

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

OCTOBER 3, 2023

REGULAR MEETING**OCTOBER 3, 2023**

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 of September, being the 3rd day of October 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, Bobby Walton and Teddy Morrow. Also present were: City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford; Greg Smith of Mendrop Engineering Resources; Chief Building Official Andy Berryhill; Fire Chief Tim Taylor; Deputy Chief David Tarver; Public Works Director David Karr; Assistant Public Works Director Newt Benson; Civic Center Director Rodney Holley; Assistant City Clerk Shonnah Weaver and Jeremy Weldon of The Panolian.

A quorum being present, the meeting was duly opened by the Mayor and, after the invocation given by Joe May, 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 October 3, 2023, was approved with the addition of quotes received in the Fire Department, a burn ban, insurance rating and executive session matters.

OCTOBER 3, 2023

CITY OF BATESVILLE BOARD MEETING
OCTOBER 3, 2023
2:00 P.M. | CITY HALL
AGENDA

CALL TO ORDER: Mayor Hal Ferrell

INVOCATION: Walter Williams

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.”

APPROVE AGENDA

- October 3, 2023

APPROVE MINUTES OF PRIOR MEETINGS

- Regular Meeting – September 19, 2023
- Adjourned Meeting – September 25, 2023

CONSENT AGENDA

1. Approval for Mackenzie Johnson to attend the 2023 Mississippi Municipal Clerks & Collectors Association Winter Conference December 13-15, 2023, in Flowood, Mississippi with expenses paid/reimbursed by the City.
2. Approval for any interested dispatcher of the Batesville Police Department to work for the Panola County E911 in a part-time position. This would serve as a blanket approval.
3. Approval for George Williford to attend Computer Voice Stress Analyzer Re-Certification Training December 4-8, 2023, in New Orleans, Louisiana with expenses paid/reimbursed by the City.
4. Approval for Jeremy Bolen to attend the Fire Ground Leadership class at the Mississippi Fire Academy November 6-9, 2023, with expenses paid/reimbursed by the City.
5. Approval for Tim Taylor to attend the Mississippi Fire Chief Mid-Winter Conference January 30-February 2, 2024, in Ridgeland, Mississippi with expenses paid/reimbursed by the City.
6. Approval for Cody Inman to attend the FIRST class at the Mississippi Fire Academy October 29-November 2, 2023, with expenses paid/reimbursed by the City.

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OCTOBER 3, 2023

PAY REQUEST AGENDA

1. Approval to issue payment in the amount of \$45,388.04 (Mitigation and Restoration) to SteamKing – Johnny Rybolt for water damage at the Public Works Building.
2. Approval to issue payment in the amount of \$227,665.79 to Whitfield Electric Co., Inc. for pay application no. 3 relative to the Batesville Civic Center lighting project.
3. Approval to issue payment in the amount of \$12,862.50 to Brocato Construction Co., Inc. for pay application no. 9-final relative to the Sanitary Sewer & Forcemain Improvements Project.
4. Approval to issue payment in the amount of \$200.00 to Rhea Tannehill for services rendered as Judge Pro Tempore.
5. Approval to issue payment in the amount of \$51,993.00 to Kirk Auto World, Inc. for the 2023 Dodge Ram 2500 truck for use by the Gas Department. (Board approved December 20, 2022.)
6. Approval to issue payment in the amount of \$5,858.00 to Motorola Solutions, Inc. for the car radios. (Board approved March 21, 2023, - \$6,276.00.)
7. Approval to issue payment in the amount of \$15,385.71 to Gulf States Engineering Co., Inc. for the Hadorn lift station replacement pump. (Board approved November 1, 2022, - \$15,369.00.)
8. Approval to issue payment in the amount of \$1,352,333.33 (final) to Gregory Companies, LLC dba Murphree Paving relative to the street paving project, contingent upon the change order approval.

HUMAN RESOURCES

1. Approval to promote Sergeant to the rank of Lieutenant with a salary increase of \$2.00 per hour, effective October 5, 2023.
2. Approval to accept the resignation of full-time fireman Mark Christenson, effective September 27, 2023.
3. Cost of living & individual salary increases, effective October 5, 2023

VISITORS

1. Sharonda 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. Cleanup hearing - Garner property at 19776 Highway 6 East

BIDS RECONSIDERED

1. RFQ's – Legal, Architectural & Engineering

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REPORT OF DEPARTMENT HEADS

CHIEF BUILDING OFFICIAL – ANDY BERRYHILL

1. Monthly inspection and complaint lists
2. Planning Commission Minutes – September 25, 2023
3. Resolution – Cost & Penalty – 201 Fisher Street
4. Downtown Business District Use Permit – Terri Clark – 126 Public Square for a Sports Bar and Grill
5. Set Public Hearing – Marcus Fondren – Conditional Use Permit – BBQ Trailer at Tractor Supply – October 17, 2023.
6. Set Cleanup hearings as needed

CHIEF OF POLICE – KERRY PITTMAN

1. Approval for Chief Kerry Pittman to sign the MCOP Grant Memorandum of Understanding between South Panola School District and the City of Batesville Police Department

CITY ATTORNEY – COLMON MITCHELL

CITY CLERK – SUSAN BERRYHILL

1. Municipal Compliance Questionnaire
2. Re-establish & replenish cash drawers
3. 2023-2024 appropriations & monthly transfers

FIRE CHIEF – TIM TAYLOR

1. Approval to adopt a proclamation declaring October 8-14, 2023, as Fire Prevention Week

CIVIC CENTER DIRECTOR – RODNEY HOLLEY

PUBLIC WORKS DIRECTOR – DAVID KARR

1. Quotes – dead bushes on the square
2. Quotes – landscape and maintenance
3. Change Order – street upgrades (paving)
4. Quotes – 2024 Ram 2500 Crew Cab truck

ALLOW CLAIMS: 40153-40821 (includes The Co-Op)

OTHER MATTERS BY MAYOR OR ALDERMAN:

1. Mayor - Golf carts

EXECUTIVE SESSION

ADJOURNMENT

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IN RE: APPROVAL OF MINUTES

Upon motion of Alderman Morrow and second of Alderman Dugger and upon unanimous vote taken, the minutes of the September 19, 2023, regular meeting, and the minutes of the September 25, 2023, adjourned meeting, were approved.

