

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

MARCH 4, 2025

REGULAR MEETING

MARCH 4, 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 March, being the 4th day of March 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, and Teddy Morrow, 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; Public Works Director Newt Benson; Assistant Public Works Director Gary Snider; Civic Center Director Rodney Holley; Administrative Assistant Sullivan Woods; Fire Chief Tim Taylor; and Deputy Fire Chief David Tarver;

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

IN RE: APPROVAL OF AGENDA

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, the agenda of March 4, 2025, was approved.

MARCH 4, 2025

CITY OF BATESVILLE BOARD MEETING

MARCH 4, 2025
2:00 P.M. | CITY HALL

AGENDA

CALL TO ORDER: Mayor Hal Ferrell

INVOCATION: Jimmy Dawkins

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

- March 4, 2025

APPROVE MINUTES OF PRIOR MEETINGS

- February 18, 2025- Regular Meeting

CONSENT AGENDA

1. Approval for Berma Williams to attend the Budgetary 101 classes on June 9, 2025, in Flowood, MS. All expenses to be paid/reimbursed by the city.
2. Approval for Mark Ivy and Taylor Jaudon to attend MWPCOA Annual Conference in Biloxi, May 14-16, 2025. All expenses to be paid/reimbursed by the city.
3. Approval for Officer Kasey Livingston to attend Gang Extremist Training on March 21-April 1, 2025, at MDCC in Moorehead, MS. All expenses will be paid/reimbursed by the city. He will travel in a city vehicle.
4. Approval for Dispatcher Ebony Galmore to attend hearing and speech awareness on March 6, 2025, in Tupelo, MS. All expenses will be paid/reimbursed by the city.
5. Approval of Dispatcher Raven Green to attend Never Secure Always Ready Training on February 22, 2025, in Tupelo, MS. All expenses will be paid/reimbursed by the city. Nunc Pro Tunc.
6. Approval for Hal Ferrell and Teddy Morrow to attend representatives meeting in Jackson, MS on March 19-20, 2025. All expenses paid/reimbursed by the city.
7. Approval for Jeffrey Beasley, Zachary Johnson, and Howard Wooten to attend the Basic Firefighter course 1001-I-II at the Mississippi Fire Academy on April 13-June 5, 2025. All expenses will be paid/reimbursed by the city.
8. Approval for Sulli Woods to attend the 2025 Spring Municipal Clerk Conference April 9-11, 2025, in Hattiesburg, MS. All expenses will be paid/reimbursed by the city.

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

MARCH 4, 2025

PAY REQUEST AGENDA

1. Approval to pay Magnolia Pump & Equipment In. in the amount of \$12,926.75 in connection with Lift Station Pump at Panola County Jail.
2. Approval to pay MTECH Inc. in the amount of \$10,130.00 in connection with the UTV Equipment Transporter.
3. Approval to pay SunbeltFire in the amount of \$61,096.00 in connection with bunker gear.
4. Approval of payment in the amount of \$3,228.00 for Pay App #8 (Final Pay Application) to be made to TDL Contractors, Inc. in connection with Batesville Pavilion and Museum.
5. Approval to pay SOZO Architecture, PLLC in the amount of \$7,200.00 in connection with Batesville Mounds and Pavilion project.
6. Approval to pay SOZO Architecture, PLLC in the amount of \$7,280.00 in connection with Batesville Animal Shelter Project
7. Approval of payment in the amount of \$9,850.55 for Pay App #1 to be made to TDL Contractors, Inc. in connection with Batesville Animal Shelter.

HUMAN RESOURCES

1. Approval to remove Joseph Wicks from Payroll due to job abandonment. Effective immediately.
2. Approval to promote Patrol Sergeant Jason Adams to the rank of Lieutenant. The payrate will increase to \$27.72 per hour. Effective March 6, 2025.

VISITORS

1. Connie Breazeale- Insurance renewal
2. Coasie Parker- June 2025 Fun Day at Patton Lane Park
3. Greg Franklin/Batesville Realty- Street access
4. South Panola JROTC- event at BCC

PERMANENT VISITORS

- Panola Partnership
- North Delta Planning and Development
- Mendrop Engineering Resources
- Panola County Board of Supervisors and department heads
- State or Federal legislators representing any part of Panola County
- Any person engaged in contractual business with the City of Batesville
- The Panolian Jeremy Weldon or his proxy

PUBLIC HEARINGS:

Conditional use permit request for Mike Moore
Conditional use permit request for Ernie Capwell
Conditional use permit request for Anthony Fondren

CLEAN-UP HEARINGS:

Hall Plummber Estate at 111 Patton Lane
Kaye Anthony Smith at 313 Willa Street

BIDS

Court Street Sewer Project

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025****REPORT OF DEPARTMENT HEADS****CHIEF BUILDING OFFICIAL – ANDY BERRYHILL**

1. Monthly Inspection & Complaint List
2. Planning commission minutes meeting for February
3. Eric Davis-MBAP request for Rehabilitation Services at 109 Eureka St. Suite A
4. Set Public Hearings for April 1, 2025, at 2:15 pm for the following:
 - CUP request for Margaret Bryant
 - CUP request for Jerome Partee
 - CUP request for Tres Brasell
 - CUP request for Landshark of North MS
 - CUP request for Amy Thomas

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

1. WWTP Agreement
2. Approval of the utility software agreements
3. Extension CD at First Security Bank for 8 months term at 4% interest

FIRE CHIEF – TIM TAYLOR

1. Request approval to apply for Firehouse Subs grant.

CIVIC CENTER DIRECTOR – RODNEY HOLLEY

1. Alpha Energy Solutions Agreement

PARKS AND RECREATION DIRECTOR – HEATH FULLILOVE**PUBLIC WORKS DIRECTOR – NEWT BENSON**

1. Discuss MCWI/ARPA projects with Mendrop and Darrell Dixon.
2. 2025 Paving Project
3. Request permission to accept quotes for mosquito machines and select the lowest of the two quotes.
 - **ADAPCO, LLC d/b/a Azelis Agricultural & Environmental Solutions (\$15,000.00 each) X 2 Total of \$30,000.00**
 - **SAM WILLIFORD COTTON CO (\$16,100.00 each)**
4. Request permission to rescind all requests and approvals for purchasing aerators for the WWTP lagoon. (See previous meetings minutes.)
5. Request permission to have Mendrop Engineering spec out aerators project for the WWTP lagoon.
6. Quotes for 8-inch waterline at the Industrial Park

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

MARCH 4, 2025

ALLOW CLAIMS: 50727-51343 (includes The Co-Op)

OTHER MATTERS BY MAYOR OR ALDERMAN:EXECUTIVE SESSION

1. Appealable Order

ADJOURNMENT

IN RE: APPROVAL OF MINUTES

Upon motion of Alderman Dugger and second of Alderman Morrow and upon unanimous vote taken, February 18, 2025, regular meeting was approved.

IN RE: SIGNATURE SHEET FOR MEETING OF MARCH 4, 2025

BOARD MEETINGMarch 4, 2025Signature Sheet

<u>Brian Clark</u> Please print name clearly	<u>193 Hwy 51 S, Batesville, MS 38606</u> Street Address, City, Zip
<u>Connie Brezgate</u> Please print name clearly	<u>1111 G Street Oxford 38655</u> Street Address, City, Zip
<u>Greg Smith</u> Please print name clearly	<u>MER</u> Street Address, City, Zip
<u>Gary Sa. Jr.</u> Please print name clearly	<u>City of Batesville</u> Street Address, City, Zip
<u>Tim Taylor</u> Please print name clearly	<u>City of Batesville</u> Street Address, City, Zip
<u>David Taylor</u> Please print name clearly	<u>132 VAN VOSS</u> Street Address, City, Zip
<u>Dennis DAREY</u> Please print name clearly	<u>BATESVILLE PD</u> Street Address, City, Zip
<u>Barry Thompson</u> Please print name clearly	<u>BATESVILLE, PD.</u> Street Address, City, Zip
<u>Joel Taylor</u> Please print name clearly	<u>CITY OF Batesville</u> Street Address, City, Zip
<u>Newt Bense</u> Please print name clearly	<u>City</u> Street Address, City, Zip
<u>John Holly</u> Please print name clearly	<u>Bel</u> Street Address, City, Zip
<u>Gloria Tucker</u> Please print name clearly	<u>Courtland 38620</u> Street Address, City, Zip
<u>Del R. Phillips</u> Please print name clearly	<u>14721 Hwy 35 S.</u> Street Address, City, Zip
<u>Robbie Haley</u> Please print name clearly	<u>PO Box 1175 Batesville MS 38606</u> Street Address, City, Zip
<u>Gregory Franklin</u> Please print name clearly	<u>PO Box 1175 Batesville MS 38606</u> Street Address, City, Zip
<u>Dawn Dixon</u> Please print name clearly	<u>NDPD</u> Street Address, City, Zip
<u>Katie Azar</u> Please print name clearly	<u>Panda Partnership</u> Street Address, City, Zip
<u>Joe Azar</u> Please print name clearly	<u>Panda Partnership</u> Street Address, City, Zip
<u>Teaira Blackburn</u> Please print name clearly	<u>310 Todd Rd.</u> Street Address, City, Zip
<u>Kay(e) Smith</u> Please print name clearly	<u>313 W. Main St. Batesville, MS 38606-2620</u> Street Address, City, Zip
<u>John Smith</u> Please print name clearly	<u>313 W. Main St. Batesville, MS</u> Street Address, City, Zip
<u>Coasie Parker</u> Please print name clearly	<u>2272 Seven Rd. Batesville MS 38606</u> Street Address, City, Zip

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025****IN RE: APPROVAL OF CONSENT AGENDA**

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

1. Approval for Berma Williams to attend the Budgetary 101 classes on June 9, 2025, in Flowood, MS. All expenses to be paid/reimbursed by the city.
2. Approval for Mark Ivy and Taylor Jaudon to attend MWPCOA Annual Conference in Biloxi, May 14-16, 2025. All expenses to be paid/reimbursed by the city.
3. Approval for Officer Kasey Livingston to attend Gang Extremist Training on March 21-April 1, 2025, at MDCC in Moorehead, MS. All expenses will be paid/reimbursed by the city. He will travel in a city vehicle.
4. Approval for Dispatcher Ebony Galmore to attend hearing and speech awareness on March 6, 2025, in Tupelo, MS. All expenses will be paid/reimbursed by the city.
5. Approval of Dispatcher Raven Green to attend Never Secure Always Ready Training on February 22, 2025, in Tupelo, MS. All expenses will be paid/reimbursed by the city. Nunc Pro Tunc.
6. Approval for Hal Ferrell and Teddy Morrow to attend representatives meeting in Jackson, MS on March 19-20, 2025. All expenses paid/reimbursed by the city.
7. Approval for Jeffrey Beasley, Zachary Johnson, and Howard Wooten to attend the Basic Firefighter course 1001-I-II at the Mississippi Fire Academy on April 13-June 5, 2025. All expenses will be paid/reimbursed by the city.
8. Approval for Sulli Woods to attend the 2025 Spring Municipal Clerk Conference April 9-11, 2025, in Hattiesburg, MS. All expenses will be paid/reimbursed by the city.

