recipient may execute contracts with the successful bidder and file all documents related to the procurement in the procurement historical file.

AUGUST 16, 2022

PROFESSIONAL SERVICES PROCUREMENT REQUIREMENTS
Administrative and Engineering Services

ADMINISTRATIVE SERVICES

Where an applicant will seek to utilize a private consultant for application preparation and serve as the consultant to manage the project if awarded, the applicant must advertise for both services of application preparation and administrative services prior to submitting an application for funding. The applicant will follow the competitive proposals process as outlines in this procedural guide.

ENGINEERING SERVICES

Where an applicant will seek to utilize an engineer to prepare cost estimates and serve as the project engineer if awarded, the applicant must advertise for an engineer to provide cost estimates and project engineering services prior to submitting an application for funding. The applicant will follow the competitive proposal process as outlined in this procedural guide.

MULTI-SERVICE CONTRACTS

Multi-service contracts are prohibited. The same supplier/offeror cannot provide more than one service to a project. For example, a grant administrator may not serve as both the engineer and the grant administrator for the same project.

Planning and Development Districts are exempt from the procurement requirements.

REQUEST FOR PROPOSALS FOR ADMINISTRATION SERVICES

The Town/City/County of _____ requests proposals from qualified firms or individuals for the preparation of FY 20__ Community Block Grant (CDBG) application(s) and for the administration of approved CDBG project(s). You are invited to submit a proposal, in accordance with this request, to the Office of the Town/City/County Clerk, Town/City/County of _____; (mailing address for entity) no later than ____ p.m. on _____ (date), 20__.

The Administrative Consultant will be responsible for preparing the CDBG application(s) and for implementing the Town/City/County's CDBG project(s) through close-out, pending award(s) by the Mississippi Development Authority. The Administrative Consultant must carry out all activities in accordance with federal and state laws, regulations and procedures of the CDBG Program. The contract will be on a lump sum basis, and the amount of funds is not known as this time.

The Town/City/County of _____ is an Equal Opportunity Employer. The Town/City/County encourages Minority-owned Business Enterprises (MBEs) and Woman-owned Business Enterprises (WBEs) to submit proposals. The Town/City/County also encourages Section 3 eligible businesses to submit proposals. Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 17010) requires, to the greatest extent feasible, that the Town/City/County and its contractors that participate in the above referenced Program give opportunities for job training and employment to lower incomes residents of _____. Section 3 also requires that contracts for work in connection with the Section 3 area be awarded to Section 3 eligible business concerns.

All proposals must be submitted in a sealed envelope and marked with the following language: "Proposal for CDBG Administrative Services." Proposals will be evaluated on the following factors: Qualifications (40 points), Experience (40 points) and Capacity for Performance (20 points). To be evaluated properly, the following must be addressed in detail:

Qualifications – List of qualifications of persons to be assigned to project;

Experience – Information regarding the firm's experience and the projects previously undertaken, including the type and amount of grants awarded, the projects activities, and the status of the projects;

Capacity for Performance – Identify the number and title of staff assigned to provide services.

The Town/City/County will designate a selection committee to evaluate each proposal. The selection committee may hold proposals for a period of not to exceed thirty (30) days for the purpose of reviewing the content of the proposals and investigating the qualifications of the firms and assigned individuals. The Town/City/County reserves the right to reject and and/or all proposals.

The Town/City/County will award a contract with the qualified individual or firm whose proposal has the highest number of cumulative points issued by the selection committee and determined to be the most advantageous to the Town/City/County, price and other factors considered. The contract will include scope and extent of work and other essential requirements. An individual contract will be executed for each application prepared and each awarded project that is administered. The Town/City/County has the authority to terminate the selection at any time.

AUGUST 16, 2022

REQUEST FOR PROPOSALS FOR ENGINEERING SERVICES

The Town/City/County of _____ requests proposals from qualified firms or individuals to provide engineering services for work related to the implementation of approved FY 20__ CDBG project(s). You are invited to submit a proposal, in accordance with this request, to the Office of the Town/City/County Clerk, Town/City/County of _____; (mailing address for entity) no later than _____ p.m. on _____ (date) _____, 20__.

The Engineer will be responsible for preparing project cost estimates for application preparation and if awarded, the selected Engineer will provide all engineering services through project closeout in accordance with federal, state and local laws, regulations and policies. The scope of work includes but is not limited to the following: 1) prepare plans and specifications, 2) distribute bid documents, 3) assist in bid opening and prepare bid tabulation, 4) assist in the execution of construction contracts, 5) hold pre-construction conference, and 6) perform construction inspection including periodic reports to the Town/City/County and approve all payment requests.

The Town/City/County of _____ is an Equal Opportunity Employer. The Town/City/County encourages Minority-owned Business Enterprises (MBEs) and Woman-owned Business Enterprises (WBEs) to submit proposals. The Town/City/County also encourages Section 3 eligible businesses to submit proposals. Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 17010) requires, to the greatest extent feasible, that the Town/City/County and its contractors that participate in the above referenced Program give opportunities for job training and employment to lower incomes residents of _____. Section 3 also requires that contracts for work in connection with the Section 3 area be awarded to Section 3 eligible business concerns.

All proposals must be submitted in a sealed envelope and marked with the following language: "Proposal for CDBG Engineering Services." Proposals will be evaluated on the following factors: Qualifications (40 points), Experience (40 points) and Capacity for Performance (20 points). To be evaluated properly, the following must be addressed in detail:

- Qualifications – List of qualifications of persons to be assigned to project;
- Experience – Information regarding the firm's experience and the projects previously undertaken, including the type and amount of grants awarded, the projects activities, and the status of the projects;
- Capacity for Performance – Identify the number and title of staff assigned to provide services.

The Town/City/County will designate a selection committee to evaluate each proposal. The selection committee may hold proposals for a period of not to exceed thirty (30) days for the purpose of reviewing the content of the proposals and investigating the qualifications of the firms and assigned individuals. The Town/City/County reserves the right to reject and and/or all proposals.

Subject to CDBG award(s) and the removal of all environmental conditions, the Town/City/County will award a contract with the qualified individual or firm whose proposal has the highest number of cumulative points issued by the selection committee and determined to be the most advantageous to the Town/City/County, price and other factors considered. The contract will include scope and extent of work and other essential requirements. An individual contract will be executed for each awarded project, and the contract will be on a fixed price basis. The Town/City/County has the authority to terminate the selection at any time.

AUGUST 16, 2022

NON-COMPETITIVE PROPOSALS - 2 CFR 200.320 (f)- The Non-Competitive Proposal method of procurement can be used only in very limited circumstances. Procurement by noncompetitive proposals is procurement through solicitation of a proposal from only one source, or after solicitation of a number of sources, competition is determined inadequate.

1. The item is available only from a single source
2. After solicitation from a number of sources, competition is determined to be inadequate.
3. There is a public emergency and other procurement methods cannot be used.
4. When contracting with another unit of general local government or a planning and development district.