IN RE: SIGNATURE SHEET FOR MEETING OF OCTOBER 3, 2023

Board Meeting
October 3, 2023
Signature Sheet

JIM WHITAKER	1095 College Dr Batesville
Please print name clearly	Street Address, City, Zip
KERRY TITTMAN	Batesville, MS
Please print name clearly	Street Address, City, Zip
George Williford	106 College Street, Batesville MS
Please print name clearly	Street Address, City, Zip
Walt Borden	City of Batesville
Please print name clearly	Street Address, City, Zip
Duffar	City of Batesville
Please print name clearly	Street Address, City, Zip
David Tager	132 VAN VOIS
Please print name clearly	Street Address, City, Zip
Edwney Hester	280 Birch St Batesville MS
Please print name clearly	Street Address, City, Zip
Andy Beuchill	146 Public Sq.
Please print name clearly	Street Address, City, Zip
Josh Hawkins	Batesville, MS
Please print name clearly	Street Address, City, Zip
James & Tamie Germany	148 Oakridge Dr Batesville, MS
Please print name clearly	Street Address, City, Zip
Walter Williams	204 Broad St Batesville, MS.
Please print name clearly	Street Address, City, Zip
Kim Harris	303 Caruthers St. Sardis, MS 38466
Please print name clearly	Street Address, City, Zip
Joe Harris Jr. "	"
Please print name clearly	Street Address, City, Zip
Willie Wilkerson	8403 W. Hampton Ave. N.W. 53209
Please print name clearly	Street Address, City, Zip
Edlin McGary	1634 Hwy 51 N. Sardis, MS 38461
Please print name clearly	Street Address, City, Zip
Dore Milton	North Delta PDP
Please print name clearly	Street Address, City, Zip
Joe Azar	Paula Partnership
Please print name clearly	Street Address, City, Zip
Gary Smith	MEB
Please print name clearly	Street Address, City, Zip

OCTOBER 3, 2023

IN RE: APPROVAL OF CONSENT AGENDA

Upon motion of Alderman Harrison 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 Mackenzie Johnson to attend the 2023 Mississippi Municipal Clerks & Collectors Association Winter Conference December 13-15, 2023, in Flowood, Mississippi with expenses paid/reimbursed by the City.
2. Approval for any interested dispatcher of the Batesville Police Department to work for the Panola County E911 in a part-time position. This would serve as a blanket approval.
3. Approval for George Williford to attend Computer Voice Stress Analyzer Re-Certification Training December 4-8, 2023, in New Orleans, Louisiana with expenses paid/reimbursed by the City.
4. Approval for Jeremy Bolen to attend the Fire Ground Leadership class at the Mississippi Fire Academy November 6-9, 2023, with expenses paid/reimbursed by the City.
5. Approval for Tim Taylor to attend the Mississippi Fire Chief Mid-Winter Conference January 30-February 2, 2024, in Ridgeland, Mississippi with expenses paid/reimbursed by the City.
6. Approval for Cody Inman to attend the FIRST class at the Mississippi Fire Academy October 29-November 2, 2023, with expenses paid/reimbursed by the City.

IN RE: APPROVAL OF PAY REQUEST AGENDA

Upon motion of Alderman Harrison and second of Alderman Land 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 to issue payment in the amount of \$45,388.04 (Mitigation and Restoration) to SteamKing – Johnny Rybolt for water damage at the Public Works Building.
2. Approval to issue payment in the amount of \$227,665.79 to Whitfield Electric Co., Inc. for pay application no. 3 relative to the Batesville Civic Center lighting project.
3. Approval to issue payment in the amount of \$12,862.50 to Brocato Construction Co., Inc. for pay application no. 9-final relative to the Sanitary Sewer & Forcemain Improvements Project.
4. Approval to issue payment in the amount of \$200.00 to Rhea Tannehill for services rendered as Judge Pro Tempore.

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- 5. Approval to issue payment in the amount of \$51,993.00 to Kirk Auto World, Inc. for the 2023 Dodge Ram 2500 truck for use by the Gas Department. (Board approved December 20, 2022.)
- 6. Approval to issue payment in the amount of \$5,858.00 to Motorola Solutions, Inc. for the car radios. (Board approved March 21, 2023, - \$6,276.00.)
- 7. Approval to issue payment in the amount of \$15,385.71 to Gulf States Engineering Co., Inc. for the Hadorn lift station replacement pump. (Board approved November 1, 2022, - \$15,369.00.)
- 8. Approval to issue payment in the amount of \$1,352,333.33 (final) to Gregory Companies, LLC dba Murphree Paving relative to the street paving project, contingent upon the change order approval.

IN RE: APPROVAL OF HUMAN RESOURCES 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 human resources agenda be and they are hereby approved:

- 1. Approval to promote Sergeant Shenika Hudson to the rank of Lieutenant with a salary increase of \$2.00 per hour, effective October 5, 2023.
- 2. Approval to accept the resignation of full-time fireman Mark Christenson, effective September 27, 2023.
- 3. Cost of living & individual salary increases, effective October 5, 2023

Department	Employee Name	Notes . . .
PW Sec	Debbie Turner	1.00
Street	Eddie Cole	1.44
Street	Johnathan Jackson	1.17
Parks	Heath Fullilove	1.00
Sewer	Hunter French	0.50 3%
Sewer	Austin Towles	0.50 3%
WWTP	Mark Ivy	1.00
WWTP	Gary Snider	1.00
Gas	Levi Burns	0.42 3%
Gas	Steve Caldwell	2.00 ← move to salary
Gas	Kelvin Hardrick	0.41 3%
Gas	William Langston	1.50
Street:	Michael Cooper	1.29
Street:	Victor Ellis	2.00
Street:	Kendron Faulkner	0.80
Street:	Latavius Faulkner	0.84
Street:	Terry Franklin	2.00
Street:	Dakota Owens	2.00
Street:	Brandon Patterson	1.31
Street:	Cedris Perry	1.52
Street:	Shontavis Smallie	2.00
Street:	Jeffrey Webster	2.00
SA	Wesley Jefferson	0.42 3%
SA	Denarrius King	1.31
Water	Teddy Nunnally	1.00
Court	Judge Jay Westfaul	1.00

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IN RE: BREAST CANCER WALK

The Mayor recognized Sharonda Lee of ICS Head Start who appeared before the Mayor and Board of Aldermen requesting to host a breast cancer walk on October 20, 2023, at 10:00 a.m. Walk will start from the ICS Head Start on Martin Luther King, Jr. Street, down Martinez Street and Patton Lane back to the ICS Head Start.

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

IN RE: RECONSIDERATION OF PROPOSALS FOR ARCHITECTURAL SERVICES – FY 2023 MCWI PROJECT(S)

There came on for further consideration the matter of proposals received at the meeting of the Mayor and Board of Aldermen on September 19, 2023, regarding the Architectural Services for the FY 2023 MCWI Project(s). The proposals received and taken under advisement were:

**Sozo Architecture, PLLC
Garver, LLC**

After review and scoring the proposals, upon motion of Alderman Morrow and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the receipt of two (2) proposals, is adequate competition, due to the advertisements for proposals being published as directed and further ordered that the proposal from Garver, LLC, be and it is hereby accepted as the highest rated proposal and the issuance of a contract to Garver, LLC, is subject to and contingent upon the City’s receipt of funding that is satisfactory to the City in its sole judgement. A copy of said proposal and scoring sheets are on file in the Office of the City Clerk.