IN RE: APPROVAL OF PAY REQUEST AGENDA

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

1. Approval to pay Magnolia Pump & Equipment In. in the amount of \$12,926.75 in connection with Lift Station Pump at Panola County Jail.
2. Approval to pay MTECH Inc. in the amount of \$10,130.00 in connection with the UTV Equipment Transporter.
3. Approval to pay SunbeltFire in the amount of \$61,096.00 in connection with bunker gear.
4. Approval of payment in the amount of \$3,228.00 for Pay App #8 (Final Pay Application) to be made to TDL Contractors, Inc. in connection with Batesville Pavilion and Museum.
5. Approval to pay SOZO Architecture, PLLC in the amount of \$7,200.00 in connection with Batesville Mounds and Pavilion project.
6. Approval to pay SOZO Architecture, PLLC in the amount of \$7,280.00 in connection with Batesville Animal Shelter Project
7. Approval of payment in the amount of \$9,850.55 for Pay App #1 to be made to TDL Contractors, Inc. in connection with Batesville Animal Shelter.

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MARCH 4, 2025

IN RE: APPROVAL OF HUMAN RESOURCES AGENDA

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

1. Approval to remove Joseph Wicks from Payroll due to job abandonment. Effective immediately.
2. Approval to promote Patrol Sergeant Jason Adams to the rank of Lieutenant. The payrate will increase to \$27.72 per hour. Effective March 6, 2025.

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

MARCH 4, 2025

IN RE: BIDS RECEIVED – BROAD STREET SEWER REHAB PROJECT

AT March 4, 2025, meeting of the Mayor and Board of Aldermen, bids were received for the Broad Street Sewer Rehab Project. A bid from Video Industrial Services was received but not opened because it was believed to lack of a certificate of responsibility number on the sealed envelope as required by law. After the meeting was adjourned such number was located on the sealed envelope as required by law. Accordingly the bid was presented to the Mayor and Board of Aldermen and opened and was as follows:

VIDEO INDUSTRIAL SERVICES \$108,466.75

Having heard all bids received, upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, it was ordered that the bids be, and they are hereby taken under advisement.

Publisher's Certificate of Publication

**STATE OF MISSISSIPPI
COUNTY OF PANOLA**

Rebecca Alexander, being duly sworn, on oath says she is and during all times herein stated has been an employee of Batesville Newsmedia publisher and printer of the 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:

01/22/25 01/29/25

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

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

Rebecca Alexander, Publisher

Subscribed and sworn to before me this
29th Day of January, 2025

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

Account # 180200
Ad # 1937041

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

PUBLIC NOTICE

ADVERTISEMENT FOR BIDS

Notice is hereby given that sealed bids for the **Broad Street Sewer Rehab Project** will be received by **The City of Batesville**, herein called the "OWNER", at **Batesville City Hall, 103 College Street, Batesville, MS** until **2:00 P.M., Local Time on February 18, 2025** at which time they will be publicly opened and read aloud. Bids received after this time will not be considered and will

not be accepted and will be returned unopened.

A Pre-Bid Conference is not currently scheduled for the Project. If it is determined that a pre-bid conference is required, an addendum will be issued to establish the time, date, and location. The Project Scope shall include, but may not be limited to, cleaning, removal of roots, removal of protruding service laterals, lining approximately 1200 linear feet of 8-inch and 6 inch diameter sanitary sewer pipelines, reconnection of existing service laterals, and close-circuit television (CCTV), traffic control, and other miscellaneous items in accordance with the specifications.

Contract time is 60 consecutive calendar days. Liquidated damages in the amount of \$250.00 will be assessed for each consecutive calendar day thereof.

Bidders must be qualified under Mississippi Law and show a current Certificate of Responsibility issued by the Mississippi Board of Public Contractors establishing classification as to the value and type of construction work on which he is authorized to bid. The Plans, Specifications, and Contract Documents may be examined at the following location:

1. Batesville City Hall, 103 College Street, Batesville, MS 38606, (662) 563-4576
2. Mendrop Engineering Resources, 101 Eureka Street, Batesville, MS 38606, (662) 501-9946
3. Via email at gsmith@

Copies of the Contract Documents may be obtained at the offices of Mendrop Engineering Resources, LLC, 101 Eureka St., Batesville, MS 38606, Telephone 662-501-9946, upon payment of \$150 for each set, NOT to be refunded. The cost of the contract documents includes standard shipping and handling via USPS First Class Mail or UPS Ground, as well as printing expenses. Plans may also be sent via email. Make request for plans via email. (gsmith@mendrop.net)
Disadvantaged business enterprises are encouraged to make inquiries regarding potential bidding: subcontracting opportunities.

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

MARCH 4, 2025

IN RE: CITY'S HEALTH AND OTHER INSURANCE

Brad Clark and Connie Breazeale discussed the City's voluntary health and other insurance.

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the current life, dental and vision insurance remain with Humana Insurance with no rate change in the life and vision policies and the dental policy with 5% increase and further ordered that the health insurance remain with Blue Cross Blue Shield of Mississippi with a 7% premium increase.

IN RE: COASIE PARKER/ THE XCLUSIVE FOUNDATION

Upon motion of Alderman Walton and second of Alderman Harrison and upon unanimous vote taken, it was ordered that Coasie Parker be, and she is hereby allowed to hold a Youth Outreach event at Patton Lane Park on June 19, 2025, and June 21, 2025, from 9:00 a.m. until 4:00 p.m.

IN RE: 2025 NATIONAL JROTC DRONE COMPETITION

Upon motion of Alderman Dugger and second of Alderman Walton and upon unanimous vote taken, it was ordered that the rental fee for the event is waived as provided by the Revised Policy for Reduced Fees- Civic Center (July 7, 2015) [South Panola School District] and the rental fees for the tables and chairs are deemed to be necessary funds related thereto and are therefor waived as allowed by Section 21-17-1 (3)(a)(i) of the Mississippi Code of 1972.

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

MARCH 4, 2025

**IN RE: PUBLIC HEARING - 2:15 P.M.
 PUBLIC HEARING – MIKE MOORE – CONDITIONAL USE
 PERMIT**

The Mayor opened the Public Hearing and Chief Building Official Andy Berryhill explained the purpose of the hearing being a request from Mike Moore for a Conditional Use Permit to allow for *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a crawfish vending business in a C-3, Commercial zone at 111 Turner Street. Said real property is owned by Joey Caine Construction, LLC and is lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is more particularly described as follows, to-wit:

Parcel #3182N0004800 0002600 Lot (62.9x138) Lot 25
West of Street – Willa Cox S/D Section 9, Township 9S,
Range 7W – 111 Turner Street

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:

Robbie Haley was present in support and no one was in opposition of this request.

Chief Building Official Andy Berryhill reported that the Planning Commission recommended said Conditional Use Permit request be granted at their meeting held on January 27, 2025.

The Mayor declared the hearing closed.

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

MARCH 4, 2025

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:

02/12/25

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
12th Day of February, 2025

Shandale Goodman



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

PUBLIC NOTICE

NOTICE OF PUBLIC
HEARING

WHEREAS, There has been submitted by Mike Moore to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow Use #2.240 Sales from temporary or portable buildings, tent or other structures for the operation of a crawfish vending business in a C-3, Commercial zone at 111 Turner Street. Said real property is owned by Joey Caine Construction, LLC and is lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and is more particularly described as follows, to-wit:

Parcel #3182N0004800
0002600 Lot (62.9x138) Lot 25
West of Street – Willa Cox S/D
Section 9, Township 9S, Range
7W – 111 Turner Street
and

NOW THEREFORE, pursuant to the order of the Mayor and Board of Aldermen of the City of Batesville, Mississippi, notice is hereby given to all persons interested in, or in any way affected by, said application that a public hearing on said application shall be held by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, at 2:15 P.M. on March 4, 2025, 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 before the said time if a hearing thereon or consideration thereof be desired, or any party interested may appear in person or by counsel on said date.

CITY OF BATESVILLE
Shonnah Weaver, City Clerk

The Panolian:
Feb. 12, 2025
HEARING/MOORE

Account # 180200
Ad # 1946750

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

IN RE: CONDITIONAL USE PERMIT REQUEST – MIKE MOORE

Upon motion of Alderman Walton and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the request from Mike Moore for a conditional use permit to allow for *Use #2.240 Sales from temporary or portable buildings, tent or other structures* in a C-3, Commercial Zone located at 111 Turner Street, be and it is hereby approved for a two year period.

