
MAY 16, 2023

REGULAR MEETING

MAY 16, 2023

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 May, being the 16th day of May 2023, 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 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; Assistant Public Works Director Newt Benson; Fire Chief Tim Taylor; Deputy Chief David Tarver and Assistant City Clerk Shannah Weaver.

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

IN RE: APPROVAL OF AGENDA

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, the agenda of May 16, 2023, was approved.

MAY 16, 2023

CITY OF BATESVILLE BOARD MEETING

MAY 16, 2023
2:00 P.M. | CITY HALL

AGENDA

1. **CALL TO ORDER:** Mayor Hal Ferrell
2. **INVOCATION:** John Howell
3. **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, and pursuant to Order adopted March 23, 2023, you must sign the sign-in sheet with a complete address."
4. **APPROVE AGENDA**
 - a. May 16, 2023
5. **APPROVE MINUTES OF PRIOR MEETINGS**
 - a. Regular Meeting – May 2, 2023
6. **CONSENT AGENDA**
 - a. Approval for two (2) Police Department employees to attend the FBI National Academy Associates Mississippi Chapter Summer Training Conference August 13-18, 2023, in Gulfport, Mississippi with expenses paid/reimbursed by the City.
 - b. Approval for one (1) Police Department employee to attend LEO Pistol and Rifle Training Course in Tupelo, Mississippi, June 1-2, 2023 with expenses paid/reimbursed by the City.
 - c. Approval for one (1) Code Office employee to attend MACE Educational conference in Biloxi on August 16-18, 2023, with expenses paid/reimbursed by the City.
 - d. Approval for two (2) Fire Department employees to attend the NFPA 1033 Fire Investigator-I Class at Alabama Fire College in Tuscaloosa, Alabama with expenses paid/reimbursed by the City.
7. **PAY REQUEST AGENDA**
 - a. Approval of payment in the amount of \$446,787.00 to be made to Caldwell Insurance, Inc. (Travelers) in connection with property, general liability and automobile insurance policies.
 - b. Approval of payment in the amount of \$936.00 to be made to Caldwell Insurance, Inc. (Travelers) in connection with ID fraud policy.
 - c. Approval of payment in the amount of \$11,762.00 to be made to Caldwell Insurance, Inc. (Travelers) in connection with cyber liability policy.

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- d. Approval of payment in the amount of \$87,471.00 to be made to Williams Equipment and Supply Co., Inc. for the brush chipper. (Board approved April 19, 2022.)
- e. Approval of payment in the amount of \$10,832.44 to be made to Luckett Pump & Well Service, Inc. in connection with the well motor rebuild. (Board approved May 2, 2023.)
- f. Approval of payment in the amount of \$500.00 to be made to Hal Ferrell in connection with online job postings for Civic Center Event Manager (\$250.00) and Civic Center Office Manager (\$250.00).
- g. Approval of payment in the amount of \$75,834.00 (\$37,917.00 each) to be made to Kirk Auto World, Inc. for two (2) Dodge Durango for use in the Batesville Police Department. (Board approved December 6, 2022.)

8. **HUMAN RESOURCES**

- a. Approval of outside employment for Communications Officer Erin Hubbard to work part-time at Tractor Supply. No city equipment will be used and will not interfere with her duties as a dispatcher.
- b. Approval to promote Police Department employee to the rank of Lieutenant.
- c. Approval to promote two (2) Police Department employees to the rank of Sergeant.
- d. Approval of resignation of Street Department employee, effective June 30, 2023.
- e. Approval of hiring potential Gas Department employee.
- f. Approval of hiring potential part-time Water Department employee.
- g. Approval to accept the resignation of Civic Center employee, effective immediately.

9. **BIDS RECEIVED – street paving**

10. **PUBLIC HEARING - 3:00 p.m.** –

- a. Variance from the Subdivision Design Standards – Chris Brocato
- b. Re-districting

11. **VISITORS**

- a. Tommie Bishop

12. **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

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- The Panolian Jeremy Weldon or his proxy
-

REPORT OF DEPARTMENT HEADS**13. CHIEF BUILDING OFFICIAL – ANDY BERRYHILL**

- a. Preliminary plat approval for The Meadows at Cottage Lane

14. CHIEF OF POLICE – KERRY PITTMAN

- a. Approval to purchase two (2) DVM-800 digital video rear view mirror kits from Digital Ally (sole source)
- b. Approval to accept the donation of a CZ-USA, CA 600 AL2 Alpha, 308 Win from Whitetails Unlimited Mississippi Delta Chapter
- c. Monthly report

15. CITY ATTORNEY – COLMON MITCHELL**16. CITY CLERK – SUSAN BERRYHILL**

- a. Approval to increase credit card limit and to add users
- b. Mileage reimbursement rate increase from \$0.625 up to \$0.655

17. FIRE CHIEF – TIM TAYLOR

- a. Personnel matter

18. PUBLIC WORKS DIRECTOR – DAVID KARR

- a. Approval to obtain specifications on a leaf vacuum truck in place of the budgeted dual cab chipper truck
- b. Quotes received – purchase a 20 HP replacement pump for Elm Street lift station
- c. Approval to obtain quotes/bids for an additional 800+ electronic gas registers for gas meters, using previous specifications.

19. OTHER MATTERS BY MAYOR OR ALDERMAN:**20. ADJOURNMENT**

IN RE: APPROVAL OF MINUTES

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Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the minutes of the May 2, 2023, regular meeting was approved.