CONTRACT PRICING 2 CFR 200.323 (d)

The Sub-recipient must not use "cost plus a percentage of cost" pricing for contracts (2 CFR 200.323(d)). Cost-plus contracts are illegal and prohibited by HUD. Procurement contracts that allow payment of a set amount plus costs incurred over the set amount or required payment based on a percentage of the construction costs are considered cost-plus contracts

MINORITY- OWNED AND WOMEN - OWNED BUSINESS - 2 CFR 200.321(a)

Sub-recipients should make every effort to use local business firms and contract with small, minority-owned, and women-owned businesses (MBE/WBE) in the procurement process. Specifically, the grantee must take affirmative steps to assure that small, minority and female-owned businesses and labor surplus area firms have the opportunity to provide supplies, equipment, construction, professional services and other services. Affirmative steps include the following:

- Incorporation such businesses and maintain a solicitation list of qualified small, minority, and female owned businesses whenever there are potential sources.
- Ensure that small, minority and female owned businesses are solicited whenever they are potential sources.
- Where the requirement permits, establish delivery schedules that will encourage participation by small, minority and female owned business.
- Divide total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority business, and women's business enterprises.
- Requiring prime contractors, when subcontracts are needed, to take affirmative steps to select such firms.
- Use the services and assistance of the Mississippi Development Authority Minority Business Division and the Mississippi Procurement Technical Center at www.mississippi.org.

AUGUST 16, 2022

**IN RE: MAYOR AND BOARD OF ALDERMEN USE PERMIT - LISA TAYLOR -
 131 PUBLIC SQUARE**

Chief Building Official Andy Berryhill presented a Mayor and Board of Aldermen Use Permit made by Lisa Taylor, approved by the Planning Commission, for use #8.400 restaurant and catering service at 131 Public Square.

Upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the above request be and it is hereby approved.

IN RE: APPROVAL TO RESCIND ORDER - SURPLUS PROPERTY

Upon recommendation of Chief of Police Kerry Pittman and upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the order adopted on March 1, 2022, approving the disposal of surplus property (tasers) be and it is hereby rescinded.

IN RE: SURPLUS PROPERTY - POLICE DEPARTMENT

Upon motion of Alderman Morrow and second of Alderman Land and upon unanimous vote taken, the following Resolution was adopted:

RESOLUTION

BE IT RESOLVED that the following items in the Police Department are obsolete and are not needed for municipal purposes and therefore, the items should be and they are hereby declared to be surplus property and further ordered that advertisement for sealed bids be made in the time and manner as provided by law, described as follows, to-wit:

- | | |
|---------------------------------|--------------------------------|
| Taser X26 Yellow SN# X00-660543 | Taser X26 Black SN# X00-340809 |
| Taser X26 Yellow SN# X00-660548 | Taser X26 Black SN# X00-600631 |
| Taser X26 Yellow SN# X00-660538 | Taser X26 Black SN# X00-600233 |
| Taser X26 Yellow SN# X00-660576 | Taser X26 Black SN# X00-334836 |
| Taser X26 Yellow SN# X00-660600 | Taser X26 Black SN# X00-340839 |
| Taser X26 Yellow SN# X00-660601 | Taser X26 Black SN# X00-367098 |
| Taser X26 Yellow SN# X00-660622 | Taser X26 Black SN# X00-327019 |
| Taser X26 Yellow SN# X00-660566 | Taser X26 Black SN# X00-629195 |
| | Taser X26 Black SN# X00-588352 |

AUGUST 16, 2022

**IN RE: FINAL RESOLUTION - AD VALOREM TAX EXEMPTION - TG
MISSOURI COMPANY**

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, the following Resolution was adopted:

**FINAL RESOLUTION GRANTING EXEMPTION
FROM AD VALOREM TAXES**

The City of Batesville this day considered the matter of granting exemption from ad valorem taxes, except school district taxes, to TG Missouri Company.

The City of Batesville finds that the Department of Revenue has certified that the applicant is eligible for exemption. The City of Batesville also finds that the property described in the application constitutes an industrial enterprise as described in Section 27-31-105, Mississippi Code of 1972, as amended.

The City of Batesville does hereby grant ad valorem tax exemption to the above taxpayer for a period of ten (10) years, beginning January 1, 2022, and expiring December 31, 2031, on the property described in the application with a total true value of \$5,127,565.00.

Therefore the resolution to grant ad valorem tax exemption to the above named enterprise is hereby approved by the City of Batesville for a period of ten (10) years as authorized by Section 27-31-105 et seq., Mississippi Code of 1972, as amended, on this the 16th day of August, 2022.

AUGUST 16, 2022

IN RE: WATER RATE INCREASE

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the following Order was adopted:

AN ORDER OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, MISSISSIPPI, FIXING THE MONTHLY WATER RATE CHARGES FOR THE USE OF THE WATER AND SEWER SYSTEM OF THE CITY OF BATESVILLE, MISSISSIPPI

Pursuant to that certain Ordinance adopted on November 19, 2019, and recorded in Minute Book B-3 at Page 367 [the “Ordinance”], which Ordinance, among other things, requires an annual rate increase of two and one-half percent (2-1/2%) effective October 1 of the years set out in the Ordinance, the Mayor and Board of Aldermen do hereby order that the monthly water rates charged, authorized, and collected from consumers of water from the City’s water and sewer system shall be and they are hereby fixed as follows:

NET RATES

**Residential Water and Sewer Customers Inside the Corporate Limits
of the City of Batesville**

First 2,000 gallons per month, minimum – \$12.93per month

Over 2,000 gallons – \$5.76 per thousand gallons, per month

Minimum bill per month – \$12.93

Commercial Customers Inside the Corporate Limits of the City of Batesville

First 2,000 gallons per month, minimum – \$15.08 per month

Over 2,000 gallons per month, minimum – \$5.76 per thousand gallons, per month

Minimum bill per month – \$15.08

Industrial Customers Inside the Corporate Limits of the City of Batesville

First 2,000 gallons per month, minimum – \$15.08 per month

Over 2,000 gallons per month, minimum – \$5.76 per thousand gallons, per month

Minimum bill per month – \$15.08

**Residential Customers Located Outside Of, But Not More Than One (1) Mile From,
the Corporate Limits of the City of Batesville**

First 2,000 gallons per month, minimum - \$16.15 per month

Over 2,000 gallons per month, minimum -- \$5.76 per thousand gallons, per month

Minimum bill per month -- \$16.15

AUGUST 16, 2022

**Commercial Customers Located Outside Of, But Not More Than One (1) Mile From,
the Corporate Limits of the City of Batesville**

First 2,000 gallons per month, minimum -- \$16.15 per month

Over 2,000 gallons per month, minimum -- \$5.76 per thousand gallons, per month

Minimum bill per month -- \$16.15

**Industrial Customers Located Outside Of, But Not More Than One (1) Mile From,
the Corporate Limits of the City of Batesville**

First 2,000 gallons per month, minimum -- \$16.15 per month

Over 2,000 gallons per month, minimum -- \$5.76 per thousand gallons, per month

Minimum bill per month -- \$16.15

GROSS RATES

Residential Customers Inside the Corporate Limits of the City of Batsville

First 2,000 gallons per month, minimum – \$14.00 per month

Over 2,000 gallons per month, minimum – \$6.46 per thousand gallons, per month

Minimum bill per month – \$14.00

Commercial Customers Inside the Corporate Limits of the City of Batesville

First 2,000 gallons per month, minimum – \$17.23 per month

Over 2,000 gallons per month, minimum – \$6.46 per thousand gallons, per month

Minimum bill per month – \$17.23

Industrial Customers Inside the Corporate Limits of the City of Batesville

First 2,000 gallons per month, minimum – \$17.23 per month

Over 2,000 gallons per month, minimum – \$6.46 per thousand gallons, per month

Minimum bill per month – \$17.23

**Residential Customers Located Outside Of, But Not More Than One (1) Mile From,
the Corporate Limits of the City of Batesville**

First 2,000 gallons per month, minimum – \$17.23 per month

Over 2,000 gallons per month, minimum – \$6.46 per thousand gallons, per month

Minimum bill per month – \$17.23

AUGUST 16, 2022

**Commercial Customers Located Outside Of, But Not More Than One (1) Mile From,
the Corporate Limits of the City of Batesville**

First 2,000 gallons per month, minimum – \$17.23 per month

Over 2,000 gallons per month, minimum – \$6.46 per thousand gallons, per month

Minimum bill per month – \$17.23

**Industrial Customers Located Outside Of, But Not More Than One (1) Mile From,
the Corporate Limits of the City of Batesville**

First 2,000 gallons per month, minimum – \$17.23 per month

Over 2,000 gallons per month, minimum – \$6.46 per thousand gallons, per month

Minimum bill per month – \$17.23

HOTOPHIA WATER ASSOCIATION

First 100,000 gallons per month – \$278.29 per month

Next 400,000 gallons per month – \$2.60 per thousand gallons, per month

Over 500,000 gallons – \$2.22 per thousand gallons, per month

The rates set forth herein shall take effect on October 1, 2022.