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

MARCH 4, 2025

**IN RE: PUBLIC HEARING - 2:15 P.M.
PUBLIC HEARING – ERNIE CAPWELL – CONDITIONAL USE
PERMIT**

The Mayor opened the Public Hearing and Chief Building Official Andy Berryhill explained the purpose of the hearing being a request from Mike Moore for a Conditional Use Permit to allow for *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a crawfish vending business in a C-2, Commercial zone at the vacant lot between Shell and East Oaks Shopping Center on Hwy. 6, East owned by Tres Brasell, Or at the vacant lot west of Hardee's on Hwy. 6 East owned by Daniel Westerfield. Said real properties are lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and are more particularly described as follows, to-wit:

Lot (178x187.2) part of the North Half of the Northeast Quarter of the Northeast Quarter Unplatted land located in Section 16, Township 9 South, Range 7 West in the City of Batesville, Second Judicial District of Panola County, Mississippi on Hwy. 6, East

And

2.5 ACC PT SE 1/4 SE 1/4 - UNPLATTED LAND
Located in Section 9, Township 9 South, Range 7 West in the City of Batesville, Second Judicial District of Panola, County, Mississippi

and

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:

Ernie Capwell was present in support and no one was present in opposition of this request.

Chief Building Official Andy Berryhill reported that the Planning Commission recommended said Conditional Use Permit request be granted at their meeting held on January 27, 2025.

The Mayor declared the hearing closed.

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

MARCH 4, 2025

Publisher's Certificate of Publication

STATE OF MISSISSIPPI
COUNTY OF PANOLA

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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
12th Day of February, 2025

Shandale Goodman



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

Account # 180200
Ad # 1946748

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

PUBLIC NOTICE

NOTICE OF PUBLIC
HEARING

WHEREAS, There has been submitted by Ernie Capwell to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow Use #2.240 Sales from temporary or portable buildings, tent or other structures for the operation of a crawfish vending business in a C-2, Commercial zone at the vacant lot between Shell and East Oaks Shopping Center on Hwy. 6, East owned by Tres Brassell, Or at the vacant lot west of Hardee's on Hwy. 6 East owned by Daniel Westerfield. Said real properties are lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and are more particularly described as follows, to-wit:

Lot (178x187.2) part of the North Half of the Northeast Quarter of the Northeast Quarter Unplatted land located in Section 16, Township 9 South, Range 7 West in the City of Batesville, Second Judicial District of Panola County, Mississippi on Hwy. 6, East
And

2.5 ACC PT SE 1/4 SE 1/4 - UN-
PLATTED LAND

Located in Section 9, Township 9 South, Range 7 West in the City of Batesville, Second Judicial District of Panola County, Mississippi and

NOW THEREFORE, pursuant to the order of the Mayor and Board of Aldermen of the City of Batesville, Mississippi, notice is hereby given to all persons interested in, or in any way affected by, said application that a public hearing on said application shall be held by the Mayor and Board of Aldermen of the City of Batesville, Mississippi, at 2:15 P.M. on March 4, 2025, 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 before the said time if a hearing thereon or consideration thereof be desired, or any party interested may appear in person or by counsel on said date.

CITY OF BATESVILLE

Shonnah Weaver, City Clerk

The Panolian:
Feb. 12, 2025
HEARING/CAPWELL

IN RE: CONDITIONAL USE PERMIT REQUEST – ERNIE CAPWELL

Upon motion of Alderman Land and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the request from Ernie Capwell for a conditional use permit to allow for *Use #2.240 Sales from temporary or portable buildings, tent or other structures* in a C-3, Commercial Zone located at the vacant lot between Shell and East Oaks Shopping Center on Hwy. 6, East Or at the vacant lot west of Hardee's on Hwy. 6, be and it is hereby approved for a two year period.

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

MARCH 4, 2025

**IN RE: PUBLIC HEARING - 2:15 P.M.
 PUBLIC HEARING – ANTHONY FONDREN – CONDITIONAL USE
 PERMIT**

The Mayor opened the Public Hearing and Chief Building Official Andy Berryhill explained the purpose of the hearing being a request from Anthony Fondren for a Conditional Use Permit to allow for *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a produce sales business in a C-2, Commercial zone at Mid-Town Market Shopping Center on Hwy. 6, East. Said real property is owned by F.W. Loden, III 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

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

No one was present in support or opposition of this request.

Chief Building Official Andy Berryhill reported that the Planning Commission recommended said Conditional Use Permit request be granted at their meeting held on January 27, 2025.

The Mayor declared the hearing closed.

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

MARCH 4, 2025

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:

02/12/25

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
12th Day of February, 2025

Shandale Goodman



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

PUBLIC NOTICE

NOTICE OF PUBLIC
HEARING

WHEREAS, There has been submitted by Anthony Fondren to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow Use #2.240 Sales from temporary or portable buildings, tent or other structures for the operation of a produce sales business in a C-2, Commercial zone at Mid-Town Market Shopping Center on Hwy. 6, East. Said real property is owned by F.W. Loden, III 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

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 2:15 P.M. on March 4, 2025, 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 before the said time if a hearing thereon or consideration thereof be desired, or any party interested may appear in person or by counsel on said date.

CITY OF BATESVILLE
Shonnah Weaver, City Clerk

The Panolian:
Feb. 12, 2025
HEARING/FONDREN

Account # 180200
Ad # 1946742

CITY OF BATESVILLE
PO BOX 689
BATESVILLE MS 38606

IN RE: CONDITIONAL USE PERMIT REQUEST – ANTHONY FONDREN

Upon motion of Alderman Land and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the request from Anthony Fondren for a conditional use permit to allow for *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a produce sales business in a C-2, Commercial zone at Mid-Town Market Shopping Center on Hwy. 6, East, be and it is hereby approved for a two-year period.

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

MARCH 4, 2025

**IN RE: CLEANUP HEARING- 3:00 P.M.
 CLEANUP HEARING- 111 PATTON LANE**

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 90000800, PT W $\frac{1}{2}$
LOT 3 (92.5X200) - BLK 9 - ORIGINAL TOWN OF
BATESVILLE, Section 8, Township 9, Range 7 recorded in Deed
Book C8 at Page 347- 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 affect upon the public health, safety and welfare of the community.

Pictures of said property were presented to the Board.

The hearing was concluded.

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025****IN RE: ADJUDICATION OF PROPERTY OWNED BY OLIVETTE ROBERTSON LOCATED ON 111 PATTON LANE 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 Hall Plummber Estate 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 90000800, PT W ½
LOT 3 (92.5X200) - BLK 9 - ORIGINAL TOWN OF
BATESVILLE, Section 8, Township 9, Range 7 recorded in Deed
Book C8 at Page 347- 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 4th day of February 2025, a hearing was set for the 4th day of March, 2025, at 2:15 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. Monday, May 5, 2025, the City shall proceed to clean the property by use of municipal employees or contract labor.

RESOLVED this the 4th day of March, 2025.

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

MARCH 4, 2025



City of Batesville Code Office

Building, Planning, Zoning, & Permitting

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

February 11, 2025

Hall Plummber Estate
 c/o Commie Woghiren
 111 Patton Lane
 Batesville, MS 38606

Hall Plummber Estate
 c/o Commie Woghiren
 51 Deerpath Rd.
 Matteson, IL

Re: Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 3183K0000100 90000800, PT W ½
 LOT 3 (92.5X200) - BLK 9 - ORIGINAL TOWN OF
 BATESVILLE, Section 8, Township 9, Range 7 recorded in Deed
 Book C8 at Page 347- in the Batesville Office of the Chancery
 Clerk of Panola County, Mississippi

Dear Hall Plummber Estate:

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 4th day of March, 2025, at 2:15 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

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025**

Hall Plummber Estate
February 11, 2025
Page Two (2)

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.

Hall Plummber Estate
February 11, 2025
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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

AFFIDAVIT OF MAILING AND POSTING

STATE OF MISSISSIPPI

COUNTY OF PANOLA

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

1.

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

2.

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

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.

Anthony Berryhill
SWORN TO AND SUBSCRIBED before me, on this the 12th day of

February, 2025.

(SEAL)

My Commission Expires:



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

MARCH 4, 2025

**IN RE: CLEANUP HEARING- 3:00 P.M.
 CLEANUP HEARING- 313 WILLA 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: 3185D0004600 0007000, LOT 89 (60.1x167.4), Westmoreland Heights S/D, Section 16, Township 9, Range 7 recorded in Deed Book X4 at Page 248- in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

Kaye Smith was present in support & no one was present in 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.

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025****IN RE: ADJUDICATION OF PROPERTY OWNED BY KAYE ANTHONY SMITH, LOCATED AT 313 WILLA 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 upon the following votes taken: Alderman Harrison – Nay; Alderman Land – Aye; Alderman Morrow – Aye; Alderman Walton – Aye and Alderman Dugger – Aye, 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 Kaye Anthony Smith 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: 3185D0004600 0007000, LOT 89 (60.1x167.4), Westmoreland Heights S/D, Section 16, Township 9, Range 7 recorded in Deed Book X4 at Page 248- 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 4th day of February, 2025, a hearing was set for the 4th day of March, 2024, at 2:15 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, May 6, 2025, to get said property cleaned and if it is not cleaned by the property owner, the City

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of Batesville shall proceed to clean the property by use of municipal employees or 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 4th day of March, 2025.



City of Batesville Code Office
Building, Planning, Zoning, & Permitting

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

February 11, 2025

Kay Anthony Smith
313 Willa Street
Batesville, MS 38606

Re: Parcel Number as shown in the Office of the Panola County Tax Assessor and Collector: 3185D0004600 0007000, LOT 89 (60.1x167.4), Westmoreland Heights S/D, Section 16, Township 9, Range 7 recorded in Deed Book X4 at Page 248- in the Batesville Office of the Chancery Clerk of Panola County, Mississippi

Dear Mrs. Smith:

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 4th day of March, 2025, at 2:15 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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MARCH 4, 2025

Mrs. Smith
February 11, 2025
Page Two (2)

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.