IN RE: SIGNATURE SHEET FOR MEETING OF MAY 16, 2023

Board Meeting
May 16, 2023
Signature Sheet

Tommie Bishop

Please print name clearly

6478 Burner Rd. Sardis, MS 38663

Street Address, City, Zip

David Tarver

Please print name clearly

132 Van Voss

Street Address, City, Zip

Andy Berryhill

Please print name clearly

28238 Pollard St.

Street Address, City, Zip

Kerry Pittman

Please print name clearly

106 College St. Batesville, MS 38606

Street Address, City, Zip

George Whord

Please print name clearly

106 College St. Batesville, MS

Street Address, City, Zip

Tim Whitaker

Please print name clearly

1098 Lakewood Dr. Batesville, MS

Street Address, City, Zip

Leslie Hatfield

Please print name clearly

1841 Brewer Rd. Batesville, MS 38606

Street Address, City, Zip

Tim Taylor

Please print name clearly

Herr

Street Address, City, Zip

Keena Dugette

Please print name clearly

9825 Hwy 57 Courtland

Street Address, City, Zip

Newt Brown

Please print name clearly

132 Van Voss St.

Street Address, City, Zip

Josh Hawks

Please print name clearly

Street Address, City, Zip

Darrill Dixon

Please print name clearly

NPDN

Street Address, City, Zip

Mike Slaughter

Please print name clearly

Oxford, MS

Street Address, City, Zip

Nathan Willingham

Please print name clearly

Oxford, MS

Street Address, City, Zip

Greg Smith

Please print name clearly

2595 Country Club Rd. Senatobia

Street Address, City, Zip

Jenitha

Please print name clearly

Street Address, City, Zip

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI**MAY 16, 2023****IN RE: APPROVAL OF CONSENT AGENDA**

Upon motion of Alderman Morrow and second of Alderman Land 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 Deputy Chief George Williford and Captain Wesley Hawkins to attend the FBI National Academy Associates Mississippi Chapter Summer Training Conference August 13-18, 2023, in Gulfport, Mississippi with expenses paid/reimbursed by the City.
2. Approval for Lieutenant Richard Lott to attend LEO Pistol and Rifle Training Course in Tupelo, Mississippi, June 1-2, 2023 with expenses paid/reimbursed by the City.
3. Approval for Barry Thompson to attend MACE Educational conference in Biloxi on August 16-18, 2023, with expenses paid/reimbursed by the City.
4. Approval for Devante Alexander and Clifford Wiggins to attend the NFPA 1033 Fire Investigator-I Class at Alabama Fire College in Tuscaloosa, Alabama with expenses paid/reimbursed by the City.

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 of payment in the amount of \$446,787.00 to be made to Caldwell Insurance, Inc. (Travelers) in connection with property, general liability and automobile insurance policies.
2. Approval of payment in the amount of \$936.00 to be made to Caldwell Insurance, Inc. (Travelers) in connection with ID fraud policy.
3. Approval of payment in the amount of \$11,762.00 to be made to Caldwell Insurance, Inc. (Travelers) in connection with cyber liability policy.
4. Approval of payment in the amount of \$87,471.00 to be made to Williams Equipment and Supply Co., Inc. for the brush chipper. (Board approved April 19, 2022.)
5. Approval of payment in the amount of \$10,832.44 to be made to Luckett Pump & Well Service, Inc. in connection with the well motor rebuild. (Board approved May 2, 2023.)
6. Approval of payment in the amount of \$500.00 to be made to Hal Ferrell in connection with online job postings for Civic Center Event Manager (\$250.00) and Civic Center Office Manager (\$250.00).
7. Approval of payment in the amount of \$75,834.00 (\$37,917.00 each) to be made to Kirk Auto World, Inc. for two (2) Dodge Durango for use in the Batesville Police Department. (Board approved December 6, 2022.)

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IN RE: APPROVAL OF HUMAN RESOURCES AGENDA

Upon motion of Alderman Harrison and second of Alderman Morrow 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:

- a. Approval of outside employment for Communications Officer Erin Hubbard to work part-time at Tractor Supply. No city equipment will be used and will not interfere with her duties as a dispatcher.
- b. Approval to promote Sergeant Josh Busby to the rank of Lieutenant, effective May 18, 2023, with a salary increase of \$2.00 per hour, effective May 18, 2023.
- c. Approval to promote Officer Nathan Hollings and Officer Hunter Potts to the rank of Sergeant, with a salary increase of \$2.00 per hour, effective May 18, 2023.
- d. Approval to accept the resignation of Street Department employee Earnest Turner, effective June 30, 2023.
- e. Approval to offer full-time employment to Ervin Faulkner, III in the Gas Department at a rate of \$14.00 per hour, contingent upon him 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, and that said offer of employment expires on June 5, 2023, at midnight if not accepted.
- f. Approval to offer part-time employment to Michael Ross in the Water Department at a rate of \$20.00 per hour, not to exceed 20 hours per week, contingent upon him 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, and that said offer of employment expires on June 5, 2023, at midnight if not accepted.
- g. Approval to accept the resignation of Civic Center employee Rodger Kyle Fullilove, effective immediately.

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IN RE: BIDS RECEIVED – STREET OVERLAY PROJECT

This day the Mayor and Board of Aldermen received sealed competitive bids for street overlay project, pursuant to advertisement made in the manner and for the time provided by law as evidenced by a copy of Proof of Publication attached hereto. Greg Smith of Mendrop Engineering Resources, having read aloud said bids, found that the following bids were received and are on file in the Office of the City Clerk.

Gregory Companies, LLC-dba Murphree Paving **\$1,092,467.83 (Base)**
\$482,197.50 (Alt) -
Brewer Road

Having heard all bids received, 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 taken under advisement.

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 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:

04/19/23, 04/26/23

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
26th Day of April, 2023

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

Account # 180200
Ad # 1630613

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

PUBLIC NOTICE
ADVERTISEMENT FOR BIDS

Notice is hereby given that sealed bids for the 2023 City of Batesville Street Overlay Project will be received by The City of Batesville, herein called the "OWNER", at Batesville City Hall, 103 College Street, Batesville, MS until 2:00 P.M., Local Time on May 16, 2023 at which time they will be publicly opened and read aloud. Bids received after this time will not be accepted and will be returned unopened. A Pre-Bid Conference is not currently scheduled for the Project. If it is determined that a pre-bid conference is required, a addendum will be issued to establish the time, date and location. The project scope includes: The work to be performed under this contract shall consist of furnishing all labor, tools, equipment and materials and performing all work necessary for the complete construction of all the street rehabilitation shown in the construction documents. The major items of work shall consist of, but not be limited to all necessary repairs and/or milling, and asphalt overlay called for in the plan portion of the contract documents. Contract time is 60 consecutive calendar days. Liquidated damages in the amount of \$150.00 will be assessed for each consecutive calendar day thereafter. Bidders must be qualified under Mississippi Law and show a current Certificate of Responsibility issued by the Mississippi Board of Public Contractors establishing classification as to the value and type of construction work on which he is authorized to bid. The Plans, Specifications, and Contract Documents may be examined at the following locations:

1. Batesville City Hall, 103 College Street, Batesville, MS 38606, (662) 563-4576
2. Mendrop Engineering Resources, 109A Eureka Street, Batesville, MS 38606, (662) 501-9946

Copies of the Contract Documents may be obtained at the offices of Mendrop Engineering Resources, LLC, 109A Eureka Street, Batesville, MS 38606, Telephone 662-501-9946, upon payment of \$150 for each set, NOT to be refunded. The cost of the contract documents includes standard shipping and handling via USPS First Class Mail or UPS Ground, as well as printing expenses. Disadvantaged business enterprises are encouraged to make inquiries regarding potential bidding; subcontracting opportunities; and equipment, material and/or supply needs. Any contract or contracts awarded under this invitation for bids are expected to be funded in whole by The City

of Batesville, Mississippi. The bidder shall guarantee to hold his bid good and may not withdraw his bid for a period of 60 calendar days after the scheduled closing time for receiving bids. The award, if made, will be made to the party submitting the lowest and best responsive, responsible bid deemed most favorable to the Owner. The City of Batesville reserves the right to reject any and all bids and to waive any informalities or irregularities in the bids received.

The City of Batesville
Mayor Hal Ferrell
The Panolian:
Apr. 19 and 26, 2023
BIDS/OVERLAY

MAY 16, 2023

IN RE: TIME EXTENSION – ARC HIGHWAY 35 SEWER PROJECT

The Mayor recognized Darrell Dixon of North Delta Planning and Development District who appeared before the Mayor and Board of Aldermen requesting approval for the Mayor to sign a time extension until November 2023, in connection with the Highway 35.

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

IN RE: PRELIMINARY PLAT APPROVAL – THE MEADOWS AT COTTAGE LANE

Upon recommendation made by the Planning Commission at their April 24, 2023, meeting and upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the preliminary plat for The Meadows at Cottage Lane be and it is hereby approved as presented, subject to variance being approved. Restrictive covenants will be reviewed and considered at the time of the final plat approval. Leslie Hatfield was present in support.

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IN RE: APPROVAL TO PURCHASE CAR CAMERA KITS - SOLE SOURCE

Upon recommendation of Chief of Police Kerry Pittman and upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that the Batesville Police Department be and they are hereby authorized to purchase two (2) DVM-800 complete car camera kits from Digital Ally in the amount of \$8,110.00. Digital Ally is a single source manufacturer/distributor for DVM-800 complete car camera kits and this is the only product that works with the current software used by the Batesville Police Department. A copy of the quote, single source letter and the certification for single source purchase is on file in the Office of the City Clerk and a copy follows:



Quote	QUO-02119-L6J1N1
Date	5/1/2023
Page	1

14001 Marshall Drive
Lenexa, KS 66215
1-800-440-4947 www.digitalallyinc.com

Customer:

Batesville Police Department
Accounts Payable
P.O. Box 689
Batesville, MS 38606

Customer ID	Salesperson	Shipping Method	Payment Terms	Created By	Quote Valid
BATMS0	JT-BF	FEDERAL EXPRESS	Net 30	Crystal Kaltenbach	90 Days
Ordered	Item Number	Description	Retail Price	Item Discount	Discount
2	012-00042-00	Activation Fee	\$30.00	\$0.00	\$0.00
2	K001-00081-00	DVM-800 Complete Kit, V2	\$3995.00	\$0.00	\$0.00
					\$7,990.00

Notes:

2-Year Advance Exchange Program on DVM-800 Kits

Total Discount	\$0.00
Subtotal	\$8,050.00
Misc	
Tax	\$0.00
Freight	\$60.00
Total	\$8,110.00

Thank you for your interest in Digital Ally products. If you would like to place an order, please contact the Digital Ally Sales Team at 1-800-440-4947.

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Quote	QUO-02119-L6J1N1
Date	5/1/2023
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Subscription (3, 5 or 8 Year) Plan Includes:

- *Advance Exchange Equipment Program on All Hardware (Batteries Included) With Subscription*
- All Inclusive Plans – No Hidden Costs
- Warranty for Life of Subscription
- Support for Life of Products

EVO In-Car Features & Options:

- *Built-in Patented VuLink Auto-Activation*
- Tablet Interface Sold Separately (EVO Only)
- Near Real-Time Mapping & Geofencing
- Dispatch Activation
- Remote Firmware Updates & Diagnostics

Complete Evidence Management Solution (EVO Web):

- *Access to Share/Prosecution Portal & Redaction Software*
- Event Tagging, Notations, Playback Review, & Reporting
- Security Groups & Granular Permission Controls
- Case Management & GPS Mapping
- Multi-Angle Playback

Body Camera Features & Options:

- *S.O.S – Officer Down with Remote Activation (FVPRO Only)*
- Built-In Patented VuLink Auto-Activation. Vulink Hardware Sold Separately
- Near Real-Time Mapping & Geofencing
- Docking Stations: 8 & 24-Bay Docking Station with Interactive Touchscreen
- Unlimited Body Camera Messaging Alert Notifications (FVPRO ONLY)

InterVu Room Features:

- *Advance Exchange Equipment Program on All Hardware with Subscription*
- Full EVO Web Functionality
- 90-Day Warranty on Installation Services
- All Cloud Licenses on Unlimited Retention/Storage Plan

Deployment & Activation Includes:

- Dedicated Project Manager
- Product Setup & Configuration
- Remote Deployment
- System Administrator & Officer Training Session
- Best Practices & Implementation Planning Session

Optional Products & Services:

- Turnkey Services: Includes Onsite or, Training, and Install/Removal If Applicable
- Additional Storage Purchased in Blocks of 100GB.
- Accessories Sold Separately
- Vulink Auto-Activation. Hardware Only.

