

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

FEBRUARY 6, 2024

REGULAR MEETING

FEBRUARY 6, 2024

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 February, being the 6th day of February 2024, at 10:00 a.m., when and where were present the following, to-wit:

Mayor Hal Ferrell; Aldermen Stan Harrison, Dennis Land, Bill Dugger, Teddy Morrow and Bobby Walton. Also present were: City Clerk Susan Berryhill; City Attorney Colmon Mitchell; Chief of Police Kerry Pittman; Assistant Chief of Police George Williford; Greg Smith of Mendrop Engineering Resources; Assistant City Clerk Shonnah Weaver; and Robbie Haley and Joe Azar of Panola Partnership.

A quorum being present, the meeting was duly opened by the Mayor, and the following business was taken up.

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.

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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 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 Harrison, seconded by Alderman Land, and unanimously carried upon the affirmative votes of Aldermen Land, Walton, Dugger, Morrow and Harrison it was ordered that the Mayor and Board of Aldermen go into executive session in order to discuss the purchase and sale of real property, the purchase of real property, a personnel matter relating to salaries and a personnel matter relating to changes in the Batesville Police Department.

IN OPEN MEETING

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

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IN EXECUTIVE SESSION

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

There came on for discussion the sale of surplus real property. (Joe Azar and Robbie Haley of Panola Partnership and Greg Smith of Mendrop Engineering Resources were present for this discussion.)

There next came on for discussion the purchase of real property. (Joe Azar and Robbie Haley of Panola Partnership and Greg Smith of Mendrop Engineering Resources were present for this discussion. Also present was Parks and Recreation Director Heath Fullilove.)

There next came on for discussion the personnel matter relating to salaries.

There next came on for discussion the personnel matter relating to changes in the Batesville Police Department.

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

IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen 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.

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IN RE: SALE OF SURPLUS PROPERTY

On motion of Alderman Harrison, 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 OF THE MISSISSIPPI CODE OF 1972, AS AMENDED, DETERMINING THAT THE REAL PROPERTY HEREINAFTER DESCRIBED BELONGING TO THE CITY OF BATESVILLE, MISSISSIPPI, IS SURPLUS PROPERTY AND IS NO LONGER NEEDED OR USED FOR MUNICIPAL GOVERNMENTAL PURPOSES AND DIRECTING THAT THE CITY OF BATESVILLE EXECUTE A CONTRACT FOR THE SALE OF THE PROPERTY TO NOON REAL ESTATE, LLC OR TO ITS ASSIGNS FOR THE PURPOSES AND CONSIDERATION SET FORTH HEREIN, AND FOR RELATED PURPOSES

WHEREAS, the Mayor and Board of Aldermen of the City of Batesville, Mississippi [the “Governing Authority” of 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 real property [hereinafter the “Property”] lying and being situated in the City of Batesville, Mississippi, to-wit:

Approximately 7.19 acres, more or less, adjacent to Medical Center Drive and House-Carlson Drive and shown and outlined in black on Exhibit A attached hereto and as more fully described in the Contract for Sale of Real Property hereinafter identified.

2.

That 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 of the Mississippi Code of 1972, as amended [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 City shall prescribe when such property is surplus property and is not used for or needed for municipal or other governmental purposes.

4.

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Noon Real Estate, LLC, a Tennessee Limited Liability Company [“NOON”] has stated and represented to the City the following:

NOON desires to purchase the Property for the purposes of constructing thereon retail and commercial facilities and thereafter to sell and/or lease the facilities for retail and commercial business operations.

5.

NOON and the City are of the opinion that such construction and operation of the facilities will result in an increase in annual sales tax, tourism taxes, ad valorem taxes, and jobs for the City and NOON has agreed to provide estimated figures for the City before, and as a condition to, the consummation of the sale

6.

The City and NOON have agreed to execute a Contract for Sale of Real Property, a copy of which has been reviewed and discussed by the Mayor and Board of Aldermen and is on file in the Office of the City Clerk [“Sales Contract”]. The Governing Authority is of the opinion and does hereby find that a sale of the Property to NOON according to the terms and provisions of the Sale Contract would be in the best interest of the City and its citizens and would promote the economic and commercial development of the City.

7.

The Governing Authority finds and determines that the sales price set out in the Sale Contract is fair and reasonable and is sufficient and good consideration for the Property.

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 preamble are hereby found, declared, and adjudicated to be true and correct.

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, stall barn, and multi-plex

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arena project, and that it would be in the best interest of the City and would promote the economic and commercial development of the City for the City to sell the Property to NOON or its assignee according to the terms and provisions of the Sale Contract.

III.

That the Contract for Sale of Real Property identified above be and the same is hereby approved by the Mayor and Board of Aldermen and the Mayor be and he is hereby authorized, empowered, and directed to execute the Sale Contract for and on behalf of the City.

RESOLVED this the 6th day of February, 2024.

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IN RE: PROPERTY NEXT TO OLD NATIONAL GUARD ARMORY

There came on for discussion the matter of Lawrence Hoskins purchasing property next to the old National Guard Armory for the sum of \$60,000.00. The Mayor and Board of Aldermen requests that Mr. Hoskins inform them of his intentions for the property.

IN RE: CHANGES IN BATESVILLE POLICE DEPARTMENT

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that retiring Chief Kerry Pittman be and he is hereby named Major Kerry Pittman with a badge number B-3, effective immediately after the swearing of the new Chief of Police Dennis Darby on February 9, 2024, at 10:30 a.m.

*The Mayor and Board of Aldermen recessed until 1:00 p.m.

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Pursuant to the recess taken, the Mayor and Board of Alderman of the City of Batesville reconvened at 1:00 p.m. Present in the meeting were the following, to-wit: Mayor Hal Ferrell; Aldermen Dennis Land, Stan Harrison, Bobby Walton; Teddy Morrow and Bill Dugger. Also present were: City Attorney Colmon Mitchell; City Clerk Susan Berryhill Chief of Police Kerry Pittman; Assistant Chief of Police George Williford; Blake Mendrop and Greg Smith of Mendrop Engineering Resources; Chief Building Official Andy Berryhill; Public Works Director David Karr; Assistant Public Works Director Newt Benson; Fire Chief Tim Taylor; Deputy Chief David Tarver; Parks and Recreation Director Heath Fullilove; 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 Jonathan Garner, the following business was taken up.

IN RE: APPROVAL OF AGENDA

Upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, the agenda of February 6, 2024, was approved.