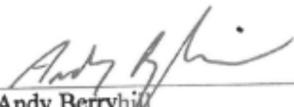
A copy of this Notice shall be recorded in the minutes of the Mayor and Board in conjunction with the above referenced hearing.

Mrs. Smith
February 11, 2025
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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

AFFIDAVIT OF MAILING AND POSTING

STATE OF MISSISSIPPI

COUNTY OF PANOLA

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

1.

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

2.

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

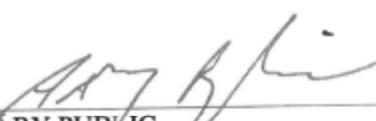
3.

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 12th day of

February, 2025.


NOTARY PUBLIC

(SEAL)

My Commission Expires: _____



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

MARCH 4, 2025

**IN RE: DOWNTOWN BUSINESS DISTRICT USE PERMIT – 109 EUREKA
ST. SUITE A**

Chief Building Official Andy Berryhill presented a Downtown Business District Mayor and Board of Aldermen Use Permit request made by Eric Davis, that was recommended by the Planning Commission, for use #3.110 – offices- MS Department of Rehabilitation Services/Government Agency

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

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

MARCH 4, 2025

**IN RE: APPROVAL TO SET PUBLIC HEARING - CONDITIONAL USE
PERMIT – MARGARET BRYANT**

Upon motion of Alderman Harrison and second of Alderman Dugger 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 Margaret Bryant to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a shaved ice business in a C-2, Commercial zone at Panola Plaza Shopping Center on Hwy. 6, West. Said real property is owned by EBI Holdings, LLC 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:

Pt. Lot 1, Blk 30 Original Town of Batesville
Section 9, Township 9 South, Range 7 West in the
City of Batesville, Second Judicial District of
Panola County, Mississippi at Panola Plaza
Shopping Center

and

WHEREAS, said request was reviewed by the Planning Commission of the City of Batesville at their meeting held on February 24, 2025, 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:

dates of operation to be daily from April – October;
the trailer being removed from the property by October 31;
with the permit being good for two (2) years

and

NOW, THEREFORE, BE IT ORDERED that on the 1st day of April 2025, at 2:15 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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

IN RE: APPROVAL TO SET PUBLIC HEARING - CONDITIONAL USE PERMIT – JERMONE PARTEE

Upon motion of Alderman Harrison and second of Alderman Dugger 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 Jerome Partee to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a concession stand business in a C-2, Commercial zone at Mid-Town Market Shopping Center on Hwy. 6, East. Said real property is owned by F.W. Loden, III 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 February 24, 2025, 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:

Two (2) year limit

and

NOW, THEREFORE, BE IT ORDERED that on the 1st day of April 2025, at 2:15 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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

IN RE: APPROVAL TO SET PUBLIC HEARING - CONDITIONAL USE PERMIT – TRES BRASELL

Upon motion of Alderman Harrison and second of Alderman Dugger 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 Tres Brasell to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a food truck business in a C-2, Commercial zone at the vacant lot between Shell and East Oaks Shopping Center on Hwy. 6, East owned by C & D Tupelo, Said real properties are lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and are more particularly described as follows, to-wit:

Lot (178x187.2) part of the North Half of the Northeast Quarter of the Northeast Quarter Unplatted land located in Section 16, Township 9 South, Range 7 West in the City of Batesville, Second Judicial District of Panola County, Mississippi on Hwy. 6, East and

WHEREAS, said request was reviewed by the Planning Commission of the City of Batesville at their meeting held on February 24, 2025, 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:

Two (2) year limit
and
NOW, THEREFORE, BE IT ORDERED that on the 1st day of April 2025 at 2:15 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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

**IN RE: APPROVAL TO SET PUBLIC HEARING - CONDITIONAL USE
PERMIT – LANDSHARK OF NORTH MS**

Upon motion of Alderman Harrison and second of Alderman Dugger 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 The Landshark Of North MS to the Board of Mayor and Aldermen of the City of Batesville, Mississippi, an application for a Conditional Use Permit to allow *Use #2.240 Sales from temporary or portable buildings, tent or other structures* for the operation of a food truck business in a C-2, Commercial zone at 103 US-51 South, owned by Amy Thomas, Said real properties are lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and are more particularly described as follows, to-wit:

Lot 1 (170x180) E of Creek & S & W
Of HWYS BLK 30- Original Town of Batesville
located in Section 9, Township 9 South, Range 7 West in the
City of Batesville, Second Judicial District of
Panola County, Mississippi on US-51 S

and

WHEREAS, said request was reviewed by the Planning Commission of the City of Batesville at their meeting held on February 24, 2025, 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:

Two (2) year limit

and

NOW, THEREFORE, BE IT ORDERED that on the 1st day of April 2025 at 2:15 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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

IN RE: APPROVAL TO SET PUBLIC HEARING - CONDITIONAL USE PERMIT – AMY THOMAS

Upon motion of Alderman Harrison and second of Alderman Dugger 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 Amy Thomas 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* to allow up to two (2) mobile vendors in a C-2, Commercial zone at 103 US-51 South, owned by Amy Thomas, Said real properties are lying and situated in the City of Batesville, Second Judicial District of Panola County, Mississippi, and are more particularly described as follows, to-wit:

Lot 1 (170x180) E of Creek & S & W
Of HWYS BLK 30- Original Town of Batesville
located in Section 9, Township 9 South, Range 7 West in the
City of Batesville, Second Judicial District of
Panola County, Mississippi on US-51 S

and

WHEREAS, said request was reviewed by the Planning Commission of the City of Batesville at their meeting held on February 24, 2025, 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:

Two (2) year limit

and

NOW, THEREFORE, BE IT ORDERED that on the 1st day of April 2025 at 2:15 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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

**IN RE: RATIFY & CONFIRM WASTEWATER REHABILITATION
AGREEMENT**

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, the Mayor and Board of Alderman do hereby ratify and confirm the approval of, and approve, the Agreement Between The Department of the Army and The City of Batesville For Design and Construction Assistance for The City of Batesville Waste Water Rehabilitation and the attached Certificate of Authority and Certification Regarding Lobbying. A copy of which is set out below and the execution thereof by Mayor Hal Ferrell and City Attorney Colmon Mitchell

Attachment

AGREEMENT
BETWEEN
THE DEPARTMENT OF THE ARMY
AND
CITY OF BATESVILLE
FOR
DESIGN AND CONSTRUCTION ASSISTANCE
FOR THE
CITY OF BATESVILLE WASTE WATER REHABILITATION

THIS AGREEMENT is entered into this 6th day of March, 2016, by and between the Department of the Army (hereinafter the "Government"), represented by the District Commander for Vicksburg District (hereinafter the "District Commander") and the City of Batesville (hereinafter the "Non-Federal Sponsor"), represented by its Mayor.

WITNESSETH, THAT:

WHEREAS, the Government is authorized to provide design and construction assistance for publicly owned, non-Federal water-related environmental infrastructure and resource protection and development projects in Mississippi, including projects for wastewater treatment and related facilities, elimination or control of combined sewer overflows, water supply and related facilities, and surface water resource protection and development pursuant to Section 592 of the Water Resources Development Act of 1999, Public Law 106-53, as amended (hereinafter "Section 592");

WHEREAS, Section 592(d)(3) provides that the Federal share of project costs under each agreement entered into under Section 592 shall be 75 percent, which may be in the form of reimbursements;

WHEREAS, as of the effective date of this Agreement, the total amount of Federal funds available for the Federal share of project costs under this Agreement is \$1,600,000; and

WHEREAS, the Government and the Non-Federal Sponsor have the full authority and capability to perform in accordance with the terms of this Agreement and acknowledge that this Agreement shall be enforceable in the appropriate district court of the United States.

NOW, THEREFORE, the parties agree as follows:

ARTICLE I - DEFINITIONS

A. The term "Project" means design and construction of a project to rehabilitate the waste water treatment plant to include but not be limited to secondary clarifiers in order to meet current regulations and standards, as generally described in the Letter Report for Design and Construction Assistance for the City of Batesville Waste Water Rehabilitation, Panola County,

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Mississippi, dated June 2024, and approved by the District Commander for Vicksburg District on July 1 2024.

B. The term "HTRW" means hazardous, toxic, and radioactive wastes, which includes any material listed as a "hazardous substance" (42 U.S.C. 9601(14)) regulated under the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter "CERCLA") (42 U.S.C. 9601-9675) and any other regulated material in accordance with applicable laws and regulations.

C. The term "project costs" means all costs incurred by the Government and Non-Federal Sponsor in accordance with the terms of this Agreement that are directly related to design and construction of the Project and cost shared. The term includes the Non-Federal Sponsor's eligible pre-Agreement design work costs, if any; the Government's costs for conducting environmental compliance activities, providing management oversight and technical assistance, as needed, preparing monthly financial reports, reviewing design work, appraisals, and invoices provided by the Non-Federal Sponsor, conducting periodic inspections during construction, and any other costs incurred by the Government pursuant to the provisions of this Agreement; the Non-Federal Sponsor's eligible costs for engineering, design, construction, and supervision and administration; the Non-Federal Sponsor's eligible costs for providing real property interests and relocations, and performing permit work; and the costs of historic preservation activities except for data recovery for historic properties, if any. The term does not include any costs for operation and maintenance; HTRW cleanup and response; dispute resolution; audits; betterments; or the Non-Federal Sponsor's cost to negotiate this Agreement.

D. The term "real property interests" means lands, easements, and rights-of-way, including those required for relocations and borrow and dredged material placement areas. Acquisition of real property interests may require the performance of relocations.

E. The term "relocation" means the provision of a functionally equivalent facility to the owner of a utility, cemetery, highway, railroad, or public facility when such action is required by applicable legal principles of just compensation. Providing a functionally equivalent facility may include the alteration, lowering, raising, or replacement and attendant demolition of the affected facility or part thereof.