If applicable, taxes and freight are due upon signing.
 Contact Your Local Representative for Additional Information and Pricing

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CERTIFICATION FOR SINGLE SOURCE PURCHASE

I, the undersigned employee of the City of Batesville, Mississippi, do hereby certify to the Mayor and Board of Aldermen of the City of Batesville, Mississippi, the following circumstances and conditions pertaining to the following described Product:

- (1) A full and complete description of the Product that I desire to purchase as a single source item is as follows: Digital Ally DVM-302 Body Camera Complete Kit
- (2) Identify fully the capabilities the Product must possess in order to meet the needs of the City: This is the only product that works with the current software that we have.
- (3) Is this Product the only one of its kind that possesses such capabilities?
Yes
- (4) Identify fully the requirements the Product must meet in order to meet the needs of the City: It must able to download video using existing equipment already installed at Batesville PD
- (5) Is this Product the only one of its kind that meets those requirements?
Yes
- (6) Is the same kind of Product available from more than one source?
No
- (7) Is the same brand of the Product available from more than one source?
No
- (8) Describe the process you went through to determine the non-availability of the kind or brand of Product from the other sources.
Our internet search only brings up Digital Ally to purchase new products. Used products are available for purchase from other sites.
- (9) What makes the Product identified at (1) above unique?
This product is only manufactured and sold through Digital Ally
- (10) Attach documentation that evidences that the vendor is the sole source of the Product.

Based upon the foregoing I hereby certify to the Mayor and Board of Aldermen that I am of the opinion that the Product is a sole source item that may be acquired without competitive bidding and I hereby request and recommend to the Mayor and Board of Aldermen that they adopt and approve this recommendation and direct that the purchase of the Product be made without competitive bidding as a sole source item.

This the 3 day of May, 2023.

Kerry Pittman
SIGNATURE

Kerry Pittman
(PRINT NAME OF THE PERSON SIGNING)

Chief of Police
POSITION WITH THE CITY OF BATESVILLE

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December 9th 2021

To Whom It May Concern:

Digital Ally, Inc. of Lenexa, KS is the sole manufacturer of the Digital Ally Model DVM-800, In-Vehicle Digital Video Rear View Mirror System, patented VuLink Technology for auto-activation, and both are a Sole Source item. There are no other In-Vehicle digital or analog video systems that offer the following unique features of the DVM-800 and its one-piece design.

1. Digital video and audio recording electronics integrated in a replacement rear-view mirror module.
2. Color TFT Monitor to view recordings or real time scenes integrated into a replacement rear-view mirror module and is invisible when not activated.
3. A one piece in-vehicle digital video system with an interior video road facing interior driver facing color camera integrated into a replacement rear-view mirror module
4. External 12x optical zoom camera.
5. In-vehicle digital video system with automatic record triggering and a pre-event record feature integrated into a replacement rear-view mirror module.
6. In-vehicle digital video system recording onto a 32 Gigabyte internal solid-state memory and optional 32 Gigabyte removable SD card located behind a locking door.

This system is only sold direct to the end user through Digital Ally Inc. exclusive sales agents. There is no other like item or product available for purchase that would serve the same purpose or function and there is only one price for the above product. If you desire additional information, please do not hesitate to contact me at 913-814-7774 or visit our website at www.digitalallyinc.com . Thank you for your interest in our products.

Sincerely,

A handwritten signature in black ink, appearing to read "Christa Johnson".

Christa Johnson
Vice President of Operations and Manufacturing
Digital Ally, Inc.

15612 College Blvd. Lenexa, KS 66219



**IN RE: APPROVAL TO ACCEPT DONATED ITEM – POLICE
DEPARTMENT**

On motion made by Alderman Land, second by Alderman Morrow and unanimously carried upon a vote being taken there, it was ordered that the donation

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made to the Batesville Police Department by Whitetails Unlimited Mississippi Delta Chapter of a CZ-USA, CA 600 AL2 Alpha, 308 Win, be and it is hereby accepted.

IN RE: APPROVAL TO INCREASE CREDIT CARD LIMIT

On motion made by Alderman Harrison, second by Alderman Morrow and unanimously carried upon a vote being taken there, it was ordered that the monthly credit limit on the City credit card be increased to \$10,000.00 and that the following be listed as authorized users: Susan Berryhill, Shonnah Weaver, Gail Lance, Debbie Turner and Kati Overall, and further ordered that the credit card be used for lodging only and a valid receipt must be submitted to the City Clerk; failure to submit a valid receipt will result in that person being responsible for payment.

IN RE: CHANGE IN MILEAGE RATE - TRAVEL EXPENSES

On motion made by Alderman Morrow, second by Alderman Land and unanimously carried upon a vote being taken, it was ordered that the City's mileage rate be increased from \$0.625 cents per mile to \$0.655 cents per mile in accordance with the current State reimbursement rate, effective immediately.

IN RE: APPROVAL TO OBTAIN SPECIFICATIONS – LEAF VACUUM TRUCK

On motion made by Alderman Morrow, second by Alderman Walton and unanimously carried upon a vote being taken, it was ordered that specifications be obtained on a leaf vacuum truck. This truck will be in place of the budgeted dual cab chipper truck.

MAY 16, 2023

IN RE: QUOTES RECEIVED – REPLACEMENT PUMP

The City of Batesville received the following quotes for a replacement pump for the Elm Street lift station:

Nedrow & Associates	\$35,750.00
Gulf States Engineering Co., Inc.	\$28,148.00

On motion made by Alderman Harrison, second by Alderman Land and unanimously carried upon a vote being taken, it was ordered that the quote from Gulf States Engineering Co., Inc. in the amount of \$28,149.00 be and it is hereby accepted as the lowest and best quote for a replacement pump for the Elm Street lift station. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

DRAFT

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www.gsengr.com
Ph 662.890.4768
Fx 662.890.4769
8381 Industrial Dr.
Olive Branch, MS 38654

PROPOSAL

Date: April 24, 2023

To: Bubba Alewine
Public Works
City of Batesville

Project: Elm Street Pump Station
Pump and Accessories

Mr. Alewine,

We are pleased to offer the following equipment for the above referenced project.

