

## MINUTES, BOARD OF ALDERMEN, BOOK NO. 19

DEMENT-MERIDIAN 61-2994

## REGULAR BOARD MEETING

## CITY HALL BOARD ROOM

March 16, 2021

5:00 P.M.

**BE IT REMEMBERED THAT THE VICE-MAYOR AND BOARD OF ALDERMEN/ALDERWOMEN MET IN THE CITY HALL BOARD ROOM WITH THE FOLLOWING MEMBERS PRESENT:**

**VICE-MAYOR LADY B. GARTH, ALDERMAN NICHOLAS HOLLIDAY, ALDERMAN EDWARD HAYNES, ALDERWOMAN CAROLYN ODOM, ALDERMAN JOHN ALLEN, CITY ATTORNEY WALTER ZINN, JR., MELISSA MOORE, CITY CLERK AND BARBARA VASSER, DEPUTY CITY CLERK.**

**Serving as Interim Mayor: Lady B. Garth**

Invocation: Alderman Allen

## ROLL CALL

A motion was made by Alderman Haynes, seconded by Alderman Holliday to approve minutes dated March 2, 2021. On a roll call vote, all present voted "Aye".

A motion was made by Alderman Allen, seconded by Alderman Haynes to pay bills to proper vendors. On a roll call vote, all present voted "Aye".

Judge David Houston appeared before Vice-Mayor Garth and Board of Aldermen / Alderwoman to give an update concerning the following two agreements:

- (1) Agreement to assume assign lease
- (2) Lease Annex with amended and restated terms

Judge David Houston shared with Interim Mayor Garth and the Board of Aldermen / Alderwoman that all this document does is memorialized the lease agreement that we already agreed to. It's already under Court order. We need to get it done and memorialized what we've done and negotiate with Capital Medical. Alderwoman Odom asked Judge Houston if we needed to do a motion for what you've just said. Judge Houston replied with a yes.

A motion was made by Alderwoman Odom, seconded by Alderman Allen that we approve what Judge Houston has just told us about the contract with the Aberdeen Hospital, so we can get everything in order. Attorney Zinn, Jr. advised the Board to make sure the minutes reflect the actual actions we're adopting a Resolution and Agreement. On a roll call vote, all present voted "Aye".

Alderman Allen told the Board it really approves the amendment to the lease. It's something that's been in place for years. Alderman Allen asked Judge Houston if the City and County still jointly own the hospital. Judge Houston said, "That is correct." Judge Houston told the Board this is only the lease of the property that was leased formerly to Pioneer, and takes care of the Old Hospital facility, Personal Place, Assisted Living, what was the Fitness Center, the office space of Dr. Coghlan and Dr. Turnage, and Dr. Brown's office space across the street. The Plaza Building is owned by another entity, and they lease that to.

Judge David Houston updated the Board on MDEQ as it relates to the Tenneco Building. Judge Houston told the Board the history has been good, and no real serious contamination in the water. The report would've shown it over the past twenty (20) years. Alderman Odom asked Judge Houston if it changed hands will another study have to be done. Judge Houston said not necessarily a study. If it changes hand all you have to do is tell MDEQ you're changing ownership of property, and make sure what's being done is okay. Judge Houston said it was a sub-service water contamination, ground water issue, and that was the only problem. Holley went through it for seventeen (17) years without any problems.

**REGULAR BOARD MEETING****March 16, 2021****PAGE 2**

Alderman Haynes asked Judge Houston if the liability would fall back to us if anything comes up. Judge Houston said the City and County will be responsible if anything comes up. Judge Houston told the Board the biggest responsible party with the big pockets is Tenneco. Vice-Mayor Garth and Board of Aldermen / Alderwoman thanked Judge Houston for coming and sharing this helpful information.

Mr. Howard Harper of Bradbury Logistics appeared before Interim Mayor Garth and Board of Aldermen/ Alderwoman and gave an update concerning the PHASE I and TRAC II Study. Mr. Harper told the Board that the last test was done in August, which I sent those tests to you. Those tests show that the contaminants had decreased, but there are some areas that are above the limits. Mr. Harper told the Board there is an order that says, "Before you can drill, and before the property can change hands, MDEQ has to sign off on it." MDEQ says, "In order to sign off on it, there has to be a Phase I Environmental Survey done." The cost for this is about \$10,000.00. MDEQ don't believe it's going to be an issue with liability, although they have put a plan in place, which said after they review the Environmental Study and if they determine that there are still significant liability issues, they're prepared to issue what's called a Brownfield Liability. This means if you have a contaminated area with liability, the State takes on the liability and the City or I would have those liabilities.

