

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

SEPTEMBER 3, 2024

REGULAR MEETING

SEPTEMBER 3, 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 September, being the 3rd day of September 2024, at 2:00 p.m., when and where were present the following, to-wit:

Mayor Hal Ferrell; Aldermen Stan Harrison, Dennis Land, Bill Dugger, Teddy Morrow, and Bobby Walton. Also present were City Clerk Shonnah Weaver; City Attorney Colmon Mitchell; Chief of Police Dennis Darby; Assistant Chief of Police Barry Thompson; Chief Building Official Andy Berryhill; Parks & Recreation Heath Fullilove; Public Works Director Newt Benson; Assistant Public Works Director Gary Snider; Fire Chief Tim Taylor; Deputy Fire Chief David Tarver; Civic Center Director Rodney Holley; and Administrative Assistant Sulli Woods.

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

IN RE: APPROVAL OF AGENDA

Upon motion of Alderman Harrison and second of Alderman Land on and upon unanimous vote taken, the agenda of September 3, 2024, was approved.

SEPTEMBER 3, 2024

CITY OF BATESVILLE BOARD MEETING

**AUGUST 6, 2024
2:00 P.M. | CITY HALL**

AGENDA

CALL TO ORDER: Mayor Hal Ferrell

INVOCATION: Harry Bryan

PLEDGE OF ALLEGIANCE

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

- September 3, 2024

APPROVE MINUTES OF PRIOR MEETINGS

- Regular Meeting: August 20, 2024
- Adjourned Meeting: August 21, 2024
- Adjourned Meeting: August 23, 2024
- Adjourned Meeting: August 26, 2024
- Adjourned Meeting: August 28, 2024
- Adjourned Meeting: August 29, 2024
- Adjourned Meeting: August 30, 2024

CONSENT AGENDA

1. Approval for Race for Grace 5K be moved from September 14, 2024, to September 21, 2024, starting at 8 a.m. This event should be coordinated with the BPD.
2. Approval for Dennis Barfield and Andy Berryhill to attend the 2024 BOAM Winter Conference, December 4-6, 2024, in Natchez, MS. Registration is \$250.00 per person and expenses will be paid/reimbursed by the City.

PAY REQUEST AGENDA

1. Approval to pay Jays Auto \$250.00 for wrongfully towed vehicle. An officer towed a vehicle under a law that has not actually taken effect yet.
2. Approval of pay application #2 in the amount of \$215,865.65 to be made to TDL Contractors, Inc. in connection with Batesville Mounds Pavilion and Museum.
3. Approval to pay Morris Lawn Service, LLC in the amount of \$8,324.10 in connection with HWY 6 & 51 medians.
4. Approval to pay Central Pipe Supply, Inc. in the amount of \$16,590.00 in connection with Pipe PVC SDR-26 Sewer G/J 8”

HUMAN RESOURCES

See Attached

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VISITORS

1. Jim Whitten
2. Flynn Restaurant- Pizza Hut

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 HEARING – 3:00 P.M.

1. 105 Boyd Street- Clean-Up
2. 103 Dora Street-Clean-Up
3. Variance Request for R. Jay Moore to allow metal siding

BIDS RECONSIDERED

Street Overlay Project

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

1. Monthly Inspection & Complaint List
2. Planning commission minutes- August Meeting
3. MBAP- Melody Faulkner requested to open an antique mall at 125 Public Square
4. MBAP- Gentiva requested to open hospice home care office at 104 Court Street
5. MBAP- Gary Crowell requested to open retail store at 106 Court Street
6. Set Public Hearing:
 - a. C. Cubed Enterprise- conditional use permit for food truck
 - b. Noon Batesville, LLC- Variance request to allow additional signage
7. Set Clean Up hearing as needed
 - a. Acknowledge adjudication and approval to post notice for 218 Hickory Lane

ASSISTANT CHIEF OF POLICE – BARRY THOMPSON**CITY ATTORNEY – COLMON MITCHELL****CITY CLERK – SHONNAH WEAVER**

1. Batesville Section 592 project- Approval to sign
2. Little Free Library at American Legion Park
3. Transfer of funds from Gas Op to General

FIRE CHIEF – TIM TAYLOR

1. Accept price proposal for Emergency Equipment Professionals- \$2,183,843.00

PARKS AND RECREATION DIRECTOR – HEATH FULLILOVE**CIVIC CENTER DIRECTOR – RODNEY HOLLEY**

1. JA- Charity Ball- reduced fee
2. Ticketland- -Arden Barnett
3. Lease Agreement

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PUBLIC WORKS DIRECTOR – NEWT BENSON

- **Public Works**
 - Holiday Lighting – Downtown Area
 - Requesting approval of the specs for the painting of City Hall
- **Water/Sewer**
 - Requesting approval for emergency repairs of the Walmart Water well. See attached
 - Requesting approval for change order of truck bed purchase and installation. See attached
 - Request approval to accept substantial completion of the MLK Sewer Project and allow Newt Benson to sign attached documents.
- **Street/Sanitation**
 - Brewer Rd box culvert conversation
- **Wastewater Treatment**
- **Gas**
- **Parks & Recreation**

ALLOW CLAIMS: 46994-47711 (includes The Co-Op)**OTHER MATTERS BY MAYOR OR ALDERMAN:****EXECUTIVE SESSION****ADJOURNMENT****IN RE: APPROVAL OF MINUTES**

Upon motion of Alderman Land and second of Alderman Harrison and upon unanimous vote taken, the minutes of the August 20, 2024, regular meeting, August 21, 2024, adjourned meeting, August 23, 2024, adjourned meeting, August 26, 2024, adjourned meeting, August 28, 2024, adjourned meeting, August 29, 2024, adjourned meeting, August 30, 2024, adjourned meeting were approved.