One (1) Xylem Flygt NP3153 462 submersible solids handling wastewater pumps

- 20 HP, 3ph/60/230 volt motor
- 4" Discharge
- 65 L.F. shielded power cable
- Hard-Iron™ impeller & insert ring
- 24 month clog-free guarantee
- FLS and Thermal protection
- 5 Year Warranty

Two (2) Upper Guide Rail Bracket

One (1) GSE to provide Volute Modifications to Flygt required to use the HOMA sliding bracket

One (1) Chain

LUMP SUM PRICE, F.O.B. FACTORIES, FULL FREIGHT ALLOWED --- \$28,148.00

DELIVERY: 12 to 14 weeks

NOTES:

- Installation by others.
- City of Batesville to pull the HOMA pump and remove the guide bar bracket.
- City to provide 2" guide bar and any items not listed above.



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Gulf States Engineering Co., Inc.
Batesville Elm St Pump Station

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CONDITIONS OF PROPOSAL

- 1) Scope of supply is limited to the equipment and services listed in this proposal. Items not specifically listed are to be supplied by others.
- 2) Federal, state and local taxes are not included in the quoted price and will be added to the invoice. Should this purchase qualify for sales tax exemption, an **EXEMPTION CERTIFICATE MUST BE SUPPLIED PRIOR TO RELEASE OF ORDER TO PRODUCTION**. If the exemption certificate is not provided prior to release to production, Purchaser shall be responsible for paying taxes and shall revise the purchase order, prior to release of order to production, to reflect the inclusion of applicable taxes.
- 3) Seller shall assign the manufacturer's standard warranty to purchaser and/or purchaser's customer. No other warranty is provided nor implied.
- 4) Quoted prices shall remain firm through shipment upon the following conditions:
 - a. Proposal is accepted within 30 days from bid date or as extended in writing by the Seller.
 - b. Approved submittals must be returned within 30 days of submittal date with full release to production.
 - c. Instructions to hold production, delay shipment or store equipment are subject to price escalation and/or storage charges unless approved in writing by the Seller.
- 5) Quoted deliveries are based on the manufacturer's estimate at the time of proposal. Actual delivery will be determined at the time order is released to production. Seller does not accept back charges, penalties or liquidated damages.
- 6) The attached Gulf States Engineering Co., Inc. "Standard Terms And Conditions" apply to this proposal.
- 7) Purchase contract is strictly between Seller and Purchaser excluding all others. Seller does not accept flow down obligations or conditions from Purchaser's customer or the prime contract.
- 8) Payment terms are Net 30 days after shipment. In the event Purchaser desires to delay shipment, payment will be due Net 30 days after notification equipment is ready to ship.

PROPOSAL IS VALID PROVIDED:

- 1) A purchase order is received within 30 days.
- 2) Complete shipment can be made by Gulf States Engineering per quoted shipping schedule.

Please find below a copy of our standard Terms and Conditions which become a part of this quotation. If we can be of any additional service, please do not hesitate to contact our office.

Sincerely,
Gulf States Engineering Co., Inc.

Paul T. Gavin

Paul T. Gavin

D&H

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

Gulf States Engineering Co., Inc.
Batesville Elm St Pump Station

Page 3

**GULF STATES ENGINEERING CO., INC.,
TERMS OF SALE GSERTC-11/2002**

CONTRACT OF ACCEPTANCE. The terms and conditions of sale set forth herein, and all drawings specifications, descriptions and all other documents attached hereto and incorporated herein by reference constitute the entire agreement between GULF STATES ENGINEERING CO., INC., hereinafter called Seller, and Buyer. SELLER'S ACCEPTANCE OF THIS ORDER IS EXPRESSLY CONDITIONED ON BUYER'S ASSENT TO THE TERMS CONTAINED HEREIN. The Terms and Conditions of Seller's Proposal and Acknowledgement shall prevail over any conflicting or different terms in Buyer's Order unless Buyer notifies Seller in writing of its objections thereto within fifteen (15) days from receipt of Seller's Acknowledgement. The failure of Seller to object to any provision in conflict herewith whether contained on Buyer's Purchase Order or otherwise, shall not be construed as a waiver of the provisions hereof nor as an acceptance thereof.

SHIPPING SCHEDULE AND DELIVERY. Seller will not be liable for deviations in meeting shipping schedules nor for any losses or damage to Buyer (*or* any third party) occasioned by deviations in the performance of any of Seller's obligations under this contract or by loss of or damage to the products when caused by or in any manner arising from any casualty, riot, acts of Buyer, acts of government *or* military authority, strikes or other labor difficulties, shortages of labor, supplies or transportation facilities or any other similar or different cause or causes beyond its control or the control of its suppliers or subcontractors. Seller reserves the right to ship in advance of any Buyer request dates, except those dates stipulated not before. Should shipment be held beyond scheduled date for the convenience of Buyer, Seller reserves the right to bill immediately for the goods and to charge Buyer for warehousing, insurance, trucking charges and all other expenses incident to such delay.

WARRANTY. The Seller warrants that equipment, spare parts, repairs and upgrades sold hereunder conform to applicable drawings and specifications approved in writing by Seller and will be free from defects in material and workmanship for a specified warranty period. The warranty period *for* equipment is twelve (12) months from the date of initial operation not to exceed fifteen (15) months from shipment for NAFTA countries or eighteen (18) months from shipment for other countries. The warranty period for spare parts, repairs, and upgrades is six (6) months from date of shipment. The Seller warrants that the field services supplied hereunder will be performed in a competent diligent manner and in accordance with generally accepted standards for such services. All claims for defective field services must be made in writing immediately upon discovery and in any event within ninety (90) days from the date of completion of said services. If within that period Seller receives from Buyer written notice of any alleged defect in or non-conformance of the product or service, and if in Seller's judgment the product or service does not conform or is found to be defective in material and workmanship, Seller will at its option either: (a) furnish a Service Representative to correct defective workmanship, or (b) upon return of component, repair or replace the component f.o.b. shipping point, or (c) return the full purchase price for the product or service without interest. Seller's sole responsibility and Buyer's remedy hereunder is limited to such repair or replacement. Equipment and accessories furnished by third parties, which are not incorporated in an equipment package, are warranted only to the extent of the original manufacturer's warranty to Seller.