ORDERED on this the 16th day of August, 2022.

AUGUST 16, 2022

IN RE: SEWER RATE INCREASE

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the following Order was adopted:

**AN ORDER OF THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF BATESVILLE, MISSISSIPPI, FIXING THE MONTHLY
SEWER RATE CHARGES FOR THE USE OF THE WATER AND SEWER
SYSTEM OF THE CITY OF BATESVILLE, MISSISSIPPI**

Pursuant to that certain Ordinance adopted on November 19, 2019, and recorded in Minute Book B-3 at Page 365 [the “Ordinance”], which Ordinance, among other things, requires an annual rate increase of two and one-half percent (2-1/2%) effective October 1 of the years set out in the Ordinance, the Mayor and Board of Aldermen do hereby order that the monthly sewer rates charged, authorized, and collected from consumers of water from the City’s water and sewer system shall be and they are hereby fixed as follows:

NET RATES

**Residential Water and Sewer Customers Inside the Corporate Limits
of the City of Batesville**

First 2,000 gallons of water consumption – minimum of \$12.93 per month

Over 2,000 gallons of water consumption – \$6.46 per thousand gallons, per month

Minimum bill per month – \$12.93

**Commercial Water and Sewer Customers Inside the Corporate Limits
of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$16.15 per month

Over 2,000 gallons of water consumption – \$6.46 per thousand gallons, per month

Minimum bill per month – \$16.15

**Industrial Water and Sewer Customers Inside the Corporate Limits
of the City of Batesville**

First 2,000 gallons of water consumption – minimum of \$16.15 per month

Over 2,000 gallons of water consumption – \$6.46 per thousand gallons, per month

Minimum bill per month – \$16.15

Sewer Customers Only Inside the Corporate Limits of the City of Batesville
Minimum monthly charge – \$32.31

AUGUST 16, 2022

**Residential Water and Sewer Customers Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$16.15 per month

Over 2,000 gallons of water consumption – \$6.46 per thousand gallons, per month

Minimum bill per month – \$16.15

**Commercial Water and Sewer Customers Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$16.15 per month

Over 2,000 gallons of water consumption – \$6.46 per thousand gallons, per month

Minimum bill per month – \$16.15

**Industrial Water and Sewer Customers Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$16.15 per month

Over 2,000 gallons of water consumption – \$6.46 per thousand gallons, per month

Minimum bill per month – \$16.15

**Sewer Customers Only Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

Minimum monthly charge -- \$32.31

GROSS RATES

**Residential Water and Sewer Customers Inside the Corporate Limits
of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$14.00 per month

Over 2,000 gallons of water consumption – \$7.00 per thousand gallons, per month

Minimum bill per month – \$14.00

**Commercial Water and Sewer Customers Inside the Corporate Limits
of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$17.23 per month

Over 2,000 gallons of water consumption – \$7.00 per thousand gallons, per month

Minimum bill per month – \$17.23

AUGUST 16, 2022

**Industrial Water and Sewer Customers Inside the Corporate Limits
of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$17.23 per month

Over 2,000 gallons of water consumption – \$7.00 per thousand gallons, per month

Minimum bill per month – \$17.23

Sewer Customers Only Inside the Corporate Limits of the City of Batesville

Minimum Monthly Charge – \$35.55

**Residential Water and Sewer Customers Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

First 2,000 gallons per month, minimum -- \$17.23 per month

Over 2,000 gallons per month, minimum -- \$7.00 per thousand gallons, per month

Minimum bill per month – \$17.23

**Commercial Water and Sewer Customers Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$17.23 per month

Over 2,000 gallons of water consumption – \$7.00 per thousand gallons, per month

Minimum bill per month – \$17.23

**Industrial Water and Sewer Customers Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

First 2,000 gallons of water consumption, minimum -- \$17.23 per month

Over 2,000 gallons of water consumption – \$7.00 per thousand gallons, per month

Minimum bill per month – \$17.23

**Sewer Customers Only Located Outside Of, But Not More Than
One (1) Mile From, the Corporate Limits of the City of Batesville**

Minimum Monthly Charge – \$35.55

The rates set forth herein shall take effect on October 1, 2022.

ORDERED on this the 16th day of August, 2022.

AUGUST 16, 2022

IN RE: APPROVAL FOR BOY SCOUTS CAMPOUT - INDIAN MOUNDS

Upon motion of Alderman Land and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the request for the use of the Indian Mounds October 14-16, 2022, by the Boy Scouts in order to hold a campout, be and it is hereby approved.

IN RE: BUDGET HEARING SET FOR FYE - SEPTEMBER 30, 2023

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that a Public Hearing be held on the proposed budget and ad valorem tax levies for the fiscal year ending September 30, 2023, at 6:00 p.m. on Tuesday, September 6, 2022, in the City Hall at 103 College Street, Batesville, Mississippi and that notices of said hearing be published in “The Panolian” for the time and in the manner provided by law. The Mayor and Board of Aldermen intend to adopt the ad valorem tax levies at the meeting to be held on Tuesday, September 6, 2022, at 6:00 p.m. The budget is intended to be adopted on Tuesday, September 13, 2022, at 10:00 a.m. at City Hall.

AUGUST 16, 2022

IN RE: APPROVAL OF SPECIFICATIONS AND TO OBTAIN QUOTES - LIGHT TOWER

Upon motion of Alderman Morrow and second of Alderman Land and upon unanimous vote taken, it was ordered that the following specifications be and they are hereby approved and further ordered that Fire Chief Tim Taylor be and he is hereby authorized to obtain quotes in connection with said specifications for an additional light tower:

City of Batesville MS, Fire Department

Specification for Portable Light tower

August 2022

Request for Quotes:

Please provide a written quote for one (1) portable light tower as specified.

Scope of Work

Supply (1) one new and unused diesel engine-driven light tower set that has been factory built and production tested.

The light tower set will be a commercial design and shall be new and of current production by a national firm that manufactures the tower units and controls, and assembles the generator sets as a complete and coordinated system. The light tower unit supplied shall meet the requirements of the National Electrical Code if applicable.

The light tower unit shall be furnished by a single manufacturer who shall be responsible for the design, and coordination of the complete system.

Engine

The unit shall be powered by a Kubota, liquid cooled 2-cylinder diesel engine, 1800 RPM. The engine shall be fueled from an NLT 45 U.S. gallon on board tank and shall have a run time on NLT 200 Hours. The engine shall be electrically started using a 12 62 Ah battery.

Lights/Mast

The unit shall have 4 LED 320W lights mounted on an NLT 25' high, hydraulic powered mast raising multi stage tower. The lights shall have dedicated breaker protected circuits for each LED lamp. The lamps shall be adjustable in both the horizontal and vertical planes. The mast shall have an approximately 10 second raise time from the stowed to full high positions.