F. The term "pre-Agreement design work" means the design work performed by the Non-Federal Sponsor prior to the effective date of this Agreement that the Government determines was accomplished in a satisfactory manner and is necessary for the Project.

G. The term "betterment" means a difference in the design or construction of an element of the Project that results from applying standards that the Government determines exceed those that the Government would otherwise apply to design or construction of that element.

ARTICLE II - OBLIGATIONS OF THE PARTIES**A-2**

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A. As of the effective date of this Agreement, the total amount of Federal funds available for the Federal share of project costs under this Agreement is limited to \$1,600,000. Notwithstanding any other provision of this Agreement, the Non-Federal Sponsor shall be responsible for all costs in excess of this amount.

B. The Non-Federal Sponsor shall design and construct the Project in accordance with all requirements of applicable Federal laws and implementing regulations, including but not limited to, if applicable, Section 601 of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d), and Department of Defense Directive 5500.11 issued pursuant thereto; the Age Discrimination Act of 1975 (42 U.S.C. 6102); and the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Army Regulation 600-7 issued pursuant thereto and the following:

1. In accordance with Article III, the Non-Federal Sponsor shall provide the real property interests and relocations required for construction and operation and maintenance of the Project. The Non-Federal Sponsor hereby gives the Government a right to enter, at reasonable times and in a reasonable manner, upon property that the Non-Federal Sponsor now or hereafter owns or controls for the purpose of performing inspections pursuant to Article II.D.

2. The Non-Federal Sponsor shall afford the Government the opportunity to review and comment on all design work, including relevant plans and specifications, and related contract solicitations, prior to the Non-Federal Sponsor's issuance of such solicitations. In addition, until the Government has provided written confirmation that environmental compliance has been completed, the Non-Federal Sponsor shall not issue the solicitation for the first construction contract for the Project or commence construction of the Project using its own forces.

3. The Non-Federal Sponsor is responsible for obtaining all permits and licenses necessary for design, construction, and operation and maintenance of the Project and for ensuring compliance with all requirements of such permits and licenses.

4. The Non-Federal Sponsor shall establish and maintain such legal and institutional structures as necessary to ensure the effective long-term operation of the Project at no cost to the Government.

5. Upon completion of design, the Non-Federal Sponsor shall furnish the Government with copies of the completed design.

6. The Non-Federal Sponsor shall operate and maintain the Project at no cost to the Government. The Non-Federal Sponsor shall furnish the Government with a copy of the as-built drawings for the completed work.

7. No more frequently than every 30 calendar days, the Non-Federal Sponsor shall provide the Government an invoice with the documentation required by Article V for the Government to determine whether costs incurred by the Non-Federal Sponsor are eligible for inclusion in project costs. If the Non-Federal Sponsor incurred costs for pre-Agreement design work, documentation of such costs shall be included in the Non-Federal Sponsor's initial

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invoice. Following completion of the Project, the Non-Federal Sponsor shall notify the Government, which shall conduct a final inspection of the Project. No later than 60 calendar days after the Government conducts the final inspection, the Non-Federal Sponsor shall provide its final invoice, unless an extension is requested by Non-Federal Sponsor in writing and approved by the Government.

C. Using information developed and provided by the Non-Federal Sponsor, the Government shall ensure environmental compliance activities necessary to achieve compliance with all applicable environmental laws and regulations for design and construction of the Project are completed prior to initiation of construction. The Government will notify the Non-Federal Sponsor in writing when such compliance has been completed.

D. The Government may perform periodic inspections to verify the progress of construction and that work is being performed in a satisfactory manner. In addition, the Government may provide technical assistance to the Non-Federal Sponsor on an as-needed basis during design and construction of the Project. Further, the Government shall perform a final inspection to verify satisfactory completion of the Project.

E. Subject to the limitation on available Federal funds identified in Article II.A. for the Federal share of project costs under this Agreement, the Government shall be responsible for 75 percent of project costs, with reimbursement for costs incurred by the Non-Federal Sponsor determined in accordance with this paragraph. The Government shall review each invoice provided by the Non-Federal Sponsor and, based on the procedures, requirements, and conditions provided in Article V, shall determine the costs, or portion thereof, that are eligible for inclusion in project costs. To the maximum extent practicable, within 30 calendar days of receipt of each invoice, the Government, subject to the availability of Federal funds, shall reimburse the Non-Federal Sponsor for 75 percent of the Non-Federal Sponsor's eligible costs included in each invoice, less 25 percent of the costs incurred by the Government during that same invoice period. The Government shall provide a written explanation to the Non-Federal Sponsor for costs it determines are not eligible for inclusion in project costs.

F. The Government shall ensure compliance with the National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. 300101-307108), prior to initiation of construction. All costs incurred by the Government and the Non-Federal Sponsor for actions associated with historic preservation, including, but not limited to, the identification and treatment of historic properties as those properties are defined in the NHPA and the mitigation of adverse effects other than data recovery, as the Government determines necessary and subject to audit in accordance with Article X.B. to determine reasonableness, allocability, and allowability of such costs, shall be included in project costs and shared in accordance with the provisions of this Agreement. If historic properties are discovered during construction and the effect(s) of construction are determined to be adverse, strategies shall be developed to avoid, minimize, or mitigate these adverse effects. In accordance with 54 U.S.C. 312507, up to 1 percent of the total amount available for the Project may be applied toward data recovery of historic properties and such costs shall be borne entirely by the Government. In the event that costs associated with data recovery of historic properties exceed 1 percent of the total amount authorized to be appropriated for the Project, in accordance with 54 U.S.C. 312508, the Government will seek a waiver from

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the 1 percent limitation under 54 U.S.C. 312507 and upon receiving the waiver, will proceed with data recovery at full Federal expense. Nothing in this Agreement shall limit or otherwise prevent the Non-Federal Sponsor from voluntarily contributing costs associated with data recovery that exceed 1 percent.

G. The Non-Federal Sponsor shall not use Federal program funds to meet any of its obligations under this Agreement unless the Federal agency providing the funds verifies in writing that the funds are authorized to be used for the Project. Federal program funds are those funds provided by a Federal agency, plus any non-Federal contribution required as a matching share for such work.

H. The Non-Federal Sponsor and the Government, in consultation with appropriate Federal and State officials, shall develop a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

I. If the Non-Federal Sponsor elects to include betterments in the design or construction of the Project, the Non-Federal Sponsor shall notify the Government in writing and describe the betterments it intends to design and construct. The Non-Federal Sponsor shall be solely responsible for all costs due to betterments, including costs associated with obtaining permits for such work, without reimbursement by the Government.

ARTICLE III - REAL PROPERTY INTERESTS AND RELOCATIONS

A. The Government and Non-Federal Sponsor shall jointly determine the real property interests required for construction, operation, and maintenance of the Project, and the Non-Federal Sponsor shall provide the Government with general written descriptions, including maps as appropriate, of such real property interests. Upon written confirmation by the Government, the Non-Federal Sponsor shall, in accordance with Article IV.A., investigate to ensure that HTRW does not exist in, on, or under the real property interests to be acquired. The Non-Federal Sponsor shall acquire such real property interests and notify the Government in writing when such interests have been acquired. The Non-Federal Sponsor shall ensure that such real property interests are retained in public ownership.

B. The Government and Non-Federal Sponsor shall jointly determine the relocations required for construction, operation, and maintenance of the Project, and the Non-Federal Sponsor shall provide the Government with general written descriptions, including maps and plans and specifications, as appropriate, for such relocations. Upon written confirmation by the Government, the Non-Federal Sponsor shall perform or ensure performance of such relocations and notify the Government in writing when such relocations have been accomplished.

C. In acquiring the real property interests for the Project, the Non-Federal Sponsor assures the Government that it will comply with the following:

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(1) fair and reasonable relocation payments and assistance shall be provided to or for displaced persons, as are required to be provided by a Federal agency under 42 U.S.C. 4622, 4623 and 4624;

(2) relocation assistance programs offering the services described in 42 U.S.C. 4625 shall be provided to such displaced persons;

(3) within a reasonable period of time prior to displacement, comparable replacement dwellings will be available to displaced persons in accordance with 42 U.S.C. 4625(c)(3);

(4) in acquiring real property, the Non-Federal Sponsor will be guided, to the greatest extent practicable under State law, by the land acquisition policies in 42 U.S.C. 4651 and the provisions of 42 U.S.C. 4652; and

(5) property owners will be paid or reimbursed for necessary expenses as specified in 42 U.S.C. 4653 and 4654.

ARTICLE IV - HTRW

A. The Non-Federal Sponsor shall be responsible for undertaking any investigations to identify the existence and extent of any HTRW regulated under applicable law, that may exist in, on, or under real property interests required for construction, operation, and maintenance of the Project.

B. In the event the Non-Federal Sponsor discovers that HTRW exists in, on, or under any of the real property interests needed for construction, operation, and maintenance of the Project, the Non-Federal Sponsor shall provide written notice to the Government within 15 calendar days of such discovery, in addition to providing any other notice required by applicable law. If HTRW is discovered prior to acquisition, the Non-Federal Sponsor shall not proceed with the acquisition of such real property interests until the parties agree that the Non-Federal Sponsor should proceed. If HTRW is discovered after acquisition of the real property interests, no further Project activities within the contaminated area shall proceed until the parties agree on an appropriate course of action.

1. If the Non-Federal Sponsor initiates or continues construction, the Non-Federal Sponsor shall be responsible, as between the Government and the Non-Federal Sponsor, for the performance and costs of HTRW cleanup and response, including the costs of any studies and investigations necessary to determine an appropriate response to the contamination. The Non-Federal Sponsor shall pay such costs without reimbursement or credit by the Government.

2. In the event the Non-Federal Sponsor fails to discharge its responsibilities under this Article, the Government may suspend or terminate future performance under this Agreement, including reimbursements pursuant to Article II.E.

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C. As between the Government and the Non-Federal Sponsor, the Non-Federal Sponsor shall be considered the owner and operator of the Project for purposes of CERCLA liability or other applicable law.