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

Board Meeting
September 3, 2024
Signature Sheet

Jay Moore	41541 Hwy 315 Batesville MS 38604
Please print name clearly	Street Address, City, Zip
Teresa Moore	41541 Hwy 315 Batesville, MS 38604
Please print name clearly	Street Address, City, Zip
Gary Snider	City
Please print name clearly	Street Address, City, Zip
Melody Faulkner	14958 Hwy 35 S Batesville MS.
Please print name clearly	Street Address, City, Zip
Leanne Hefley	BCC
Please print name clearly	Street Address, City, Zip
Andrea Bennett	622 Duling Ave STE 212 Jackson MS 39216
Please print name clearly	Street Address, City, Zip
Cason Brown	622 Duling Ave STE 212 Jackson MS 39216
Please print name clearly	Street Address, City, Zip
Chris Gardner	3705 Woodlake Circle 126 Public Square
Please print name clearly	Street Address, City, Zip
Mark Denner	City
Please print name clearly	Street Address, City, Zip
Danny Thomas	106 College St Batesville MS 38604
Please print name clearly	Street Address, City, Zip
Henry Fullwood	City
Please print name clearly	Street Address, City, Zip
Joe Perez	150A Public Sq.
Please print name clearly	Street Address, City, Zip
Gary Crayton	68 Calvin Ln Sandil
Please print name clearly	Street Address, City, Zip
Jonathan Buckner	menlo
Please print name clearly	Street Address, City, Zip
Greg Smith	Santonia MS
Please print name clearly	Street Address, City, Zip
Dennis Davis	106 College St. Batesville, MS
Please print name clearly	Street Address, City, Zip
David Turner	132 Van Vortz
Please print name clearly	Street Address, City, Zip
Tim Taylor	132 Van Vortz
Please print name clearly	Street Address, City, Zip
Andy Berryhill	City
Please print name clearly	Street Address, City, Zip
Daniel Dixon	NDPDN
Please print name clearly	Street Address, City, Zip
Gloria Tuckley	Courtland 38620
Please print name clearly	Street Address, City, Zip
Josh Hawkins	1385 Hwy 31 North
Please print name clearly	Street Address, City, Zip
Randy Wallace	101 Dova St
Please print name clearly	Street Address, City, Zip
Thruy Hendrix	104 Court Street Batesville, MS 38604

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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 Race for Grace 5K be moved from September 14, 2024, to September 21, 2024, starting at 8 a.m. This event should be coordinated with the BPD.
2. Approval for Dennis Barfield and Andy Berryhill to attend the 2024 BOAM Winter Conference, December 4-6, 2024, in Natchez, MS. Registration is \$250.00 per person and expenses will be paid/reimbursed by the City.

IN RE: APPROVAL OF PAY REQUEST AGENDA

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

1. Approval to pay Jays Auto \$250.00 for wrongfully towed vehicle. An officer towed a vehicle under a law that has not actually taken effect yet.
2. Approval of pay application #2 in the amount of \$215,865.65 to be made to TDL Contractors, Inc. in connection with Batesville Mounds Pavilion and Museum.
3. Approval to pay Morris Lawn Service, LLC in the amount of \$8,324.10 in connection with HWY 6 & 51 medians.
4. Approval to pay Central Pipe Supply, Inc. in the amount of \$16,590.00 in connection with Pipe PVC SDR-26 Sewer G/J 8”

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IN RE: APPROVAL FOR BOY SCOUTS CAMPOUT - BATESVILLE MOUNDS

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the request for the use of the Batesville Mounds September 27-29, 2024, by the Boy Scouts, in order to hold a campout, be and it is hereby approved.

IN RE: APPROVAL FOR DUMPSTER- PIZZA HUT-126 PUBLIC SQUARE

Chris Gardener appeared before the Mayor and Board of Aldermen requesting to get a dumpster placed in the city's parking lot for the use of Pizza Hut. Upon motion of Alderman Morrow and second of Alderman Walton, it was ordered that the request for the use of a dumpster in the city parking lot, be and it is hereby approved.

IN RE: ANIMAL SHELTER

The City of Batesville architect Michael Jones presented the Mayor and Board of Aldermen with a drawing of the improvement plan for the animal shelter, be and it is hereby approved for him to proceed forward with this plan.

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**IN RE: CLEANUP HEARING - 3:00 P.M.
CLEANUP HEARING – OLIVETTE ROBERTSON- 105 BOYD ST**

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 Olivette Robertson at 105 Boyd Street, located 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: 3183K0002410 600000600,
Lot (50x152) – PT BLKS 60 & 72, Old Town of Panola, Section 8,
Township 9, Range 7 recorded in Deed Book V3 at Page 160 in
the Batesville Office of the Chancery Clerk of Panola County,
Mississippi

No one was present in support or opposition of said clean up hearing.

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

The hearing was concluded.

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**IN RE: ADJUDICATION OF PROPERTY OWNED BY OLIVETTE
ROBERTSON LOCATED ON 105 BOYD STREET 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 Land 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 Olivette Robertson 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: 3183K0002410 600000600,
Lot (50x152) – PT BLKS 60 & 72, Old Town of Panola, Section 8,
Township 9, Range 7 recorded in Deed Book V3 at Page 160 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 6th day of August 2024, a hearing was set for the 3rd day of September, 2024, at 3:00 p.m., at City Hall to determine whether or not said property is in such a state of uncleanliness 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. The Mayor and Board of Aldermen ordered that all structures be demolished and removed, property to be cut and cleaned of all weeds, grass, rubbish and garbage and that if not done so by the property owner before 5:00 p.m. Friday, October 12, 2024, the City shall proceed to clean the property by use of municipal employees or contract labor by cutting grass and weeds; filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, (including demolition of the dilapidated house and other improvements on the land), slabs, personal property and other debris as is authorized by Section 21-19-11 of the Mississippi Code of 1972 as amended .

RESOLVED this the 3rd day of September, 2024.

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SEPTEMBER 3, 2024



City of Batesville Code Office

Building, Planning, Zoning, & Permitting

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

August 6, 2024

Olivette Robertson (EST)
105 Boyd Street
Batesville, MS 38606

Re: Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 3183K0002410 600000600, Lot (50x152) – PT BLKS 60 & 72, Old Town of Panola, Section 8, Township 9, Range 7 recorded in Deed Book V3 at Page 160 in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

Dear Olivette Robertson (EST):

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 September, 2024, 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

Dennis Barfield
Building Inspector

Hughye McDaniel II
Code Enforcement Officer

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Olivette Robertson (EST)
August 6, 2024
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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, (including demolition of the dilapidated house and other improvements on the land), 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.

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.