THERE ARE NO OTHER WARRANTIES, EXPRESS, STATUTORY OR IMPLIED, INCLUDING THOSE OF MERCHANTABILITY AND OF FITNESS FOR PURPOSE NOR ANY AFFIRMATION OF FACTS OR REPRESENTATION WHICH EXTENDS BEYOND THE DESCRIPTION OF THE PRODUCTS ON THE FACE HEREOF.

This warranty shall be void and Seller shall have no responsibility to repair or replace defective or damaged equipment or component parts resulting directly or indirectly from the use of repair *or* replacement parts not of original equipment manufacture or approved by Seller or from Buyer's failure to store, install, maintain, and operate the equipment according to Seller's written instructions and drawings and good engineering practice. Deterioration and wear occasioned by chemical and abrasive action or excessive heat shall not constitute defects. All costs of transportation of products claimed not to be warranted and of replacement products, both to and from Seller's service facility, shall be borne to Buyer. Warranty work provided under this contract does not assure uninterrupted operation of the products. Seller does not assume any liability for damages caused by any delays involving warranty work. CLAIMS FOR SHORTAGES OR DAMAGE IN TRANSIT (obvious or concealed) are Buyer's responsibility and should be made to the carrier. Seller will render Buyer reasonable assistance in securing satisfactory adjustment of such claims.

PRICE TERMS. Prices quoted herein are valid for thirty (30) days from date of quotation unless withdrawn sooner. Prices are firm for factory confirmed shipment up to twelve (12) months from date of order. Prices for shipment beyond twelve (12) months may be subject to escalation as mutually agreed upon.

TERMS OF PAYMENT. Unless otherwise agreed, standard terms of payment are net thirty (30) days from date of invoice for orders less than \$100,000.00. Advance payments are required for orders of \$100,000.00 or larger according to the following schedule: 50% due at $\frac{1}{2}$ shipment schedule, and 50% due net thirty (30) days from date of shipment. All terms of payment are subject to the approval of the Seller's Credit Department.



IN RE: APPROVAL TO OBTAIN BIDS - AUTOMATED GAS METERS

On motion of Alderman Morrow, second of Alderman Walton and unanimously carried by a vote being taken, it was ordered that the City Clerk publish in *The Panolian*, a legal newspaper published at Batesville, Mississippi, notice for not less than two consecutive weeks that the Mayor and Board of Aldermen will cause an electronic reverse auction to be conducted and will receive bids by electronic bid submission at City Hall at 103 College Street, Batesville, Mississippi,

MAY 16, 2023

for automated gas meters. The Mayor and Board of Aldermen reserves the right to reject any and all bids.

**IN RE: PUBLIC HEARING - 3:00 P.M.
 PUBLIC HEARING – CHRIS BROCATO - VARIANCE**

The Mayor opened the Public Hearing and Chief Building Official Andy Berryhill explained the purpose of the hearing being a request from Chris Brocato, for a Variance to allow a street more than 500' with a cul-de-sac and to waive the requirement of sidewalks in The Meadows at Cottage Lane, a subdivision development of 17 residential lots on 5 acres. Said property is located on the west side of Boothe Street, south of Bruce Street, in the City off Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

A 5 acre, more or less, tract of land being located in Southwest quarter of southwest quarter of Section 4, Township 9 South, Range 7 West, City of Batesville, Panola County, Mississippi

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:

Leslie Hatfield was 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 April 24, 2023.

The Mayor declared the hearing closed.

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

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:

04/26/23

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, Publisher

Subscribed and sworn to before me this
26th Day of April, 2023




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

PUBLIC NOTICE
NOTICE OF PUBLIC
HEARING

WHEREAS, Chris Brocato 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 Subdivision Design Standards of the City of Batesville to allow a street more than 500' with a cul-de-sac and to waive the requirement of sidewalks in the subdivision development of 17 residential lots on 5 acres. Said property is located on the west side of Booth Street, south of Bruce Street, in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as A 5 acre, more or less, tract of land being located in Southwest quarter of southwest quarter of Section 4, Township 9 South, Range 7 West, City of Batesville, Panola County, Mississippi 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 May 16, 2023, 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:
Apr. 26, 2023
PUBLIC HEARING

Account # 180200
Ad # 1634831

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

IN RE: VARIANCE – THE MEADOWS AT COTTAGE LANE - CHRIS BROCATO

On motion of Alderman Morrow, second of Alderman Harrison and unanimously carried by a vote being taken, it was ordered that the request from Chris Brocato for a variance to allow a street more than 500' with a cul-de-sac and to waive the requirement of sidewalks in The Meadows at Cottage Lane, a subdivision

MAY 16, 2023

development of 17 residential lots on 5 acres located on the west side of Boothe Street, south of Bruce Street, be and it is hereby granted.

DRAFT

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

**IN RE: PUBLIC HEARING - 3:00 P.M.
 PUBLIC HEARING – REDISTRICTING**

The Mayor opened the Public Hearing and Mike Slaughter of Slaughter & Associates explained the purpose of the hearing being the consideration of redrawing of the City of Batesville ward boundaries as set out below in the Notice of Public Hearing. Mr. Slaughter and the Mayor and Board of Aldermen discussed the proposed redistricting “Plan 3”, 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:

No one was present in opposition to the redrawing of the ward boundaries.

The Mayor declared the hearing closed.

DRAFT

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

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:

04/26/23, 05/03/23, 05/10/23

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 May, 2023

Shandale Goodman



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

Account # 180200
Ad # 1633392

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

PUBLIC NOTICE

NOTICE OF PUBLIC
HEARING
ON REDISTRICTING

The Mayor and Board of Aldermen of the City of Batesville, Mississippi, will hold a public hearing on the 16th day of May 2023, at 3:00 o'clock p.m. at the City Hall, 103 College Street, Batesville, Mississippi, for the purpose of considering the redrawing of the City of Batesville ward boundaries as required by law as a result of the 2020 U.S. Census population data and the addition of new territory to the City through the Annexation of said territory completed in 2022. A copy of a map showing the proposed new ward boundaries is on file and available for inspection at City Hall, 103 College Street, Batesville, Mississippi.