D. Any decision made pursuant to this Article shall not relieve any third party from any HTRW liability that may arise under applicable law.

ARTICLE V - DETERMINATION OF ELIGIBLE NON-FEDERAL SPONSOR COSTS

A. The Government and the Non-Federal Sponsor agree that the Non-Federal Sponsor's costs that are eligible for inclusion in project costs shall be determined in accordance with the following procedures, requirements, and conditions and subject to audit in accordance with Article X.B. to determine reasonableness, allocability, and allowability of costs.

1. Real Property Interests.

a. General Procedure. The Government shall include in project costs the value of required real property interests acquired from private owners after the effective date of this Agreement except that the value of real property interests donated to the Non-Federal Sponsor are not eligible for inclusion in project costs. The Non-Federal Sponsor shall obtain for each required real property interest acquired from private owners an appraisal of the fair market value of such interest that is prepared by a qualified appraiser who is acceptable to the parties. Subject to valid jurisdictional exceptions, the appraisal shall conform to the Uniform Standards of Professional Appraisal Practice. The appraisal must be prepared in accordance with the applicable rules of just compensation, as specified by the Government.

(1) Date of Valuation. The fair market value of real property interests acquired from private owners by the Non-Federal Sponsor shall be the fair market value of such real property interests at the time the interests are acquired.

(2) Except for real property interests acquired through eminent domain proceedings, the Non-Federal Sponsor shall submit an appraisal for each real property interest to the Government for review and approval no later than, to the maximum extent practicable, 60 calendar days after the Non-Federal Sponsor concludes the acquisition of the interest. If, after coordination and consultation with the Government, the Non-Federal Sponsor is unable to provide an appraisal that is acceptable to the Government, the Government shall obtain an appraisal to determine the fair market value of the real property interest for valuation purposes.

(3) The Government shall include in the project costs the appraised amount approved by the Government. Where the amount paid or proposed to be paid by the Non-Federal Sponsor exceeds the approved appraised amount, the Government, at the request of the Non-Federal Sponsor, shall consider all factors relevant to determining fair market

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value and, in its sole discretion, after consultation with the Non-Federal Sponsor, may approve in writing an amount greater than the appraised amount.

b. Eminent Domain Procedure. For real property interests acquired by eminent domain proceedings, the Non-Federal Sponsor shall notify the Government in writing of its intent to institute such proceedings and submit the appraisals of the specific real property interests to be acquired for review and approval by the Government. If the Government provides written approval of the appraisals, the Non-Federal Sponsor shall use the amount set forth in such appraisals as the estimate of just compensation for the purpose of instituting the eminent domain proceeding. If the Government provides written disapproval of the appraisals, the Government and the Non-Federal Sponsor shall consult to promptly resolve the issues that are identified in the Government's written disapproval. In the event the issues cannot be resolved, the Non-Federal Sponsor may use the amount set forth in its appraisal as the estimate of just compensation for purpose of instituting the eminent domain proceeding. The fair market value for valuation purposes shall be either the amount of the court award for the real property interests taken or the amount of any stipulated settlement or portion thereof that the Government approves in writing.

c. Waiver of Appraisal. Except as required by paragraph A.1.b. of this Article, the Government may waive the requirement for an appraisal pursuant to this paragraph if, in accordance with 49 C.F.R. Section 24.102(c)(2):

(1) the Non-Federal Sponsor determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the real property interest proposed for acquisition is estimated at \$15,000 or less, based on a review of available data. When the Non-Federal Sponsor determines that an appraisal is unnecessary, the Non-Federal Sponsor shall prepare the written waiver valuation required by 49 C.F.R. Section 24.102(c)(2) and submit a copy thereof to the Government for approval. The Government may approve exceeding the \$15,000 threshold, up to an amount of \$35,000, if the Non-Federal Sponsor offers the owner the option of having the Non-Federal Sponsor appraise the real property interest.

(2) if the Non-Federal Sponsor determines that the acquisition is uncomplicated, has a low fair market value, and the Non-Federal Sponsor offers the owner the option to have the property appraised, the Non-Federal Sponsor may request in writing approval to use a waiver valuation for properties with estimated values of more than \$35,000 and up to \$50,000. If use of a waiver valuation is approved by the Government, the Non-Federal Sponsor shall provide a report measuring the cost and time benefits, condemnation rate, settlement rate, and other relevant metrics to document the administrative savings, accuracy, and efficacy of the use of the waiver valuation.

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d. **Incidental Costs.** The Government shall include in project costs eligible incidental costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs after the effective date of this Agreement in acquiring required real property interests from private owners. Such incidental costs include closing and title costs, appraisal costs, survey costs, attorney's fees, plat maps, mapping costs, actual amounts expended for payment of any relocation assistance benefits provided in accordance with Article III.C., and other payments by the Non-Federal Sponsor for items that are generally recognized as compensable, and required to be paid, by applicable state law due to the acquisition of required real property interests.

e. Except for permit work pursuant to Article V.A.4., any publicly owned real property interests required for the Project will be provided by the Non-Federal Sponsor at no cost to the Government.

2. **Relocations.** The Government shall include in project costs eligible costs of required relocations performed by the Non-Federal Sponsor after the effective date of this Agreement.

a. For a relocation other than a highway, eligible costs shall be only that portion of relocation costs that the Government determines is necessary to provide a functionally equivalent facility, reduced by depreciation, as applicable, and by the salvage value of any removed items.

b. For a relocation of a highway, which is any highway, roadway, or street, including any bridge thereof, that is owned by a public entity, eligible costs shall be only that portion of relocation costs that would be necessary to accomplish the relocation in accordance with the design standard that the State of Mississippi would apply under similar conditions of geography and traffic load, reduced by the salvage value of any removed items.

c. Relocation costs, as determined by the Government, include actual costs of performing the relocation; planning, engineering, and design costs; and supervision and administration costs. Relocation costs do not include any costs associated with betterments, as determined by the Government, nor any additional cost of using new material when suitable used material is available.

3. **Design and Construction Work.** The Government shall include in project costs eligible costs of the design and construction work performed by the Non-Federal Sponsor after the effective date of this Agreement and eligible costs of pre-Agreement design work, if any.

a. The Non-Federal Sponsor shall provide documentation, satisfactory to the Government, for the Government to determine the amount of eligible costs. Appropriate documentation includes invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees. Where the Non-Federal Sponsor's cost for completed pre-Agreement design work is expressed as fixed costs plus a percentage of project costs, the Non-Federal Sponsor shall calculate such costs based on actual costs.

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b. The following costs are not eligible for inclusion in project costs: interest charges, or any adjustment to reflect changes in price levels after completion of the design or construction work; pre-Agreement design work previously reimbursed under another agreement; pre-Agreement design work in excess of 6 percent of project costs; costs that exceed the Government's estimate of the cost for such design and construction work; design or construction work obtained at no cost to the Non-Federal Sponsor; or any construction work initiated prior to completion of environmental compliance.

4. **Permit Work.** The Government shall include in project costs eligible costs of permit work performed by the Non-Federal Sponsor after the effective date of this Agreement. Eligible costs shall be equivalent to the direct costs, documented to the satisfaction of the Government, that the Non-Federal Sponsor incurs in obtaining all permits and licenses necessary for design and construction of the Project, including the permits necessary for construction, operation, and maintenance of the Project on publicly owned or controlled real property interests. Appropriate documentation includes invoices and certification of specific payments to contractors, suppliers, and the Non-Federal Sponsor's employees involved in obtaining such permits. Failure to comply with these permits and licenses may result in the Government denying, in whole or part, inclusion of the Non-Federal Sponsor's costs for design and construction of the Project in project costs.

5. **Compliance with Federal Labor Laws.** In undertaking construction and relocations, the Non-Federal Sponsor shall comply with applicable Federal labor laws covering non-Federal construction, including, but not limited to, 40 U.S.C. 3141-3148 and 40 U.S.C. 3701-3708 (labor standards originally enacted as the Davis-Bacon Act, the Contract Work Hours and Safety Standards Act, and the Copeland Anti-Kickback Act). The Non-Federal Sponsor's failure to comply with these laws may result in the Government denying, in whole or part, inclusion of the Non-Federal Sponsor's costs for relocations and construction of the Project in project costs.

B. Notwithstanding any other provision of this Agreement, the Non-Federal Sponsor shall not be entitled to credit or reimbursement for any costs it incurs for real property interests, relocations, and permit work that exceed 25 percent of project costs, and any such excess amount cannot be applied towards the non-Federal cost share for another project; and for any costs incurred by the Non-Federal Sponsor prior to the effective date of this Agreement, excluding costs for pre-Agreement design work.

ARTICLE VI - ACCOUNTING

A. As of the effective date of this Agreement, project costs are projected to be \$2,133,333.33, with the amount of Federal funds available for such work limited to \$1,600,000. Costs incurred by the Government are projected to be \$150,000. Costs incurred by the Non-Federal Sponsor are projected to be \$1,983,333.33, which includes eligible design and construction work after the effective date of this Agreement projected to be \$300,000, eligible pre-Agreement design work projected to be \$0, eligible real property interests projected to be \$0,

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eligible relocations projected to be \$0, and eligible permit work projected to be \$0. Reimbursements pursuant to Article II.E. for eligible costs incurred by the Non-Federal Sponsor are projected to be \$1,450,000. These amounts are estimates only that are subject to adjustment by the Government and are not to be construed as the total financial responsibilities of the Non-Federal Sponsor.

B. The Government shall provide the Non-Federal Sponsor with monthly financial reports setting forth the estimated project costs and the Government's and Non-Federal Sponsor's estimated shares of such costs; costs incurred by the Government to date; costs incurred by the Non-Federal Sponsor to date; the total amount of reimbursements made to the Non-Federal Sponsor to date; and the balance of the Federal funds available for the Project.