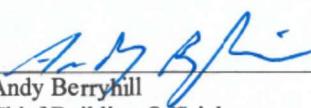
A copy of this Notice shall be recorded in the minutes of the Mayor and Board in conjunction with the above referenced hearing.

Olivette Robertson (EST)
August 6, 2024
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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

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SEPTEMBER 3, 2024

AFFIDAVIT OF MAILING AND POSTING

STATE OF MISSISSIPPI

COUNTY OF PANOLA

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

1.

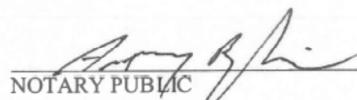
A true and correct copy of the Notice referred to herein is attached hereto as Exhibit "A".

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.

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 7th day of August, 2024.
NOTARY PUBLIC

(SEAL)

My Commission Expires: _____



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SEPTEMBER 3, 2024

IN RE:	CLEANUP HEARING- 3:00 P.M.
	CLEANUP HEARING- 103 DORA STREET

Chief Building Official Andy Berryhill explained the purpose of the hearing to determine whether or not the hereinafter described parcel of real property located 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:

Re: Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 3183K0000100 40001700, S ½ Lot 2 (185x195.5) Block 4 Original Town of Batesville, Section 8, Township 9, Range 7 recorded in Deed Book W2 at Page 430 in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

Randy Douglas was present in support or 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.

Pictures of said property were presented to the Board.

The hearing was concluded.

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SEPTEMBER 3, 2024

**IN RE: ADJUDICATION OF PROPERTY OWNED BY EDDIE
BALLENTINE AND LEROY FLOWERS, LOCATED AT 103 DORA
STREET 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 Morrow and second of Walton 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 Eddie Ballentine and Leroy Flowers lying and being situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, to-wit:

Re: Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 3183K0000100 40001700, S ½ Lot 2 (185x195.5) Block 4 Original Town of Batesville, Section 8, Township 9, Range 7 recorded in Deed Book W2 at Page 430 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 6th day of August, 2024, a hearing was set for the 3rd day of September, 2024, at 3:00 p.m., at City Hall to determine whether or not said property is in such a state of uncleanliness 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 Office 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 the property owner has until the regular meeting of the Mayor and Board of Aldermen, November 5, 2024, to get said property cleaned and if it is not cleaned by the property owner, the City of Batesville shall proceed to clean the property by use of municipal employees or

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SEPTEMBER 3, 2024

by contract labor, by cutting grass and weeds, filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, (including demolition of the dilapidated house and other improvements on the land), slabs, personal property and other debris; and draining cesspools and standing water therefrom, as is authorized by Section 21-19-11 of the Mississippi Code of 1972 as amended

RESOLVED this the 3rd day of September, 2024.

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SEPTEMBER 3, 2024



City of Batesville Code Office

Building, Planning, Zoning, & Permitting

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

August 6, 2024

Eddie Ballentine & Leroy Flowers
 103 Dora Street
 Batesville, MS 38606

Eddie Ballentine & Leroy Flowers
 P.O. Box 2583
 Oxford, MS 38655

Re: Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 3183K0000100 40001700, S ½ Lot 2 (185x195.5) Block 4 Original Town of Batesville, Section 8, Township 9, Range 7 recorded in Deed Book W2 at Page 430 in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

Dear Eddie Ballentine & Leroy Flowers:

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 September, 2024, 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

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Eddie Ballentine & Leroy Flowers
August 6, 2024
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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, including demolition of the dilapidated house and other improvements on the land), 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.

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.

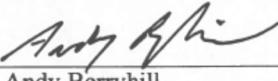
A copy of this Notice shall be recorded in the minutes of the Mayor and Board in conjunction with the above referenced hearing.

Eddie Ballentine & Leroy Flowers
August 6, 2024
Page Three (3)

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

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

SEPTEMBER 3, 2024

AFFIDAVIT OF MAILING AND POSTING

STATE OF MISSISSIPPI

COUNTY OF PANOLA

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

1.

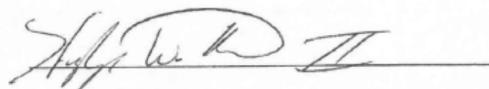
A true and correct copy of the Notice referred to herein is attached hereto as Exhibit "A".

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.

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 7th day of August, 2024.

(SEAL)

My Commission Expires:



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

SEPTEMBER 3, 2024

IN RE:	PUBLIC HEARING - 3:00 P.M.
	PUBLIC HEARING – VARIANCE – JAY MOORE

The Mayor opened the Public Hearing and Chief Building Official Andy Berryhill explained the purpose of the hearing being a request from Jay Moore, for a Variance to allow metal siding. Said property is located at 41541 Hwy 315 in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

and

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

Raymond Aven was present and spoke in support of this request and no one was present in opposition of this request.

Chief Building Official Andy Berryhill reported that the Planning Commission recommended said variance request at their meeting held on July 29, 2024.

The Mayor declared the hearing closed.

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

SEPTEMBER 3, 2024

Publisher's Certificate of Publication

STATE OF MISSISSIPPI
COUNTY OF PANOLA

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

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

08/14/24

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

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

Rebecca Alexander

Rebecca Alexander, Publisher

Subscribed and sworn to before me this
14th Day of August, 2024

Shandale Goodman

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

Account # 180200
Ad # 1866351

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606



PUBLIC NOTICE

NOTICE OF PUBLIC
HEARING

WHEREAS, R. Jay Moore has made application to the Mayor and Board of Aldermen of the City of Batesville, Mississippi, requesting that they grant a variance from the requirements of the Site & Building Design Standards of the City of Batesville, Mississippi, to allow $\frac{1}{2}$ /12 roof pitch and the use of metal sheeting on the sides of new mini storage buildings. Said property is located on McMahan Drive in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

Parcel # 318620005800
0000205

PT NE 1/4 NW 1/4 NE 1/4 of
Section 14, Township 9, Range
7, containing 0.70 acres, more
or less McMahan Drive Lot.

NOW THEREFORE, pursuant to the order of the Mayor and Board of Aldermen of the City of Batesville, Mississippi, notice is hereby given to all persons interested in, or in any way affected by, said application that a public hearing on said application shall be held by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, at 3:00 P.M. on September 3, 2024, at the City Hall located at 103 College Street, Batesville, Mississippi, at which time all parties interested in or affected thereby, will be heard, after which a decision will be rendered by the said Board of Mayor and Aldermen.