Generator

The generator shall be a 240 volt, 4.2 KVA, 60 Hz unit.

Trailer

The entire unit shall be mounted on a single axle, two (2) wheel trailer. The trailer shall be an integral component of the light tower system and shall have the following features:

- 2 5/16 inch ball hitch, with safety chains and jack stand
- DOT approved stop, tail, turn and marker lights
- Locking enclosures around the engine and generator.

General

The unit shall be black in color, shall have extendable support jacks on the rear (one each side). The sound level shall not exceed 65 dBA @ 23 feet when operating at full capacity, approximate weight NMT 2200 lbs. Approximate overall dimensions in a stowed position 75" L X 60" W x 100" H.

AUGUST 16, 2022

Controller

Deep Sea controller with display screen showing all the functions of the engine and generator the controller shall allow multiple events to predetermined the operation of lighting unit.

Warranty

- | | |
|----------------------------------|-------------|
| • Engine | NLT 2 years |
| • LED Heads | NLT 3 years |
| • Tower and remaining components | NLT 1 year |

Quote Requirements;

- Must be on the supplier's official letterhead or form(s) To the City of Batesville MS, Fire Department.
- Must have Brand, Model number and other pertinent information of the unit being quoted.
- Must be signed by an authorized representative of the supplier.
- Must be valid for up to NLT 90 days
- All cost must be included
- Shall have specifications of the quoted product included as attachment.
- Delivery time (in weeks) after purchase order is issued by the City.
- Email Quotes as a PDF file to firechief@batesvillefire.com , titled "Light Tower Quote"
- Vendor must accept Purchase Orders, Net 45, from the City of Batesville MS.
- Invoices must be submitted by the 25th of the Month for processing and shall be submitted to;

City of Batesville MS, Fire Dept
P.O. Box 689
Batesville MS, 38606

P.O.C Tim Taylor, Fire Chief,
P.O. Box 689
132 Van Voris Street
Batesville MS, 38606
662-563-6610, cell 662-609-4703

AUGUST 16, 2022

IN RE: QUOTES RECEIVED - PIPE

The City of Batesville received the following quotes for a 42" pipe:

Panola Pipe & Products, LLC	\$4,521.66
G&O Supply Co., Inc.	\$5,551.80

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that the quote from Panola Pipe & Products, LLC, in the amount of \$4,521.66 for a 42" pipe be and it is hereby accepted as the lowest and best quote. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

Jul 29 22 03:18p

DeSoto Recycling LLC

6624293040

p 1

7-29-2022

City of Batesville

PANOLA PIPE & PRODUCTS, LLC

STEEL PIPE

PLASTIC PIPE

TODD BRUCE 662-487-3071

CHASE BRUCE 662-934-3982

2012 INDUSTRIAL PARK RD. • SARDIS, MS 38666

HDPE storm drain 3-42" x 20' Plastic Culverts

AASHTO M/294 4521.66

Todd Bruce

AUGUST 16, 2022

IN RE: APPROVAL OF PERMIT APPLICATION - C-SPIRE

Upon recommendation of Public Works Director David Karr and upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that the permit application from C-Spire for the construction or adjustment of a utility within City road right-of-way, at Highway 35 and Airport Road, be and it is hereby approved, subject to the City's right to exercise complete control of said right-of-way and streets including, but not limited to, the City's right to repair, maintain, widen, extend and abandon or close such streets and right-of-way and on the condition that C-Spire shall be responsible for and shall pay the costs and expenses of any relocation of this utility made necessary by the City's exercise of any such rights, subject to and contingent upon the correct application being submitted.

AUGUST 16, 2022

IN RE: QUOTES RECEIVED-LOCATORS - GAS AND WATER DEPARTMENT

The City of Batesville received the following quotes for two (2) locators for use in the Gas and Water Departments:

Subsurface Solutions	\$19,470.00
Green Equipment Company	\$19,254.00
Radiodetection	\$19,284.00

Upon motion of Alderman Land and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the quote from Green Equipment Company in the amount of \$19,254.00 be and it is hereby accepted as the lowest and best quote for two (2) locators for use in the Gas and Water Departments. A copy of said quotes are on file in the Office of the City Clerk and a copy of they accepted quote follows:



Corporate Address:
2563 Gravel Drive, Fort Worth, TX 76118
t. 8175892704 f. 8172841107

QUOTE

NumberUNSAVED

DateAug 10, 2022

Bill To

City of Batesville
Bubba Alewine
103 College Street
Batesville, MS 38606

Phone 662-578-1109
Fax
E-Mail Waterandsewersupt@batesville.ms

Terms

Ship To

City of Batesville
Bubba Alewine
103 College Street
Batesville, MS 38606

Phone 662-578-1109
Fax
E-Mail
Ship Via

SalespersonJason Willey

E-mailjasonwiley@greenequipco.com

Phone Number

Qty	Part Number	Description	Unit Price	Ext. Price
2	R10/81PDLM-LOG-GPS	81 PDL MRX Receiver w/Log & GPS	\$5,555.00	\$11,110.00
2	R10/TX10	RD TX10 Transmitter	\$2,988.00	\$5,976.00
2	R10/LOCATORBAG	Radiodetection 7K/8K Series Soft Carry Bag.	\$201.00	\$402.00
2	R10/TX-MABATPACK-L-K	RD Transmitter TX Series LI-Ion Rechargeable Battery Kit w/AC/DC chargers	\$773.00	\$1,546.00
2		Freight	\$110.00	\$220.00
		SubTotal		\$19,254.00
		Tax		\$0.00
		Shipping		\$0.00
		Total		\$19,254.00

QUOTE GOOD FOR 30 DAYS

Thank you for the opportunity. We offer free training at the time of product delivery, loaner equipment is available on most products we sell. My contact information is listed above and if I can assist you in any way please, contact me.

HGAC MEMBER

BUY BOARD MEMBER

AUGUST 16, 2022

**IN RE: APPROVAL OF MEMBERSHIP - NATIONAL RECREATION AND
 PARK ASSOCIATION AND MISSISSIPPI RECREATION AND PARKS
 ASSOCIATION**

Upon recommendation of Public Works Director David Karr and upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that the City of Batesville join the National Recreation and Park Association for the cost of \$675.00 per year and also join the Mississippi Recreation and Parks Association for the cost of \$377.00 per year.

IN RE: APPROVAL OF TVI-FIBER - TRUSSELL AND PATTON LANE PARKS

Upon recommendation of Public Works Director David Karr and upon motion of Alderman Walton and second of Alderman Harrison and upon unanimous vote taken, it was ordered that TVI-Fiber be and it is hereby approved for Trussell Park and Patton Lane Park for the amount of \$279.94 per month.

