

SEPTEMBER 6, 2022

REGULAR MEETING

SEPTEMBER 6, 2022

Be It Remembered that a Regular Meeting of the Mayor and Board of Aldermen of the City of Batesville was held on the first Tuesday afternoon of September, being the 6th day of September 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 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 Chief David Tarver; Assistant City Clerk Shonnah Weaver and Jeremy Weldon of The Panolian.

IN RE: APPROVAL OF AGENDA

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the agenda of September 6, 2022, was approved.

SEPTEMBER 6, 2022

CITY OF BATESVILLE BOARD MEETING

SEPTEMBER 6, 2022
2:00 P.M. | CITY HALL

AGENDA

CALL TO ORDER: Mayor Hal Ferrell

INVOCATION: George Williford

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

MINUTES OF PRIOR MEETINGS

1. Regular Meeting – August 16, 2022
2. Adjourned Meeting – August 18, 2022

CONSENT AGENDA

1. Approval for Telecommunications Officer Carolyn Andrews to attend Terminal Agency Coordinator Training November 6-11, 2022, in Pearl, Mississippi. There is no cost for the training. City cost: lodging, per diem for meals, and mileage for personal vehicle use. Reimburse travel expenses if necessary.
2. Approval for Robert Duncan, Cedric Hamilton and Won Brownlee to attend the 2022 Badger Meter Tech Conference, October 25-26, 2022, in Pearl, Mississippi, with expenses covered by the city; lodging, per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.

PAY REQUEST AGENDA

1. Approval for final payment in the amount of \$8,378.13 to be made to Central Pipe & Supply, Inc. in connection with the Beacon Mobile upgrade. (Board approved May 7, 2019, Minute Book A-3, Page 9)
2. Approval for payment in the amount of \$603.00 to be made to Mayo Mallette, PLLC in connection with the zoning dispute against Panola County.
3. Approval for payment in the amount of \$2,500.00 to be made to Integrated Right of Way in connection with the temporary easement acquisition relative to the Lehman Roberts gas line extension.
4. Approval for payment in the amount of \$12,995.00 to be made to Mid South Engineering Consultants in connection with the meter station design.

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5. Approval for payment in the amount of \$2,227.50 to be made to Robert L. Barber and Associates in connection with the annexation designations for the recently annexed areas.

HUMAN RESOURCES

1. Approval to accept the resignation of Utility Clerk Jasmine Benson, effective September 16, 2022.

VISITORS

1. Dr. Ervin Fox
2. Eveline Reed
3. Brian Lee

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

PUBLIC HEARINGS – 3:00 p.m.

1. Variance – Stephen Little – Calvary Church – LED digital message center at 305 Keating Road
2. Variance – Charles Wilson – to allow a 1/12 roof pitch and use of metal sheeting on the side of new shop building at 500 Highway 51 South

REPORT OF DEPARTMENT HEADS

• CHIEF BUILDING OFFICIAL – ANDY BERRYHILL

1. Monthly inspection list
2. Monthly complaint list
3. Planning Commission meeting minutes – August 29, 2022
4. Mayor and Board of Aldermen Use Permit for Drew Wilkinson to allow use #8.400 Restaurant for a coffee shop at 143 Public Square- recommended by the Planning Commission
5. Mayor and Board of Aldermen Use Permit for Bash Fitness, LLC to allow use #3.110 for a Women’s Fitness Center at 111 Public Square – recommended by the Planning Commission

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- **CHIEF OF POLICE – KERRY PITTMAN**

1. Approval to adopt Policy Number 5.33 Remote Restraint Device to the Batesville Police Department Standard Policies and Procedures
2. Executive Session – request to hire

- **CITY ATTORNEY – COLMON MITCHELL**

1. Executive Session – consideration of sale of surplus real property
2. Executive Session - litigation

- **CITY CLERK – SUSAN BERRYHILL**

1. Executive Session – request to hire
2. Discuss contract – Indian Mounds project

- **FIRE CHIEF – TIM TAYLOR**

1. Monthly fire report
2. Executive Session – request to hire

- **PUBLIC WORKS DIRECTOR – DAVID KARR**

1. WATER AND SEWER
 - a. Quotes – rewind Highway 51 well motor (motor will be used as an emergency backup for well)
 - b. Request for water services at 1508 Lawrence Brothers Road (outside the city limits)
 - c. Request for water and sewer services at 1412 E. Hadorn Road (outside the city limits)
 - d. Executive Session – request to hire
2. PARKS AND RECREATION
 - a. Discuss lighting at tennis courts
3. STREET
 - a. Executive Session – personnel matter

OTHER MATTERS BY MAYOR OR ALDERMAN:

MATTERS UNDER ADVISEMENT:

1. Cathodic Protection Deep Well Anode Project

ALLOW CLAIMS: 31953-32746 (includes the Co-Op)

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EXECUTIVE SESSION

1. City Attorney Colmon Mitchell – consideration of sale of surplus real property & litigation
2. Chief of Police Kerry Pittman – request to hire
3. City Clerk Susan Berryhill – request to hire & revolving loan fund matter
4. Public Works Director David Karr – request to hire (Water and Sewer) & personnel matter (Street)
5. Fire Chief Tim Taylor – request to hire & personnel matter

ADJOURNMENT

IN RE: APPROVAL OF MINUTES

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, the minutes of the August 16, 2022, regular meeting, and the minutes of the August 18, 2022, adjourned meeting, were approved.

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IN RE: SIGNATURE SHEET FOR MEETING OF SEPTEMBER 6, 2022

Board Meeting

September 6, 2022

Signature Sheet

PLEASE PRINT NAME CLEARLY

Ervin Fox MD

Please print name clearly

Darrell Dixon

Please print name clearly

Brian Lee

Please print name clearly

Jim Whitaker

Please print name clearly

George Williford

Please print name clearly

Kearney Pittman

Please print name clearly

Drew Wilkinson

Please print name clearly

Walter Williams

Please print name clearly

Rosalind Smith

Please print name clearly

Greg Smith

Please print name clearly

Robbie Haley

Please print name clearly

David Rar

Please print name clearly

Tom Taylor

Please print name clearly

David Tarver

Please print name clearly

Mix Bass

Please print name clearly

Gloria Tucker

Please print name clearly

Martha J. Harrison

Please print name clearly

Vic Wardlaw

Please print name clearly

Charles Wilson

Please print name clearly

Steven Little

Please print name clearly

SEPTEMBER 6, 2022

IN RE: APPROVAL OF CONSENT 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 consent agenda be and they are hereby approved:

1. Approval for Telecommunications Officer Carolyn Andrews to attend Terminal Agency Coordinator Training November 6-11, 2022, in Pearl, Mississippi. There is no cost for the training. City cost: lodging, per diem for meals, and mileage for personal vehicle use. Reimburse travel expenses if necessary.
2. Approval for Robert Duncan, Cedric Hamilton and Won Brownlee to attend the 2022 Badger Meter Tech Conference, October 25-26, 2022, in Pearl, Mississippi, with expenses covered by the city; lodging, per diem for meals and mileage if necessary. Reimburse travel expenses if necessary.