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**IN RE: RECONSIDERATION OF PROPOSALS FOR LEGAL SERVICES -
FY 2023 MCWI PROJECT(S)**

There came on for further consideration the matter of proposals received at the meeting of the Mayor and Board of Aldermen on September 19, 2023, regarding the Legal Services for the FY 2023 MCWI Project(s). The proposals received and taken under advisement were:

Smith, Phillips, Revere, PLLC

After review and scoring the proposals, upon motion of Alderman Morrow and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the receipt of one (1) proposal, is adequate competition, due to the advertisements for proposals being published as directed and further ordered that the proposal from Smith, Phillips, Revere, PLLC, be and it is hereby accepted as the highest rated proposal and the issuance of a contract to Smith, Phillips, Revere, PLLC, is subject to and contingent upon the City's receipt of funding that is satisfactory to the City in its sole judgement. A copy of said proposal and scoring sheets are on file in the Office of the City Clerk.

**IN RE: RECONSIDERATION OF PROPOSALS FOR ENGINEERING
SERVICES - FY 2023 MCWI PROJECT(S)**

There came on for further consideration the matter of proposals received at the meeting of the Mayor and Board of Aldermen on September 19, 2023, regarding the Legal Services for the FY 2023 MCWI Project(s). The proposals received and taken under advisement were:

**Mendrop Engineering Resources
Garver, LLC**

After review and scoring the proposals, upon motion of Alderman Morrow and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the receipt of two (2) proposals, is adequate competition, due to the advertisements for proposals being published as directed and further ordered that the proposal from Mendrop Engineering Resources, be and it is hereby accepted as the highest rated proposal and the issuance of a contract to Smith, Phillips, Revere, PLLC, is subject to and contingent upon the City's receipt of funding that is satisfactory to the City in its sole judgement. A copy of said proposal and scoring sheets are on file in the Office of the City Clerk.

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IN RE: COST AND PENALTY – 201 FISHER STREET

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

RESOLUTION

WHEREAS, on the 18th day of July 2023, the Mayor and Board of Aldermen of the City of Batesville held a hearing pursuant to Sec 21-19-11 of the Mississippi Code of 1972, as amended, after due notice thereof to owner of the hereinafter described real property in the manner and for the time prescribed by law; and

WHEREAS, Teta & Shelia Wooten are the owners of the said real property and has been such owner at all times pertinent to these proceedings; and

WHEREAS, at said hearing the said property was determined to be in such a state of uncleanliness as to be a menace to the public health, welfare and safety of the community; and

WHEREAS, the owner of the property did not clean the property and the City proceeded to clean the property by the use of city employees; and

WHEREAS, the actual cost of cleaning the property was the sum of \$5,631.60 said cost being the cost to the city of using its own employees to do the work; and

WHEREAS, the City desires to adjudicate the actual cost of cleaning the property and to impose a penalty of \$1,500.00 to provide for the collection of same.

NOW, THEREFORE, be it resolved as follows:

1. That the actual cost of cleaning the hereinafter described real property was the sum of \$5,631.60.
2. That a penalty shall be and the same is hereby imposed in an amount of \$1,500.00.
3. That the total amount of the actual cost and said penalty is the sum of \$7,131.60 and the same shall constitute an assessment and a lien against the said property and the City Clerk shall cause the same to be enrolled in the Office of the Chancery Clerk of Panola County, at the Panola County Courthouse in Batesville, Mississippi, as other judgments are enrolled and the same shall also be placed on the ad valorem tax records and the property shall be sold by the Panola County Tax Assessor and Collector if not paid as provided by law and the City Clerk shall so advise said Panola County Tax Assessor and Collector.
4. That the real property which is the subject of this Resolution is located at 201 Fisher Street in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is more particularly described as follows, to wit:

*Parcel Number as shown in the Office of the Panola County
Tax Assessor and Collector: 3183Q0000100 230001300,
SW Corner Lot 3 (75x85). Block 23 Original Town of Batesville,
Section 8, Township 9, Range 7 recorded in Deed Book 2006 at
Page 3558 in the Batesville Office of the Chancery Clerk of
Panola County, Mississippi.*

RESOLVED, this the 3rd day of October, 2023, by the Mayor and Board of Aldermen, City of Batesville, Mississippi.

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IN RE: DOWNTOWN BUSINESS DISTRICT USE PERMIT – 126 PUBLIC SQUARE

Chief Building Official Andy Berryhill presented a Downtown Business District Mayor and Board of Aldermen Use Permit made by Terri Clayton, that was not recommended by the Planning Commission, for use #8.100 – restaurants, bars, night clubs.

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

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IN RE: SET PUBLIC HEARING – CONDITIONAL USE PERMIT – MARCUS FONDREN

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

ORDER SETTING TIME, DATE, AND PLACE OF PUBLIC HEARING
ON CONDITIONAL USE PERMITS IN THE CITY OF BATESVILLE,
MISSISSIPPI AND AUTHORIZING THE CITY CLERK TO
PUBLISH NOTICE OF SAID HEARING

WHEREAS, There has been submitted by Marcus Fondren to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a mobile food truck business in a C-2, Commercial zone at Tractor Supply located at 1216 Hwy. 6, East. Said real property is owned by Tractor Supply and is lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is more particularly described as follows, to-wit:

Parcel #31620005800 0000604
4 Ac Pt NE ¼ NW ¼ Unplatted Land
South of Hwy. 6, East located in
Section 14, Township 9 South, Range 7 West
in the City of Batesville, Second Judicial
District of Panola County, Mississippi
at 1216 Hwy. 6, East

and

WHEREAS, said request was be reviewed by the Planning Commission of the City of Batesville at their meeting held on September 25, 2023, and