Batesville City Park Project Quote			
Trussell Park	QUANTITY	COST	EXTENDED
Business Pro	1	\$ 199.99	\$ 199.99
UWG Router	1	\$ -	\$ -
Access Point	1	\$ 29.99	\$ 29.99
TOTAL			\$ 229.98
Trussell Park Discounted	QUANTITY	COST	EXTENDED
Batesville City Internet Special	1	\$ 99.99	\$ 99.99
Static IP	1	\$ 9.99	\$ 9.99
Business Pro	0	\$ 199.99	\$ -
UWG Router	1	\$ -	\$ -
Access Point	1	\$ 29.99	\$ 29.99
TOTAL			\$ 139.97
Patton Lane Park	QUANTITY	COST	EXTENDED
Business Pro	1	\$ 199.99	\$ 199.99
UWG Router	1	\$ -	\$ -
Access Point	1	\$ 29.99	\$ 29.99
TOTAL			\$ 229.98
Patton Lane Discounted	QUANTITY	COST	EXTENDED
Batesville City Internet Special	1	\$ 99.99	\$ 99.99
Static IP	1	\$ 9.99	\$ 9.99
Business Pro	0	\$ 199.99	\$ -
UWG Router	1	\$ -	\$ -
Access Point	1	\$ 29.99	\$ 29.99
TOTAL			\$ 139.97
Normal Total			\$ 459.96
Discount Total			\$ 279.94
Savings			\$ 180.02
Percentage			39%

AUGUST 16, 2022

**IN RE: BIDS RECONSIDERED - CATHODIC PROTECTION DEEP WELL
ANODE PROJECT**

There came on for discussion the matter of bids received at the August 2, 2022, regular meeting of the Mayor and Board of Aldermen for the cathodic protection deep well anode project. The bids received and itemized are listed below as follows:

Walker Hill Environmental	\$180,775.00
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Having heard all bids received, upon recommendation of Public Works Director David Karr and upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the above named project remain under advisement.


AUGUST 16, 2022

IN RE: PUBLIC HEARING - 3:00 P.M.
PUBLIC HEARING - ZONING FOR NEWLY ANNEXED AREAS

The Mayor opened the Public Hearing and Code Enforcement Officer Andy Berryhill explained the purpose of the hearing being the consideration of amendments to the Batesville Zoning Ordinance of The Code of Ordinances, City of Batesville, Mississippi, as said amendments are set out below in the Notice of Public Hearing.

Notice of said hearing having been published in the manner and for the time required by law as evidenced by a copy of the Proof of Publication attached hereto:

No one was present in opposition to the adoption of the Zoning Ordinance Amendments. The Mayor declared the hearing closed.

Publisher's Certificate of Publication	
STATE OF MISSISSIPPI COUNTY OF PANOLA	PUBLIC NOTICE NOTICE OF PUBLIC HEARING
<p>Rebecca Alexander, being duly sworn, on oath says she is and during all times herein stated has been an employee of Batesville Newsmedia publisher and printer of the The Panolian (the "Newspaper"), has full knowledge of the facts herein stated as follows:</p> <p>1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:</p> <p>07/27/22</p> <p>2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.</p> <p>3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney</p> <p><i>Rebecca Alexander</i></p> <p>Rebecca Alexander, Publisher</p> <p>Subscribed and sworn to before me this 27th Day of July, 2022</p> <p><i>Shandale Goodman</i></p> <p>Shandale Goodman, Notary Public State of Mississippi My commission expires 07-30-2022</p> <p></p>	<p>Pursuant to the order of the Mayor and Board of Aldermen of the City of Batesville, Mississippi [the "Governing Authority"], notice is hereby given to all persons interested in or in any way affected thereby, that the Governing Authority proposes to zone the territory annexed into the City of Batesville, Mississippi, by the Decree of the Chancery Court of the Second Judicial District of Panola County, Mississippi, entered on March 7, 2022, in Cause No. 21-cv-183 on the docket of the Chancery Court of the Second Judicial District of Panola County, Mississippi; pursuant to the Batesville Zoning Ordinance; and</p> <p>WHEREAS, the proposed zoning of the annexed territory is as follows: C-3 except for those parts of the annexed territory being used as single family residential which parts are intended to be zoned IR-12.</p> <p>NOW, THEREFORE, pursuant to the Order of the Governing Authority notice is given to all persons interested in, or in any way affected by, said zoning that a public hearing on said zoning shall be held by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, at 3:00 P.M. on August 16, 2022, at the City Hall located at 103 College Street, Batesville, Mississippi, at which time all parties interested in or affected thereby, will be heard, after which a decision will be rendered by the said Board of Mayor and Aldermen. Any objection made to the zoning of the annexed territory described herein above may be made by any person in writing or in person at said hearing. If any objection be made in writing, it must be filed with the undersigned prior to or at the time of said public hearing. Any party interested may appear in person and or by counsel at said public hearing.</p> <p>CITY OF BATESVILLE, MISSISSIPPI By: Susan S. Berryhill, City Clerk</p> <p>The Panolian: July 27, 2022 PUBLIC HEARING</p>

AUGUST 16, 2022

**IN RE: APPROVAL TO ADOPT ORDER - ZONING FOR NEWLY ANNEXED
 AREAS**

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the following Order was adopted:

ORDER PERTAINING TO ZONING IN THE 2022 ANNEXED AREA

WHEREAS, on March 9, 2022, the Chancery Court of the Second Judicial District of Panola County, Mississippi, entered a Final Decree in Cause No. 21-cv-L83 on the docket of the Chancery Court of the Second Judicial District of Panola County, Mississippi, approving, ratifying, and confirming the enlargement of the corporate boundaries of the City of Batesville, Mississippi, by the addition and annexation of the territory described therein and in the Annexation Ordinance adopted by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, on March 2, 2021, and recorded in Minute Book B-3 at Pages 9 and following.; and

WHEREAS, the territory annexed into the City of Batesville is not zoned and therefore it is necessary that the property be zoned in accordance with the Comprehensive Zoning Plan of the City of Batesville, Mississippi; and

WHEREAS, on this date there has been a public hearing held on the proposed zoning of the annexed area after notice of said hearing was published in the manner and for the time required by law and the Mayor and Board of Aldermen desire to enter an interim order, pending the adoption of an Ordinance zoning the annexed area, that will allow businesses to operate in the annexed area in compliance with the proposed zoning.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

- (1) That the aforesaid annexed area shall be zoned C-3 except for those areas currently being used for residential purposes will be zoned residential at the specific request of the owners of said residential property.
- (2) That any business that is allowed under the Batesville Zoning Ordinance in a C-3 district will be allowed in the annexed area except those parts thereof that are currently being used for residential purposes.
- (3) Upon the effective date of the Ordinance adopted by the Mayor and Board of Aldermen zoning the annexed area this Order shall become ineffective and of no force and effect.

ORDERED this the 16th day of August, 2022.

AUGUST 16, 2022

IN RE: PUBLIC HEARING - 3:00 P.M.
PUBLIC HEARING - AMENDING ARTICLE IV, SECTION 401

The Mayor opened the Public Hearing and Code Enforcement Officer Andy Berryhill explained the purpose of the hearing being the consideration of amendments to the Batesville Zoning Ordinance being Appendix A to The Code of Ordinances, City of Batesville, Mississippi, as said amendments are set out below in the Notice of Public Hearing.

Notice of said hearing having been published in the manner and for the time required by law as evidenced by a copy of the Proof of Publication attached hereto:

No one was present in opposition to the adoption of the Zoning Ordinance Amendments. The Mayor declared the hearing closed.

Publisher's Certificate of Publication

STATE OF MISSISSIPPI
COUNTY OF PANOLA

Rebecca Alexander, being duly sworn, on oath says she is and during all times herein stated has been an employee of Batesville Newsmedia publisher and printer of the The Panolian (the "Newspaper"), has full knowledge of the facts herein stated as follows:

1. The Newspaper printed the copy of the matter attached hereto (the "Notice") was copied from the columns of the Newspaper and was printed and published in the English language on the following days and dates:

07/27/22

2. The sum charged by the Newspaper for said publication is the actual lowest classified rate paid by commercial customer for an advertisement of similar size and frequency in the same newspaper in which the Notice was published.