IN RE: APPROVAL OF PAY REQUEST 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 pay request agenda be and they are hereby approved:

1. Approval for final payment in the amount of \$8,378.13 to be made to Central Pipe & Supply, Inc. in connection with the Beacon Mobile upgrade. (Board approved May 7, 2019, Minute Book A-3, Page 9)
2. Approval for payment in the amount of \$603.00 to be made to Mayo Mallette, PLLC in connection with the zoning dispute against Panola County.
3. Approval for payment in the amount of \$2,500.00 to be made to Integrated Right of Way in connection with the temporary easement acquisition relative to the Lehman Roberts gas line extension.
4. Approval for payment in the amount of \$12,995.00 to be made to Mid South Engineering Consultants in connection with the meter station design.
5. Approval for payment in the amount of \$2,227.50 to be made to Robert L. Barber and Associates in connection with the annexation designations for the recently annexed areas.

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IN RE: APPROVAL OF HUMAN RESOURCES 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 Human Resources agenda be and they are hereby approved:

1. Approval to accept the resignation of Utility Clerk Jasmine Benson, effective September 16, 2022.

IN RE: APPROVAL OF PROCUREMENT

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 procurement procedure already in place regarding engineering services be and it is hereby approved relative to the Mississippi Municipal and County Water Infrastructure Program in connection with the ARPA funds.

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IN RE: APPROVAL TO ADVERTISE – HOSPITAL DRAINAGE

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that an advertisement be placed in *The Panolian*, a legal newspaper published in Batesville, Mississippi, once each week for not less than two consecutive weeks that the Mayor and Board of Aldermen will receive competitive bids at City Hall, 103 College Street Batesville, Mississippi for the hospital drainage.

IN RE: INDIAN MOUNDS

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the official name for the Indian Mounds shall be the Batesville Mounds.

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**IN RE: MAYOR AND BOARD OF ALDERMEN USE PERMIT – DREW
 WILKINSON – 143 PUBLIC SQUARE**

Chief Building Official Andy Berryhill presented a Mayor and Board of Aldermen Use Permit made by Drew Wilkinson, approved by the Planning Commission, for use #8.400 restaurant for a coffee shop, with hours of operation being Monday-Saturday 6:00 a.m.-4:00 p.m.

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

*Alderman Harrison recused himself from the meeting.

**IN RE: MAYOR AND BOARD OF ALDERMEN USE PERMIT – BASH
 FITNESS, LLC**

Chief Building Official Andy Berryhill presented a Mayor and Board of Aldermen Use Permit made by Bash Fitness, LLC, approved by the Planning Commission, for use #3.110 services not primarily related to goods or merchandise, with operation being Monday-Friday.

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

*Alderman Harrison returned to the meeting

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IN RE: APPROVAL TO ADOPT POLICY – REMOTE RESTRAINT DEVICE

Upon recommendation of Chief of Police Kerry Pittman and upon motion of Alderman Land and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the standard operating procedure for a Remote Restraint Device in the Batesville Police Department be and it is hereby adopted. A copy of said procedure follows:

| | |
|--|----------------------------|
| BATESVILLE POLICE DEPARTMENT | |
| Standard | |
| Policies and Procedures | |
| Subject: Remote Restraint Device | Policy Number: 5.33 |
| Issue Date: | Revision Date: N/A |
| Approval Authority Title and Signature: Chief Kerry Pittman | |

Purpose:

This policy provides guidelines for the issuance and use of Bolawrap devices in order to minimize injury to suspects, subjects and officers.

Policy:

It is the policy of the Batesville Police Department to use only the level of force that is objectively reasonable to effect an arrest. This includes people who may be assaultive or in situations where individuals may be attempting to harm themselves and no other means are apparently available to save their lives. The Bolawrap device is intended to immobilize and control resistive/non-compliant persons and persons with known or suspected mental health issues. Use of the Bolawrap device may allow officers to resolve violent situations without resorting to deadly force. Use of the Bolawrap is considered an active restraint device. The Bolowrap is not considered a weapon, therefore, its use is not considered a use of force incident. However, active restraints in general may present an unintentional risk of injury to the suspect. With this being recognized by the Batesville Police Department, a use of force form will be filled out if the Bolowrap is utilized.

Definitions:

- A. **Bolawrap:** A hand-held, less lethal, remote restraint device that discharges an eight-foot Kevlar cord to entangle an individual at a range of 10-25 feet. The Bolawrap is equipped with entangling barbs at each end of the Kevlar cord.
- B. **Passive Non-Compliance:** Does not respond to verbal commands but also offers no physical form of resistance.
- C. **Resistance Active:** Physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally or physically signaling an intention to avoid or prevent being taken into or retained in custody.
- D. **Assaultive:** Aggressive or combative; attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person.

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Procedures:

A. General

1. Only a department approved Bolawrap device that has been issued by the Department shall be utilized by personnel trained in its deployment and use.
2. A Bolawrap device is not a substitute for deadly force.
3. All Bolawrap devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.
4. Officers who carry the Bolawrap device shall do so in an approved holster or manner on their person.
5. Bolawrap devices should not be used on handcuffed persons unless they are actively resisting or exhibiting active aggression that would cause the individual to cause harm to themselves or others.
6. Officers shall be responsible for ensuring that their assigned Bolawrap device is properly maintained and in good working order. (Obvious damage or malfunctions will be noted and reported immediately to the patrol captain).
7. An individual officer shall not hold both a firearm and the Bolawrap device at the same time.
8. Any deployment of the Bolawrap device shall comply with the departmental policy on use of force.
9. The Bolawrap device is not intended to be a transportation restraint device. Once the subject has been detained, the cord should be cut and removed.

B. Consideration for the use of the Bolawrap

1. The Bolawrap device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the Bolawrap device is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

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2. The use of the Bolawrap device on the individuals listed below should be generally avoided, unless an officer reasonably believes under the totality of the circumstances that other options would be ineffective or would present a greater danger to the officer, the subject or others.
- a. Individuals who are known to be pregnant.
 - b. Elderly individuals or obvious juveniles.
 - c. Individuals who are handcuffed or otherwise restrained. (see "general" paragraph on handcuffed subjects)
 - d. Individuals detained in a police vehicle.
 - e. Individuals in danger of falling or becoming entangled in machinery or heavy equipment, which could result in death or serious bodily injury.
 - f. Individuals near any body of water that may present a drowning risk.
 - g. Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles).

C. Pre-Deployment Responsibilities

1. A verbal warning that the Bolawrap is about to be used to other nearby officers should be used unless it would otherwise endanger the safety of officers or when it is otherwise not practicable due to the totality of the circumstances. (Example: Bola, bola, bola) The purpose of the warning is to:
 - a. Provide the other officers and individuals with a warning that the Bolawrap device may be deployed to avoid accidental entanglement.
 - b. To avoid any confusion to gunfire since the Bolawrap emits a loud "pop" when used.
 - c. The warning is not to give the subject "one more opportunity to comply". All reasonable attempts to achieve compliance from the subject should be exhausted by the officer before deployment of the Bolawrap.
2. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair their vision.
3. The deploying officer should, if possible, assemble a sufficient number of officers to assist with taking the suspect into custody.