Any objection made concerning the property described herein above may be made by any person in writing or in person at said hearing.

If any objection be made in writing, it must be filed with the undersigned prior to or at time of said public hearing. Any party interested may appear in person and or by counsel at said public hearing.

CITY OF BATESVILLE
Shonnah Weaver, City Clerk

The Panolian:
Aug. 14, 2024
HEARING

IN RE: VARIANCE – JAY MOORE- 41541 HWY 315

On motion of Alderman Morrow, second of Alderman Harrison and unanimously carried by a vote being taken, it was ordered that the request from Jay Moore for a variance to allow an additional metal siding on shop at the property located at 41541 Hwy 315, be and it is hereby granted.

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

SEPTEMBER 3, 2024

IN RE: BIDS RECEIVED – STREET OVERLAY PROJECT

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

Gregory Companies, LLC-dba Murphree Paving	\$1,089,994.23 (Base)
	\$576,078.83 (Alt)
	\$1,666,073.06 (Total)

Lehman Roberts Company	\$1,197,119.60 (Base)
	\$579,030.00 (Alt)
	\$1,776,229.60 (Total)

Having heard all bids received, upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the bid from Murphree Paving in the amount of \$1,666,073.06 (Base Bids \$1,089,994.23 and Alternate #1 Bid \$576,078.83= \$1,666,073.06) be and it is hereby accepted as the lowest and best bid for the Street Overlay project.

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

SEPTEMBER 3, 2024

IN RE: DOWNTOWN BUSINESS DISTRICT USE PERMIT – 125 PUBLIC SQUARE

Chief Building Official Andy Berryhill presented a Downtown Business District Mayor and Board of Aldermen Use Permit request made by Melody Faulkner, that was recommended by the Planning Commission, for an antique mall.

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

IN RE: DOWNTOWN BUSINESS DISTRICT USE PERMIT – 104 COURT STREET

Chief Building Official Andy Berryhill presented a Downtown Business District Mayor and Board of Aldermen Use Permit request made by Steve Collins, that was recommended by the Planning Commission, for an administrative office for a hospice home care company.

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

IN RE: DOWNTOWN BUSINESS DISTRICT USE PERMIT – 106 COURT STREET

Chief Building Official Andy Berryhill presented a Downtown Business District Mayor and Board of Aldermen Use Permit request made by Gary Crowell, that was recommended by the Planning Commission, for a retail business.

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

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

SEPTEMBER 3, 2024

IN RE: APPROVAL TO SET PUBLIC HEARING - CONDITIONAL USE PERMIT - CHICK-FIL-A

Upon motion of Alderman Morrow 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 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 C Cubed Enterprise DBA-CFA 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 sales from a Chick-fil-A food truck in a C-2, Commercial zone at Mid-Town Market Shopping Center Hwy. 6, East. Said real property is owned by Loden Properties- Woody Loden 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:

Lot (93.8x400) part of the Southeast Quarter of the Southwest Quarter north of Hwy. 6, East located in Section 9, Township 9 South, Range 7 West in the City of Batesville, Second Judicial District of Panola County, Mississippi at Mid-Town Market Shopping Center

and

WHEREAS, said request was reviewed by the Planning Commission of the City of Batesville at their meeting held on August 26, 2024, and

WHEREAS, said Planning Commission recommended that the Conditional Use Permit

be granted and suggested the Board of Mayor and Aldermen impose conditions such as:

One (1) year limit

and

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

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

SEPTEMBER 3, 2024

**IN RE: APPROVAL TO SET PUBLIC HEARING – VARIANCE-
ADDITIONAL SIGNAGE**

Upon motion of Alderman Morrow 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, Noon Batesville, LLC 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 Noon Batesville, LLC requests a variance to allow additional square feet of signage over what is allowed. Said property owned by Nolan West and is located

at 206 Covenant Drive in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is described as:

Parcel #318240000405 0000400
PT 26.3 ACC Future Development
Covenant Crossing S/D
206 Covenant Drive

and

WHEREAS, said request was received by the Planning Commission of the City of Batesville at their meeting held on August 26, 2024, and

WHEREAS, said Planning Commission recommended the variance be allowed and

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

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

SEPTEMBER 3, 2024

IN RE: SET CLEANUP HEARING – 218 HICKORY LANE

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

RESOLUTION SETTING PUBLIC HEARING

WHEREAS, there came on for consideration the need to hold a public hearing to determine whether property owned by the following persons and located at the following location in the City of Batesville, Mississippi, are in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Lonzo Martin- 218 Hickory Lane

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the City of Batesville will conduct a hearing at City Hall on the 1st day of October, 2024, at 3:00 p.m. to determine if said properties are in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community and that notice of such hearing be given to the owners in the manner and for the time required by law.

RESOLVED this the 3rd day of September, 2024.

IN RE: APPROVAL FOR CITY CLERK TO SIGN- 592 PAPERWORK

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that City Clerk Shannah Weaver be and he is hereby authorized to sign the section 592 project partnership agreement

IN RE: LITTLE FREE LIBRARY- AMERICAN LEGION

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was approved for Tracey Renfro and her family to honor her mother's memory by placing a Little Free Library at American Legion Park. They will have a small dedication ceremony. The Batesville Library will take care of maintenance and stocking the materials.

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

SEPTEMBER 3, 2024

IN RE: TRANSFER OF FUNDS FROM GAS OP TO GENERAL

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

RESOLUTION

WHEREAS, the revenues of the City's natural gas system have been set aside in accordance with Section 21-27-57 of the Mississippi Code of 1972, and after so doing there is surplus revenue remaining, and

WHEREAS, the revenue of the City's natural gas system derived from sources other than the issuance of bonds has been applied in accordance with Section 21-27-61 of the Mississippi Code of 1972, and

WHEREAS, there remains a surplus of revenue of the City's natural gas system that may be transferred to the City's General Fund as authorized by the aforesaid sections of the Mississippi Code which would be in the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that the sum of \$500,000.00 of said surplus revenue be transferred from the natural gas system to the City's General Fund and used for the best interests of the City as allowed by law

RESOLVED this the 3rd day of September, 2024.