CITY OF BATESVILLE, MISSISSIPPI
By: Susan S. Berryhill, City Clerk

The Panolian:
Apr. 25, May 3 and 10, 2023
REDISTRICTING

IN RE: REDISTRICTING

On motion of Alderman Morrow, second of Alderman Harrison and unanimously carried by a vote being taken there, it was ordered that the Legal Department proceed with preparing an Ordinance in connection with the redrawing of the ward boundaries as discussed in the public hearing.

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MAY 16, 2023

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; City Clerk Susan Berryhill; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford and Assistant City Clerk Shonnah Weaver.

On motion made by Alderman Morrow, seconded by Alderman Harrison, 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 – disciplinary action, litigation, investigation, job performance in the Civic Center and the sale of surplus property.

MAY 16, 2023

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 – disciplinary action in the Fire Department, litigation, investigation, job performance in the Civic Center and the sale of surplus 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 Shannah 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 Shannah Weaver.

There came on for discussion the personnel matter-disciplinary action 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 litigation matter.

There next came on for discussion the investigation.

There next came on for discussion the job performance in the Civic Center.

There next came on for discussion the sale of surplus property.

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

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MAY 16, 2023

IN RE: PERSONNEL MATTER – FIRE DEPARTMENT

On motion of Alderman Walton, second of Alderman Harrison and unanimously carried by a vote taken, it was ordered that Wyatt Berry of the Batesville Fire Department be and he is hereby suspended without pay for a three (3) day rotation-three (3) shifts, be placed on one (1) year probation and written reprimand be placed in his personnel record indefinitely,

IN RE: REVOLVING LOAN FUNDS

On motion of Alderman Harrison, second of Alderman Morrow and unanimously carried by a vote taken, it was ordered that City Clerk Susan Berryhill contract Antonio Barragan and Ben Flint in regards to their revolving loan fund and inform them to bring their payments current.

IN RE: APPROVAL TO OFFER EMPLOYMENT – CIVIC CENTER

On motion of Alderman Harrison, second of Alderman Morrow and unanimously carried by a vote taken, it was ordered that Rodney Holley be offered full-time employment in the Batesville Civic Center as Event Director at a rate of \$130,000.00 per year and further ordered that he not be considered for a raise for three (3) years and must live in the city limits of Batesville, contingent upon him accepting said offer and undergoing a medical exam and a drug and alcohol test and

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MAY 16, 2023

being free of drugs and cleared for employment pursuant thereto, and that said offer of employment expires on July 3, 2023, at midnight if not accepted.

IN RE: SALE OF SURPLUS PROPERTY

On motion of Alderman Dugger, second of Alderman Morrow and unanimously carried by a vote taken, the following Resolution was adopted:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, MISSISSIPPI, PURSUANT TO SECTION 57-7-1, MISSISSIPPI CODE OF 1972, AS AMENDED AND SUPPLEMENTED FROM TIME TO TIME, DETERMINING THAT THE VACANT REAL PROPERTY HEREINAFTER DESCRIBED OWNED BY THE CITY OF BATESVILLE, MISSISSIPPI, IS SURPLUS PROPERTY AND IS NO LONGER NEEDED OR USED FOR MUNICIPAL OR OTHER GOVERNMENTAL PURPOSES AND DIRECTING THAT SAID PROPERTY BE SOLD TO SAYLE LUBE, LLC, A MISSISSIPPI LIMITED LIABILITY COMPANY, FOR THE PURPOSES, ON THE CONDITIONS, AND FOR THE CONSIDERATION SET FORTH HEREIN, AND FOR RELATED PURPOSES

WHEREAS, the Mayor and Board of Aldermen of the City of Batesville, Mississippi [the “Governing Authority” and the “City”], acting for and on behalf of the City does hereby find, determine, adjudicate, and declare as follows:

1.

The City is the owner of the following identified vacant real property [hereinafter the “Property”] lying and being situated in the City of Batesville, Mississippi, to-wit:

LEGAL DESCRIPTION OF A 1.41 ACRE, MORE OR LESS, TRACT OF LAND BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 9 SOUTH, RANGE 7 WEST, BATESVILLE, MISSISSIPPI IN THE SECOND JUDICIAL DISTRICT OF PANOLA COUNTY AND IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Beginning at the Northwest Corner of Section 15, Township 9 South, Range 7 West, run thence South 0 degrees East, 569.49 feet to a point; thence North 90 degrees East, 712.89 feet to an iron pin set at the True Point of Beginning for the herein described tract, said point having Mississippi State Plane, West Zone coordinates of Northing: 1749448.17 and Easting: 2424344.53; run thence North 0 degrees 27 minutes 00 seconds East, 61.66 feet to an iron pin set; thence around a curve to the right having a radius of 35.00 feet and a chord bearing an distance of North 25 degrees 51 minutes 04 seconds East, 30.88 feet to an iron pin set; thence around a curve to the right having a radius of 290.00 feet and a chord bearing an distance of North 60 degrees 58 minutes 13 seconds East, 90.15 feet to an iron pin set; thence around a curve to the right having a radius of 35.00 feet and a chord bearing an distance of North 82 degrees 15 minutes 40 seconds East, 14.97 feet to an iron pin set; thence South 85 degrees 23 minutes 24 East, 87.43 feet to an iron pin set; thence South 87 degrees 10 minutes 55 seconds East, 284.68 feet to an iron

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MAY 16, 2023

pin set; thence around a curve to the right having a radius of 35.00 feet and a chord bearing and distance of South 53 degrees 54 minutes 23 seconds East, 38.41 feet to an iron pin set; thence South 20 degrees 37 minutes 51 seconds East, 91.23 feet to a point; thence South 89 degrees 20 minutes 50 seconds West, 542.31 feet to the Point of Beginning containing 1.41 acres, more or less, of land being subject to all codes, easements, restrictions, regulations and rights of way of record. Herewith included are easements for the purposes of city utilities measuring 10 feet off the north, east and west boundary lines and also said easement measuring 5 feet off the south boundary line.