Alderman Allen asked Mr. Harper if he was familiar with Three Rivers. Mr. Harper said, "I am." Alderman Allen shared with Mr. Harper and the Board that he talked with Three Rivers, and they're willing to do and set-up the PHASE I and PHASE II survey at no cost to the City. Alderman Allen asked Mr. Harper why would you charge us \$10,000.00 or take it off the lease if it's not going to cost any money. Mr. Harper told the Board that he had talked with Three Rivers, and was told they would help pay for it, but once I contacted them again, he was told that's not true. Mr. Harper told the Board if you can get the Environmental PHASE I Study done at no cost, that's fine. In fact, you'll should be doing it any way. All you'll have to do is get it done free and submit it to MDEQ. I got absolutely no problem with it.

Mr. Harper said the second part has to do with TRAC II. This is part of acreage that no survey was done so therefore, the legal description is inaccurate. In order to get that corrected there has to be a survey done, and MDEQ said the site study has to be done and approved. Interim Mayor Garth said she will contact Three Rivers tomorrow.

Alderman Allen asked Mr. Harper if we're unable to resolve those issues is that tantamount to you declining the sale of the property. Mr. Harper said absolutely.

Number One: Based on legal documents filed and what MDEQ said, you can't transfer the property to me without their approval.

Number Two: As it relates to TRAC II, I can't get title insurance on the portion of the property. So, in essence it kills the whole deal.

Alderman Haynes asked Mr. Harper if we need a survey on TRAC II. Mr. Harper said the survey would include the whole thing including TRAC II.

A motion was made by Alderman Holliday, seconded by Alderman Haynes to go forward with survey including PHASE I and TRAC II for the Holley Performance Building that we've already sold. Alderman Allen asked if we're going to do that without having the survey done by MDEQ. We may be wasting money if we can't get the PHASE I and PHASE II done. It's a timing issue. Mr. Harper told Alderman Allen it's only a PHASE I not a PHASE II, its TRAC II. On a roll call vote, Alderman Allen and Alderwoman Odom voted "Nay". Alderman Haynes and Alderman Holliday voted "Aye". The vote is a tie, and in this event Interim Mayor Garth will vote to break the tie. Interim Mayor Garth voted "Aye".



**REGULAR BOARD MEETING****March 16, 2021****PAGE 3**

The Board did not have to motion or cast a vote to accept Caleb Angle resignation. Mr. Angle provided the Board with a letter rescinding his resignation.

A motion was made by Alderwoman Odom, seconded by Alderman Haynes to approve Employee Enhancement for Tina Robbins: April 26-28, 2021 / MS Tourism Association Spring Tourism Conference, Cleveland, MS. The \$200.00 registration fee comes out of the Aberdeen Visitor's Bureau Budget. On a roll call vote, all present voted "Aye".

Mrs. Samona Johnson presented a financial proposal to the Board from Central Service Association to add the following services: Customer Portal / IVR / Mobile Application. These services will allow the residents of Aberdeen to pay their electric bill online, add an app to the cellular telephone or call the 1-800# and it will go directly to their account. The Aberdeen Electric Department is already currently using Central Service Association. This will be adding a service to the already existing service we have. Mrs. Johnson informed the Board of the check fee (\$3.50), and the customers pays this. If the Board votes to accept C.S.A. proposal, the City of Aberdeen will pay the check fee (\$0.75 cents). Comptroller Karen Crump shared with Board that the City charges customers a 2% fee to use their credit card, and the Cross Check System that the City pays, which is \$1800.00 per month. Ms. Crump told the Board the discount is being offered due to being a utility company. The question remains if the City wants to be liable for the fees or have the customer pay the fees. The monthly fee for the Cross Check system will reduce from \$1800.00 per month to \$650.00 per month. There is a one-time Implementation fee of \$5750.00.

A motion was made by Alderman Haynes, seconded by Alderman Allen to accept the proposal for the online and the 1-800# bill pay online, and we will take on the cost. If the COVID19 Funds (Cares Act Relief Funds) can be used to pay the initial \$5750.00 fee, because it will prevent the spread of the COVID virus by not allowing so many people to congregate at one time. Also, the costs of the interchange fees dues and assessments charged by the Card Association. On a roll call vote, all voted "Aye".