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CITY OF BATESVILLE BOARD MEETING
FEBRUARY 6, 2024
1:00 P.M. | CITY HALL
AGENDA

CALL TO ORDER: Mayor Hal Ferrell

INVOCATION: Jonathan Garner

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

- February 6, 2024

APPROVE MINUTES OF PRIOR MEETINGS

- Regular Meeting – January 24, 2024
- Adjourned Meeting – January 25, 2024
- Adjourned Meeting – January 29, 2024
- Adjourned Meeting – February 2, 2024

CONSENT AGENDA

1. Approval for Ryley Boyero to attend via zoom meeting the Domestic Abuse Protection Orders and the Domestic Abuse Protection Order Registry on February 9, 2024, with expenses, if necessary paid/reimbursed by the City.
2. Approval for Mayor and Board of Aldermen to attend Exploring Common Municipal Laws on February 22, 2024, in Oxford, Mississippi with expenses paid/reimbursed by the City.
3. Approval for Special Operations Officer Zach White to attend Writing Drug Search Warrants Training at the Regional Counterdrug Training Academy on April 7-10, 2024, in Meridian, Mississippi with expenses paid/reimbursed by the City. He will travel in a city vehicle. Parking expenses that may be incurred will be reimbursed through petty cash with proper receipts.
4. Approval for Captain Wesley Hawkins to attend the FBI National Academy Associates Mississippi Chapter 2023 Spring Re-Trainer on April 17-19, 2024, in Gulfport, Mississippi with expenses paid/reimbursed by the City. He will travel in a city vehicle.
5. Approval for Dispatchers Carolyn Andrews and Cindy Robertson to attend Domestic Violence and Human Trafficking Training on February 12-13, 2024, in Oxford, Mississippi with expenses paid/reimbursed by the City. Lunch expenses will be reimbursed through petty cash with proper receipts, not to exceed \$15.00 per day per person.
6. Approval for Justin Hudson, Micah Morrow and Thomas King to attend the Haz Mat Awareness and Operations course via online for two weeks (starts March 11, 2024) and one week at the Mississippi Fire Academy (March 25-28, 2024) They will travel in a city vehicle. Expenses paid/reimbursed by the city.

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7. Approval for Mayor Hal Ferrell and Alderman At Large Teddy Morrow to travel to Jackson, Mississippi on February 6, 2024, to attend and meet with Legislators, with expenses paid/reimbursed by the City.

PAY REQUEST AGENDA

1. Approval to issue payment to Deere & Company in the amount of \$87,596.36 for the purchase of a tractor and three (3) rotary cutters for use in the Street/Sanitation and Wastewater Treatment Plant (Street Department-\$29,198.79; Sanitation Department-\$29,198.78; Wastewater Treatment Plant-\$29,198.79). Board approved December 19, 2023.
2. Approval to issue payment to Mendrop Engineering Resources in the amount of \$11,665.00 for professional services for December 2023.
3. Approval to issue payment to USBank in the following amounts:
- \$328,325.00 – Water Revenue Bond
 - \$207,975.00 – PW/Fire
 - \$102,250.00 – REDA Int./Principle

HUMAN RESOURCES

1. Approval for a salary increase of \$1.50 per hour (from \$15.45 per hour increased to \$16.95 per hour) for **Mackenzie Johnson**, effective February 8, 2024, due to her taking on additional duties in the utility department and court department and has met her one year probationary period.
2. Approval to offer employment to **Joshua Roberson** in the Street Department at a pay rate of \$16.00 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 February 19, 2024, at midnight if not accepted.
3. Approval for a salary increase in the amount of \$2.00 per hour (from \$19.00 per hour increased to \$21.00 per hour) for **Cheyenne VanTricht** (Gas Department), effective February 8, 2024, due to her completing welding certification, based on the Personnel Rate Structure, adopted December 5, 2023.
4. Approval for a salary increase in the amount of \$2.00 per hour (from \$18.03 per hour increased to \$20.03 per hour) for **Hunter French**, effective February 8, 2024, due to him completing Class D water license, based on the Personnel Rate Structure, adopted December 5, 2023.
5. Approval for a salary increase in the amount of \$3.50 per hour (from \$22.68 per hour increased to \$26.18 per hour) for **Taylor Jaudon**, effective February 8, 2024, due to him completing Class D water license, Class 2 Wastewater Treatment certifications and Vector mosquito control certifications, based on the Personnel Rate Structure, adopted December 5, 2023.
6. Approval for inter-departmental transfers – **Rivers Stevens** from the Street Department to Water/Sewer Department and **Austin Towles** from Water/Sewer Department to the Street Department with no change in salary.

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VISITORS

1. Andrew Nowlin

PERMANENT VISITORS

- Panola Partnership
- North Delta Planning and Development
- Mendrop Engineering Resources – pipeline crossing license agreement
- 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.**BIDS RECONSIDERED****REPORT OF DEPARTMENT HEADS****CHIEF BUILDING OFFICIAL – ANDY BERRYHILL**

1. Monthly inspection & complaint list
2. Planning Commission Minutes – January 29, 2024
3. Set Public Hearings: (March 5, 2024)
 - Jerry Burkes – Variance from the side set back requirements
 - Byron Houston – Conditional Use Permit to allow use 9.200 for tire sales
 - William C. Haire, Jr. – Rezoning request from R-7 to RM3, Multifamily
4. Set Clean-up Hearings as needed
5. Approval to serve on the Board of Directors for ICC Gulf Coast Region IX approval & to attend the following training/board meetings:
 - Building Officials of Louisiana Annual Conference March 18-20, 2024, in Lafayette, Louisiana, with expenses paid/reimbursed by the City.
 - Code Officials Association of Alabama Annual Conference – April 29-May 3, 2024, in Orange Beach, Alabama, with expenses paid/reimbursed by the City.
 - Building Officials Association of Mississippi Annual Conference June 10-14, 2024, in Biloxi, Mississippi, with expenses paid/reimbursed by the City.

CHIEF OF POLICE – KERRY PITTMAN

1. Approval for retiring Chief Kerry Pittman to purchase, at fair market value, his duty weapon that is issued to him.

CITY ATTORNEY – COLMON MITCHELL**CITY CLERK – SUSAN BERRYHILL**

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FIRE CHIEF – TIM TAYLOR

- 1. Quotes received – plan room at Fire Station/Public Works building

PARKS AND RECREATION DIRECTOR – HEATH FULLILOVE

- 1. Discuss the use and rental fee of American Legion concession stand to schools that rent the park. (Example: North Panola High School Baseball)

CIVIC CENTER DIRECTOR – RODNEY HOLLEY

- 1. Approval to amend the walking track hours at the Civic Center
- 2. Approval to become a member of IEBA with an annual membership of \$125.00
- 3. Approval to become a member of IAVM with an annual membership of \$495.00
- 4. Approval for a rodeo/fair/fireworks event June 27-29, 2024

ASSISTANT PUBLIC WORKS DIRECTOR – NEWT BENSON

- 1. Quotes received via email – scissor lift
- 2. Quotes received via email – ½ ton truck
- 3. Quotes received via email – 1 ton truck
- 4. Review cost estimates for water/sewer/gas for land development
- 5. Review cost estimate for 300 Thomas Street roof

ALLOW CLAIMS: 42583-43142 (includes The Co-Op)

OTHER MATTERS BY MAYOR OR ALDERMAN:

EXECUTIVE SESSION

ADJOURNMENT

IN RE: APPROVAL OF MINUTES

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, the minutes of the January 24, 2024, regular meeting, and the January 25, 2024, January 29, 2024, and February 2, 2024, adjourned meetings, were approved.