3. There are no agreements between the Newspaper, publisher, manager or printer and the officer or attorney charged with the duty of placing the attached legal advertising notice whereby any advantage, gain or profit accrued to said officer or attorney

Rebecca Alexander

Rebecca Alexander, Publisher

Subscribed and sworn to before me this 27th Day of July, 2022

Shandale Goodman

Shandale Goodman, Notary Public
State of Mississippi
My commission expires 07-30-2022

Account # 180200
Ad # 1485133

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

PUBLIC NOTICE

ORDER SETTING TIME, DATE, AND PLACE OF PUBLIC HEARING ON AMENDMENTS TO THE COMPREHENSIVE ZONING PLAN OF THE CITY OF BATESVILLE, MISSISSIPPI, AND TO THE BATESVILLE ZONING ORDINANCE AND AUTHORIZING THE CITY CLERK TO PUBLISH NOTICE OF SAID HEARING

WHEREAS, Senate Bill No. 2095, Mississippi Legislature, Regular Session 2022, "Mississippi Medical Cannabis Act" [the "Act"] passed by the Mississippi Legislature and signed into law by the Governor of the State of Mississippi provides for the operation of certain medical cannabis establishments, namely: Medical Cannabis Dispensary; Cannabis Research Facility; Cannabis Testing Facility; Cannabis Cultivation Facility; Cannabis Processing Facility; Cannabis Transportation Entity; and Cannabis Disposal Entity [collectively "Medical Cannabis Establishments"]; and

WHEREAS, the Mayor and Board of Aldermen of the City of Batesville, Mississippi ["Governing Authority"] is considering amendments to the Comprehensive Zoning Plan of the City of Batesville, Mississippi, and to the Batesville Zoning Ordinance ["Ordinance"] in order to address Medical Cannabis Establishments allowed by the Act; and

WHEREAS, the proposed amendments to the Batesville Zoning Ordinance ["Ordinance"] and to the Comprehensive Zoning Plan of the City of Batesville, Mississippi, are as follows, to-wit:

Amend Article IV, Section 401 "Table of Permissible Uses" to allow the following medical cannabis establishments in the following zoning districts:

(i) Medical Cannabis Dispensary shall be permitted in zoning district C-3;

(ii) Cannabis Research Facility shall be permitted in zoning district C-3;

(iii) Cannabis Testing Facility shall be permitted in zoning district C-3;

(iv) Cannabis Cultivation Facility shall be permitted in zoning districts I-1 and I-2;

(v) Cannabis Processing Facility shall be permitted in zoning districts I-1 and I-2;

(vi) Cannabis Transportation Entity shall be permitted in zoning districts I-1 and I-2;

(vii) Cannabis Disposal Entity shall be permitted in zoning districts I-1 and I-2;

WHEREAS, said amendments were reviewed and recommended by the Planning Commission of the City of Batesville at their meeting held on June 20, 2022; and

WHEREAS, statutes controlling such amendments require a public hearing to be held prior the approval of said amendments.

NOW, THEREFORE, BE IT ORDERED that on the 16th day of August, 2022, at 3:00 o'clock P.M. in the City Hall of the City of Batesville, Mississippi, the Mayor and Board of Aldermen will hold a public hearing on said amendments and the Clerk of the City of Batesville, Mississippi, is hereby ordered and authorized to place a notice of said public hearing for publication in *The Panolian*, a newspaper having a general circulation in the City of Batesville, Mississippi.

CITY OF BATESVILLE, MISSISSIPPI

By: Susan S. Berryhill, City Clerk

The Panolian:
July 27, 2022
PUBLIC HEARING

AUGUST 16, 2022

IN RE: APPROVAL TO ADOPT ORDINANCE - ZONING - MEDICAL CANNABIS ESTABLISHMENTS

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the following Ordinance was adopted:

**AN ORDINANCE AMENDING ARTICLE IV, SECTION 401
["TABLE OF PERMISSIBLE USES"], BATESVILLE ZONING
ORDINANCE, APPENDIX A, THE CODE OF ORDINANCES,
CITY OF BATESVILLE, MISSISSIPPI**

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, as follows:

That Article IV, Section 401 ["Table of Permissible Uses"], Batesville Zoning Ordinance, Appendix A, The Code of Ordinances, City of Batesville, Mississippi, be and is hereby amended to include a new designation and classification, namely, 31.000 Medical Cannabis Establishments, under which designation and classification shall be placed the following named Medical Cannabis Establishments:

- 31.100** Medical Cannabis Dispensary shall be permitted in zoning district C-3;
- 31.200** Cannabis Research Facility shall be permitted in zoning district C-3.
- 31.300** Cannabis Testing Facility shall be permitted in zoning district C-3.
- 31.400** Cannabis Cultivation Facility shall be permitted in zoning districts I-1 and I-2.
- 31.500** Cannabis Processing Facility shall be permitted in zoning districts I-1 and I-2.
- 31.600** Cannabis Transportation Entity shall be permitted in zoning districts I-1 and I-2.
- 31.700** Cannabis Disposal Entity shall be permitted in zoning districts I-1 and I-2.

ORDAINED, APPROVED, AND ADOPTED on this the 16th day of August, 2022.

HAL FERRELL, Mayor

ATTEST:

SUSAN S. BERRYHILL, City Clerk

AUGUST 16, 2022

**IN RE: APPROVAL TO ADOPT ORDINANCE - MEDICAL CANNABIS
ESTABLISHMENTS**

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, the following Ordinance was adopted:

**AN ORDINANCE FOR THE REGULATION OF MEDICAL CANNABIS
BUSINESS ESTABLISHMENTS**

SECTION I. Short Title

This Ordinance shall be known as the City of Batesville Medical Cannabis Ordinance and referred to herein as the "Ordinance."

WHEREAS, Senate Bill 2095, Mississippi Legislature, Regular Session 2022, "Mississippi Medical Cannabis Act" (the "Act"), passed by the Mississippi Legislature and signed into law by the governor of the State of Mississippi, provides for certain Medical Cannabis Establishments, namely: Cannabis Cultivation Facilities, Cannabis Disposal Entities, Cannabis Processing Facilities, Cannabis Research Facilities, Cannabis Testing Facilities, Cannabis Transportation Entities, and Medical Cannabis Dispensaries (collectively "Medical Cannabis Establishments"), and

WHEREAS, it is the express intent of the Mayor and Board of Aldermen (the "Governing Authority") for the City of Batesville, Mississippi (the "City") and of this Ordinance, to establish reasonable time, place, and manner procedures and regulations for Medical Cannabis Establishments to supplement the Act and to incorporate and where applicable supplement the rules and regulations adopted, or to be adopted, by the State of Mississippi Department of Revenue ["DOR"] and the State of Mississippi Department of Health ["DOH"], and

WHEREAS, the regulations, procedures, limitations, and prohibitions established in this Ordinance are necessary to encourage safe, reasonable and responsible operation of Medical Cannabis Establishments within the City in a manner that reduces negative impacts on the community and environment, increases public awareness, and protects community health, safety and wellbeing while creating a clear and attainable path for Medical Cannabis Establishments to follow and authorities to enforce, and

WHEREAS, pursuant to § 21-19-1 et seq., Mississippi Code Annotated as amended, the Board of Aldermen of the City of Batesville has the authority to enact such ordinances as necessary and in the best interest of the public.

SECTION II. Legislative Intent

These adopted regulations are intended to ensure the public health, safety and welfare of residents of the City, persons engaged in Medical Cannabis Establishments including their employees, neighboring property owners, and end users of medical cannabis. To this end, these regulations identify criteria and regulations of Medical Cannabis Establishments in supplementation to such other laws, requirements, and regulations that may be adopted by the State of Mississippi and the Governing Authority applicable to the Medical Cannabis Establishments.