John Malone, General Manager with TVA District appeared before the Board to discuss the Aberdeen Partnership Update with TVA. Mr. Malone discussed Reliability, Rates, Partnership Benefits and the Long Term Agreement Overview. Mr. Malone told the Board that Aberdeen Board approved, and manager signed, the Long Term Partnership Agreement (Contract TV-485598 Supplement 77) on September 26, 2019. Mr. Malone told the Board we're good partners and we'll sit down, talk with you and do whatever we can to work with you. Mr. Malone told the Board the only other option is to challenge the LTA, but you'll end up going back to a 15 year agreement, and you don't get any of those benefits that you would have with the LTA.

Attorney Zinn, Jr. introduced himself to Mr. Millett and said it was pleasure to finally meet you. Attorney Zinn, Jr. shared with TVA the minutes from the September 25, 2019 Board Meeting that was alleged to have occurred. On the record it was contended that the Mayor wasn't present, also that he didn't call me. Now, it's a very popular sentiment that he was absent or whatever, but the reality there is no copy of any notice, public notice to the press, public or anyone that a said meeting would be called. The irony of it is that the Mayor listed on said meeting as present and having signed the minutes. Attorney Zinn, Jr., told TVA we're still under the last contract because Board Members had concerns about being exposed without any contract. The people were concerned about power outages, and TVA packing up all their equipment and leaving. Attorney Zinn, Jr., said he appreciates Mr. Malone's presentation.

Alderman Haynes said the presentation was well documented and given him more information that he didn't have. I want to go on record saying that we accept the agreement in the packet. Interim Mayor Garth told the Board it will be discussed in Executive Session. A motion was made by Alderman Haynes, seconded by Alderman Allen to accept a clean LTA because we didn't have the proper signature on the previous one. No vote was done. Alderman Haynes motion was rescinded.

**REGULAR BOARD MEETING****March 16, 2021****PAGE 4**

A motion was made by Alderman Haynes, seconded by Alderman Allen to accept a clean 20 year term TVA Long term Agreement. On a roll call vote, Alderman Allen, Alderwoman Odom and Alderman Haynes voted "Aye". Alderman Holliday voted "Nay".

Mr. Vaughn came before the Board in the absence of Rev. James Cook. A request was made for the upcoming Community Celebration honoring Dr. Martin Luther King, Jr. It was changed from his birthday to April, and the reason for this is because it's when he was assassinated. Mr. Cook would like for one of the City sanitation trucks to lead the parade. Mr. Cook wants the parade to start at General Young Park @ 11:30 a.m. and program starts at Noon on the City Hall steps on April 3, 2021. This event is sponsored by the Aberdeen-Monroe County NAACP. Also, endorsements by the Monroe County Supervisors, Main Street Association, Allmond Printing, Aberdeen Visitor & Tourist, and Acting Mayor & Alderpersons.

A motion was made by Alderman Holliday, seconded by Alderman Haynes to give permission to use the sanitation truck and the front steps of the City Hall. On a roll call vote, all present voted "Aye".

Ms. Tina Robbins asked that College Street be blocked off for some food and music, and to use Public Works and Street Department for some barriers to block off the street. Alderman Haynes told Ms. Robbins that he will get with Mr. Boone.

**Citizen's Input:**

Mr. Pedro Clay shared with Interim Mayor, Board and Attorney Zinn, Jr., about the contract that the Friends of the Animal Shelter had which expired in 2005. The Friends of the Animal Shelter continue to come to the Animal Shelter and tries to run things. Mr. Clay said Ms. Pounders has been doing this for 16 years, but he would like for the Board to tell Ms. Pounders and the volunteers to stop coming to the Animal Shelter. Mr. Clay said he no longer needs their assistance. Mr. Clay told the Board that Ms. Pounders has been raising money for the City Shelter for years, and the Board needs to decide what we're going to do with the money they raised for the City of Aberdeen. When they had the Mardi Gras in February, they used the City of Aberdeen Animal Shelter to raise money, and they took pictures of the truck and put it on the news. Mr. Clay asked that someone get with Mrs. Toni Reece, Chair of the Board President of the Animal Shelter and see what they're going to do with that money.