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IN RE: SIGNATURE SHEET FOR MEETING OF FEBRUARY 6, 2024

Board Meeting
February 6, 2024
Signature Sheet

<u>Andy Bergbill</u> Please print name clearly	<u>146 Public Sq.</u> Street Address, City, Zip
<u>Jonathan Gaenor</u> Please print name clearly	<u>296 Woodcroft Rd</u> Street Address, City, Zip
<u>George Williford</u> Please print name clearly	<u>106 College St, Batesville, MS</u> Street Address, City, Zip
<u>Kerry D. James</u> Please print name clearly	<u>106 College St Batesville, MS</u> Street Address, City, Zip
<u>Andrew Nixen</u> Please print name clearly	<u>6006 Kony Drive Oxford, MS 38653</u> Street Address, City, Zip
<u>Renee Craig</u> Please print name clearly	<u>382 Main St ERIE MS 38841</u> Street Address, City, Zip
<u>Kathryn Hodge</u> Please print name clearly	<u>382 Main St ERIE MS 38841</u> Street Address, City, Zip
<u>Jonathan Nuckley</u> Please print name clearly	<u>Mendrop Engineering</u> Street Address, City, Zip
<u>Blake Mendrop</u> Please print name clearly	<u>/</u> Street Address, City, Zip
<u>Gren Smith</u> Please print name clearly	<u>Madrop Engineering</u> Street Address, City, Zip
<u>DENNIS DUBBY</u> Please print name clearly	<u>202 KYLE ST - BATESVILLE 3860</u> Street Address, City, Zip
<u>Tim Taylor</u> Please print name clearly	<u>132 Van Voris B'ile MS</u> Street Address, City, Zip
<u>Walt Benson</u> Please print name clearly	<u>City of Batesville</u> Street Address, City, Zip
<u>David Tanner</u> Please print name clearly	<u>132 VAN VORIS</u> Street Address, City, Zip
<u>Walter Williams</u> Please print name clearly	<u>204 Broad St Batesville, MS</u> Street Address, City, Zip
<u>Tia Whitaker</u> Please print name clearly	<u>1098 Lakewood Dr</u> Street Address, City, Zip

FEBRUARY 6, 2024

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

1. Approval for Ryley Boyero to attend via zoom meeting the Domestic Abuse Protection Orders and the Domestic Abuse Protection Order Registry on February 9, 2024, with expenses, if necessary paid/reimbursed by the City.
2. Approval for Mayor and Board of Aldermen to attend Exploring Common Municipal Laws on February 22, 2024, in Oxford, Mississippi with expenses paid/reimbursed by the City.
3. Approval for Special Operations Officer Zach White to attend Writing Drug Search Warrants Training at the Regional Counterdrug Training Academy on April 7-10, 2024, in Meridian, Mississippi with expenses paid/reimbursed by the City. He will travel in a city vehicle. Parking expenses that may be incurred will be reimbursed through petty cash with proper receipts.
4. Approval for Captain Wesley Hawkins to attend the FBI National Academy Associates Mississippi Chapter 2023 Spring Re-Trainer on April 17-19, 2024, in Gulfport, Mississippi with expenses paid/reimbursed by the City. He will travel in a city vehicle.
5. Approval for Dispatchers Carolyn Andrews and Cindy Robertson to attend Domestic Violence and Human Trafficking Training on February 12-13, 2024, in Oxford, Mississippi with expenses paid/reimbursed by the City. Lunch expenses will be reimbursed through petty cash with proper receipts, not to exceed \$15.00 per day per person.
6. Approval for Justin Hudson, Micah Morrow and Thomas King to attend the Haz Mat Awareness and Operations course via online for two weeks (starts March 11, 2024) and one week at the Mississippi Fire Academy (March 25-28, 2024) They will travel in a city vehicle. Expenses paid/reimbursed by the city.
7. Approval for Mayor Hal Ferrell and Alderman At Large Teddy Morrow to travel to Jackson, Mississippi on February 6, 2024, to attend and meet with Legislators, with expenses paid/reimbursed by the City.

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

1. Approval to issue payment to Deere & Company in the amount of \$87,596.36 for the purchase of a tractor and three (3) rotary cutters for use in the Street/Sanitation and Wastewater Treatment Plant (Street Department-\$29,198.79; Sanitation Department-\$29,198.78; Wastewater Treatment Plant-\$29,198.79). Board approved December 19, 2023.
2. Approval to issue payment to Mendrop Engineering Resources in the amount of \$11,665.00 for professional services for December 2023.
3. Approval to issue payment to USBank in the following amounts:
 - \$328,325.00 – Water Revenue Bond
 - \$207,975.00 – PW/Fire
 - \$102,250.00 – REDA Int./Principle

IN RE: APPROVAL OF HUMAN RESOURCES AGENDA

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

1. Approval for a salary increase of \$1.50 per hour (from \$15.45 per hour increased to \$16.95 per hour) for **Mackenzie Johnson**, effective February 8, 2024, due to her taking on additional duties in the utility department and court department and has met her one year probationary period.
2. Approval for a salary increase in the amount of \$2.00 per hour (from \$19.00 per hour increased to \$21.00 per hour) for **Cheyenne VanTricht** (Gas Department), effective February 8, 2024, due to her completing welding certification, based on the Personnel Rate Structure, adopted December 5, 2023.
3. Approval for a salary increase in the amount of \$2.00 per hour (from \$18.03 per hour increased to \$20.03 per hour) for **Hunter French**, effective February 8, 2024, due to him completing Class D water license, based on the Personnel Rate Structure, adopted December 5, 2023.
4. Approval for inter-departmental transfers – **Rivers Stevens** from the Street Department to Water/Sewer Department and **Austin Towles** from Water/Sewer Department to the Street Department with no change in salary.

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IN RE: CITY’S HEALTH INSURANCE

The Mayor recognized Andrew Nowlin of Affordable Employee Benefits who appeared before the Mayor and Board of Aldermen to provide information concerning various insurance coverage for the City of Batesville.

No action was taken.

IN RE: RAILROAD AGREEMENT – BATESVILLE MOUNDS PAVILION

Upon motion of Alderman Harrison and second of Alderman Walton and upon unanimous vote taken, it was ordered that Mayor Ferrell be and he is hereby authorized to sign the Pipeline Crossing License Agreement pending approval by the City Attorney.

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IN RE: SET PUBLIC HEARING – VARIANCE – JERRY BURKES – SIDE SET BACK REQUIREMENTS

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

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

WHEREAS, Jerry Burkes has submitted to the Mayor and Board of Aldermen of the City of Batesville, Mississippi, certain changes to the Comprehensive Zoning Ordinance adopted by the City of Batesville on April 21, 1992 and amended by ordinance adopted on September 7, 2010.