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4. Under exigent circumstances, nothing in this policy prohibits an officer from deploying the Bolawrap at a subject without requesting or having the presence of additional officers.

D. Application of the Bolawrap

1. The Bolawrap device may be used in any of the following circumstances, when the totality of the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:
 - a. The subject is assaultive, actively resisting, or passive non-compliant.
 - b. The subject has demonstrated, by words or actions, an intention to harm officers, themselves or others.
2. Mere flight from an officer without probable cause or reasonable suspicion or other known circumstances or factors is not good cause for the use of the Bolawrap device to apprehend an individual.
3. Simultaneous applications of the Bolawrap device on a single individual by multiple devices is allowed in authorized target zones.

E. Tactical Use

1. Targeting considerations;
 - a. Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of the situation or officer safety do not permit the officer to limit the application of the Bolawrap device to a precise target area, officers should monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by EMS or other medical personnel.
2. Multiple applications of the Bolawrap device:
 - a. If the first application of the Bolawrap device appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the device, including:
 1. Whether the Kevlar cord and/or anchor's hooks are making proper contact.
 2. Whether the individual has the ability and has been given a reasonable opportunity to comply.
 3. Whether verbal commands, other options or tactics may be more effective.

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F. Aftercare

1. Normally, the Bolawrap hooks should attach only to clothing. If they are attached to the subject, they may be removed by officers once the subject has been restrained. Precautions shall be followed to protect the officer from transfer of bodily fluids.
2. If the Bolawrap hooks are deeply embedded in a subject's skin, medical personnel shall be notified to respond to remove the hooks.
3. Photographs of any affected area from the Bolawrap hooks shall be taken after they are removed while taking precautions to maintain appropriate levels of privacy.
4. When the device has been used operationally, the officer will collect, package and mark as evidence the expended cartridge, hooks and Kevlar cord.

G. Supervisor

1. In cases where a bolawrap device was deployed, the Patrol Supervisor or Officer-in-Charge (OIC) shall:
 - a. Conduct an initial review of the Bolawrap deployment.
 - b. Ensure photographs are taken of the site of impact area from the hooks and/or any related injury. If the subject refuses to submit to such photographs and/or the taking of photographs is deemed by a supervising officer to be inappropriate, the officer shall document the same in their written report.
 - c. Ensure the report is completed before end of shift.
 - d. Ensure that a hardcopy of said report is forwarded to the Chief of Police.

H. Reporting

1. The deploying officer shall:
 - a. Notify the Patrol Supervisor/OIC as soon as practical after using the device;
 - b. Complete an appropriate incident report. The incident report shall include:
 1. Area of body hit by hooks.
 2. Photographs taken of hooks impact area and related injuries, if any.
 3. Copies of reports involving the use of the Bolawrap device shall be forwarded to the chief of Police or their designee.

I. Recertification

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1. After initial Proficiency testing and issuance of the Bolawrap device, officers will be required to recertify at the discretion of the Chief of Police. Recertification shall consist of a review of the Bolawrap nomenclature and capabilities. At the time of recertification officers will be required to review this policy, the use of force policy and any updates for the Bolawrap.

J. Inspections

1. Officers are responsible for visually inspecting their issued Bolawrap device daily. This will be documented on the mileage sheet during shift meeting.
2. The Bolawrap devices will be tested and inspected yearly by certified instructors during recertification.

Date:

Kerry Pittman
Chief of Police

IN RE: RELEASE OF FUNDS

Upon motion of Alderman Dugger and second of Alderman Land and upon unanimous vote taken, it was ordered that City Clerk Susan Berryhill be and she is hereby authorized to release funds as needed relative to a request for cash in connection with any MDA-CDBG, MDA-ARC and DRA funded project.

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IN RE: QUOTES RECEIVED – WELL MOTOR REWIND

The City of Batesville received the following quotes for a well motor rewind:

Donald Smith Company, Inc. \$8,400.00
Lockett Pump & Well Service, Inc. \$6,820.00

Upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the quote from Lockett Pump & Well Service, Inc. in the amount of \$6,820.00 be and it is hereby accepted as the lowest and best quote for a well motor rewind. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

Lockett Pump & Well Service, Inc
1420 Emerald Rd. (Dublin)
Tutwiler, MS 38963-5213

Estimate

| | |
|--------------|-----------|
| Date | 8/11/2022 |
| Estimate No. | 6467 |

Phone: 662-624-2398 * Fax: 662-624-2399 * Email: lockettpump@gmail.com * Website: www.lockettpump@gmail.com

| | |
|--|--|
| Name/Address City of Batesville POB 689 Batesville, MS 38606 | Ship To City of Batesville Attn.: Bubba Alewine |
|--|--|

| Qty | Description | Rate | Total |
|-----|--|----------|----------|
| 1 | Material and labor to pick up one 100hp USE V.H.S. 1800RPM 3PH 60cy 460V 404TP frame motor - rewind, dip, bake, replace bearing, and sight glass gaskets and oil . ID#R-6347-04-852, and one 100hp USE VHS 1800RPM 3PH 60cy 460V 404TP frame motor - test, clean, and repaint, ID#9983-R08R145R051R-8. | 6,820.00 | 6,820.00 |

Notes:
1.) The parts included in this estimate are special order, non-returnable items.
2.) Once an order is placed, a 50% restocking fee applies if the order is cancelled.
3.) The above pricing does not include inbound freight on the special order items listed above as the items are being resourced from different vendors/locations. Actual freight will be billed.

| | |
|------------------|-------------------|
| Subtotal | \$6,820.00 |
| Sales Tax (0.0%) | \$0.00 |
| Total | \$6,820.00 |

If you would like to proceed with the estimate, please complete the following information and email back to Lockett Pump.

PO#: _____ Signature: _____ Date: _____

SEPTEMBER 6, 2022

IN RE: EXTENSION OF CITY UTILITIES OUTSIDE THE CITY LIMITS

There came on for discussion the matter of a request for water services for Tatyana Oliver, located at 1508 Lawrence Brothers Road, outside the city limits of Batesville.