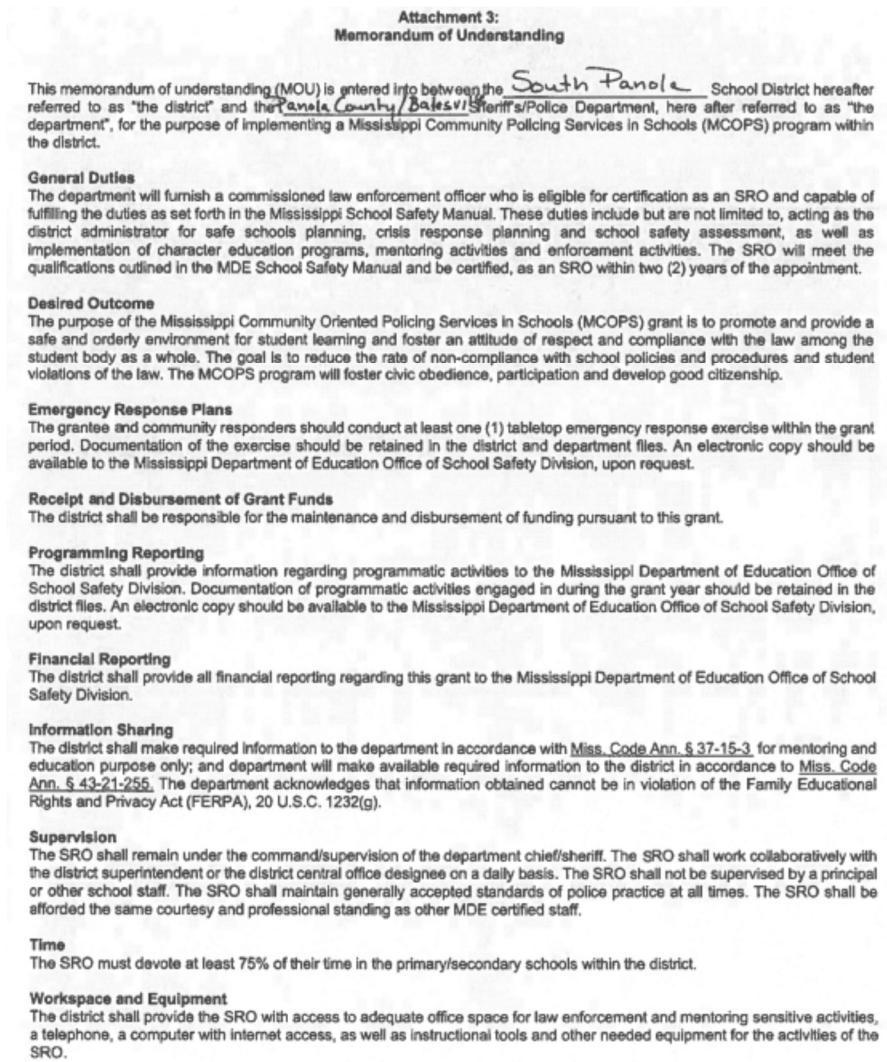
NOW, THEREFORE, BE IT ORDERED that on the 17th day of October 2023 at 3:00 o’clock P.M. in the City Hall of the City of Batesville, Mississippi, the Mayor and Board of Aldermen will hold a public hearing on said application and the Clerk of the City of Batesville, Mississippi, is hereby ordered and authorized to place a notice of said public hearing for publication in “The Panolian”, a newspaper having a general circulation in the City of Batesville, Mississippi.

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IN RE: MCOP GRANT MEMORANDUM OF UNDERSTANDING

Upon motion of Alderman Walton and second of Alderman Dugger and upon unanimous taken, it was ordered that Chief of Police Kerry Pittman be and he is hereby authorized to sign the MCOP Grant Memorandum of Understanding between the South Panola School District and the City of Batesville contingent upon the understanding that once grant money is gone, the City of Batesville may terminate the agreement. A copy of said Memorandum of Understanding is on file in the Office of the City Clerk and a copy follows:



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Grant Orientation
Grantees shall attend an MCOPS grant orientation. The grant funded SRO, a minimum of one (1) school district designee and one (1) law enforcement representative designee must be in attendance of the MCOPS grant orientation.

Training
SRO(s) will be required to obtain a minimum of forty (40) hours of law enforcement related training during the grant year. Documentation of law enforcement training obtained during the grant year should be retained in the district files. An electronic copy should be available to the Mississippi Department of Education Office of School Safety Division, upon request.

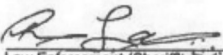
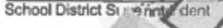
Audit
Compliance visits, phone calls, and/or email communication will be conducted during the grant year to assess compliance with the MCOPS Grant. If a district is found to be noncompliant with the specifications of the MCOPS Grant, the district shall refund all or a portion of the awarded funding for the non-compliant grant year.


Authority
Both the district and department shall comply with Mississippi laws concerning authority and responsibility to report all crimes committed in school/district property. The SRO shall maintain jurisdiction over all crimes committed on educational property subject to consultation with the district superintendent or the district central office designee. The district shall maintain the authority to press criminal charges consistent with state law. The district shall maintain the authority to carry out discipline in accordance with Miss. Code Ann. §37-11-69 for administrative violations of school policy and procedure exclusive of any criminal charges files. All crimes committed on school/district property shall be reported in accordance with the provisions of Miss. Code Ann. § 37-9-29.

Evaluation
During the grant period, the district shall have a comprehensive school safety assessment for each school within the district conducted by a certified SRO in accordance with generally accepted standards of school safety to evaluate the program effectiveness and efficiency. The SRO shall also ensure the district/department crisis response plan is updated annually. A copy of the school safety assessment(s) and crisis responses plans should be retained in the districts file and an electronic copy should be submitted to the Mississippi Department of Education Office of School Safety Division.

Retention
It is the intent of the district and the department to ensure and project funding for the continuation of this program upon the expiration of the grant and the partners agree to split the continuation of the program on a 50-50 basis upon expiration.

Termination
This agreement may be terminated by either party upon ninety (90) days advance notice upon expiration of the continuation period.

 _____ Law Enforcement (Sheriff's/Police) Department Representative	_____ Date
 _____ School District Superintendent	_____ Date



IN RE: **ORDINANCE – GOLF CARTS ON PUBLIC STREETS**

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the ordinance regarding golf carts on public streets be and it is hereby taken under advisement.

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IN RE: ACCEPTANCE OF THE MUNICIPAL COMPLIANCE
QUESTIONNAIRE

Upon motion of Alderman Walton, seconded by Alderman Dugger and upon unanimous vote taken, it was ordered that the City Clerk and the Mayor be and they are hereby authorized to sign the Municipal Compliance Questionnaire for the year ending September 30, 2023, and further ordered that the same be accepted by the Board as prepared. A copy of the Municipal Compliance Questionnaire is on file in the Office of the City Clerk.

IN RE: RE-ESTABLISH AND REPLENISH CASH DRAWERS

Upon motion of Alderman Land and second of Alderman Harrison and upon unanimous vote taken, it was ordered that cash drawers be re-established and that shortages and/or overages in any drawers be corrected as follows:

<u>Utility Department</u>		<u>Shortages/Overages</u>
Eloise Cosby	\$150.00	\$4.83 overage
Berma Williams	\$150.00	\$29.67 shortage
Bridget Burks	\$150.00	
Mackenzie Johnson	\$150.00	
<u>Code Enforcement</u>		
Andy Berryhill	\$50.00	
Code Office Petty Cash	\$100.00	
General Petty Cash	\$200.00	
Police Petty Cash	\$300.00	
Civic Center Petty Cash	\$100.00	
Parks & Recreation	\$150.00	

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IN RE: APPROVAL FOR APPROPRIATIONS AND MONTHLY
 TRANSFERS

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, the Board approved the following appropriations and monthly transfers:

2023 - 2024 Appropriations & Monthly Transfer				
010-310-609	First Regional Library	Donation	\$19,600.00	Monthly Appropriation
010-005-609	Panola County Civil Defense	Donation	\$3,166.67	Monthly Appropriation
010-005-609	Panola Partnership	Donation	\$16,666.67	Monthly Appropriation
010-005-609	Grace Place	Donation	\$7,500.00	Annual Appropriation
090-090-609	Main Street	Donation	\$40,000.00	Annual Appropriation
010-005-609	Panola Partnership	Donation-Spe Events	\$90,000.00	Annual Appropriation
010-255-609	Panola County Humane Society	Animal Shelter	\$9,500.00	Annual Appropriation
010-255-660	Dennis Lott	Rubbish Site - May	\$3,000.00	Annual Appropriation
010-005-660	Royce Cobb-Cobb River Farm	Land Rent ISS Sign -January	\$1,000.00	Annual Appropriation
010-105-660	District Attorney Office	Rent	\$350.00	Monthly Appropriation
010-305-660	American Legion	Lease - January	\$1,000.00	Annual Appropriation
430-680-941	Gas Deprecation		\$1,000.00	Monthly Transfer
405-655-805/810	AMR	Radio Read - Water	\$4,443.33	Monthly Transfer
405-660-805/810	Covenant Crossing	Sewer Project	\$2,190.17	Monthly Transfer

IN RE: APPROVAL FOR BURN BAN

Due to extremely dry conditions and the dangers of burning under such conditions, upon recommendation of Fire Chief Tim Taylor and upon motion of Alderman Harrison and second of Alderman Morrow and unanimously carried upon a vote being taken thereon, it was ordered the City of Batesville issue a burn ban for outside burning until November 3, 2023, or until further ordered by the Mayor and Board of Aldermen and will follow the same uniformities as Panola County. Exempted from this burn ban are: Mississippi Forestry Commission, Agriculture field burn and elevated fire pits.

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

OCTOBER 3, 2023

IN RE: **PROCLAMATION – FIRE PREVENTION WEEK**

Upon unanimous consent, the following Proclamation for Fire Prevention Week was adopted:

Mayor’s Office
2023 Proclamation

WHEREAS, the City of Batesville is committed to ensuring the safety and security of all those living in and visiting our city; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires killed more than 2,800 people in the United States in 2021, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 338,000 home fires; and

WHEREAS, cooking is the leading cause of home fires in the United States and fire departments responded to more than 166,400 annually between 2016 and 2020; and

WHEREAS, two of every five home fires start in the kitchen with 31% of these fires resulting from unattended cooking; and

WHEREAS, more than half of reported non-fatal home cooking fire injuries occurred when the victims tried to fight the fire themselves; and

WHEREAS, children under five face a higher risk of non-fire burns associated with cooking than being burned in a cooking fire; and

WHEREAS, Batesville’s residents should turn pot handles toward the back of the stove; always keep a lid nearby when cooking; keep a three-foot kid-free zone around the stove, oven, and other things that could get hot; watch what they heat; and set a timer to remind them that they are cooking; and

WHEREAS, residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires almost in half; and

WHEREAS, Batesville’s first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, Batesville’s residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention Week theme, “Cooking safety starts with YOU. Pay attention to fire prevention,” effectively serves to remind us to stay alert and use caution when cooking to reduce the risk of kitchen fires.

THEREFORE, I, Hal Ferrell, Mayor of the City of Batesville do hereby proclaim October 8–14, 2023, as Fire Prevention Week throughout this City, and I urge all the people of Batesville to check their kitchens for fire hazards and use safe cooking practices during Fire Prevention Week 2023, and to support the many public safety activities and efforts of Batesville’s fire and emergency services.

HAL FERRELL, MAYOR

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

OCTOBER 3, 2023

IN RE: QUOTES RECEIVED – UTV SIDE BY SIDE – FIRE DEPARTMENT

The City of Batesville received the following quotes for a UTV side by side for use in the Fire Department:

Big Delta Powersports	\$26,997.96
Olive Branch Motorsports	\$31,685.61

Upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that the quote from Big Delta Powersports in the amount of \$26,997.96 be and it is hereby accepted as the lowest and best quote for a UTV side by side for use in the Fire Department. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

Big Delta Powersports

155 Cracker Barrel Dr.
Batesville MS 38606
662-576-7000

BATESVILLE FIRE DEPT

103 COLLEGE STREET
BATESVILLE, MS 38606
H 662-563-6612 W 662-563-6612 C

Buyer's Order

Date 08/25/2023

Deal No.

Salesperson Hunter Moore

Lienholder N/A

Email

I hereby agree to purchase the following unit(s) from you under the terms and conditions specified. Delivery is to be made as soon as possible. It is agreed, however, that neither you nor the manufacturer will be liable for failure to make delivery.

Unit Information

New/U	Year	Make	Model	Serial No.	Stock No.	Price (Incl factory options)
New	2024	POLARIS	RANGER 1000 CREW		P00001	\$17,949.00

Options:

ROOF	\$706.99	D	Dealer Unit Price	\$17,949.00
TIPOUT GLASS WINDSHIELD	\$1,499.99	D	Factory Options	\$0.00
GLASS REAR PANEL	\$509.99	D	Added Accessories	\$6,188.93
4500LB WINCH	\$656.99	D	Freight	\$0.00
REARVIEW MIRROR	\$93.99	D	Dealer Prep	\$0.00
SIDE MIRRORS	\$183.99	D		
WINDSHIELD WIPER	\$696.99	D	Setup & Assembly Prep	\$975.00
FRONT HALF DOORS	\$900.00	D	Freight	\$1,400.00
REAR HALF DOORS	\$900.00	D	Motorcycle/ATV Fee	\$50.00

Notes:

Trade Information

Cash Price	\$26,562.93
Trade Allowance	\$0.00
Payoff	\$0.00
Net Trade	\$0.00
Net Sale (Cash Price - Net Trade)	\$26,562.93
Sales Tax	\$0.00
Vehicle Tax	\$0.00
Total Tax	\$0.00
Title/License/Registration Fees	\$10.00
Document or Administration Fees	\$425.00
Total Other Charges	\$435.00
Sub Total (Net Sale + Other Charges)	\$26,997.93
Cash Down Payment	\$0.00
Amount to Pay/Finance	\$26,997.93

Monthly Payment of \$0.00 For 0 Months at 0.00% Interest

NOTICE TO BUYER: (1) Do not sign this agreement before you read it or if it contains any blank spaces to be filled in. (2) You are entitled to a completely filled in copy of this agreement. (3) If you default in the performance of your obligations under this agreement, the vehicle may be repossessed and you may be subject to suit and liability for the unpaid indebtedness evidenced by this agreement.

A Documentation/Service Fee is not an official fee and is not required by law. However, it may be charged to a buyer/lessee for the handling of documents and the performing of services related to the sale or lease and may include dealer profit. This notice is required by regulation of the Mississippi Motor Vehicle Commission.

\$50.00 of the amount that you paid for this vehicle will be used to fund the Mississippi Trauma Care System.

Customer Signature _____

Dealer Signature _____

Thank You for Your Business!

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

OCTOBER 3, 2023

IN RE: LETTER OF INTENT – MISSISSIPPI RAIDERS


Upon motion of Alderman Morrow and second of Alderman Walton and upon unanimous vote taken, it was ordered that the Legal Department prepare a letter of intent for the Mississippi Raiders for the use of Civic Center for their 2024 football season.