WHEREAS, The said Jerry Burkes requests a variance to allow a three and one half (3 ½) foot side setback at his property for the construction of a new residential structure. Said property is owned by Joanne Autrey and located at 109 College Street in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

Parcel # 3183J0000100 100001600
South Half of Lot 15 (29.5x92.5)
College BLK 10
Original Town of Batesville

and

WHEREAS, said request was received by the Planning Commission of the City of Batesville at their meeting held on January 29, 2024 and

WHEREAS, said Planning Commission recommended the variance be allowed and

NOW, THEREFORE, BE IT ORDERED that on the 5th day of March 2024, 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: SET PUBLIC HEARING – CONDITIONAL USE PERMIT –
BYRON HOUSTON – TIRE SALES**

Upon motion of Alderman Morrow and second of Alderman Walton 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 Byron Houston to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow *Use #9.200 Sales with Installation of Motor Vehicle Parts and Accessories* in a C-2, Commercial Zone. Said real property is owned by Cal Wilkins and is located at 335 House Carlson Drive lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is more particularly described as follows, to-wit:

Beginning at a Set ½” Rebar on the East right of way line of House Carlson Drive that is 3417.02 feet North of and 3278.84 feet East of a Found 2” Iron Pipe marking the Southwest corner of said Section 15; then run along the East right of way line of House Carlson Drive North 06 degrees 03 minutes 02 seconds East 353.39 feet to a Set ½” Rebar; then leaving the East right of way line of House Carlson Drive run South 83 degrees 58 minutes 03 seconds East 325.52 feet to a Set ½” Rebar; then run South 06 degrees 02 minutes 30 seconds West 353.50 feet to a Set ½” Rebar; then run North 83 degrees 56 minutes 58 seconds West 325.57 feet to the Point of Beginning and containing 2.64 Acres, more or less. All bearings for this description are Grid Bearings referenced to U.S. State Plane (NAD 83(2011)), Mississippi West Zone by GPS.

and

WHEREAS, said request was reviewed by the Planning Commission of the City of Batesville at their meeting held on January 29, 2024, and

WHEREAS, said Planning Commission recommended the conditional use be allowed

and

NOW, THEREFORE, BE IT ORDERED that on the 5th day of March 2024, 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: SET PUBLIC HEARING – REZONING – WILLIAM C. HAIRE, JR.

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

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

WHEREAS, There has been submitted by William Haire, Jr. to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, certain changes to the Comprehensive Zoning Ordinance adopted by the City of Batesville on April 21, 1992 and amended by ordinance adopted on September 7, 2010.

WHEREAS, The said William Haire, Jr. requests that the following described property presently zoned R-7, Residential be rezoned to RM-3, Multi Family District. Said property lying and being situated in the City of Batesville, Second Judicial District of Panola County, Mississippi and more particularly described as follows, to-wit:

Parcel Number: 3183Q0005200 30004300
22 ACC PT W ½ SW ¼
Unplatted Land 8-9-7

and

WHEREAS, said request was reviewed by the Planning Commission of the City of Batesville at their meeting held on January 29, 2024, and

WHEREAS, said Planning Commission found and determined there was not clear and convincing evidence for such rezoning and the character of the neighborhood in which the property is located has not changed to such an extent as to justify said reclassification and rezoning and

NOW, THEREFORE, BE IT ORDERED that on the 1st day of September 2020, 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.

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

FEBRUARY 6, 2024

IN RE: APPROVAL TO SERVE ON ICC GULF COAST REGION IX BOARD OF DIRECTORS

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that Chief Building Official Andy Berryhill be and he is authorized to serve on the ICC Gulf Coast Region IX Board of Directors and further ordered that he be allowed to attend the following trainings/board meetings with expenses paid/reimbursed by the City:

- Building Officials of Louisiana Annual Conference in Lafayette, Louisiana, March 18-20, 2024
- Code Officials Association of Alabama Annual Conference in Orange Beach, Alabama, April 29-May 3, 2024
- Building Officials Association of Mississippi Annual Conference in Biloxi, Mississippi, June 10-14, 2024

IN RE: APPROVAL TO PURCHASE DUTY WEAPON

Upon motion of Alderman Morrow and second of Alderman Land and upon unanimous vote taken, it was ordered that retiring law enforcement officer Chief Kerry Pittman be and he is hereby allowed to purchase his duty weapon, a Glock 21 Gen 4, Serial # AFMC914, issued to him by the Batesville Police Department, for the sum of Three Hundred Sixty-Three Dollars and Zero Cents (\$363.00) which is fair market value, as allowed by Section 45-9-131 of the Mississippi Code of 1972 and all amendments thereto.

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FEBRUARY 6, 2024

IN RE: QUOTES RECEIVED – PLAN ROOM

The City of Batesville received the following quotes for enclosing the existing plan room at the Fire Station/Public Works Building:

Specialty Glass	\$6,800.00
Target Glass	\$7,339.00

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the quote from Specialty Glass in the amount of \$6,800.00 be and it is hereby accepted as the lowest and best quote for enclosing the existing plan room at the Fire Station/Public Works Building. A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

BID PROPOSAL

Specialty glass
512 third street
Cleveland, MS 38732

Phone: (662) 843-4513
Fax: (662) 843-4547
E-mail: rdbolden1@gmail.com

Project Name: Batesville Fire station
Location: Batesville, MS
Architect:
Plan Date: 12/07 /23
Proposed To:
Scope of Work: Glass and Glazing

Attention:
Phone:
Addendums Noted:
Sales Tax:


Specialty Glass proposes the following:
Finish: Clear
Frames:
Warranty: Glass: 1 year Labor: 1 year Metal: 1 year
Glass: ¼ clear glass
Hardware:
Break Metal:
Caulking:
Elevations:

Type	Qty	Description
A	1	Opening with a single transom 1 ¾ x 4 ½ storefront door frame with 4 storefront side-lites on one side of the door frame. The door will be narrow stile with a 10" bottom rail, std. push/pull handle, std. lock and glazed with ¼ clear glass. The side-lites will have ¼ clear glass

Total Amount of Bid: \$6,800.⁰⁰

EXCLUDES:
Exclusions/ Clarifications:
1. Breakage or Damage
2. Cleaning or Protection of Glass and Aluminum is excluded.
3. This pricing on this Bid Proposal is subject to change if not accepted within 30 days.
4. Bid Proposal is based upon normal working hours – Monday-Thursday 8am to 5pm

Accepted By: _____
Date: _____

Proposed By: Randy Bolden


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FEBRUARY 6, 2024

IN RE: AMERICAN LEGION CONCESSION STAND

Parks and Recreation Director Heath Fullilove discussed with the Mayor and Board of Aldermen the use and rental fee of American Legion concession stand when the field is being used by various schools.

Upon unanimous consent, the Mayor and Board of Aldermen instructed Parks and Recreation Director Heath Fullilove that no fee be charged for the use of the American Legion concession stand when used by a school, contingent upon the concession stand be cleaned up afterwards.

IN RE: WALKING TRACK AT THE BATESVILLE CIVIC CENTER

Upon motion of Alderman Land and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the times as previously adopted on December 5, 2023, and amended January 2, 2024, be and they are hereby amended to between the hours of 6:30 a.m. and 4:30 p.m. relative to the walking track at the Batesville Civic Center, subject to not interfere with Civic Center events and further ordered that no pets be allowed, previously adopted on December 5, 2023, and amended January 2, 2024.

IN RE: INTERNATIONAL ENTERTAINMENT BUYERS ASSOCIATION

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that Civic Center Director Rodney Holley be and he is hereby allowed to become a member of the International Entertainment Buyers Association (IEBA) with an annual fee of \$125.00.