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 city water services be provided to Tatyana Oliver’s property located at 1508 Lawrence Brothers Road, contingent upon and subject to her paying \$1,022.00 for said service in advance of such extension. A copy of the total amount owed by Tatyana Oliver, is as follows:

Quoted To:
Water Department - City of Batesville
103 College St.
Batesville, MS 38606

| Phone: | | Terms: | | Salesperson: MARK | |
|--|--------------------|-----------|----------|-------------------------|----------|
| Cust PO: | | Ship Via: | | Valid Through: 9/5/2022 | |
| Reference: Tatyana Oliver | | | | | |
| Stock Code | Description | Taxable | Quantity | Price | Extended |
| BACKHOE#4 | Equipment on Job | N | 2.00 | 44.00 | 88.00 |
| TOTAL LABOR | Total Labor on Job | N | 1.00 | 146.00 | 146.00 |
| TOTAL OF MISC. MATE | Meter set price | N | 1.00 | 750.00 | 750.00 |
| TRUCK#11 | Equipment on Job | N | 2.00 | 19.00 | 38.00 |
| Quote for Tatyana Oliver 1508 Lawrence Brothers Rd. | | | | | |

| | |
|-----------|----------|
| SubTotal: | 1,022.00 |
| Tax: | 0.00 |
| Shipping: | 0.00 |
| Total: | 1,022.00 |

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IN RE: EXTENSION OF CITY UTILITIES OUTSIDE THE CITY LIMITS

There came on for discussion the matter of a request for water and sewer services for Shaveter Wilkins, located at 1412 E. Hadorn Road, outside the city limits of Batesville.

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 city water and sewer services be provided to Shaveter Wilkins’ property located at 1412 E. Hadorn Road, contingent upon and subject to her paying \$2,112.36 for said service in advance of such extension. A copy of the total amount owed by Shaveter Wilkins, is as follows:

Quoted To:
water/sewer
103 collage st.

Phone:
Cust PO:
Reference: 1412 E Hadorn R

Terms:
Ship Via:

Salesperson: MARK
Valid Through: 3/21/2022

| Stock Code | Description | Taxable | Quantity | Price | Extended |
|---------------------|--------------------|---------|----------|--------|----------|
| BACKHOE#4 | Equipment on Job | N | 4.00 | 44.00 | 176.00 |
| TOTAL LABOR | Total Labor on Job | N | 1.00 | 334.36 | 334.36 |
| TOTAL OF MISC. MATE | Water hook up | N | 1.00 | 750.00 | 750.00 |
| TOTAL OF MISC. MATE | sewer hook up | N | 1.00 | 600.00 | 600.00 |
| TOTAL OF MISC. MATE | Deposit | N | 1.00 | 100.00 | 100.00 |
| TRUCK#2 | Equipment on Job | N | 4.00 | 19.00 | 76.00 |
| TRUCK#22 | Equipment on Job | N | 4.00 | 19.00 | 76.00 |

Quote : Water and Sewer hook up for,
Shaveter Wilkins 1412 E Hadorn Rd.

SubTotal:2,112.36

Tax:0.00

Shipping:0.00

Total:2,112.36

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IN RE: APPROVAL TO IMPROVE TENNIS COURT LIGHTS – TRUSSELL PARK

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that Public Works Director David Karr be and he is here authorized to obtain specifications in order to obtain quotes relative to the tennis court lights located at Trussell Park.

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, and bids reconsidered at the August 16, 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

Having heard all bids received, upon recommendation of Public Works Director David Karr and upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the bids be and they are hereby rejected.

IN RE: APPROVAL OF LETTER – PUBLIC WORKS/FIRE STATION LANDSCAPE

Upon recommendation of Public Works Director David Karr and upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that a letter be written to the company that was awarded the landscape quote for the Public Works/Fire Station building specifying a deadline.

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IN RE: SPEED BUMP REQUEST – JOHNSON STREET

Upon motion of Alderman Land and second of Alderman Dugger and upon unanimous vote taken, the Mayor and Board of Aldermen acknowledged a signed petition in regards to a request for a speed bump on Johnson Street. A copy of said petition is on file in the Office of the City Clerk and a copy follows:

Date: **August 15, 2022**

To: **City of Batesville**
 Honorable Mayor Hal Ferrell
 and the Honorable Board of Alderman

From: **Residents of Johnson Street, Batesville, MS**

RE: **Request for Installation of Speed Bump(s) on Johnson**
 Street between Highway 6 & Lomax Street To Slow
 Through Traffic

| | | | |
|--------------------------------------|---------------------------------|----------------------------------|------------------------|
| <u>Tony Jones</u> Printed name | <u>[Signature]</u> Signature | <u>118 Johnson St</u> Address | <u>8/22/22</u> Date |
| <u>Larry Cook</u> Printed name | <u>[Signature]</u> Signature | <u>116 Johnson</u> Address | <u>8-22-22</u> Date |
| <u>Ruth King</u> Printed name | <u>[Signature]</u> Signature | <u>118 Johnson St</u> Address | <u>8-22-22</u> Date |
| <u>Martha Mills</u> Printed name | <u>[Signature]</u> Signature | <u>117 Johnson</u> Address | <u>8-22-22</u> Date |
| <u>Frankie</u> Printed name | <u>[Signature]</u> Signature | <u>115 Johnson</u> Address | <u>8-22-22</u> Date |
| <u>Linda</u> Printed name | <u>[Signature]</u> Signature | <u>115 Johnson</u> Address | <u>8-22-22</u> Date |
| <u>Billy Winters</u> Printed name | <u>[Signature]</u> Signature | <u>113 Johnson St</u> Address | <u>8-22-22</u> Date |

SEPTEMBER 6, 2022

Petition for Installation of Speed Bump(s) on Johnson Street (between Hwy 6 & Lomax)

| | | | |
|--|---------------------------------------|-------------------------------------|-----------------------------|
| <u>Kerithdick Taylor</u> Printed name | <u>Kerithdick Taylor</u> Signature | <u>111 Johnson St</u> Address | <u>8/22/22</u> Date |
| <u>Nevada Taylor</u> Printed name | <u>Nevada Taylor</u> Signature | <u>111 Johnson St</u> Address | <u>8-22-22</u> Date |
| <u>Cindy Jones</u> Printed name | <u>Cindy K Jones</u> Signature | <u>118 Johnson</u> Address | <u>8/22/22</u> Date |
| <u>Ali Sergei</u> Printed name | <u>Ali Sergei</u> Signature | <u>114 Johnson St</u> Address | <u>8/23/22</u> Date |
| <u>Benny</u> Printed name | <u>Benny Fortner</u> Signature | <u>151 Batesville DR</u> Address | <u>Bartville DR</u> Date |
| <u>Joan Mangrum</u> Printed name | <u>Joan Mangrum</u> Signature | <u>151 Batesville DR</u> Address | <u>8-25-22</u> Date |
| <u>Sherry Hurst</u> Printed name | <u>Sherry Hurst</u> Signature | <u>153 Batesville</u> Address | <u>8/25/22</u> Date |
| <u>Craig Brummett</u> Printed name | <u>Craig Brummett</u> Signature | <u>109 Johnson St</u> Address | <u>8/25/22</u> Date |
| <u>Becky Brummett</u> Printed name | <u>Becky Brummett</u> Signature | <u>109 Johnson St</u> Address | <u>8/25/22</u> Date |
| <u>Frank Lester</u> Printed name | <u>Frank Lester</u> Signature | <u>115 Johnson St</u> Address | <u>8/25/22</u> Date |