After the Non-Federal Sponsor has provided its final invoice to the Government, the Government shall conduct a final accounting and furnish the Non-Federal Sponsor with the written results of such final accounting. As a part of the final accounting, the Government will determine the total reimbursable amount by taking 75 percent of eligible costs incurred by the Non-Federal Sponsor, less 25 percent of the costs incurred by the Government for the Project. Should the final accounting determine that funds in excess of the total reimbursable amount have been reimbursed to the Non-Federal Sponsor, the Non-Federal Sponsor, within 60 calendar days of receipt of written notice from the Government, shall provide the Government with the full amount of such excess reimbursement by delivering a check payable to "FAO, USAED, Vicksburg (B4)" to the District Commander, or by providing an Electronic Funds Transfer of such funds in accordance with procedures established by the Government. Should the final accounting determine that the reimbursements provided to the Non-Federal Sponsor are less than the total reimbursable amount, then subject to the limitation on available Federal funds identified in Article II.A. for the Federal share of project costs under this Agreement, the Government shall reimburse the Non-Federal Sponsor for the amount equal to such difference.

ARTICLE VII - TERMINATION OR SUSPENSION

If at any time the Non-Federal Sponsor fails to fulfill its obligations under this Agreement, the Government may suspend or terminate this Agreement. If the Government determines that the Federal funds available for the Project will be exhausted prior to completion of the Project, the Government shall notify the Non-Federal Sponsor and the Non-Federal Sponsor may continue with design and construction of the Project, at no cost to the Government, and with no further participation in the Project by the Government.

ARTICLE VIII - HOLD AND SAVE

The Non-Federal Sponsor shall hold and save the Government free from any and all damages arising from design, construction, or operation and maintenance of the Project, except for damages due to the fault or negligence of the Government or its contractors.

ARTICLE IX - DISPUTE RESOLUTION

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025****Attachment**

As a condition precedent to a party bringing any suit for breach of this Agreement, that party must first notify the other party in writing of the nature of the purported breach and seek in good faith to resolve the dispute through negotiation. If the parties cannot resolve the dispute through negotiation, they may agree to a mutually acceptable method of non-binding alternative dispute resolution with a qualified third party acceptable to the parties. Each party shall pay an equal share of any costs for the services provided by such a third party as such costs are incurred. The existence of a dispute shall not excuse the parties from performance pursuant to this Agreement.

ARTICLE X - MAINTENANCE OF RECORDS AND AUDITS

A. The parties shall develop procedures for the maintenance by the Non-Federal Sponsor of books, records, documents, or other evidence pertaining to costs and expenses for a minimum of three years after the final accounting. The Non-Federal Sponsor shall assure that such materials are reasonably available for examination, audit, or reproduction by the Government.

B. The Government may conduct, or arrange for the conduct of, audits. Government audits shall be conducted in accordance with applicable Government cost principles and regulations. The Government's costs of audits shall not be included in project costs.

C. To the extent permitted under applicable Federal laws and regulations, the Government shall allow the Non-Federal Sponsor to inspect books, records, documents, or other evidence pertaining to costs and expenses maintained by the Government, or at the Non-Federal Sponsor's request, provide to the Non-Federal Sponsor or independent auditors any such information necessary to enable an audit of the Non-Federal Sponsor's activities under this Agreement. The Non-Federal Sponsor shall pay the costs of non-Federal audits without reimbursement or credit by the Government.

ARTICLE XI - RELATIONSHIP OF PARTIES

In the exercise of their respective rights and obligations under this Agreement, the Government and the Non-Federal Sponsor each act in an independent capacity, and neither is to be considered the officer, agent, or employee of the other. Neither party shall provide, without the consent of the other party, any contractor with a release that waives or purports to waive any rights a party may have to seek relief or redress against that contractor.

ARTICLE XII - NOTICES

A. Any notice, request, demand, or other communication required or permitted to be given under this Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by registered or certified mail, with return receipt, as follows:

If to the Non-Federal Sponsor:

A-12

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

MARCH 4, 2025

Attachment

Mayor
City of Batesville
103 College Street
Batesville, MS 38606

If to the Government:

District Commander
U.S. Army Corps of Engineers, Vicksburg District
4155 Clay Street
Vicksburg, MS 39183

B. A party may change the recipient or address to which such communications are to be directed by giving written notice to the other party in the manner provided in this Article.

ARTICLE XIII - CONFIDENTIALITY

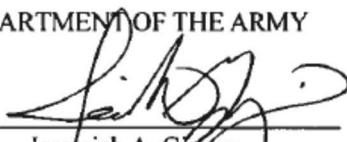
To the extent permitted by the laws governing each party, the parties agree to maintain the confidentiality of exchanged information when requested to do so by the providing party.

ARTICLE XIV - THIRD PARTY RIGHTS, BENEFITS, OR LIABILITIES

Nothing in this Agreement is intended, nor may be construed, to create any rights, confer any benefits, or relieve any liability, of any kind whatsoever in any third person not a party to this Agreement.

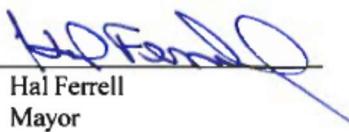
IN WITNESS WHEREOF, the parties hereto have executed this Agreement, which shall become effective upon the date it is signed by the District Commander.

DEPARTMENT OF THE ARMY

BY: 
Jeremiah A. Gibson
Colonel, U.S. Army
District Commander

DATE: 5 Mar 25

CITY OF BATESVILLE, MS

BY: 
Hal Ferrell
Mayor

DATE: 5 Mar 25

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

MARCH 4, 2025

CERTIFICATE OF AUTHORITY

I, Colmon Mitchell, do hereby certify that I am the legal counsel of the City of Batesville which is a legally constituted public body with full authority and legal capability to perform the terms of the Agreement between the Department of the Army and the City of Batesville in connection with the Waste Water Rehabilitation project for Batesville, MS, and to pay damages, if necessary, in the event of the failure to perform, in accordance with the terms of this agreement and that the person who has executed this Agreement on behalf of the City of Batesville has acted within his statutory authority.

IN WITNESS WHEREOF, I have made and executed this certification this 26th day of February, 2025.



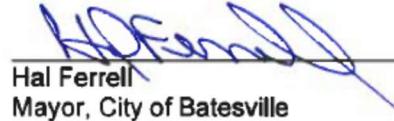
Colmon Mitchell
City of Batesville

CERTIFICATION REGARDING LOBBYING

1. The undersigned certifies, to the best of their knowledge and belief, that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the project partnership agreement for the City of Batesville Waste Water Rehabilitation for the City of Batesville, Panola County, Mississippi, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31 U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.



Hal Ferrell
Mayor, City of Batesville

Date: 5 Mar 25

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

MARCH 4, 2025

District Commander's Certification that the Section 592 Project Partnership Agreement as executed does not deviate from the approved model Project Partnership Agreement

I attest that the Project Partnership Agreement for Design and Construction Assistance for the City of Batesville Waste Water Rehabilitation Project, Panola County, Mississippi executed on March 5, 2025, does not deviate from the approved Section 592 model Project Partnership Agreement for Design and Construction Assistance for Section 592 Projects.



Jeremiah A. Gipson
Colonel, U.S. Army
Commanding

DATE: 5 MAR 25

CERTIFICATION OF SUITABILITY FOR SIGNATURE

As per Commander, U.S. Army Corps of Engineers (CECW-PC) Memorandum, of 2 September 2005, I certify that an "Agreement Between the Department of the Army and City of Batesville for Design and Construction Assistance for the Batesville Waste Water Rehabilitation Project," along with an accompanying Certificate of Authority and Certification Regarding Lobbying, were properly executed by the City of Batesville, in quadruplicate, on March 5, 2025. The Agreement is ready for your signature.



District Counsel
Date: 3/5/2025

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

MARCH 4, 2025

IN RE: CD #88590- FIRST SECURITY BANK

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered the City of Batesville redeem CD #88590 and authorized Mayor Hal Ferrell, City Clerk Shannah Weaver, and Alderman at Large Teddy Morrow to sign and renew the balance into an 8-month CD at 4% interest.

IN RE: FIREHOUSE SUB GRANT

Upon motion of Alderman Morrow and second of Alderman Dugger and upon unanimous vote taken, it was ordered that Fire Chief Tim Taylor be & he is hereby authorized to apply for the Firehouse Subs Grant

IN RE: MISSISSIPPI HOMELAND SECURITY GRANT

Upon motion of Alderman Morrow and second of Alderman Dugger and upon unanimous vote taken, it was ordered that Fire Chief Tim Taylor and Chief of Police Dennis Darby be and they are hereby authorized to apply for the Mississippi Homeland Security Grant.

IN RE: APPROVAL FOR MAYOR TO SIGN AGREEMENT - CIVIC CENTER

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered to renew the preventive maintenance agreement with Alpha Mechanical Service, Inc. and the mayor be and he is hereby authorized to sign said agreement and further ordered that payment in the amount of \$14,298.00 be issued to Alpha Mechanical Service, Inc. relative to said agreement. The City of Batesville will receive a current benefit from the agreement and thus there is no prepayment for services under this agreement.

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

MARCH 4, 2025

IN RE: QUOTES RECEIVED-MOSQUITO MACHINE

The City of Batesville received the following quotes for two (2) mosquito machines:

Azelis Agricultural & Environmental Solutions \$15,000.00 each (\$30,000.00 Total)

Sam Williford Cotton Company \$16,100.00 (\$32,200.00 Total)

Upon recommendation of Public Works Director Newt Benson and upon motion of Alderman Harrison and second of Alderman Land and upon unanimous vote taken, it was ordered that the quote from Azelis Agricultural & Environmental Solutions in the amount of \$15,000.00 each (\$30,000.00 Total) be and it is hereby approved and accepted as the lowest and best quote. Copies of the quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

 Azelis Agricultural & Environmental Solutions		Innovative through formulation		
Date:	1/15/2025			
Quotation #:	011525RJN			
Customer #:				
Valid through:	6/30/2025			
Prepared by:	RJN			
Type:				
ADAPCO, LLC d/b/a Azelis Agricultural & Environmental Solutions is pleased to provide the following quotation to:				
Customer:	City of Batesville MS			
Contact:	Bubba Alewine			
Comments or special instructions				
Description Guardian 190 G4 Fixed Flow ULV Sprayer		Qty 1	Unit Each	Unit Price \$ 15,000.00
				Subtotal #####
				Shipping
				Handling
				Total #####

Terms Net 30 days, full Terms and Conditions can be found on our website, <https://azelisaes-us.com/terms-conditions/>. All invoices subject to a \$38 Environmental Liability Surcharge. Please visit our website at www.AzelisAES-US.com to view labels and get additional product information.