IN RE: INTERNATIONAL ASSOCIATION OF VENUE MANAGERS

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that Civic Center Director Rodney Holley be and he is hereby allowed to become a member of the International Association of Venue Managers (IAVM) with an annual fee of \$495.00.

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FEBRUARY 6, 2024

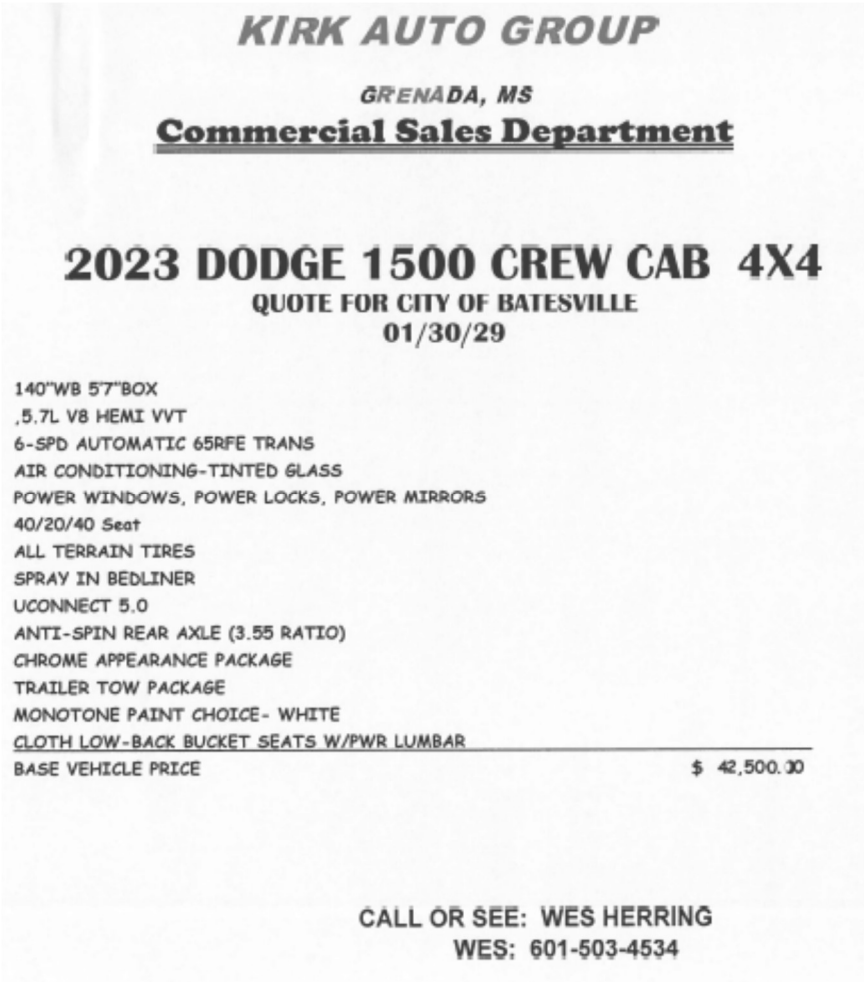
Alderman Teddy Morrow recused himself from the meeting.

IN RE: QUOTES RECEIVED – CREW CAB TRUCK (1/2 TON)

The City of Batesville received the following quotes electronically for a crew cab truck (1/2 ton):

Kirk Auto Group	\$42,500.00
Pine Belt Auto Group	\$42,995.00

Upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the quote from Kirk Auto Group in the amount of \$42,500.00 be and it is hereby accepted as the lowest and best quote for a crew cab truck (1/2 ton). A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:



FEBRUARY 6, 2024

IN RE: QUOTES RECEIVED – CREW CAB TRUCK (1 TON)

The City of Batesville received the following quotes electronically for a crew cab truck (1 ton):

Kirk Auto Group	\$70,480.00
Pine Belt Auto Group	\$70,825.00

Upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the quote from Kirk Auto Group in the amount of \$70,480.00 be and it is hereby accepted as the lowest and best quote for a crew cab truck (1 ton). A copy of said quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

KIRK

AUTO GROUP

GREENWOOD • GRENADA

QUOTE FOR CITY OF BATESVILLE

1/30/24

2022 RAM 3500 CREW CAB

4 WD

6.7L CUMMINS DIESEL

6 SPEED AUTOMATIC

40/20/40 VINYL SEATS

TRAILER BRAKE CONTROL

U CONNECT 8.4" DISPLAY

CLEARANCE LIGHTS

POWER LOCKS/ WINDOWS

50 GALLON FUEL TANK

LIMITED SLIP REAR END

AUXILIARY SWITCHES

CLEARANCE LIGHTS

TRANSFER CASE SKID PLATES

CHROME APPEARANCE GROUP

CHROME STEP BARS

9' KNAPEHIDE FLIP TOP SERVICE BODY WITH HITCH

MSRP WITH BED: \$ 82,754.00

FACTORY COLOR: WHITE

IN STOCK UNIT

TOTAL COST: \$ 70,480.00

CALL OR SEE: **WES HERRING**

Wes 601-503-4534

wes@kirkautomotive.com

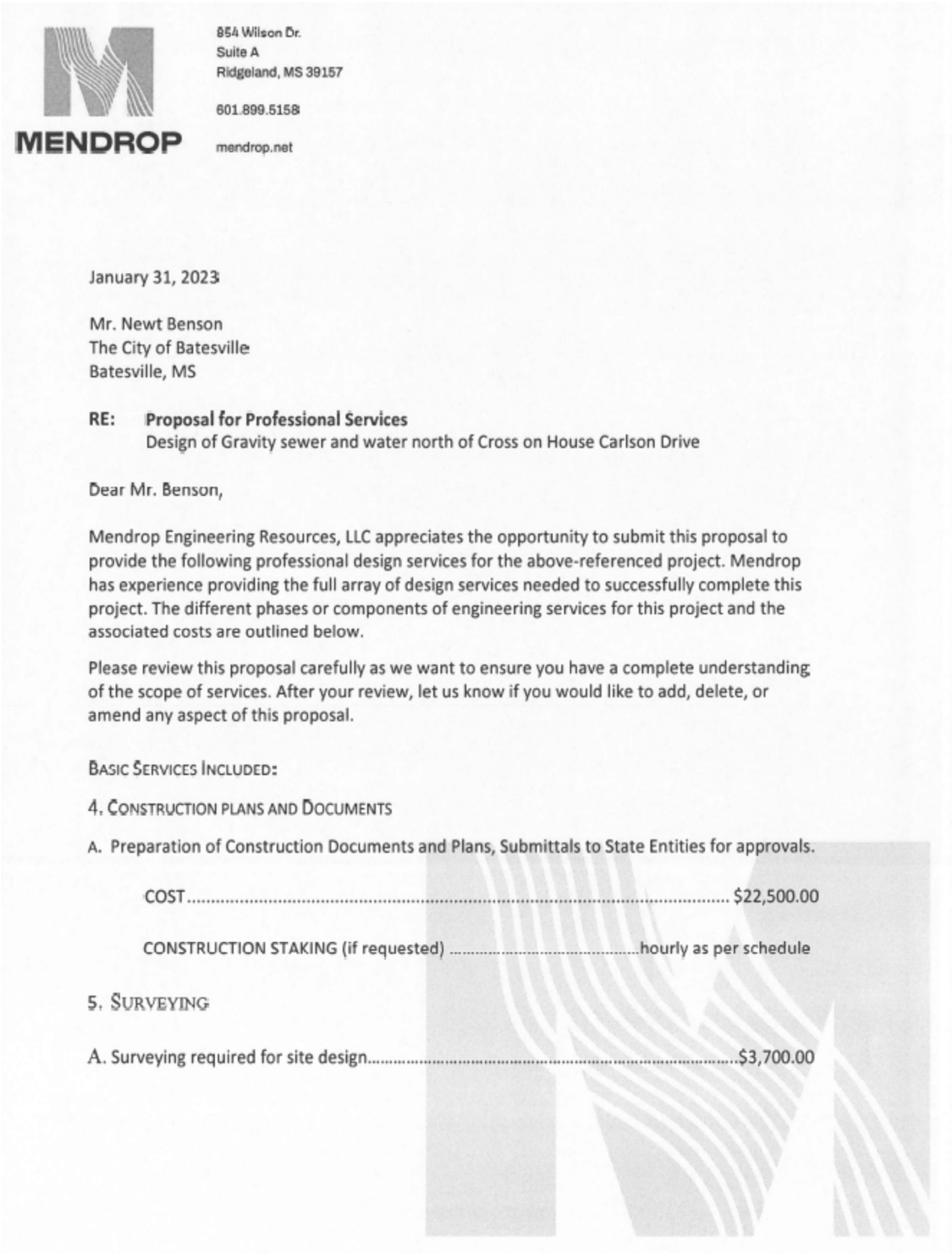
Alderman Teddy Morrow returned to the meeting.