SEPTEMBER 6, 2022

Petition for Installation of Speed Bump(s) on Johnson Street (between Hwy 6 & Lomax)

| | | | |
|--------------------|--------------------|-----------------------|----------------|
| <u>Linda LASTA</u> | <u>Linda Lasta</u> | <u>115 Johnson St</u> | <u>8/25/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|----------------------|-------------------------|---------------------------|----------------|
| <u>STEVEN TILLIE</u> | <u>Steven L. Tillie</u> | <u>110 Johnson Street</u> | <u>8/24/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|----------------------|----------------------|-----------------------|----------------|
| <u>Carolynn Batt</u> | <u>Carolynn Batt</u> | <u>102 Johnson St</u> | <u>8/28/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|---------------------------|---------------------------|------------------------|-----------------|
| <u>Michelle Daugherty</u> | <u>Michelle Daugherty</u> | <u>104 Johnson St.</u> | <u>08-28-22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|---------------------|---------------------|-----------------------|----------------|
| <u>Aubra Wilson</u> | <u>Aubra Wilson</u> | <u>124 Johnson St</u> | <u>8/29/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|-----------------------|-----------------------|--------------------|----------------|
| <u>Ginger Calvert</u> | <u>Ginger Calvert</u> | <u>126 Johnson</u> | <u>8/29/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|-------------------------|-------------------------|------------------------|----------------|
| <u>Victoria Robison</u> | <u>Victoria Robison</u> | <u>128 Johnson St.</u> | <u>8/29/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|-----------------------|-----------------------|-----------------------|----------------|
| <u>Rhonda Sanders</u> | <u>Rhonda Sanders</u> | <u>130 Johnson St</u> | <u>8/29/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|-------------------|-------------------|-----------------------|----------------|
| <u>Ken Hudson</u> | <u>Ken Hudson</u> | <u>130 Johnson St</u> | <u>8/29/22</u> |
| Printed name | Signature | Address | Date |

| | | | |
|-----------------|-----------------|-----------------------|----------------|
| <u>Tony Coy</u> | <u>Tony Coy</u> | <u>129 Johnson St</u> | <u>8-29-22</u> |
| Printed name | Signature | Address | Date |

SEPTEMBER 6, 2022

Petition for Installation of Speed Bump(s) on Johnson Street (between Hwy 6 & Lomax)

| | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| <u>Denise Coy</u> | <u>Denise Coy</u> | <u>129 Johnson</u> | <u>8-29-22</u> |
| Printed name | Signature | Address | Date |
| <u>Ashley Chambers</u> | <u>Ashley Chambers</u> | <u>127 Johnson St</u> | <u>8-29-22</u> |
| Printed name | Signature | Address | Date |
| <u>TERRY BRYANT</u> | <u>Terry Bryant</u> | <u>125 Johnson St</u> | <u>8-29-22</u> |
| Printed name | Signature | Address | Date |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Printed name | Signature | Address | Date |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Printed name | Signature | Address | Date |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Printed name | Signature | Address | Date |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Printed name | Signature | Address | Date |
| <u> </u> | <u> </u> | <u> </u> | <u> </u> |
| Printed name | Signature | Address | Date |

Page 4 of 4

*Alderman Harrison recused himself from the meeting

IN RE: ALLOW CLAIMS

Upon motion of Alderman Dugger and second of Alderman Walton and upon unanimous vote taken, it was ordered by the Mayor and Board of Aldermen of the City of Batesville, Mississippi that claims numbered 31953-32746 (includes the Co-Op) be and the same are hereby approved and allowed, and shall be paid by Warrant drawn on the fund indicated.

*Alderman Harrison returned to the meeting

SEPTEMBER 6, 2022

**IN RE: PUBLIC HEARING - 3:00 P.M.
PUBLIC HEARING – CALVARY BAPTIST CHURCH - VARIANCE**

The Mayor opened the Public Hearing and Chief Building Official Andy Berryhill explained the purpose of the hearing being a request from Stephen Little (Calvary Baptist Church), for a Variance to allow a full color LED message center for pylon sign. Said property is located at 305 Keating Road in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

A part of Section 9, Township 9 South, Range 7 West in the Second Judicial District of Panola County, Mississippi, containing 8.0 acres, more or less, and being more particularly described as follows to-wit:
Parcel Number: 3182 0005300 10000106
PT SE ¼ NE ¼ Unplatted
305 Keating Road

and

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:

Stephen Little and Vic Wardlaw were present and spoke in support of this request and no one was present in opposition of this request.

Chief Building Official Andy Berryhill reported that the Planning Commission recommended said variance request at their meeting held on July 25, 2022.

The Mayor declared the hearing closed.

SEPTEMBER 6, 2022

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:

08/10/22

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
10th Day of August, 2022

Shandale Goodman



Shandale Goodman, Notary Public
State of Mississippi
My commission expires 07-30-2026

Account # 180200
Ad # 1493097

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

PUBLIC NOTICE
NOTICE OF PUBLIC
HEARING

WHEREAS, Stephen Little, Calvary Church Trustee, has made application to the Mayor and Board of Aldermen of the City of Batesville, Mississippi, requesting that they grant a variance from the requirements of the zoning ordinance of the City of Batesville, Mississippi, to allow a full color LED message center for pylon sign. Said property is located at 305 Keating Road, in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

A part of Section 9, Township 9 South, Range 7 West in the Second Judicial District of Panola County, Mississippi, containing 8.0 acres, more or less, and being more particularly described as follows to-wit: Parcel Number: 3182 0005300 10000106

PT SE ¼ NE ¼ Unplatted
305 Keating Road
and

NOW THEREFORE, pursuant to the order of the Mayor and Board of Aldermen of the City of Batesville, Mississippi, notice is hereby given to all persons interested in, or in any way affected by, said application that a public hearing on said application shall be held by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, at 3:00 P.M. on September 6, 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 concerning the property 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 time of said public hearing. Any party interested may appear in person and or by counsel at said public hearing.

CITY OF BATESVILLE
Susan S. Berryhill, City Clerk

The Panolian:
Aug. 10, 2022
PUBLIC HEARING

IN RE: VARIANCE – STEPHEN LITTLE (CALVARY BAPTIST CHURCH)

Upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the request from Stephen Little (Calvary Baptist Church) for a variance to allow a full color LED message center for pylon sign located at 305 Keating Road, be and it is hereby granted.

SEPTEMBER 6, 2022

IN RE: PUBLIC HEARING - 3:00 P.M.
PUBLIC HEARING – CHARLES WILSON - VARIANCE

The Mayor opened the Public Hearing and Chief Building Official Andy Berryhill explained the purpose of the hearing being a request from Charles Wilson, for a Variance to allow 1/12 roof pitch and the use of metal sheeting on the sides of new shop building. Said property is located at 500 Highway 51 South in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

A tract of land in the West side of Section 16, Township 9 South, Range 7 West, Panola County, Mississippi, and being more particularly described as follows:

Parcel Number: 3185E0006000 40000704
1.0 AC PT NW1/4 SW1/4 – Unplatted Land
500 Highway 51 South

and

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:

Charles Wilson were present and spoke in support of this request and no one was present in opposition of this request.