A motion was made by Alderman Holliday, seconded by Alderman Haynes giving Mr. Clay the permission to let them know the contract has been voided. On a roll call vote, all present voted "Aye".

Ms. Tina Robbins told the Board that they applied for a \$10,000.00 Mississippi Arts Commission Grant. It will be for public art, and we have the murals we would like to do. We will know in April, and it will be some projects that we will be able to incorporate with our High School Art Department and some children in the area. Also, Ms. Robbins asked if we have information on the other grant that we received and what it can be used for. Alderman Haynes told Ms. Robbins that she can have that conversation with Comptroller Karen Crump during regular business hours.

**Aldermen/Alderwomen Input:**

Alderman Allen asked Interim Mayor Garth if she talked to the folks about cleaning the ditch on West Main and Drake, down by Timeless Treasures. Interim Mayor Garth said I wanted to say I did, and she told Alderwoman Odom that she did her also. Some more crushed has to be ordered to put around the mailbox on Big John Road. Alderman Allen asked about West Lake tax request for a ten (10) year exemption. He wanted to know if we have received any paper work on that. Interim Mayor Garth said no, but she has reached out to them and they supposed to be setting up a meeting with us. Alderman Allen said they're in his Ward and he meets with them on a regular basis, and Jimmy Pultrrie, General Manager asked him if we have received that paperwork because they had already sent it to us.



**REGULAR BOARD MEETING****March 16, 2021****PAGE 5****Ward Five**

Alderman Allen asked about the City Ward One Election Date. He said Nick, no offense and Zinn may have to recuse yourselves simply because you'll be directly involved. You understand that it's a legal matter. It was referred to the Judge, and the Judge ordered the Governor to set the dates, and they came back with April 20<sup>th</sup> or April 27<sup>th</sup>. We got to determine which of those dates would fit our criteria and let them know immediately. Alderman Allen asked them if they want to recuse themselves. Attorney Zinn, Jr., said recusal means that he doesn't vote, and I don't vote anyway. I will not be providing any insight or legal or anything which the recusal would be. Alderman Allen said as long as there is an agreement that you all can't have any input on the choices of the dates or anything that has to do with the election. Attorney Zinn, Jr. said 100% agreed.

A motion was made by Alderman Haynes, seconded by Alderman Allen to make the date April 20, 2021 for the Ward One Election. No vote was cast, motion died.

A motion was made by Alderwoman Odom, seconded by Alderman Allen to have the Special Election in Ward One on April 20<sup>th</sup>. On a roll call vote, Alderman Allen, Alderwoman Odom and Alderman Haynes voted "Aye".

**Ward Four**

Didn't have anything to report

**Ward Three**

Alderman Haynes said he would like to carry the Mayor's salary back to \$44,054.00. This would be the new salary for the Mayor coming in.

A motion was made by Alderman Haynes, seconded by Alderman Allen for the new Mayor salary coming in to be \$44,054.00. On a roll call vote, Alderman Allen and Alderman Haynes voted "Aye". Alderwoman Odom voted "Nay". Alderman Holliday recused his vote.

Alderman Haynes said Mr. Boone advertise two weeks for laborer for Public Works Sanitation Department. Mr. Boone sent an application for Greg Blanchard.

A motion was made by Alderman Haynes, seconded by Alderman Allen to hire Greg Blanchard for Public Works at \$11.00 per hour. On a roll call vote, all present voted "Aye".

Alderman Haynes asked about the deadline date for the General Manager position at the Electric Department. He said he will be available next Tuesday or Wednesday for interviews. Department Head Meeting is changed from April 2, 2021 to April 12, 2021 @ 1:00 p.m. in the Board Room. We discussed about people taking vehicles to the house, and I did receive information in the packet as to who those people were, and I need to amend that. Public works is not in there and I would like to include Public Works.

A motion was made by Alderman Haynes, seconded by Alderman Holliday to amend the November 6, 2011 Board Minutes and add Public Works Director, Assistant Public Works Director and Water Department Director to be able to drive the City vehicles home. On a roll call vote, Alderman Allen and Alderwoman Odom voted "Nay". Alderman Haynes and Alderman Holliday voted "Aye". The vote is a tie, and in this event Interim Mayor Garth will vote to break the tie. Interim Mayor Garth voted "Aye".