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FEBRUARY 6, 2024

IN RE: APPROVAL OF PROFESSIONAL SERVICES – LAND
 DEVELOPMENT

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the proposal for professional services from Mendrop Engineering Resources, LLC along with the City’s Standard Contract Addendum thereto, be and it is hereby approved. A copy of said proposal is on file in the Office of the City Clerk and a copy follows, along with the City’s Standard Contract Addendum which is made a part thereof:



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FEBRUARY 6, 2024

January 31, 2024

Sewer to service tract North of the Cross on House Carlson Drive

ADDITIONAL SERVICES

We recognize that additional work may be requested during the project. If this occurs, additional costs can be mutually agreed upon at that time. A copy of our hourly rates has been attached for your information.

Please return a signed copy of this letter to our office if the terms of this proposal are suitable.

We are looking forward to working with you on this project. If you have any questions regarding this proposal, please contact me at 662.501.9946 or gsmith@mendrop.net.

Sincerely,



Greg Smith, PE, PLS
Project Manager
MENDROP ENGINEERING RESOURCES, LLC

Accepted:

Newt Benson



FEBRUARY 6, 2024

MENDROP ENGINEERING RESOURCES, LLC
2023 HOURLY BILLING RATES

HOURLY RATE SCHEDULE

1. Period: May 1, 2023 to December 31, 2023
2.

<u>Classification</u>	<u>Hourly Rate</u>
Principal Engineer	\$250.00
Engineering Manager	\$205.00
Senior Project Engineer	\$190.00
Project Manager	\$165.00
Engineer/Planner	\$135.00
Senior Designer	\$124.00
Engineer Intern/Engineering Designer	\$121.00
Senior Resident Project Representative (RPR)	\$90.00
Resident Project Representative (RPR)	\$85.00
GIS Analyst	\$105.00
GIS Technician	\$83.00
Graduate Engineer	\$103.00
Engineering Technician	\$83.00
Project Accountant	\$98.00
Clerical	\$65.00
Survey Manager	\$135.00
Survey Coordinator	\$105.00
Survey Crew – 2 man	\$175.00
3 man	\$205.00
ATV/UTV	\$40/day
Robot/GPS Equipment	\$160/day
	\$80/half-day
Photogrammetry Services	\$155.00
UAS LiDAR Survey	\$1,500/half-day
Hydrographic Survey	\$1,500/half-day
3. Hourly rate specified above shall constitute total compensation for services rendered. The hourly rate shall include salary paid our employees plus direct expenses associated with payroll such as federal and state payroll taxes, workmen's compensation, fringe benefits and profit.
4. The rate indicated herein will remain constant for the period indicated. Rate adjustments for following periods will not exceed five (5%) percent increase without prior approval.

DEFINITION OF REIMBURSABLE EXPENSES

The term "Reimbursable Expenses" as used herein is defined to mean additional reasonable expenditures incurred by the ENGINEER in connection with previously defined services which shall include the following:

1. **Transportation** - Transportation (at economy rates) and reasonable living expenses of CONSULTANT's principals and employees, the identity, number and responsibility(s) of whom shall be approved in advance, for trips which are approved in advance by Client. Vehicle mileage rate shall be the current IRS rate per mile for the period in which the expense was incurred.
2. **Telephone and Telegrams** - Long distance telephone calls, job related cell phone expenses, telegrams and special delivery services.
3. **Receipts for Reimbursable Expenses** - Receipts are required for all Reimbursable Expenses. The Client reserves the right to require complete documentation of Reimbursable Expenses.
4. **Internal Charges** - All internal charges, including, but not limited to, blueprint and reproduction costs, shall be documented in detail with reference to the Project, initiator, date and unit price. For the purpose of this agreement, the following unit prices will apply: Black and White photo copies @ \$.10 per 8.5"x11", \$.50 per 11" x 17" copy; Color photo copies @ \$1.00 per 8.5" x 11", \$2.00 per 11" x 17" copy; Computer plotted original bond @ \$3.00 per 24" x 36" sheet and color 24" x 36" @ \$5.00.
5. **External Charges** - All external charges including, but not limited to blueprint and reproduction costs, transportation and lodging costs and long distance telephone charges, shall be documented in detail with a copy of the invoice noting the Project, initiator, date and unit prices. Charges for Sub-CONSULTANTS will be charged at a rate of 1.05 times the invoice amount.