Chief Building Official Andy Berryhill reported that the Planning Commission recommended said variance request at their meeting held on July 25, 2022.

The Mayor declared the hearing closed.

SEPTEMBER 6, 2022

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:

08/10/22

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
10th Day of August, 2022

Shandale Goodman



Shandale Goodman, Notary Public
State of Mississippi
My commission expires 07-30-2026

Account # 180200
Ad # 1493113

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

PUBLIC NOTICE

**NOTICE OF PUBLIC
HEARING**

WHEREAS, Charles Wilson has made application to the Mayor and Board of Aldermen of the City of Batesville, Mississippi, requesting that they grant a variance from the requirements of the Site & Building Design Standards of the City of Batesville, Mississippi, to allow 1/12 roof pitch and the use of metal sheeting on the sides of new Shop building. Said property is located 500 Highway 51 South in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

A tract of land in the West side of Section 16, Township 9 South, Range 7 West, Panola County, Mississippi, and being more particularly described as follows:

Parcel Number: 3185E0006000
40000704
1.0 AC PT NW1/4 SW1/4 - Un-platted Land

500 Highway 51 South
NOW THEREFORE, pursuant to the order of the Mayor and Board of Aldermen of the City of Batesville, Mississippi, notice is hereby given to all persons interested in, or in any way affected by, said application that a public hearing on said application shall be held by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, at 3:00 P.M. on September 6, 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 concerning the property 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 time of said public hearing. Any party interested may appear in person and or by counsel at said public hearing.

CITY OF BATESVILLE
Susan S. Berryhill, City Clerk

The Panolian:
Aug. 10, 2022
PUBLIC HEARING

IN RE: VARIANCE – CHARLES WILSON

Upon motion of Alderman Land and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the request from Charles Wilson for a variance to allow 1/12 roof pitch and the use of metal sheeting on the sides of new shop building located at 500 Highway 51 South, be and it is hereby granted.

SEPTEMBER 6, 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 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 Dugger, 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 the consideration of the sale of surplus real property; the alliance agreement in connection with the Concourse; litigation; personnel matters in the Water and Sewer Department, Street Department, Fire Department; Police Department; Supervision and Finance Department.

SEPTEMBER 6, 2022

IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen will go into executive session for the purpose of discussing the consideration of the sale of surplus real property; the alliance agreement in connection with the Concourse; litigation; personnel matters in the Water and Sewer Department, Street Department, Fire Department; Police Department; Supervision and Finance Department 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 consideration of the sale of surplus real property. (Robbie Haley of Panola Partnership, Jimmie Stennett, Public Works Director David Karr and Assistant Public Works Director Newt Benson were present for this discussion.)

There next came on for discussion the alliance agreement in connection with the Concourse. (Robbie Haley of Panola Partnership, 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 Water and Sewer Department. (Public Works Director David Karr and Assistant Public Works Director Newt Benson were present for this discussion.)

SEPTEMBER 6, 2022

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 litigation matter.

There next came on for discussion the personnel matter in the Fire Department. (Fire Chief Tim Taylor and Deputy Chief David Tarver were present for this discussion.)

There next came on for discussion the personnel matter in the Police Department.

There next came on for discussion the personnel matter in the Supervision and Finance Department.

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.

SEPTEMBER 6, 2022

IN RE: CONSIDERATION OF SALE OF SURPLUS REAL PROPERTY

Upon motion of Alderman Harrison and second of Alderman Dugger and upon
unanimous vote taken, it was ordered

SEPTEMBER 6, 2022

IN RE: APPROVAL FOR MAYOR TO SIGN ALLIANCE AGREEMENT

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the following alliance agreement be and it is hereby approved and further ordered that the Mayor be and he is hereby authorized to sign said alliance agreement:

AMENDED AND RESTATED ALLIANCE AGREEMENT

This Amended and Restated Alliance Agreement is made and entered on the last date of execution by and among THE CITY OF BATESVILLE, MISSISSIPPI, PANOLA COUNTY, MISSISSIPPI, and NORTHWEST MISSISSIPPI COMMUNITY COLLEGE, local government units as defined by Section 57-64-7, Mississippi Code (1972 as amended), collectively, (the "Parties" or "local government units").

WHEREAS, effective as of August 8, 2019, the Parties entered into a Alliance Agreement (the "Original Alliance Agreement") wherein the Parties, recognizing a need to provide a qualified and trained workforce to the manufacturing industry in Panola County and the Northwest Community College District; and, undertook the acquiring, constructing, developing, and operating of a state of the art workforce development center (the "Facility") at the crossroads of I-55 and Highway 6 in Batesville, Mississippi (the "Project Site"), collectively (the "Project");

WHEREAS, the Parties agreed, pursuant to the Memorandum of Understanding entered into by the Parties, to the construction and rehabilitation budget of \$14.1 million for the Project;

WHEREAS, since the Original Alliance Agreement, the costs of the Project have increased;

WHEREAS, the Parties have identified a need to amend and restate the Original Alliance Agreement to provide for the availability to pursue additional funding to finance the continued construction and rehabilitation of the Facility as the budget of \$14.1 million is not sufficient to complete the Project as desired by the Parties;

WHEREAS, Economic Development Administration ("EDA") has committed to contribute to the Project and in connection with this grant, property must be held in trust for the useful life of the project pursuant to 13 C.F.R. § 314;

NOW, THERFORE, the Parties desire to enter into this Amended and Restated Alliance Agreement in order amend, restate and/or add the following provisions. This Amended and Restated Alliance Agreement is not intended to release any party from the obligations stated in the Original Alliance Agreement, but is intended only to amend, restate or add certain provisions to that Agreement:

1. **PARTIES/NAME:** The alliance formed under the terms of this agreement shall be between the local government units, the City of Batesville, Mississippi (the "City"), Panola County, Mississippi (the "County"), and Northwest Mississippi Community College (the "College") and its legal name shall be "The Batesville/Panola County Training and Development Alliance," hereinafter (the "Alliance"). Members of the Alliance currently include the City of Batesville, Mississippi, Panola County, Mississippi, and Northwest Mississippi Community College.
2. **DURATION:** This Alliance shall remain in effect until such time that there is no debt outstanding and one of the local government units decides to opt out of the Alliance or as otherwise provided herein.

SEPTEMBER 6, 2022

3. **PURPOSES:** The purposes of this Alliance include all purposes authorized for such alliances by Section 57-64-1 et seq., *Mississippi Code* (1972 as amended). Without limiting the generality of the foregoing, the Parties recognize a need to provide a qualified and trained workforce to the manufacturing industry in Panola County and the Northwest Community College District and as such, plan to undertake the acquiring, constructing, developing, and operating of a state of the art workforce development center (the "Facility") at the crossroads of I-55 and Highway 6 in Batesville, Mississippi (the "Project Site"), collectively (the "Project").