All bearings herein established by GPS observation and referenced to the Mississippi State Plane Coordinate System West Zone NAD 83.

2.

The Property is surplus property and is not used for and is not needed for municipal or other governmental or public purposes or for any related purposes, including but not limited to the civic center, stall barn and multi-plex arena project.

3.

Section 57-7-1 ,Mississippi Code of 1972, as amended and supplemented from time to time [hereinafter the “Code”], authorizes the Governing Authority of the City to sell City owned real property for commercial purposes upon such terms and conditions as the Governing Authority of the City shall prescribe when such Property is surplus property and is not used for or needed for municipal or other governmental purposes.

4.

5.

On January 17, 2023, the Governing Authority adopted an order approving the sale of the Property to Sayle Lube, LLC, a Mississippi Limited Liability Company [“Sayle”] and the execution of a contract for the sale of the Property in consideration of the purchase price set forth in the contract.

6.

Pursuant to the aforesaid order, the City as Seller and Sayle Lube, LLC, as Purchaser entered into such a contract for sale entitled an “Agreement for the Purchase and Sale of Real Property” [the “Agreement “].

7.

Sayle, as a condition and requirement of the Agreement will construct on the Property certain commercial establishments that are identified and described in

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

the Agreement which will provide a positive economic impact to the City and the community in numerous ways including, but not limited to, employment opportunities for local residents, the availability of consumer goods and services provided by the establishments, sale tax, tourism tax, and increased amounts ad valorem taxes on the real property resulting from the construction of said establishments. Further, the City finds and determines that this sale is in the best interest of the City and its citizens and will promote the economic and commercial development of the City and the community.

8.

The Governing Authority finds and determines that the purchase price of the Property set out in the Agreement is fair and reasonable and is sufficient and good consideration for the Property.

9.

That the Governing Authority of the City has complied with the provisions of the “Antiquities Law of Mississippi”. A copy of a letter dated May 12, 2023, from the Mississippi Department of Archives and History evidencing such compliance is attached hereto as “Exhibit A”.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, acting for and on behalf of the City of Batesville, Mississippi, as follows:

I.

That the matters set forth in the above and foregoing paragraphs are hereby found, declared, and adjudicated to be true and correct and are incorporated into this paragraph by reference.

II.

That the Governing Authority of the City does hereby find, adjudicate and determine that the Property is surplus property and has ceased to be used for, and is not used for and is not needed for, municipal or other governmental or public purposes or for any related purposes, including but not limited to the civic center,

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MAY 16, 2023

stall barn, and multi-plex arena project, and that it is in the best interest of the City and will promote the economic and commercial development of the City for the City to sell the Property to Sayle Lube, LLC, a Mississippi Limited Liability Company, pursuant to, and on the terms and conditions and for the consideration contained in, the Agreement for the Purchase and Sale of Real Property.

III.

That upon payment to the City of the purchase price as provided in the Agreement the City shall convey the Property to Sayle Lube, LLC, a Mississippi Limited Liability Company, pursuant to, and on the terms and conditions and for the consideration contained in, the Agreement for the Purchase and Sale of Real Property; the Mayor and Clerk of the City of Batesville are hereby authorized and directed, for and on behalf of and in the name of the City, to execute, acknowledge, and deliver a Warranty Deed, and all other documents necessary for or incidental to the conveyance of the Property pursuant to the Agreement for the Purchase and Sale of Real Property including but, not limited to, a Settlement Statement, and the form of such deed and other documents shall be in such form as is satisfactory to the Mayor and City Clerk, in their discretion with advice of the City's Legal Department, as being in the best interest of the City, such their approval shall be conclusively evidenced by the execution and delivery thereof.

IV.

All actions heretofore taken by the Mayor and Clerk of the City, as may be authorized by the City, with respect to the sale of the Property are hereby approved, confirmed, and ratified.

V.

That the Mayor and Clerk of the City be and each of them acting alone is hereby authorized and directed to take such actions and to execute such documents as may be necessary to effectuate the purposes of this Resolution.

RESOLVED this the 16th day of May, 2023.

HAL FERRELL, Mayor

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

ATTEST:

SUSAN BERRYHILL, City Clerk



P.O. Box 571
Jackson, MS 39205-0571
601-576-8850
mdah.ms.gov

May 12, 2023

Mr. Colmon S. Mitchell
City Attorney
City of Batesville
P.O. Box 1586
Batesville, MS 38606

RE: Batesville Vacant Land – Civic Center Drive-Forest Drive Intersection
MDAH Project # 05-022-23
Batesville, Panola County

Dear Mr. Mitchell:

We have reviewed the Notice of Intent received May 3, 2023, regarding the above-referenced property in accordance with our responsibilities under the Antiquities Law of Mississippi, Miss. Code Ann. § 39-7-1 *et seq.* It is our determination that the property is not eligible for designation as a Mississippi Landmark.

This review is valid for five (5) years and will require another review for Mississippi Landmark eligibility if the property is not altered in that time. Please retain this letter as evidence of compliance with the provisions of the Antiquities Law of Mississippi. If you have any questions, please contact me at (601) 576-6935 or mslandmark@mdah.ms.gov. Your continued cooperation is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Clay Mapp".

Clay Mapp
Mississippi Landmarks Coordinator

C: Statewide Survey File
Mississippi Landmark File
Mr. Mingo Tingle

"EXHIBIT A"

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

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.

OTHER MATTERS COMING BEFORE THE MAYOR AND BOARD FOR DISCUSSION

1. Chief of Police Kerry Pittman provided copies of the monthly report to the Mayor and Board of Aldermen.

MAY 16, 2023

Upon motion duly made and seconded, the meeting was adjourned to reconvene at 2:00 o'clock p.m., Tuesday, June 6, 2023, 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

MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

MAY 16, 2023

**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 6th day of June, 2023

Hour: 2:00 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.