FEBRUARY 6, 2024

**GENERAL TERMS AND CONDITIONS
MENDROP ENGINEERING RESOURCES, LLC**

1. **STANDARD OF PRACTICE.** Services performed by Mendrop Engineering Resources, LLC, under this agreement will be performed with that degree of knowledge, skill and judgment ordinarily possessed by Engineers in this area. The Engineer is not a guarantor of his design or the final work product. The construction drawings and specifications, through which the Engineer communicates requirements for construction, are expected to be detailed to a level that allows the contractor to price the construction with a reasonable degree of confidence. However, construction drawings and specifications are not expected to be so tightly written that everything will be built exactly as designed. Adjustments and change orders and further documentation may be necessary to maintain quality, economy, and design integrity, including reasonable design corrections. No other representation, expressed or implied, and no warranty or guarantee is included or intended in this agreement, or in any report, opinion, documents, or otherwise.
2. **WHEN CONSTRUCTION ADMINISTRATION SERVICES ARE NOT PROVIDED:** It is expressly understood that the Engineer shall not perform Construction Administration Phase services under this Contract unless, and then only to the extent, specifically requested by the Client as an additional service. Accordingly, the Engineer shall not be liable to the Client or to any other party working for or through the Client for errors and omissions in the construction documents which are, or which upon the exercise of reasonable care should have been, discovered during construction. Likewise, the Engineer shall not be liable to the Client or to any other party working for or through the Client for any changes in design or construction made during construction without the prior written approval of the Engineer. The Client shall hold harmless, indemnify and defend the Engineer from and against any and all claims or causes of action for costs or damages which are discovered or upon the exercise of reasonable care should have been discovered by the Client or Contractor, and which are brought to the Engineer's attention for review and action before further work is performed; and the Client shall hold harmless, indemnify and defend the Engineer from and against any and all claims or causes of action for costs or damages arising from changes in construction and/or design not approved in writing by the Engineer and/or for errors or omissions of the Contractor or of other consultants to the Client.
3. **CHANGE OF SCOPE.** The scope of services set forth in this Agreement is based on facts known at the time of execution of this Agreement, including, if applicable, information supplied by the Client. For some projects involving conceptual or process development services, scope may not be fully definable during initial phases. As the project progresses, facts discovered may indicate that scope must be redefined. Changes in scope may warrant Additional Services which are not a part of the agreed upon compensation. These Additional Services shall be paid for by the Client in accordance with Mendrop Engineering Resources, LLC's prevailing hourly rate schedule.
4. **SAFETY.** Mendrop Engineering Resources, LLC, specifically disclaims any authority or responsibility for general job site safety of persons other than employees of Mendrop Engineering Resources, LLC.
5. **BILLING.** Invoices will be issued at the end of each month, payable upon receipt, unless otherwise agreed. Interest of 1.5% per month will be payable on any amounts not paid within 30 days, payment thereafter applied first to accrued interest and then to principal unpaid amount. Any attorneys' fees or other costs of collection shall be paid by the Client.
6. **TERMINATION.** Either the Client or Mendrop Engineering Resources, LLC, may terminate this Agreement at any time with or without cause upon giving the other party thirty (30) calendar days prior written notice. The Client shall with thirty (30) calendar days of termination pay Mendrop Engineering Resources, LLC, for all services rendered and all costs incurred up to the date of termination, in accordance with the compensation provisions of this contract.
7. **BURIED UTILITIES.** The Client will furnish to Mendrop Engineering Resources, LLC, information identifying the type and location of underground improvements. Mendrop Engineering Resources, LLC, (or his or her authorized subconsultant) will prepare a plan that shows the locations intended for subsurface penetrations with respect to assumed locations of underground improvements. The Client will approve of the locations of subsurface penetrations prior to their being made. The Client agrees, to the fullest extent permitted by law, to waive all claims and causes of action against Mendrop Engineering Resources, LLC, and anyone for whom Mendrop Engineering Resources, LLC, may be legally liable, for damages to underground improvements that result from subsurface penetrations locations depicted by Mendrop Engineering Resources, LLC. The Client further agrees, to the fullest extent permitted by law, to indemnify and hold Mendrop Engineering Resources, LLC, and his or her subconsultants harmless from any damage, liability or cost, including reasonable attorney's fees and defense costs, for any property damage, injury or economic loss arising or allegedly arising from subsurface penetrations in locations authorized by the Client from inaccuracy of information provided to Mendrop Engineering Resources, LLC, by the Client, except for damages caused by the sole negligence of Mendrop Engineering Resources, LLC, in his or her use of Client furnished information.
8. **CONSEQUENTIAL DAMAGES.** Notwithstanding any other provision of the Agreement, neither party shall be liable to the other for any consequential damages incurred due to the fault of the other party, regardless of the nature of this fault or whether it was committed by the Client or Mendrop Engineering Resources, LLC, their employees, agents, subconsultants or subcontractors. Consequential damages include, but are not limited to, loss of use and loss of profit.

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

FEBRUARY 6, 2024

General Terms and Conditions	
Page 4 of 4	
9.	INSURANCE. Mendrop Engineering Resources, LLC, agrees to maintain (1) statutory workers' compensation insurance coverage and (2) comprehensive general liability coverage and automobile liability insurance coverage. Mendrop Engineering Resources, LLC, agrees to maintain professional liability insurance.
10.	LIMITATION OF LIABILITY. The Client agrees that Mendrop Engineering Resources, LLC's liability shall be limited to injury or loss caused by the negligence of Mendrop Engineering Resources, LLC, its subcontractors, and/or agents hereunder. Mendrop Engineering Resources, LLC's liability for claims, damages, costs, injury or loss arising from professional errors or omissions shall not exceed the amount of the total amount of the Engineer's fees for this project.
11.	HAZARDOUS MATERIALS. It is acknowledged by both parties that Mendrop Engineering Resources, LLC's scope of services does not include any services related to asbestos or hazardous or toxic materials. In the event Mendrop Engineering Resources, LLC, or any other party encounters asbestos or hazardous or toxic materials at the jobsite, or should it become known in any way that such materials may be present on the jobsite or any adjacent areas that may affect the performance of Mendrop Engineering Resources, LLC's services, Mendrop Engineering Resources, LLC, may at his or her option and without liability for consequential or any other damages, suspend performance of services on the project until the Client retains appropriate specialist consultant(s) or contractor(s) to identify, abate, and/or remove the asbestos or hazardous or toxic materials, and warrant that the jobsite is in full compliance with applicable laws and regulations.
12.	OWNERSHIP OF INSTRUMENTS OF SERVICE. All reports, plans, specifications, computer files, field data, notes and other documents and instruments prepared by Mendrop Engineering Resources, LLC, as instruments of service shall remain the property of Mendrop Engineering Resources, LLC. Mendrop Engineering Resources, LLC, shall retain all common law, statutory and other reserved rights, including the copyright thereto.
13.	THIRD PARTY BENEFICIARIES. Nothing contained in this Agreement shall create a contractual relationship with or a cause of action in favor of a third party against either the Client or Mendrop Engineering Resources, LLC. Mendrop Engineering Resources, LLC, services under this Agreement are being performed solely for the Client's benefit, and no other entity, including the Owner's contractors, shall have any claim against Mendrop Engineering Resources, LLC, because of this Agreement or the performance or nonperformance of services hereunder.
14.	DELAYS. If events beyond the control of Client or Mendrop Engineering Resources, LLC, including, but not limited to, fire, flood, explosion, riot, strike, war, process shutdowns, acts of God, or the public enemy, and act or regulation of any government agency, result in delay to any schedule established in this Agreement, such schedule shall be amended to the extent necessary to compensate for such delay. In the event such delay exceeds 60 days, Mendrop Engineering Resources, LLC, shall be entitled to an equitable adjustment in compensation.
15.	OPINIONS OF CONSTRUCTION COSTS. Any opinion of construction costs prepared by Mendrop Engineering Resources, LLC, is supplied for the general guidance of the Client only. Since Mendrop Engineering Resources, LLC, has no control over competitive bidding or market conditions, Mendrop Engineering Resources, LLC, cannot guarantee the accuracy of such opinion as compared to contract bids or actual costs to Client.
16.	ACCESS. Client shall provide Mendrop Engineering Resources, LLC, safe access to any premises necessary for Mendrop Engineering Resources, LLC, to provide the Services.
17.	AMENDMENT. This Agreement, upon execution by both parties hereto, can be amended only by a written instrument signed by both parties.
18.	STATUTES OF LIMITATIONS. To the fullest extent permitted by law, parties agree that, except for claims for indemnification, the time period for bringing claims under this Agreement shall expire one year after Project completion.
19.	DISPUTE RESOLUTION. Parties shall attempt to settle disputes arising under this Agreement by discussion between the parties' senior representation of management. If any dispute cannot be resolved in this manner within a reasonable length of time, parties agree to attempt non-binding mediation or any other method of alternative dispute resolution prior to filing any legal proceedings. In the event any actions are brought to enforce this Agreement, the prevailing party shall be entitled to collect its litigation costs from the other party.
20.	AUTHORITY. The persons signing this Agreement warrant that they have the authority to sign, or on behalf of, the party for whom they are signing.