4. **PROJECT:** Without any intent of limiting any future projects or otherwise, it is the intent of this Alliance to proceed with the development of the Project, named "The Concourse", which will be a new industry-driven workforce training center in Batesville transforming an outdated 140,000 square foot factory outlet mall at the corner of I-55 and Highway 6 into a training resource for North Mississippi. The County will acquire and renovate the factory outlet mall located at the Project Site in order to convert the premises into a workforce development center. The College will lease, equip and operate the Facility to provide job skills and workforce training for the citizens and students of Northwest Mississippi Community College District and the citizens of Batesville and Panola County, Mississippi. The City will issue bonds in order to provide a portion of the financing and in-kind services to the Project as may be required to bring the Project to fruition and maintain the Project. See Memorandum of Understanding entered into by the Parties dated March 27, 2019, attached hereto as Exhibit A and incorporated herein by reference. In the event of a conflict between the Memorandum of Understanding and this Amended and Restated Agreement, the terms of this Amended and Restated Agreement shall control.

5. **ORGANIZATION, ETC.:** The Alliance is comprised of the City of Batesville, Mississippi, Panola County, Mississippi, and Northwest Community College. This Alliance shall be administered as a joint undertaking of the City, the County and the College. A separate entity is not created under this Agreement. All of the staffing pertaining to the acquisition and holding of the land related to the Project will be provided by the County. The Parties hereby designate and authorize the County to make proper application to the Mississippi Development Authority ("MDA"), in accordance with the Local Governments Capital Improvements Revolving Loan Program, Mississippi Code Section 57-1-301 et seq. (the "CAP Loan"), to secure funding to purchase the Project Site and hold title to the Project Site. The Parties hereby designate and authorize the City the power to issue the Bonds to finance a portion of the costs of the improvements, and to reimburse any contractor hired by the County, with the approval of the City, from proceeds of the bonds. The City will establish a budget which may be included as a part of the City's budget for the receipts and expenditures pertaining to the improvements and to the bond payments. The Parties shall have access to all records pertaining to the acquisition and construction and/or renovation of the Facility, and no changes which materially affect the overall scope thereof will be initiated without the written consent of the City, the County and the College.

6. **OPERATION OF THE ALLIANCE.:** The operation of the Alliance and the Project shall be as described in Sections 4 and 5 of this Amended and Restated Agreement and as may be otherwise provided herein.

7. **BONDS:** The City shall be authorized to issue bonds in accordance with Section 57-64-1, et seq., *Mississippi Code* (1972 as amended), or as otherwise authorized by Mississippi law as now existing or hereafter amended, including Section 37-29-265. No bonds shall be issued without the approval of the governmental unit that will issue the said bonds. Without limiting the

SEPTEMBER 6, 2022

generality of the foregoing, the purposes of the bonds issued shall be for construction and/or renovation of the Facility and other costs necessary to facilitate the Project.

8. **ACQUIRING, HOLDING, DISPOSING OF PROPERTY:** The County shall acquire, hold and dispose of real and personal property in accordance with the provisions of Section 57-64-1, et seq., *Mississippi Code* (1972 as amended), and any and all other laws of the State of Mississippi applicable thereto. The College shall lease the Facility pursuant to a mutually acceptable lease-purchase agreement between the County and the College. In consideration of the EDA grant, the County will maintain title to the property until after the completion of the requirements of 13 C.F.R. § 314.

9. **TERMINATION/AMENDMENT:** This Alliance may be terminated by any party hereto by opting out at a time when there is no debt outstanding. This Amended and Restated Agreement may be amended by the mutual consent of the City, the County and the College pursuant to the terms of the Act. No such amendment shall have a material adverse effect on the ability of the City to make the bond payments or the County's ability to make the CAP payments or complete the required grant for in connection with the EDA grant.

10. **COSTS:** The costs of renovation of the Facility incurred by this Alliance will be shared between the City and the County unless the Parties should unanimously determine otherwise. Although not obligated, any Party of this Alliance may be an applicant or co-applicant for any other funding opportunity for the Project as required by the entity providing the funds. For the avoidance of any doubt, any Party may apply for grant funding from both federal and state sources to finance the continued construction of the Facility. The costs of the Project have exceeded the original estimate of \$14.1 million. In order to have adequate funds to complete the Project any Party may contribute additional funds, from any source, including but not limited to, a Party's own funds and Economic Development Administration funds.

11. **REVENUES:** The revenues, with the exception of tuition fees and other costs charged for and received by the College for training classes, if any, shall be shared pro-rata by the City and the County unless the Parties should unanimously determine otherwise.

12. **CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY:** The local government units have applied for and received a Certificates of Public Convenience and Necessity as contemplated by Section 57-64-9, *Mississippi Code* (1972 as amended).

13. **SUBMISSIONS/FILINGS:** This Amended and Restated Agreement shall be presented to the Attorney General of the State of Mississippi for a determination whether it is in proper form and compatible with the laws of this State with the understanding that in the event the Attorney General of the State of Mississippi fails to disapprove this Amended and Restated Agreement within 60 days of its submission, same shall constitute approval thereof. In addition, this Amended and Restated Agreement shall be filed with the Chancery Clerk of Panola County, Mississippi, and with the Secretary of State of the State of Mississippi, and elsewhere as needed or required.

14. **INCORPORATION OF STATUTORY POWERS:** It is the intent of this Amended and Restated Agreement to incorporate all powers and authorities now or hereafter

SEPTEMBER 6, 2022

provided by the Regional Economic Development Act, including but not limited to, the authority to perform functions that any local government unit member can perform.

This the _____ day of _____, 2022.

THE CITY OF BATESVILLE, MISSISSIPPI

By: _____
Name: _____
Title: _____

CERTIFIED AND ATTEST:

CITY CLERK

PANOLA COUNTY, MISSISSIPPI

By: _____
Name: _____
Title: _____

CERTIFIED AND ATTEST:

CHANCERY CLERK

**NORTHWEST MISSISSIPPI
COMMUNITY COLLEGE**

By: _____
Name: _____
Title: _____

CERTIFIED AND ATTEST:

Title: _____

SEPTEMBER 6, 2022

**IN RE: APPROVAL TO OFFER EMPLOYMENT – WATER/SEWER
DEPARTMENT**

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that Austin Towles be and he is hereby offered full-time employment in the Water/Sewer Department at a rate of \$16.00 per hour, due to him having heavy equipment knowledge, 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 19, 2022, at midnight if not accepted.

**IN RE: APPROVAL TO TERMINATE EMPLOYMENT – STREET
DEPARTMENT**

Upon recommendation of Public Works Director David Karr and upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that Street Department employee Larry Sanford be and he is hereby terminated for cause, effective immediately for the reasons discussed in Executive Session and set out in the written notice delivered to him of this meeting and as set out in his personnel file.