IN RE: QUOTES RECEIVED – DEAD PLANTS ON THE SQUARE

The City of Batesville received the following quotes for the replacement of dead plants located on the Downtown Square:

Gazaway Lawn & Landscape Maintenance	\$10,580.00
Herron Landscape	\$10,465.00

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the quote from Herron Landscape in the amount of \$10,465.00 be and it is hereby accepted as the lowest and best quote for the replacement of dead bushes located on the Downtown Square. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:



Bringing Progress to North Mississippi
Hal Ferrell, Mayor • Susan S. Berryhill, CMC, City Clerk •
Colmon Mitchell, City Attorney

QUOTE for replacing plants for the City of Batesville, Public Square

Amount of bid to be shown in both words and figures. In case of a discrepancy, the amount of shown in words will govern.

Price \$ 10,465.00
(Figures)

Ten thousand four hundred sixty five dollars and 00 cents
(Words)

Respectfully submitted,
Matthew Herron
Signature
Herron Landscape
Company Name
662 978 5433
Phone Number


OCTOBER 3, 2023

IN RE: QUOTES RECEIVED – LANDSCAPING & MAINTENANCE

The City of Batesville received the following quotes for landscaping and maintenance various areas in the City of Batesville:

Morris Lawn Services, LLC	\$45,036.00/year
Herron Landscape	\$39,500.00/year

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the quote from Herron Landscape in the amount of \$39,500.00 per year be and it is hereby accepted as that lowest and best quote for landscaping and maintenance various areas in the City of Batesville. Agreement can be terminated by either party with a thirty (30) day written notice. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:



Bringing Progress to North Mississippi

Hal Ferrell, Mayor • Susan S. Berryhill, CMC, City Clerk •
Colmon Mitchell, City Attorney

September 6, 2023 DATE SUBMITTED 09/25/2023 Jackie Herron

Request for Quotes for City Landscaping and Maintenance

Landscape Management Proposal Price includes all labor, materials, and equipment needed to satisfy all requirements set forth in the provided *Landscape Maintenance Specifications*.

Proposed service summary is as follows: SUBMITTED BY: **HERRON LANDSCAPE**

➤ Basic Maintenance Services	\$13,300
○ Mow 28 times per year **Library, City Hall, Downtown Square, Police Station, Fire/Public Works Building, and Public Works Shop.	
○ Edge all curbs, walkways, and hard surface areas	
○ Edge all bed edges, tree rings, and soft surface areas	
○ Blow any debris from landscape operations from walkways, entrances, curbs, etc.	
○ Control bed weeds by hand weeding and herbicides	
○ Remove debris (litter and limbs) from turf area during regularly scheduled maintenance operations.	
➤ Pruning	\$3,200
○ Downtown Square, City Hall, Police Station, Fire/Public Works Building, Public Works Shop- Prune shrubs throughout season to maintain manicured appearance based on the plant's growth rate.	
○ Trim Roses-Flower Bed SE corner on Hwy 6 & Eureka St.	
➤ Trim Crepe Myrtles each year	\$2,500
○ Creek Dr, Westmoreland Entrance, and Hwy 6 Median	
➤ Leaf Cleanup	\$2,900
○ Remove leaves every other week during winter months.	
➤ Irrigation Start Up/Shut Down & 3 Audits	\$1,200
○ A written proposal will be presented before repairs are made.	
➤ Fertilization & Weed Control	\$1,600
○ 4 Treatments per year	
• Round 1- Feb/March	
• Round 2- April/May	
• Round 3- June/July	
• Round 4- Oct/Nov	
➤ Hard Surface Weed Control	
○ Apply non-selective herbicides to control crack weeds in concrete.	no charge

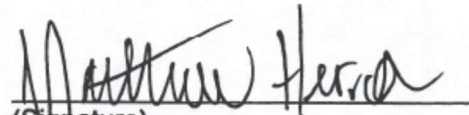
MINUTE BOOK NO. G-3 – CITY OF BATESVILLE, MISSISSIPPI

OCTOBER 3, 2023

- **Pine Straw** **\$13,000**
 - ****2 times year Spring & Fall**
 - *Includes Materials & Labor on all Aforementioned Sites. Not to include Public Works Shop.
- **Seasonal Color- (2 Times)** **\$1,800**
 - Spring & Fall *Includes Labor & Materials
- **Pricing**
 - Should include Annual Investment inclusive of monthly payment options.
 - Should be reflective of a (3) year contract.
 - The city reserves the right to cancel the contract at the end of the first year, with a 30-day written notice to the contractor.

QUOTE:
 Landscape Proposal Price \$ 39,500.00 Annual Investment
 (Figures)

Thirty Nine Thousand Five Hundred Dollars no cents
 (Words) Dollars and


 (Signature)

Herron Landscape
 (Company Name)
709 Woodruff Rd
 (Address)

Please return quote to the Office of the City Clerk located at 103 College Street,
 Batesville, Mississippi.
 Susan S. Berryhill, City Clerk

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

OCTOBER 3, 2023

IN RE: CHANGE ORDER – STREET UPGRADES (PAVING)

There came on for discussion the approval of the Change Order Number 1, set out below in connection with the street upgrades (paving) project.

Upon motion of Alderman Walton and second of Alderman Harrison and unanimously carried upon the affirmative vote of all board members present, the Mayor and Board of Aldermen of the City found and determined that the changes or modifications to the original contract as shown in the Change Order are necessary or would better serve the purpose of the City, are necessary or incidental to the completion and scope of the work as originally bid, are not outside the scope of the original contract, are commercially reasonable, are not made to circumvent the public purchasing statutes and the increased contract amount is reasonable and ordered that said Change Order No. 1, shown below, be and the same is hereby approved resulting in a revised contract price of \$1,352,333.33:

CONTRACT CHANGE ORDER				
OWNER: The City of Batesville				
CONTRACTOR: Murphree Paving				
DATE: 7-5-23 PROJECT NO:				
CHANGE ORDER NUMBER: 1 CONTRACT NUMBER:				
PROJECT NAME: 2023 Batesville City Street Upgrades				
REASON FOR CHANGE: additions and deletions to contract quantities - changed patton from microseal to overlay, added Hoskins Lane, deleted portions of Van voris,				
YOU ARE HEREBY REQUESTED TO COMPLY WITH THE FOLLOWING CHANGES FROM THE CONTRACT PLANS, SPECIFICATIONS AND CONTRACT DOCUMENTS: (USE ADDITIONAL SHEETS IF REQUIRED)				
ITEM NO.	DESCRIPTION OF CHANGE(S) (QUANTITIES, ETC.)	UNIT COST	TOTAL CONTRACT	TOTAL ELIGIBLE COST
1	Deleted portion of van voris from Vance to MLK Added Hoskins lane Changed Patton from microseal to overlay Added demolition to House Carlson Drive strip Added striping to Brewer Road NET CHANGE			-\$220,808.50
ORIGINAL CONTRACT AMOUNT:			TOTAL	TOTAL ELIGIBLE
CURRENT CONTRACT AMOUNT:			\$ 1,573,141.83	\$
THIS CONTRACT CHANGE:			\$ -\$220,808.50	\$
REVISED CONTRACT AMOUNT:			1,352,333.33	0\$
CURRENT CONTRACT COMPLETION DATE:			9-14-23	
TIME EXTENSION REQUIRED BY CHANGE:			no	
REVISED CONTRACT COMPLETION DATE:			n/a	
THIS DOCUMENT SHALL BE AN AMENDMENT TO THE CONTRACT AND ALL PROVISIONS OF THE CONTRACT WILL APPLY.				
RECOMMENDED BY:		ENGINEER	9-28-23	DATE
ACCEPTED BY:		CONTRACTOR	7-28-23	DATE
APPROVED BY:		OWNER		DATE