MENDROP ENGINEERING RESOURCES					
House Carlson Drive/Cross Sewer					
Opinion of Probable Cost					
ITEM		QUANTITY		UNIT PRICE	TOTAL
Mobilization		1	ls	\$ 25,000.00	\$ 25,000.00
Traffic Control		1	ls	\$ 5,000.00	\$ 5,000.00
8" SDR 26 SWR		1500	LF	\$ 36.00	\$ 54,000.00
SEWER MANHOLE		4	EA	\$ 10,500.00	\$ 42,000.00
TIE TO EXISTING		1	EA	\$ 2,500.00	\$ 2,500.00
10" C900 WATER		2000	LF	\$ 32.00	\$ 64,000.00
8" C900 WATER		850	LF	\$ 28.00	\$ 23,800.00
FIRE HYDRANT		3	EA	\$ 7,000.00	\$ 21,000.00
FITTINGS		1000	LB	\$ 20.00	\$ 20,000.00
10% CONTINGENCY		1	LS	\$ 25,730.00	\$ 25,730.00
				Total	\$ 283,030.00
This Opinion of Probable Cost was done using the professionals best opinion of current market pricing. Market fluctuations or other circumstances could effect final pricing. This does not include professional fees					

FEBRUARY 6, 2024

STANDARD CONTRACT ADDENDUM

This Standard Contract Addendum is an integral part of any and all Contracts entered into by the City of Batesville, Mississippi [“City”], and, therefore, is hereby made a part of the Contract between the City and Mendrop Engineering Resources, LLC [the “Contract”].

Mississippi law provides that parties contracting with Mississippi governmental entities are deemed to have knowledge that they are political subdivisions of the state and to have knowledge of the laws by which they are governed and the limitations of powers and authority of the governmental entity. As a Mississippi governmental entity, the City has only the powers and authority expressly granted to it by the Mississippi Constitution and the Mississippi Statutes together with those powers and authority necessarily implied from such grants of powers and authority. Mississippi law further provides that a city shall not be bound by provisions of a contract which exceed a city’s powers and authority. By way of example, but not by limitation, the City does not have the powers or authority to enter into or perform, and is thus not bound by, provisions providing for the City to: arbitrate, waive right to a jury trial or any other right, hold another harmless, indemnify another, limit the liability of another party, agree to liquidated damages, waive or limit another’s damages, waive or limit the City’s right to damages, pay another’s attorney’s fees and expenses, agree to jurisdiction or venue in any other state besides the State of Mississippi. This Contract is a Public Record and is subject to the Mississippi Public Records Act of 1983. In executing the attached Contract, the City does not waive any rights it may have to object to, contest, or refuse to comply with any provision of the Contract that exceeds the powers and authority granted to the City by Mississippi law.

CITY OF BATESVILLE, MISSISSIPPI

By: _____
HAL FERRELL, MAYOR

MENDROP ENGINEERING RESOURCES, LLC

By: _____

(Print Name and Title)

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

FEBRUARY 6, 2024

IN RE: INSITUFORM ROOF – 300 THOMAS STREET

There came on for discussion the matter of the cost estimate for the roof on the Insituform building located at 300 Thomas Street.

Upon unanimous consent, it was ordered that the above matter be and it is hereby taken under advisement.

Alderman Harrison recused himself from the meeting.

IN RE: ALLOW CLAIMS

On motion made by Alderman Morrow, second by Alderman Land 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 42583-43142 (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.

FEBRUARY 6, 2024

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 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 Harrison, seconded by Alderman Morrow, and unanimously carried upon the affirmative votes of Aldermen Land, Walton, Dugger, Morrow and Harrison it was ordered that the Mayor and Board of Aldermen go into executive session in order to discuss the potential purchase of real property and the sale of surplus real property and personnel matters involving salaries.

IN OPEN MEETING

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

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FEBRUARY 6, 2024

IN EXECUTIVE SESSION

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

There came on for discussion the potential purchase of real property. (City Engineer Blake Mendrop was present for this discussion.

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

There next came on for discussion the personnel matters involving salaries. (Assistant Public Works Director Newt Benson was present for this discussion.)

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

IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen 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.

NOTE: No action was taken on the matters discussed regarding the potential purchase of real property and the sale of surplus real property.

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

FEBRUARY 6, 2024

IN RE: MADE IN PANOLA CAREER FAIR

Upon motion of Alderman Morrow and second of Alderman Walton and upon unanimous vote taken, it was ordered that Panola Partnership be and they are hereby authorized the use of the Batesville Civic Center, at no charge, in order to host the Made In Panola Career Fair on March 6-7, 2024.

IN RE: SALARY INCREASE

Upon motion of Alderman Land and second of Alderman Morrow and upon unanimous vote taken, it was ordered that Taylor Jaudon’s salary be increased in the amount of \$3.50 per hour, effective February 8, 2024, due to him completing Class D water license, Class 2 Wastewater certifications and Vector mosquito control certifications and based on the Personnel Rate Structure adopted December 5, 2023.

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FEBRUARY 6, 2024

OTHER MATTERS COMING BEFORE THE MAYOR AND BOARD FOR DISCUSSION

1. Chief Building Official Andy Berryhill provided copies of the monthly inspections and complaints lists and the Planning Commission Minutes from January 29, 2024.
2. Mayor and Board of Aldermen discussed the replacement of the fence located at Patton Lane Park. It was stated that the fence is not on City property. Mayor Hal Ferrell will contact property owner concerning access.
3. Civic Center Director discussed a rodeo/fair/fireworks event scheduled for June 26-30, 2024.
4. Mayor Hal Ferrell instructed Assistant Public Works Director Newt Benson to check for missing street signs.

Upon motion duly made and seconded, the meeting was adjourned to reconvene at 9:30 o'clock a.m., February 15, 2024, 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

FEBRUARY 6, 2024

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, 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: February 15, 2024

Hour: 9:30 a.m.

Subject Matter: To transact any and all business that may be transacted at a meeting of the Mayor and Board of Aldermen.

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