Should you have any questions or immediate needs, please contact me at the number below or contact Customer Service at 800-367-0659. We appreciate the opportunity to offer this quote and look forward to hearing from you soon.

Regards,
Robert J North
 Entomologist/Key Account Manager
 ADAPCO d/b/a Azelis Agricultural & Environmental Solutions

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025****IN RE: APPROVAL TO RESCIND ORDER OF MINUTES -PURCHING AERATORS FOR WWTP**

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the order of the minutes, approving purchasing aerators for the WWTP Lagoon, adopted on February 4, 2024, recorded in Minute Book I-3 at Page 209, be and it is hereby rescinded.

IN RE: PREPARE SPECIFICATIONS- AERATORS FOR WWTP LAGOON

Upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that Mendrop Engineering prepare specifications for aerators for WWTP Lagoon.

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

MARCH 4, 2025

IN RE: QUOTES RECEIVED-8 INCH WATERLINE AT INDUSTRIAL PARK

The City of Batesville received the following quotes for 8-inch waterline at Industrial Park:

Memphis Winwater Company \$14,800.00

Central Pipe Supply, Inc. \$15,784.00

Upon recommendation of Public Works Director Newt Benson and upon motion of Alderman Harrison and second of Alderman Dugger and upon unanimous vote taken, it was ordered that the quote from Memphis Winwater Company in the amount of \$14,800.00 be and it is hereby approved and accepted as the lowest and best quote. Copies of the quotes are on file in the Office of the City Clerk and a copy of the accepted quote follows:

 <p>DBA METER SERVICE & SUPPLY 598 E BROOKS RD MEMPHIS, TN 38116 PHONE (901) 332-4942 FAX (999) 999-9999</p> <p>Quoted To Customer BATESVILLE CITY OF - WATER D PO BOX 689 BATESVILLE, MS 38606-0689 Phone (662) 563-6374 Fax</p>	<table border="1"> <tr> <td colspan="3">Job Name</td> </tr> <tr> <td colspan="3">8" C900</td> </tr> <tr> <td>Quote No.</td> <td>Date</td> <td>Page</td> </tr> <tr> <td>0002349</td> <td>2/28/25</td> <td>1</td> </tr> <tr> <td colspan="3">Expiration Date</td> </tr> <tr> <td colspan="3">3/30/25</td> </tr> <tr> <td colspan="3">Revised Date</td> </tr> <tr> <td colspan="3">2/28/25</td> </tr> <tr> <td colspan="3">Bid Due Date</td> </tr> <tr> <td colspan="3">2/28/25</td> </tr> </table> <p>Quoted By Jerry Deming gwdemding@winsupply.com (901) 332-4942</p> <table border="1"> <tr> <th>Customer</th><th colspan="2">Payment Terms</th><th>Quoted To</th><th colspan="2">Salesperson</th><th>FOB</th></tr> <tr> <td>001039</td><td colspan="2">NET 30</td><td>Jerry Deming</td><td colspan="2">JAMES BELEW</td><td>S</td></tr> <tr> <th>Line</th><th>Qty.</th><th colspan="3">Description</th><th>Unit Price</th><th>UOM</th><th>Extended Price</th></tr> <tr> <td>1.0</td><td>800</td><td colspan="3">8X20 C900 DR18 GASKET PPC908 32316096000734</td><td>18.5000</td><td>EA</td><td>14800.00</td></tr> <tr> <td colspan="4"></td><td>Tax Area Id</td><td colspan="2">Net Sales</td><td>14,800.00</td></tr> <tr> <td colspan="4"></td><td>251070030</td><td colspan="2">Freight</td><td>.00</td></tr> <tr> <td colspan="4"></td><td></td><td colspan="2">Tax</td><td>.00</td></tr> <tr> <td colspan="4"></td><td></td><td colspan="2">Quotation Total</td><td>14,800.00</td></tr> </table>	Job Name			8" C900			Quote No.	Date	Page	0002349	2/28/25	1	Expiration Date			3/30/25			Revised Date			2/28/25			Bid Due Date			2/28/25			Customer	Payment Terms		Quoted To	Salesperson		FOB	001039	NET 30		Jerry Deming	JAMES BELEW		S	Line	Qty.	Description			Unit Price	UOM	Extended Price	1.0	800	8X20 C900 DR18 GASKET PPC908 32316096000734			18.5000	EA	14800.00					Tax Area Id	Net Sales		14,800.00					251070030	Freight		.00						Tax		.00						Quotation Total		14,800.00
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MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

*Alderman Harrison recused himself from the meeting.

IN RE: ALLOW CLAIMS

On motion made by Alderman Morrow, second by Alderman Walton 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 50727-51343 (includes the Co-Op) be and the same are hereby approved and allowed and shall be paid by Warrant drawn on the fund indicated.

*Alderman Harrison returned to the meeting.

MINUTE BOOK NO. I-3 – CITY OF BATESVILLE, MISSISSIPPI**MARCH 4, 2025****IN RE: FINCH- HENRY JOB CORPS CENTER**

Upon motion of Alderman Morrow and second of Alderman Harrison and upon unanimous vote taken, the Board of Aldermen acknowledged receipt of the letter dated February 26, 2025, from the U.S. Department of Labor regarding the renewal of the lease with Finch- Henry Job Corps Center.

U.S. Department of Labor**Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210**

February 26, 2025

The Honorable Hal Ferrell
Mayor of the City of Batesville
103 College Street
P.O. Box 689
Batesville, MS 38606-0689
Mayor@batesville.ms

Re: Term Renewal Notification
Finch-Henry Job Corps Center

Dear Mayor Ferrell:

As you may be aware, the Department of Labor (Department) leases approximately 28 acres of land located in the City of Batesville, Mississippi, for the operation the Finch-Henry Job Corps Center (Center). I am writing to hereby notify you that the Government has chosen to exercise its option to renew the lease, effective for one year beginning May 1, 2025.

Should you have any questions about this matter, please call me, the Department's Lease Contracting Officer, at (240) 867-2026 or Mr. Matthew Fox, Engineering Support Contractor, at (703) 516-2263.

Sincerely,

**DANIEL
X CORNISH**

Digitally signed by
DANIEL CORNISH
Date: 2025.02.26
16:27:10 -05'00'

DANIEL CORNISH
Lease Contracting Officer - OASAM

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

MARCH 4, 2025

IN RE: CITY OF BATESVILLE LOGO

Upon motion of Alderman Harrison and second of Alderman Land and upon unanimous consent, it was ordered for City Clerk Shonnah Weaver to create a new City of Batesville logo and present it back to the Mayor and Board of Aldermen for their consideration.

IN RE: MORATORIUM ON VAPE SHOPS

Upon motion of Alderman Land and second of Alderman Harrison and upon unanimous vote taken, it was ordered that a moratorium be and is hereby set regarding vape shops until Midnight May 5, 2025.

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 Land, Dugger, Morrow, Walton and Harrison it was ordered that the meeting be closed in order to determine whether or not the Board should declare an executive session.

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

MARCH 4, 2025

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, Walton and Morrow; 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 appealable orders, potential litigation, and sale of surplus property.

IN OPEN MEETING

The Mayor announced that the Mayor and Board of Aldermen will go into executive session for the purpose of discussing appealable orders, potential litigation, and sale of surplus property and that the total vote on the motion to go into executive session was five (5) aldermen in favor and no aldermen opposed. Those present in the open meeting were Mayor Ferrell; Aldermen Harrison, Land, Dugger, Walton and Morrow; City Attorney Colmon Mitchell; Chief of Police Dennis Darby; Assistant Chief of Police Barry Thompson; City Clerk Shonnah Weaver and Administrative Assistant Sulli Woods.

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

MARCH 4, 2025

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 of appealable order. (Panola Partnership Director Joe Azar, Public Works Director Newt Benson, and Assistant Public Works Director Gary Snider were present for this conversation.)

There came on for discussion of appealable order. (Public Works Director Newt Benson and Assistant Public Works Director Gary Snider were present for this conversation.)

There came on for discussion of potential litigation.

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

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

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

MARCH 4, 2025

IN RE: POTENTIAL SALE OF REAL PROPERTY

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the counteroffer from Jimmie Gipson in the amount of \$98,000.00 to purchase said real property behind Zaxby's be & it is hereby rejected.

IN RE: PROGRESSIVE HEALTH OF BATESVILLE

Upon motion of Alderman Harrison and second of Alderman Morrow and upon unanimous vote taken, it was ordered that the Legal Department prepare a letter to Quintin Whitwell regarding the hospital's utility bill for the City of Batesville.

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 February.
2. Assistant Chief of Police Barry Thompson requested that all Event Centers located in the city limits notify BPD when they have an event.
3. Mayor Hal Ferrell informed the Board of Aldermen that the drone owned by the BPD is not working and needs to be repaired or replaced.

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

MARCH 4, 2025

Upon motion duly made and seconded, the meeting was adjourned to reconvene at 2:00 o'clock p.m., March 12, 2025, 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. I-3 – CITY OF BATESVILLE, MISSISSIPPI

MARCH 4, 2025

**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: March 12, 2025

Hour: 2:00 p.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.