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OCTOBER 3, 2023

IN RE: QUOTES RECEIVED – CREW CAB TRUCK – STREET DEPARTMENT

The City of Batesville received the following quotes for a 2024 Ram 2500 crew cab truck for use in the Street Department:

Kirk Auto Group	\$51,285.00
Pine Belt Auto Group	\$51,645.00

Upon motion of Alderman Morrow and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the quote from Kirk Auto Group in the amount of \$51,285.00 be and it is hereby accepted as that lowest and best quote for a 2024 Ram 2500 crew cab truck for use in the Street Department. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:



2024 RAM 2500 CREW
4 WD
TRADESMAN LEVEL 1
6.4L V8 HEMI
8 SPEED AUTOMATIC
40/20/40 VINYL SEATS
TRAILER BRAKE CONTROL
18" OFF ROAD TIRES
RECIEVER HITCH
POWER LOCKS/ WINDOWS
50 GALLON FUEL TANK
LIMITED SLIP REAR END
AUXILIARY SWITCHES
CLEARANCE LIGHTS
TRANFER CASE SKID PLATES

FACTORY COLOR: WHITE OR SILVER
IN STOCK UNIT

TOTAL COST: \$ 51,285.00

CALL OR SEE: **WES HERRING**
Wes 601-503-4534
wes@kirkautomotive.com

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

OCTOBER 3, 2023

IN RE: LIGHTS AT TRUSSELL PARK

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that two (2) additional poles with LED lights, in addition to the seven (7) poles with LED lights previously approved, be added to the front and back parking/driving area at Trussell Park for a cost of \$17.00 per pole per month.

Alderman Harrison left the meeting

IN RE: ALLOW CLAIMS

On motion made by Alderman Land, second by Alderman Morrow and unanimously carried upon a vote being taken there, it was ordered by the Mayor and Board of Aldermen of the City of Batesville, Mississippi that claims numbered 40153-40821 (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

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

OCTOBER 3, 2023

IN RE: CLEANUP HEARING - 3:00 P.M.
CLEANUP HEARING – EARNEST LEVI GARNER, III (19776
HIGHWAY 6 EAST)

Chief Building Official Andy Berryhill explained the purpose of the hearing to determine whether or not the hereinafter described parcel of real property, owned by Earnest Levi Garner, III located at 19776 Highway 6 East in the City of Batesville is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community, to-wit:

Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 31730006600 0000901, 6.4 AC PT SE 1/4 S of HWY & E of Creek, Section 7, Township 9, Range 06 Recorded in Deed Book WBA1 at Page 0538 in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

No one was present in support of nor opposition of said clean up hearing.

The Mayor and Board heard and received evidence relating to the condition of said property and its affect upon the public health, safety and welfare of the community.

The hearing was concluded.

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

OCTOBER 3, 2023

IN RE: ADJUDICATION OF PROPERTY OWNED BY EARNEST LEVI GARNER, III LOCATED ON 19776 HIGHWAY 6 EAST TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY AND TO BE IN NEED OF CLEANING

The Mayor and Board of Aldermen having received evidence to the condition of the hereinafter described real property at a public hearing held pursuant to Section 21-19-11 of the Mississippi Code of 1972, annotated, as amended, and having duly considered said evidence, and upon motion of Alderman Harrison and second of Morrow and upon unanimous vote taken, the following Resolution was adopted:

RESOLUTION

WHEREAS, the Mayor and Board of Aldermen became aware that there were concern about the condition of the following described real property owned by Earnest Levi Garner, III lying and being situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, to-wit:

Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 31730006600 0000901, 6.4 AC PT SE ¼ S of HWY & E of Creek, Section 7, Township 9, Range 06 Recorded in Deed Book WBA1 at Page 0538 in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

WHEREAS, at a meeting of the Mayor and Board of Aldermen, held on the 5th day of September 2023, a hearing was set for the 3rd day of October, 2023, at 3:00 p.m., at City Hall to determine whether or not said property is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community; and

WHEREAS, notice of this hearing was given to the owner of the property in the manner and for the time required by law and the evidence thereof is on file in the Office of the Code Enforcement Officer of the City of Batesville, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen heard proof as to the condition of the said property and its affects upon the health, safety and welfare of the community.

NOW, THEREFORE, be it resolved as follows:

That after hearing evidence as to the condition of said property, the Board of Aldermen is of the opinion, and does hereby find and adjudicate that the property in its present condition is a menace to the public health, safety and welfare of the community and if the owner does not clean the property then the City shall proceed to clean the property by use of municipal employees or contract labor as is authorized by Section 21-19-11 of the Mississippi Code of 1972 as amended.

RESOLVED this the 3rd day of October, 2023.

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

OCTOBER 3, 2023



City of Batesville Code Office

Building, Planning, Zoning, & Permitting

146 Public Square
P.O. Box 689
Batesville, MS 38606
Phone: 662-563-6621

September 7, 2023

Mr. Earnest Levi Garner, III
19776 Highway 6 East
Batesville, MS 38606

Mr. Earnest Levi Garner, III
201 Deer Run
Batesville, MS 38606

Re: Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 31730006600 0000901, 6.4 AC PT SE ¼ S of HWY & E of Creek, Section 7, Township 9, Range 06 recorded in Deed Book WBA1 at Page 0538 in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

Dear Mr. Garner:

This notice is provided to you by the City of Batesville, Mississippi ["City"], pursuant to Section 21-19-11 of the Mississippi Code of 1972, as amended. This notice is very important and deserves your immediate attention.

The Mayor and Board of Aldermen of the City of Batesville, Mississippi ["Mayor and Board"], will conduct a hearing at City Hall located at 103 College Street, Batesville, Mississippi, on the 3rd day of October, 2023, at 3:00 o'clock p.m. to determine whether your property identified above is in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

If, at the hearing, the Mayor and Board adjudicate that said property in its then condition is a menace to the public health, safety, and welfare of the community, and is, therefore, in need

Bradie Bailey
Secretary/Receptionist

Andy Berryhill
Chief Building Official

Briar Hodges
Building Inspector

Barry Thompson
Code Enforcement Officer

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

OCTOBER 3, 2023

of cleaning, then: (a) if you do not do so yourself, the City of Batesville shall proceed to clean the property, by use of City of Batesville employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, and other debris; and draining cesspools and standing water therefrom; (b) such adjudication will authorize the City of Batesville to re-enter the property for purposes of cleaning for a period of two (2) years after the final adjudication without any further hearing if notice is posted on the property and at City Hall or another place in the City of Batesville where such notices are generally posted at least seven (7) days before the property is re-entered for cleaning.