AUGUST 16, 2022

SECTION III. General Provisions Applicable to Medical Cannabis Establishments

- a. Required Privilege Permit in Accordance with State and Local Law:
- i. Prior to the initiation of any Medical Cannabis Establishments, a business privilege license as required by state law must be obtained from the City Clerk.
 - ii. Prior to the initiation of any Medical Cannabis Establishments, a Medical Cannabis Permit must be obtained from the City Clerk.
 - iii. An applicant seeking a Medical Cannabis Permit shall submit information to the City Clerk in conformity with such forms and procedures as the Clerk may prescribe. The Clerk is hereby authorized to promulgate forms to accomplish the intent of this provision.
 - iv. The applicant shall further provide a copy of all documents it intends to submit to the Mississippi Department of Health ("DOH") or Mississippi Department of Revenue ("DOR"), as appropriate, for the required State of Mississippi licensing, including license renewal applications. Unless otherwise waived by the City, applicant shall continue to timely supplement the filed documents with any additional documents provided to, or received from, DOH and DOR that were not originally filed with the City including, but not limited to, annual licenses, license revocations, reports, notices, etc.
 - v. A Medical Cannabis Establishment Permit may be denied or revoked for failure to comply with the requirements herein or any applicable state law or regulation.
- b. Required Application and Permit Fee: Due to the unique character of Medical Cannabis Establishments including, but not limited to, legal compliance elements, security concerns, potential for nuisances arising from odors, potential for fire hazards, potential for soil and water contamination and like conditions, extensive review of applications not typically associated with other business is required by multiple departments of the City. Therefore, applicant shall pay to the City Clerk a non-refundable application fee of Two Thousand Five Hundred and no/100 Dollars (\$2,500.00) and it shall be renewed annually for a non-refundable fee of One Thousand and no/100/Dollars (\$1,000.00).
- c. Site Plans: Prior to the initiation of any Medical Cannabis Establishments, and in addition to any other standard development approval or Design Review Application required by the City of Batesville Code Office, the applicant shall submit to the City Planning Commission a comprehensive site plan which, at a minimum, shall include the following:

AUGUST 16, 2022

- i. Property survey
 - ii. Odor and ventilation control plan demonstrating that no excessive odor, capable of being detected by persons of normal sense of smell, escapes to neighboring property
 - iii. Lighting plans demonstrating that no excessive light escapes to neighboring property between sunset and sunrise
 - iv. Security plans
 - v. Water and wastewater service plans
 - vi. Materials management plan for proper disposal of related waste at legally authorized disposal sites. If the activities involve storage and use of hazardous materials at a reportable quantity, applicants shall include a hazardous materials management plan.
 - vii. There shall be no outdoor storage, display, sales, or dispensing of Medical Cannabis. All signage and advertising of any nature shall conform to the City Sign Ordinance and applicable State Medical Cannabis regulations.
 - viii. Medical Cannabis Establishments shall have sufficient off-street parking for Medical Cannabis Establishments. No on-street parking by customers will be allowed. State regulations and the City's Parking Ordinance are applicable.
- d. Remediation Plan: The City Planning Commission [City Code Office ?] may require the submission of a property remediation plan addressing site reclamation in the event the approved Medical Cannabis Establishments ceases to remain active for twelve (12) or more consecutive months. Such plan may require, in the discretion of the City, the posting of a surety bond or letter of credit in an amount sufficient to cover the costs of the proposed remediation plan.
- e. Inspections: All operators of Medical Cannabis Establishments shall allow access by City Code Office officers, law enforcement officers or other agents or employees requesting access for the purpose of determining compliance with these standards and other applicable City standards and regulations, and further consent to an annual on-site compliance inspection, with at least 24 hours prior notice, to be conducted by appropriate City officials during regular business hours (Monday - Friday, 9:00 am - 5:00 pm, excluding holidays). Such inspections may include inspection of the facility, equipment, books, records, licenses, permits and real and personal property that are a part of the Medical Cannabis Establishments and a business conducted at the Establishment.

AUGUST 16, 2022

SECTION IV. Hours of Operation

Hours of active operation of Medical Cannabis Dispensary Facilities shall be limited to 7:00 o'clock a.m. to 7:00 p.m., Monday through Saturday (closed Sunday).

SECTION V. Applicability

- a. All requirements of all state and local laws, ordinances, codes and regulations shall be met, and licenses for operation shall be obtained from the Mississippi Department of Health or Mississippi Department of Revenue as applicable, and maintained in good standing at all times. To the extent state law or regulations are more restrictive and/or in direct conflict with the provisions herein, state law shall control.
- b. Expressly incorporated herein are the following state regulations which are made a part of this ordinance:
 - 1. Medical Cannabis Dispensary Regulations (DOR)
 - 2. Work Permit Regulations (DOH)
 - 3. Cannabis Testing Facility Regulations (DOH)
 - 4. Advertising and Marketing Regulations (DOH)
 - 5. Cannabis Cultivation Facility Regulations (DOH)
 - 6. Cannabis Processing Facility Regulations (DOH)
 - 7. Cannabis Transportation Entity Regulations (DOH)
 - 8. Cannabis Disposal Regulations (DOH)
- c. "Medical Cannabis Establishment", "Cannabis Cultivation Facility", "Cannabis Processing Facility", "Cannabis Testing Facility", "Medical Cannabis Dispensary", "Cannabis Transportation Entity", "Cannabis Disposal Entity", and "Cannabis Research Facility" have the meanings as set forth in the Act.

VI. Location of Medical Cannabis Dispensaries.

No Medical Cannabis Dispensary may be located within a three thousand feet (3,000') radius from the main point of entry of the Dispensary to the main point of entry of another Medical Cannabis Dispensary.

VII. Enforcement

- 1. A violation of any provision of this Ordinance or any state or City laws, regulations, ordinances, or codes applicable to Medical Cannabis Establishments

AUGUST 16, 2022

shall be deemed to be a public nuisance and subject to enforcement as set forth herein.

2. Any person violating any provision of this Ordinance or any other ordinance or regulation of the City of Batesville for which no penalty is otherwise specifically provided for, or violating any provision of any applicable state laws or regulations for which no penalty is otherwise specifically provided for, shall be deemed guilty of a misdemeanor and shall be punished by a fine of Two Hundred Fifty and no/100 Dollars (\$250.00) for the first offense. For a second offense occurring within a two (2) year period of time, a fine in the amount of Five Hundred and no/100 Dollars (\$500.00), and/or a period of incarceration not to exceed thirty (30) days shall be imposed. For a third or subsequent offense occurring within a two (2) year period of time there shall be assessed a fine of One Thousand and no/100 Dollars (\$1,000.00) and/or a period of incarceration not to exceed one hundred and eighty (180) days. Each violation of any provision of this ordinance shall be deemed a separate offense. Each day of violation is a separate, continuing offense.

The Court, in addition to the penalties provided herein, may order the person violating this ordinance to pay restitution to any person suffering damages resulting from the violation.

3. The City may seek to abate the violation of this Ordinance or any state or local laws, regulations, ordinances or codes applicable to Medical Cannabis Establishments by the prosecution of a civil action, including an action for injunctive relief. Such injunctive relief may take the form of a court order prohibiting ongoing violations and/or requiring compliance with this Ordinance. The City may also proceed as necessary under Miss. Code Ann. Section 21-19-11

In the event the City is the prevailing party, in addition to the penalties provided herein, the City will be entitled to the recovery of the cost of prosecuting the civil action including, but not limited to, the administrative costs of the City to inspect, investigate, and pursue compliance with this Ordinance, Court filing fees, expert witness expenses and reasonable attorney fees.