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

SEPTEMBER 3, 2024

IN RE: EMERGENCY EQUIPMENT PROFESSIONALS, INC

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, the following proposal from Emergency Equipment Professionals, Inc. is taken under advisement.

Equipment Proposal

Pierce Proposal # 545

This Equipment Proposal (the "Proposal") has been prepared by Emergency Equipment Professionals, Inc. ("Company") in response to the undersigned Customer's request for a proposal. This Proposal is comprised of the special terms set forth below, the Proposal Option List, Warranty, and Company's Purchasing Terms and Conditions. Through its signature below or other Acceptance (as defined below), Customer acknowledges having received, read and being bound by this Proposal, all attachments and Company's Purchasing Terms and Conditions.

Proposal Date: August 27, 2024Customer: City of Batesville, MS Fire DepartmentCustomer Address: 132 Van Voris Batesville, MS 38606

Qty	Product Description & Options	Price
1	Pierce Enforcer 100' Ascendant Heavy-Duty Aerial Platform	\$ 2,183,843.00
Mississippi State Contract # 8200060944 (Pierce Manufacturing)		
Total:		\$ 2,183,843.00

Delivery Timing: The Product described above in the Product Description and Options Section of this document will be built by and shipped from the manufacturer approximately 48 (months) after Company receives Customer's acceptance of this Proposal as defined below, subject to market and production conditions, Force Majeure, delays from the chassis manufacturer, changes to Order Specifications, or any other circumstances or cause beyond Company's or manufacturer's control.

Other: _____ Unless accepted within 30 days from date of proposal, the right is reserved to withdraw this proposal.

ACCEPTANCE OF THIS PROPOSAL CREATES AN ENFORCEABLE BINDING AGREEMENT BETWEEN COMPANY AND CUSTOMER. "ACCEPTANCE" MEANS THAT CUSTOMER DELIVERS TO COMPANY: (A) A PROPOSAL SIGNED BY AN AUTHORIZED REPRESENTATIVE, OR (B) A PURCHASE ORDER INCORPORATING THIS PROPOSAL, WHICH IS DULY APPROVED, TO THE EXTENT APPLICABLE, BY CUSTOMER'S GOVERNING BOARD. ACCEPTANCE OF THIS PROPOSAL IS EXPRESSLY LIMITED TO THE TERMS CONTAINED IN THIS PROPOSAL AND COMPANY'S PURCHASING TERMS AND CONDITIONS. ANY ADDITIONAL OR DIFFERENT TERMS, WHETHER CONTAINED IN CUSTOMER'S FORMS OR OTHERWISE PRESENTED BY CUSTOMER AT ANY TIME, ARE HEREBY REJECTED.

INTENDING TO CREATE A BINDING AGREEMENT, Customer and Company have each caused this Proposal to be executed by their duly authorized representatives as of date of the last signature below.

Customer: City of Batesville, MS Fire Department

Emergency Equipment Professionals, Inc.

By: _____
 Title: _____
 Print: _____
 Date: _____

By: PJ P
 Title: Sales Representative
 Print: Phillip Posey
 Date: 8-27-24

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

SEPTEMBER 3, 2024

IN RE: BATESVILLE CIVIC CENTER – JUNIOR AUXILARY OF BATESVILLE, MS

Upon recommendation of Civic Center Director Rodney Holley and upon motion of Alderman Harrison and second of Alderman Land and unanimously carried upon the affirmative vote of all Aldermen present, the following Resolution was adopted:

R E S O L U T I O N

WHEREAS, the Junior Auxiliary of Batesville, MS [“Applicant”] has filed an Application under the City’s Batesville Civic Center Reduced Fee Policy [“Policy”] as set forth in the Resolution adopted by the Mayor and Board of Aldermen on July 7, 2015, and of record in Minute Book V-2 at Page(s) 460-462; and

WHEREAS, the Mayor and Board of Aldermen do hereby find and determine that the Junior Auxiliary of Batesville, qualifies for a reduced fee under the Policy as authorized by Section(s) 21-17-1(3)(a)(i) of the Mississippi Code of 1972, and all amendments thereto and will promote and advance the civic, social, educational, cultural and moral welfare of the City and bring into favorable notice its opportunities and resources.

NOW, THEREFORE, BE IT RESOLVED as follows:

1.

That the foregoing recitations are true and correct.

2.

That the Applicant be and is hereby granted a reduced fee as provided by the Policy.

RESOLVED this the 3rd day of September 2024.

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

SEPTEMBER 3, 2024

IN RE: APPROVAL OF SPECIFICATIONS FOR PAINTING CITY HALL

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the following specifications for painting the outside of City Hall, be and they are hereby approved, and further ordered that Public Works Director Newt Benson be and he is hereby authorized to obtain quotes for said painting.

City of Batesville**SPECIFICATIONS FOR PAINTING****THE EXTERIOR OF CITY HALL****1. Surface Preparation**

- **Inspection:** Inspect the brick surface for any damage, efflorescence, or loose mortar. Repair any cracks or damaged areas.
- **Cleaning:** Use a pressure washer to clean the brick surface thoroughly. Remove all dirt, mildew, and loose paint. Allow the surface to dry completely.
- **Efflorescence Removal:** If efflorescence (white, powdery deposits) is present, remove it using a mixture of water and white vinegar or a commercial efflorescence remover.
- **Mortar Repair:** Repoint any loose or damaged mortar joints with a suitable mortar mix.

2. Materials

- **Paint:** Select a high-quality, exterior-grade acrylic latex paint designed for masonry. Ensure the paint is breathable to allow moisture to escape and prevent peeling.

3. Application

- **Painting:** Apply two coats of the chosen masonry paint. Use a roller or sprayer for large areas and a brush for edges and detailed work. Allow each coat to dry completely before applying the next.

4. Safety and Environmental Considerations

- **Protect Surroundings:** Use drop cloths and painter's tape to protect windows, doors, and landscaping from paint splatters.
- **Ventilation:** Ensure proper ventilation during the painting process to avoid inhaling fumes.
- **Disposal:** Dispose of any leftover paint and materials according to local environmental regulations.