If the city cleans the property, then after the property has been cleaned, the Mayor and Board will adjudicate the actual cost of cleaning the property and will also impose a penalty in an amount of One Thousand Five Hundred Dollars (\$1,500.00) or fifty percent (50%) of the actual cost of cleaning the property, whichever is more. This cost and penalty may become a civil debt against you and/or, at the option of the Mayor and Board, an assessment against the property.

If the Mayor and Board declares that the cost and penalty shall be collected as a civil debt against you, they may authorize the institution of a lawsuit against you for the cost and any penalty plus court costs, reasonable attorney's fees, and interest from the date that the property was cleaned.

If the Mayor and Board declares that the cost and penalty shall be collected as an assessment against the property, then the assessment shall be a lien against the property and may be enrolled in the Batesville Office of the Chancery Clerk of Panola County, Mississippi, as other judgments are enrolled. The lien against the property shall be an encumbrance upon the property and shall follow title to the property. The assessment will be included with the municipal ad valorem taxes on the property and payment of the assessment will be enforced in the same manner in which payment is enforced for municipal ad valorem taxes on the property. The assessment levied shall become delinquent at the same time municipal ad valorem taxes become delinquent.

These proceedings are instituted by the Mayor and Board pursuant to Section 21-19-11 of the Mississippi Code of 1972, as amended. All decisions rendered by the Mayor and Board of Aldermen pursuant to this Section may be appealed in the same manner as other appeals from municipal boards or courts are taken.

A copy of this Notice shall be recorded in the minutes of the Mayor and Board in conjunction with the above referenced hearing.

This is a very serious and important matter. You should take steps to clean this property immediately. You should make every effort to be present at the hearing or have someone appear on your behalf. The hearing will be conducted as scheduled whether or not you or someone on your behalf appears at the hearing. The Mayor and Board earnestly solicits your cooperation in resolving this matter.

Very truly yours,

CITY OF BATESVILLE, MISSISSIPPI

By: 
Andy Berryhill
Chief Building Official

Cc: Law Offices of Criag M. Geno, PLLc
Attn: Criag M. Geno

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

OCTOBER 3, 2023

AFFIDAVIT OF MAILING AND POSTING

STATE OF MISSISSIPPI

COUNTY OF PANOLA

The undersigned after having been duly sworn states upon oath as follows:

1.

A true and correct copy of the Notice to the owner of the property referred to herein is attached hereto as Exhibit "A".

2.

At least two (2) weeks before the date of the hearing set forth in the Notice, I mailed, by United States Mail postage prepaid, the Notice to the address of the subject property identified in the Notice unless it is vacant, and to the address where the ad valorem tax notice for such property is sent by the office charged with collecting ad valorem tax and to others as shown on the copy of the letter attached hereto.

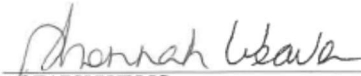
3.

At least two (2) weeks before the date of the hearing set forth in the Notice, I posted the Notice on the property identified in the Notice and at the Batesville City Hall located at 103 College Street, Batesville, Mississippi 38606.



SWORN TO AND SUBSCRIBED before me, on this the 11th day of
September, 2023.


(SEAL)
My Commission Expires: July 9, 2025


NOTARY PUBLIC

OCTOBER 3, 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; Public Works Director David Karr; Assistant Public Works Director Newt Benson and Assistant City Clerk Shonnah Weaver.

On motion made by Alderman Harrison, seconded by Alderman Dugger, and unanimously carried upon the affirmative votes of Aldermen Land, Walton, Dugger, Morrow and Harrison it was ordered that the Mayor and Board of Aldermen go into executive session in order to discuss potential donation of surplus real property, potential sale of surplus real property, prospective litigation and personnel matters relating to professional competence.

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

OCTOBER 3, 2023

IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen will go into executive session for the purpose of discussing potential donation of surplus real property, potential sale of surplus real property, prospective litigation and personnel matters relating to professional competence 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; Public Works Director David Karr; Assistant Public Works Director Newt Benson 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; Public Works Director David Karr; Assistant Public Works Director Newt Benson and Assistant City Clerk Shonnah Weaver.

There came on for discussion the potential donation of surplus real property. (Panola Partnership Director Joe Azar was present for this discussion.)

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

There next came on for discussion the prospective litigation.

There next came on for discussion the personnel matters relating to professional competence.

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

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

OCTOBER 3, 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; Public Works Director David Karr; Assistant Public Works Director Newt Benson and Assistant City Clerk Shonnah Weaver.

IN RE: TRANSFER OF SURPLUS PROPERTY - PANOLA COUNTY

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

RESOLUTION

WHEREAS, the City of Batesville and Panola County owns the old National Guard Armory (building) that is located at the corner of Eureka Street and Highway 51 that is currently not being used by the City of Batesville and is of little or no value; and

WHEREAS, Panola County has requested that the City of Batesville relinquish ownership and that said building be declared surplus property and transferred to Panola County, Mississippi for use by the Boy Scouts for no monetary consideration; and

WHEREAS, the transfer of said building for no monetary consideration is below market value, however, it is in the best interest of the taxpayers of the State of Mississippi, and of the City of Batesville to transfer said building that is not being used by the City of Batesville and will be used by the Boy Scouts which will benefit the taxpayers of the State of Mississippi; and

WHEREAS, Section 31-7-13(m)(vi) of the Mississippi Code of 1972 as amended allows the transfer of said building.

NOW, THEREFORE, the City of Batesville does hereby declare said building be transferred to Panola County, Mississippi for use by the Boy Scouts for no monetary consideration because it is in the best interest of the taxpayers of the State of Mississippi and the City of Batesville.

RESOLVED this the 3rd day of October, 2023.

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OCTOBER 3, 2023

IN RE: SALE OF SURPLUS REAL PROPERTY

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered to provide the contract to the potential purchaser of surplus real property.

IN RE: LITIGATION

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that the Legal Department file claim in the class action law suit as discussed in Executive Session.

*Note – no action was taken on the personnel matter discussed in Executive Session.

OTHER MATTERS COMING BEFORE THE MAYOR AND BOARD FOR DISCUSSION

1. Chief Building Official Andy Berryhill provided copies of the monthly inspections list, the complaint list and the Planning Commission Minutes of September 25, 2023.

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OCTOBER 3, 2023

Upon motion duly made and seconded, the meeting was adjourned to reconvene at 10:00 o’clock a.m., October 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

OCTOBER 3, 2023

NOTICE OF PLACE, DATE, HOUR AND SUBJECT MATTER
OF A REGULAR MEETING OF THE MAYOR AND
BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, MISSISSIPPI

The regular 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 October, 2023

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.

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OCTOBER 3, 2023