4. The remedies and penalties above are cumulative to all other remedies available to the City by law.

SECTION VIII. Effective Date

Due to the immediate need to protect and preserve the peace, health, safety, and welfare of the public, this Ordinance shall be in force and effect from and after its passage and shall remain in effect until such time as it is properly repealed or amended.

AUGUST 16, 2022

SECTION IX. Severability

If any provision of this Ordinance is ruled illegal, unconstitutional or otherwise unenforceable by a Court of competent jurisdictions, the remaining provisions shall continue in full force and effect.

SECTION X. Conflict

Any other ordinances of the City which are conflicting or inconsistent with this ordinance, are hereby repealed to the extent of any inconsistencies or conflicts.

SECTION XI. Ordinance Cumulative

This Ordinance shall be cumulative and in addition to any other laws, ordinances, and regulations in force.

Passage of this Ordinance is now official and the same shall take effect upon passage and be enforced as provided by law.

ADOPTED, ORDAINED AND APPROVED this 16th day of August, 2022.

HAL FERRELL, Mayor

ATTEST:

SUSAN S. BERRYHILL, CITY CLERK

AUGUST 16, 2022

IN OPEN SESSION

Alderman Harrison moved that the meeting be closed to determine whether or not the Mayor and Board of Aldermen should declare an executive session. Thereafter, upon the affirmative votes of Aldermen Walton, Land, Dugger, Morrow and Harrison it was ordered that the meeting be closed in order to determine whether or not the Board should declare an executive session.

IN THE CLOSED MEETING

Mayor Ferrell announced that the meeting is closed to determine whether or not the Mayor and Board of Aldermen should declare an executive session. Present in the closed meeting were: Mayor Hal Ferrell; Aldermen Land, Harrison, Dugger, Morrow and Walton; City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

On motion made by Alderman Harrison, seconded by Alderman Dugger, and unanimously carried upon the affirmative votes of Aldermen Land, Walton, Dugger, Morrow and Harrison it was ordered that the Mayor and Board of Aldermen go into executive session in order to discuss personnel matters in the Police Department, Street Department, Gas Department, Parks and Recreation and Water and Sewer Department and the potential purchase of real property.

AUGUST 16, 2022

IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen will go into executive session for the purpose of discussing personnel matters in the Police Department, Street Department, Gas Department, Parks and Recreation and Water and Sewer Department and the potential purchase of real property and that the total vote on the motion to go into executive session was five (5) aldermen in favor and no aldermen opposed. Those present in the open meeting were Mayor Ferrell; Aldermen Harrison, Land, Dugger, Morrow and Walton; City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

IN EXECUTIVE SESSION

Mayor Ferrell announced that the Mayor and Board are in executive session. Those present in executive session were Mayor Ferrell; Aldermen Harrison, Walton, Dugger, Morrow and Land; City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

There came on for discussion the personnel matters in the Police Department. (Chief of Police Kerry Pittman and Assistant Chief of Police George Williford were not present for a portion of this discussion.)

There next came on for discussion the personnel matter in the Street Department. (Public Works Director David Karr and Assistant Public Works Director Newt Benson were present for this discussion.)

There next came on for discussion the personnel matter in the Gas Department. (Public Works Director David Karr and Assistant Public Works Director Newt Benson were present for this discussion.)

There next came on for discussion the personnel matter in the Parks and Recreation. (Public Works Director David Karr and Assistant Public Works Director Newt Benson were present for this discussion.)

AUGUST 16, 2022

There next came on for discussion the personnel matter in the Water and Sewer Department. (Public Works Director David Karr and Assistant Public Works Director Newt Benson were present for this discussion.)

There next came on for discussion the potential purchase of real property. (Alderman Harrison was not present during this discussion.)

The executive session was concluded and the Mayor and Board went into open meeting.

IN OPEN MEETING

The Mayor announced that the Mayor and Board are now in open meeting. Those present were Mayor Ferrell; Aldermen Land, Harrison, Dugger, Morrow and Walton; City Attorney Colmon Mitchell; City Clerk Susan Berryhill; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

IN RE: APPROVAL TO OFFER EMPLOYMENT - POLICE DEPARTMENT

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that Tekiya Bush be and she is hereby offered full-time employment in the Police Department as a certified patrol officer at a rate of \$19.89 per hour, contingent upon her accepting the offer and undergoing a medical exam, psychological evaluation and a drug and alcohol test and being free of drugs and cleared for employment pursuant thereto, and that said offer of employment expires on September 5, 2022, at midnight if not accepted.

AUGUST 16, 2022

IN RE: APPROVAL TO OFFER EMPLOYMENT - STREET DEPARTMENT

Upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that Tony Ware be and he is hereby offered full-time employment in the Street Department at a rate of \$15.50 per hour, due to him having a Class A commercial driver's license, contingent upon him accepting the offer and undergoing a medical exam and a drug and alcohol test and being free of drugs and cleared for employment pursuant thereto, and that said offer of employment expires on September 5, 2022, at midnight if not accepted.

IN RE: APPROVAL FOR PROMOTION - GAS DEPARTMENT

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that Gas Department employee Steve Caldwell be and he is hereby promoted to the position of Assistant Gas Superintendent with a salary increase of \$2.00 per hour, effective September 22, 2022.

IN RE: APPROVAL FOR PROMOTION - PARKS AND RECREATION

Upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that Parks and Recreation employee Walter Butler be and he is hereby promoted to the position of Assistant Parks and Recreation Director with a salary increase of \$2.00 per hour, effective September 22, 2022.

AUGUST 16, 2022

**IN RE: APPROVAL FOR PROMOTION - WATER AND SEWER
 DEPARTMENT**

Upon motion of Alderman Dugger and second of Alderman Land and upon unanimous vote taken, it was ordered that Water and Sewer Department employee Taylor Jaudon be and he is hereby promoted to the position of Assistant Water and Sewer Superintendent with a salary increase of \$2.00 per hour, effective September 22, 2022.

NOTE: No action was taken on the potential purchase of real property.

AUGUST 16, 2022

OTHER MATTERS COMING BEFORE THE MAYOR AND BOARD FOR DISCUSSION

1. Chief of Police Kerry Pittman provided a copy of the monthly police report for July 2022 to the Mayor and Board of Aldermen.

Upon motion duly made and seconded, the meeting was adjourned to reconvene at 1:00 o'clock p.m., Thursday, August 18th, 2022, at the City Hall at 103 College Street, Batesville, Mississippi.

In accordance with Section 25-41-7, Mississippi Code of 1972, as amended, a notice of said regular meeting has been posted in the City Hall and a copy of said notice follows these minutes.

Mayor

Clerk of the Mayor and Board of Aldermen
of the City of Batesville, Mississippi

AUGUST 16, 2022

**NOTICE OF PLACE, DATE, HOUR AND SUBJECT MATTER
OF AN ADJOURNED MEETING OF THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, MISSISSIPPI**

The adjourned meeting of the Mayor and Board of Aldermen of the City of Batesville, Mississippi, shall be held on the following subject matter at the following place, date, and hour, to-wit:

Place: City Hall, 103 College Street, Batesville, MS 38606

Date: On the 18th day of August, 2022

Hour: 1:00 p.m.

Subject Matter: To transact any and all business that may be transacted at the regular meeting of the Mayor and Board of Aldermen on the first and third Tuesdays of each month.

The meeting may be conducted through teleconference or video means. Participation is available to the general public at said location.