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

SEPTEMBER 3, 2024

IN RE: APPROVAL OF PAYMENT FOR EMERGENCY REPAIR – WATER WELL

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

**RESOLUTION APPROVING AND RATIFYING THE EMERGENCY REPAIR OF A
WATER WELL SYSTEM AT WALMART
AND FURTHER AUTHORIZING PAYMENT THEREFOR**

WHEREAS, Public Works Director Newt Benson, of the City of Batesville, Mississippi, has advised the Mayor and Board of Aldermen of the City of Batesville that under conditions determined to be an emergency, the sprinkler system located the Batesville Civic Center was repaired by Luckett Pump & Well Service, Inc. for a total of \$6,400.00 and submitted a Certificate of Emergency Purchase or Repair setting out the facts of the afore said matter which is attached hereto and incorporated herein by reference; and

WHEREAS, the Mayor and Board of Aldermen do hereby find and determine that the water well system located at Walmart was in a state of disrepair and had to be replaced immediately in order to avoid conditions that would be detrimental to the public health, welfare and safety of the citizens of Batesville and that said circumstances constituted an emergency under Sections 31-7-1(j) and -13(k) of the Mississippi Code of 1972, as amended:

NOW, THEREFORE, BE IT RESOLVED the matters set out by the Certificate of Emergency Purchase or Repair are true and correct and that:

1. The Mayor and Board of Aldermen do hereby find and determine that an emergency did in fact exist in regard to the repair of said water well located at Walmart so that delay incident to giving opportunity for competitive bidding would be detrimental to the interest of the governing authority of the City of Batesville, Mississippi, and to the public health, welfare and safety of the citizens of Batesville, Mississippi, and, accordingly, the provisions for competitive bidding contained in Sections 31-7-1, et seq., Mississippi Code of 1972, and all amendments thereto, did not apply to said purchase.

2. The Mayor and Board of Aldermen do hereby ratify, confirm and approve the repair of the water well located at Walmart by Luckett Pump & Well Service, Inc. for the sum of \$6,400.00.

3. The Mayor and Board of Aldermen of the City of Batesville, Mississippi, do hereby approve and authorize the payment of the sum of \$6,400.00 to Luckett Pump & Well Service, Inc. in connection with the repair of the aforesaid water well located at Walmart.

RESOLVED, this the 3rd day of September, 2024.

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

SEPTEMBER 3, 2024

CERTIFICATION OF EMERGENCY PURCHASE OR REPAIR

This Certification must be completed, signed, and presented to the Mayor and Board of Aldermen at the Board Meeting next following the emergency purchase or repair set out herein.

On or about the 23 day of July, 2024, I determined that an emergency existed in regard to the purchase and/or repair set out below so that the delay incident to giving opportunity for competitive bidding would be detrimental to the Mayor and Board of Aldermen of the City of Batesville.

Describe in detail and include all information mentioned:

1. (a) Description of the commodities purchased, (b) seller, (c) when, and (d) the price:

Wiring, Disconnect Handle, & Fuse Block Assembly

Luckett Pump & Well Service, Inc

July 23, 2024

\$16,400.00

W

2. (a) Repairs made, (b) by whom, (c) when, and (d) the price:

Luckett Pump came to the site of the "Wal-Mart" water well on July 23, 2024 & diagnosed the problem in the fuse block assembly & priced @ \$16,400.00 to repair.

W

3. I have approved the bill for the commodities and/or repair and a copy of the bill is attached to this Certification. ✓

4. The nature of the emergency was as follows (describe in full and why you believe it was an emergency):

The Wal-Mart water well went down on July 21, 2024. Luckett was contacted on July 22, 2024 to come take it. They came on July 23, 2024. It appears the pump was possibly struck by lightning. The well was down & needed to be repaired ASAP. Luckett knew they would have to order the parts & a possible lead time. I told them to order. Parts came in on August 21, 2024. Luckett installed & repaired on August 23, 2024. Well is back on line. W

Circle the number of the appropriate items in the list below that you believe are most applicable to the situation as you assessed it:

1. Any circumstances caused by fire, flood, explosion, storm, earthquake, epidemic, riot, or insurrection. Lightning
2. Any circumstances caused by an inherent defect due to defective construction.
3. The immediate preservation of order and public health was necessary by reason of an unforeseen emergency.
4. The immediate restoration of a condition of usefulness of a public building, equipment, a road or a bridge appeared advisable. Water Well
5. There was a failure of equipment used and useful in the distribution of water or natural gas or in the transportation or treatment of sewage.
6. The delay incident to obtaining competitive bids would cause adverse impact upon the Mayor and Board of Aldermen of the City, City employees, or the citizens of the City.

I certify that the above and foregoing is true and correct.

Date: 8/28/2024

R. Newton Benson, PWD
SIGNATURE

R. Newton Benson, Public Works Director
(PRINT NAME OF THE PERSON SIGNING)

POSITION: Public Works Director

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

SEPTEMBER 3, 2024

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

Invoice #	3185
Date	8/23/2024

Phone #	662-624-2398	E-mail	lpwpayables@gmail.com	Web Site	www.luckettppump.com
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Bill To

City of Batesville
POB 689
Batesville, MS 38606

Ship To

City of Batesville
103 College St.
Batesville, MS 38606

P.O. No.		Terms	Due Date	Ship Date	Rep	S.O. No.
Customer Resale No.				Ship Via	BCM	
Qty	Item	Description			Rate	Amount
1	Material and...	Material and labor to replace the disconnect handle and fuse block assembly at the Walmart Well.			6,400.00	6,400.00
Service Charge of 1.75% on all past due balances.			Subtotal	\$6,400.00		
			Sales Tax ...	\$0.00		
We appreciate you and your business! "Solutions One Customer at a Time"			Total	\$6,400.00		

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

SEPTEMBER 3, 2024

IN RE: CHANGE ORDER – UTILITY BED AND CRANE

There came on for discussion the approval of Change Order Number 1, set out below in connection with the utility bed and crane.

Upon motion of Alderman Harrison and second of Alderman Dugger 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 contact, are commercially reasonable, are not made to circumvent the public purchasing statutes and the decreased contract amount is reasonable and ordered that said Change Order No. 1 with an increase in the amount of \$850.00, shown below, be and the same is hereby approved resulting in a revised contract price of \$42,760.00:

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

SEPTEMBER 3, 2024

IN RE: APPROVAL FOR PUBLIC WORKS DIRECTOR TO SIGN- MLK SEWER PROJECT

Upon motion of Alderman Land and second of Alderman Harrison and upon unanimous vote taken, it was ordered that Public Works Director Newt Benson be and he is hereby authorized to accept substantial completion of the MLK Sewer project and allow Public Works Director Newt Benson to sign attached documents.