Alderman Haynes met with the save Aberdeen Landmark Organization, and they were talking about installing an Ampitheater, and a walking track in Acker Park. The Ampitheater can be used for concerts, such as the blues festival or any other concerts. A discussion about a gospel expo, and bringing in gospel groups and stage plays, re-doing the restrooms, and adding a walking track. Also, there is a building they may renovate. They also talked about a bike lane from Main Street back to that direction. This is at no cost to the City. Save Aberdeen Landmarks are doing this with their own grant money to do this. There are rumors about some new businesses may be coming to town in the old KFC Building and there's one Meridian Street that's vacant. No names of the businesses have been given at this time. Small steps, but they are steps.

**REGULAR BOARD MEETING****March 16, 2021****PAGE 6****Ward One**

Didn't have anything to report

**Vice-Mayor Report**

Vice-Mayor Lady B. Garth shared with the Board about the American Rescue Plan Funding for Municipalities. President Biden signed the Plan last week, and it contains a total of 65.1 billion in direct federal aid to be delivered to municipalities. The bill gives the U.S. Treasury 60 days from the point it became law (March 11) to start disbursing funds.

Notice of Intent deadline date is March 19, 2021 to get the application in to MEMA. Ms. Moore will be providing this information to MEMA.

Interim Mayor Garth read to the Board a letter from Ms. Patsy Pickford about wanting her and other rights back.

The correction was made in the March 16, 2021 Board Minutes for the 2012 Dodge Charger. It's a 2011 Dodge Charger that was purchased from Sheriff Crook.

3S Sanitizing wanted to know if they will be a continued item for the City of Aberdeen. The proposal for the services is in the packet.

Alderman Holliday would like to increase the building capacity from 10/50 to 50/50.

Mask Mandate is still in effect for the City of Aberdeen.

Attorney Zinn, Jr., told the Board we need to clearly say the City does or does not acknowledge the contract of Mr. Charles Scott. Interim mayor Garth said we need to have it in the minutes documented that we are not honoring any kind of contract or whatever he may have had with the prior Board. If it was, a year is almost up and the contract should be up about now, and give him a length of time to get his stuff, whatever it is off of City property. Liability is waiting at the door, and if anything happens down there it's coming back to the City of Aberdeen for payment.

A motion was made by Alderman Holliday, seconded by Alderman Allen to go into Closed Determination. On a roll call vote, all present voted "Aye".

A motion was made by Alderman Holliday, seconded by Alderman Haynes to come out of Closed Determination. On a roll call vote, all present voted "Aye".

A motion was made by Alderman Holliday, seconded by Alderman Haynes to enter into Executive Session to discuss Personnel Matters with Police Department. On a roll call vote, all present voted "Aye".

A motion was made by Alderman Allen, seconded by Alderman Haynes to come out of Executive Session. On a roll call vote, all present voted "Aye".

A motion was made by Alderman Haynes, seconded by Alderwoman Odom to approve the hiring of five police officers for the Aberdeen Police Department. Tyler Lindsey, Anna Hudnall, Travontae Sisk and Michael Lewis at \$14.00 per hour. Brandi Sain at \$15.00 per hour.

A motion was made by Alderman Allen, seconded by Alderwoman Odom to terminate Officer Michaela Gill for abandoning job three (3) days no show. On a roll call vote, Alderman Allen, Alderman Haynes and Alderwoman Odom voted "Aye". Alderman Holliday did not vote because he walked out of the meeting at 7:50 p.m.

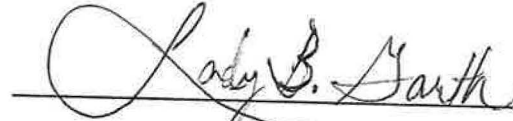
A motion was made by Alderman Haynes, seconded by Alderman Allen to approve Officer Chris Dobbins pay increase to 10%. Effective as of March 2, 2021. On a roll call vote, all present voted "Aye".

**REGULAR BOARD MEETING**

**March 16, 2021**

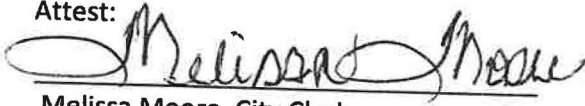
**PAGE 7**

A motion was made by Alderman Allen, seconded by Alderwoman Odom to adjourn until the April 6, 2021 Board Meeting. On a roll call vote, all present voted "Aye".



Lady B. Garth, Vice- Mayor

Attest:



Melissa Moore, City Clerk