IN RE: APPROVAL TO OFFER EMPLOYMENT - FIRE DEPARTMENT

Upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that Justin Hudson and Jaquaurious Lloyd be and they are hereby offered full-time employment as non-certified fire fighters in the Batesville Fire Department at a rate of \$12.16 per hour, contingent upon them 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 19, 2022, at midnight if not accepted.

SEPTEMBER 6, 2022

IN RE: APPROVAL OF TITLE CHANGE – FIRE DEPARTMENT

Upon recommendation of Fire Chief Tim Taylor and upon motion of Alderman Dugger and second of Walton and upon unanimous vote taken, it was order that the promotion of Anthony Pete Waller, adopted on August 2, 2022, be and it is rescinded and further ordered that he remain as Lieutenant at a pay rate of \$16.19 per hour, effective September 8, 2022.

IN RE: APPROVAL FOR STATUS CHANGE – FIRE DEPARTMENT

Upon recommendation of Fire Chief Tim Taylor and upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that Sergio Vergara be and he is hereby changed from part-time to full-time status as Fire & Life Safety Educator at a rate of \$24.98 per hour, effective September 22, 2022.

SEPTEMBER 6, 2022

IN RE: APPROVAL TO OFFER EMPLOYMENT - POLICE DEPARTMENT

Upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, it was ordered that Nicholas Pernell be and he is hereby offered full-time employment in the Police Department as a non-certified patrol officer at a rate of \$18.73 per hour, contingent upon him 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 19, 2022, at midnight if not accepted.

IN RE: APPROVAL TO OFFER EMPLOYMENT - POLICE DEPARTMENT

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that Rosa Wilson be and she is hereby offered part-time employment (twenty-four, 24 hours) in the Police Department as a dispatcher at a rate of \$15.30 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 19, 2022, at midnight if not accepted.

SEPTEMBER 6, 2022

**IN RE: APPROVAL TO OFFER EMPLOYMENT - SUPERVISION &
FINANCE (UTILITY DEPARTMENT)**

Upon motion of Alderman Land and second of Alderman Dugger and upon unanimous vote taken, it was ordered that Eloise Cosby be offered full-time employment with Supervision & Finance in the Utility Department (sewer) at a rate of \$15.00 per hour, and further ordered that a cash drawer be established in the amount of \$150.00, contingent upon her accepting said offer and undergoing a medical exam and a drug and alcohol test and being free of drugs and cleared for employment pursuant thereto, said offer of employment expires midnight, September 19, 2022.

**IN RE: APPROVAL TO OFFER EMPLOYMENT - SUPERVISION &
FINANCE**

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that Emma Bainer be offered part-time employment with Supervision & Finance at a rate of \$10.00 per hour, and further ordered that a cash drawer be established in the amount of \$150.00, contingent upon her accepting said offer and undergoing a medical exam and a drug and alcohol test and being free of drugs and cleared for employment pursuant thereto, said offer of employment expires midnight, September 19, 2022.

SEPTEMBER 6, 2022

OTHER MATTERS COMING BEFORE THE MAYOR AND BOARD FOR DISCUSSION

1. Dr. Ervin Fox provided a slideshow as well as handouts related to a rural study (Risk Underlying Rural Areas Longitudinal).
2. Brian Lee of 203 King Street discussed the vacant lot next to him and requests the Chief of Police patrol the area more.
3. Chief Building Official Andy Berryhill provided copies of the monthly inspection list and the complaint list for August 2022 as well as the Planning Commission meeting minutes for August 29, 2022, to the Mayor and Board of Aldermen.
4. Fire Chief Tim Taylor provided a copy of the monthly fire report to the Mayor and Board of Aldermen.
5. Public Works Director David Karr was instructed to obtain specifications in regards to landscape quotes.

*The Mayor and Board of Aldermen recessed to reconvene at 6:00 p.m.

Pursuant to the recess taken, the meeting of the Mayor and Board of Aldermen of the City of Batesville, Mississippi reconvened at 6:00 p.m. Present in the meeting were the following officers; to wit:

Mayor Hal Ferrell; Aldermen Bill Dugger, Stan Harrison, Teddy Morrow, Bobby Walton and Dennis Land; City Clerk Susan S. Berryhill and City Attorney Colmon Mitchell. Also present were: Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

Also present was Kelley Magee.

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

SEPTEMBER 6, 2022

**IN RE: SIGNATURE SHEET FOR BUDGET PUBLIC HEARING OF
 SEPTEMBER 6, 2022**

Budget Hearing
September 6, 2022
Signature Sheet
PLEASE PRINT NAME CLEARLY

Kerry Pittman
Please print name clearly
George Williford
Please print name clearly

**IN RE: PUBLIC HEARING - BUDGET AND TAX LEVIES FOR FYE
 SEPTEMBER 30, 2023**

The Mayor opened the hearing on the proposed budget and proposed tax levies for the fiscal year ending September 30, 2023, the following persons were present:

Mayor Hal Ferrell, Aldermen Bill Dugger, Stan Harrison, Teddy Morrow, Bobby Walton and Dennis Land. Also present were: City Clerk Susan S. BerryhilCity Attorney Colmon Mitchelll; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Kelley Magee and the people who signed the above list.

An overview of the budget and tax levies was provided for the fiscal year ending September 30, 2023.

The Mayor concluded the public hearing.

SEPTEMBER 6, 2022

IN RE: SET TAX LEVIES

Upon motion of Alderman Harrison, seconded by Alderman Morrow and upon unanimous vote taken, the following Resolution was adopted:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, PANOLA COUNTY, MISSISSIPPI FIXING THE RATE OF TAXES LEVIED FOR THE FISCAL YEAR 2022-2023 ALL TAXABLE PROPERTY IN THE MUNICIPAL CORPORATE LIMITS OF THE CITY OF BATESVILLE, PANOLA COUNTY, MISSISSIPPI, AS AUTHORIZED BY LAW

Be It Resolved by the Mayor and Board of Aldermen of the City of Batesville, Panola County, Mississippi, that the tax rate authorized to be collected on all taxable property in the municipal corporate limits of the City of Batesville, Panola County, Mississippi, is as follows:

For GENERAL purposes and GENERAL improvements there is hereby levied, fixed, and authorized by Section 27-39-307 of the Mississippi Code Annotated (1972), as amended to be collected, 32.87 mills on the dollar of the assessed valuation on all the taxable property in the corporate limits of the City of Batesville.

For PUBLIC FACILITIES BOND AND INTEREST there is hereby levied, fixed and authorized by Section 21-33-87 of the Mississippi Code Annotated (1972), as amended to be collected, 3.50 mills on the dollar of the assessed valuation on all the taxable property in the corporate limits of the City of Batesville.

RESOLVED, this the 6th day of September, 2022.

SEPTEMBER 6, 2022

Upon motion duly made and seconded, the meeting was adjourned to reconvene at 10:00 o'clock a.m., Tuesday, September 13, 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

SEPTEMBER 6, 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 13th day of September, 2022

Hour: 10:00 a.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.

SEPTEMBER 6, 2022

SEPTEMBER 6, 2022