1076 Highland Colony Parkway
Suite 325
Ridgeland, MS 39157
TEL 601.825.3633
www.GarverUSA.com

August 10, 2024

Nathan Stengel
W&T Contracting Corporation
Sent via email to nathan@WTContractingCorp.com

Re: Final Inspection
City of Batesville MS Sanitary Sewer Collection System Rehabilitation
CDBG #1137-21-111-PF-01; ARC #MS-20699

Dear Nathan:

A walk-thru inspection was conducted on July 17, 2024, and a "punch list" of items to address was transmitted to W&T Contracting Corporation on July 19, 2024. A subsequent final inspection was held on-site on August 6, 2024, to verify that the "punch list" had been addressed. Attending the meeting were Nathan Stengel (W&T Contracting), Shannon Wells (Garver), Robert Hertz (Garver), Gary Snider (City of Batesville), and Bubba Alewine (City of Batesville). Based on a visual inspection of the proposed improvements, it is the opinion of Garver and the City of Batesville that that the "punch list" items have been addressed, and that the project has been constructed in substantial accordance with the construction plans, technical specifications, and contract documents.

Attached to this letter is a final certificate of substantial completion for the project. Please return a copy of this document with your signature, title, and date provided in the bottom right corner of the page so I can transmit to the City for Execution.

Thank you Nathan and please contact me at 601.941.3252 if you have any questions.

Sincerely,

GARVER

A handwritten signature in blue ink that reads "M. Shannon Wells".

M. Shannon Wells, P.E.
Project Manager
(601) 941-3252

Cc: Darrell Dixon, North Delta Planning and Development District, Inc.
Newt Benson, City of Batesville Public Works Director
Gary Snider, City of Batesville Assistant Public Works Director
File 21W10330

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

SEPTEMBER 3, 2024

CERTIFICATE OF SUBSTANTIAL COMPLETION

Owner: THE CITY OF BATESVILLE	Owner's Contract No.:
Contractor: W&T Contracting Corporation	Contractor's Project No.:
Engineer: Garver	Engineer's Project No.: 21W10330
Project: Sanitary Sewer Collection System Rehabilitation	

This Final Certificate of Substantial Completion applies to:

All Work

The following specified portions of the Work:

August 6, 2024

Date of Substantial Completion

The Work to which this Certificate applies has been inspected by authorized representatives of Owner, Contractor, and Engineer, and found to be substantially complete. The Date of Substantial Completion of the Work or portion thereof designated above is hereby established, subject to the provisions of the Contract pertaining to Substantial Completion. The date of Substantial Completion in the final Certificate of Substantial Completion marks the commencement of the contractual correction period and applicable warranties required by the Contract.

A punch list of items to be completed or corrected is attached to this Certificate. This list may not be all-inclusive, and the failure to include any items on such list does not alter the responsibility of the Contractor to complete all Work in accordance with the Contract.

The responsibilities between Owner and Contractor for security, operation, safety, maintenance, heat, utilities, insurance, and warranties upon Owner's use or occupancy of the Work shall be as provided in the Contract, except as amended as follows: *[Note: Amendments of contractual responsibilities recorded in this Certificate should be the product of mutual agreement of Owner and Contractor; see Paragraph 15.03.D of the General Conditions.]*

Amendments to Owner's responsibilities: None
 As follows

Amendments to Contractor's responsibilities: None
 As follows:

The following documents are attached to and made a part of this Certificate: see attached letter

This Certificate does not constitute an acceptance of Work not in accordance with the Contract Documents, nor is it a release of Contractor's obligation to complete the Work in accordance with the Contract.

EXECUTED BY ENGINEER:		RECEIVED:	RECEIVED:
By: <u>M. Shaw Will</u>	By: _____	By: _____	By: <u>Nathan Stengel</u>
(Authorized signature)		Owner (Authorized Signature)	Contractor (Authorized Signature)
Title: <u>Project Manager</u>	Title: <u>Public Works Director</u>	Title: <u>Project Manager</u>	
Date: <u>August 10, 2024</u>	Date: _____	Date: <u>August 13, 2024</u>	

EJCDO® C-625, Certificate of Substantial Completion. Copyright © 2013 National Society of Professional Engineers, American Council of Engineering Companies, and American Society of Civil Engineers. All rights reserved.

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

SEPTEMBER 3, 2024

IN RE: APPROVAL TO RESCIND ORDER OF MINUTES- FEMA GRANT

Upon motion of Alderman Dugger and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the Order of the Minutes recorded in Minute Book H-3 at page 466 ordering that the FEMA Grant for Brewer Road culvert, be and it is hereby rescinded.

IN RE: APPROVAL TO RESCIND ORDER OF MINUTES- FEMA- TIME EXTENSION REQUEST

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the Order of the Minutes recorded in Minute Book H-3 at page 466 ordering that Public Works Director Newt Benson sign and send a letter to Office of Public Assistance Director John “M” Mike Siler requesting for a time extension of eighteen months (February 14, 2026) for PW239, Brewer Road Culvert CAT-C., be and it is hereby rescinded.

*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 46694-47711 (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.

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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; Chief of Police Dennis Darby; City Clerk Shonnah Weaver and Administrative Assistant Sulli Woods.

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 location of new businesses in the city.

IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen will go into executive session for the purpose of discussing location of new businesses in the city 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 Attorney Colmon Mitchell; Chief of Police Dennis Darby; City Clerk Shonnah Weaver and Administrative Assistant Sulli Woods.

SEPTEMBER 3, 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 Attorney Colmon Mitchell; Chief of Police Dennis Darby; City Clerk Shonnah Weaver and Administrative Assistant Sulli Woods.

There came on for discussion the location of new businesses in the city. (Panola Partnership Joe Azar was present for this conversation.)

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; Chief of Police Dennis Darby; City Clerk Shonnah Weaver and Administrative Assistant Sulli Woods.

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IN RE: APPROVAL FOR RESOLUTION – ANDERSON TECHNOLOGY

Upon motion of Alderman Morrow and second of Alderman Land and upon unanimous vote taken, it was ordered that the Mayor and Board of Aldermen of the City of Batesville agrees to grant an ad valorem tax exemption as allowed by Mississippi Law to Anderson Technology upon an appropriate application therefor being timely and properly filed with the City and upon the approval thereof by the Mississippi Department of Revenue.

IN RE: APPROVAL FOR RESOLUTION – PROJECT SHIELD

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the Mayor and Board of Aldermen of the City of Batesville agrees to grant an ad valorem tax exemption as allowed by Mississippi Law to Project Shield upon an appropriate application therefor being timely and properly filed with the City and upon the approval thereof by the Mississippi Department of Revenue.

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OTHER MATTERS COMING BEFORE THE MAYOR AND BOARD FOR DISCUSSION

1. Chief Building Official Andy Berryhill provided copies of the monthly inspections, and the Planning Commission minutes for August.

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

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

Mayor Hal Ferrell; Aldermen Bill Dugger, Stan Harrison, Teddy Morrow, Bobby Walton and Dennis Land; City Clerk Shonnah Weaver and City Attorney Colmon Mitchell. Also present were: Chief of Police Dennis Darby; Public Works Director Newt Benson; Assistant Public Works Director Gary Snider; and Administrative Assistant Sulli Woods.

Also present was Kelley Magee.

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

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SEPTEMBER 3, 2024

IN RE: SIGNATURE SHEET FOR BUDGET PUBLIC HEARING OF SEPTEMBER 3, 2024

Budget Meeting
September 3, 2024
Signature Sheet

<u>Kelley Magee</u> Please print name clearly	<u>101 Pecan Dr., Batesville, 38606</u> Street Address, City, Zip
<u>Carolyn M. Ferrell</u> Please print name clearly	<u>310 S. Main St., Batesville, 38606</u> Street Address, City, Zip
<u>Dennis Darby</u> Please print name clearly	<u>206 Court St., Batesville, 38606</u> Street Address, City, Zip
<u>Newt Benson</u> Please print name clearly	<u>City</u> Street Address, City, Zip
<u>Gary Snider</u> Please print name clearly	<u>City</u> Street Address, City, Zip

IN RE: PUBLIC HEARING - BUDGET AND TAX LEVIES FOR FYE SEPTEMBER 30, 2024

The Mayor opened the hearing on the proposed budget and proposed tax levies for the fiscal year ending September 30, 2025, the following persons were present:

Mayor Hal Ferrell, Aldermen Bill Dugger, Stan Harrison, Teddy Morrow, Bobby Walton and Dennis Land. Also present were: City Clerk Shannah Weaver; City Attorney Colmon Mitchell; Chief of Police Dennis Darby; Administrative Assistant Sulli Woods and Kelley Magee.

An overview of the budget and tax levies was provided for the fiscal year ending September 30, 2025.

The Mayor concluded the public hearing.

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IN RE: SET TAX LEVIES

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF BATESVILLE, PANOLA COUNTY, MISSISSIPPI FIXING THE RATE OF TAXES LEVIED FOR THE FISCAL YEAR 2024-2025 ALL TAXABLE PROPERTY IN THE MUNICIPAL CORPORATE LIMITS OF THE CITY OF BATESVILLE, PANOLA COUNTY, MISSISSIPPI, AS AUTHORIZED BY LAW

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

For GENERAL purposes and GENERAL improvements there is hereby levied, fixed, and authorized by Section 27-39-307 of the Mississippi Code Annotated (1972), as amended to be collected, 34.30 mills on the dollar of the assessed valuation on all the taxable property in the corporate limits of the City of Batesville.

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

RESOLVED, this the 3rd day of September, 2024.

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SEPTEMBER 3, 2024

IN RE: STATEMENT BY MAYOR

Mayor Ferrell read the following statement and requested that a copy be placed in the minutes:

**City of Batesville Budget
September 3, 2024**

Regarding the 2024/2025 Budget. there will be NO increase in the tax rate. All city employees will receive at least a 2% salary increase. Also, PERS (state retirement compensations paid by the City) will increase by .5%.

2023/2024 Budget Review

The City paid off a \$300,000.00 TIF (Tax Increment Financing) obligation bond and is in the process of adopting a new TIF funding program to help fund a major shopping center. Repayment of the new funding will be made possible from their property taxes and generated sales tax.

Notable ongoing projects the city has invested in, now and for the future, include:

- Upgrading MLK sewer
- Construction of the Batesville Mounds Pavilion
- Extending water and gas lines around Walmart and Lowe's
- Major paving projects over \$1 million
- Extending gas lines to Lehman Roberts enabling them to purchase gas during the summer
- Reenergizing the Batesville Civic Center:
 - Replacing light fixtures with LEDs resulting in estimated annual savings of \$50,000
 - Restriping the parking lots
 - Upgrading the RV park
- Continuing development for the Northwest Concourse trade school
- Selling city land for the development of Lost Pizza and Dip Stick and reinvesting land sale income by purchasing 85 acres of land for development of a multi-sports complex
- Upgrading city parks:
 - Installing new lights and playground equipment at Trussell and Patton Lane Parks
 - Resurfacing Patton Lane basketball courts
 - Resurfacing Trussell tennis courts
 - Installing new fencing at Patton Lane
 - Creating Pickle Ball courts at American Legion Park

Other city expenditures include:

- Approximately \$235,000 was contributed in support of the Batesville First Regional Library.
- Employees had a 3% increase in salary. PERS increased by .5%.
- At least 148 employees attended education and skills training in their fields

Although the loss of Crown's tax and gas revenue has affected city income, there is a prospective industry negotiating the purchase of the Crown building. Batesville's Solar Farms have generated income and given a positive outlook for expanding industries in progressive communities like Batesville.

Thank you for your support and interest in making Batesville All It Can Be.
Hal Ferrell, Mayor
City of Batesville

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Upon motion duly made and seconded, the meeting was adjourned to reconvene at 10:00 o'clock a.m., September 5, 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

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SEPTEMBER 3, 2024

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, 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: September 5, 2024

Hour: 10:00 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.

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SEPTEMBER 3, 2024
