

# Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
SOUTHAVEN, MISSISSIPPI  
CITY HALL  
August 20, 2019  
6:00 p.m.  
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: August 6, 2019; Special Meeting, August 7, 2019; Special Meeting, August 8, 2019
5. Budget Amendment
6. FY 2020 Budget Public Hearing
7. Springfest Area Parking Improvements Award Recommendation
8. Permission Letter Granting Hernando to Supply Water to Customers in City's Certificated Service Area
9. Contract with Desoto County Electric
10. Resolution to Clean Private Property
11. Planning Agenda: Item #1 Application by Michael and Kristi Ferguson for a Conditional Use Permit to allow additional mini-storage and RV/boat storage on the south side of W.E. Ross Pkwy., west of Pepperchase Drive  
Item #2 Application by Daron Maxwell to rezone 1.0 acres of property on the north side of Nail Road, east of Getwell Road from Agricultural to R-20  
Item #3 Initial Request Proposal for the West End Incentive Program for Magnolia Shops Development on the north side of Stateline Road and on both sides of Millbranch Road
12. Mayor's Report
13. Citizen's Agenda
14. Personnel Docket
15. City Attorney's Legal Update
16. Utility Bill Adjustment Docket
17. Claims Dockets: Docket 1
18. Executive Session: Potential Litigation/Claims involving the SPD, Parks, and Public Works; Personnel in Police and Utilities Dept.; Economic Development (Potential Business Locating to City); Sale of Property

Any citizen wishing to comment on the above items may do so.  
Items may be added to or omitted from this agenda as needed.

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# Minutes, City of Southaven, Southaven, Mississippi

## MINUTES OF THE REGULAR MEETING OF August 20, 2019 OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

**BE IT REMEMBERED** that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in Regular Session on the 20<sup>th</sup> day of August, 2019 at six o'clock (6:00) p.m. at City Hall.

**Present were:**

|                    |                  |
|--------------------|------------------|
| Charlie Hoots      | Alderman, Ward 2 |
| George Payne       | Alderman, Ward 3 |
| Joel Gallagher     | Alderman, Ward 4 |
| John David Wheeler | Alderman, Ward 5 |
| Raymond Flores     | Alderman, Ward 6 |

**Absent were:**

|                |                   |
|----------------|-------------------|
| William Brooks | Alderman At Large |
| Kristian Kelly | Alderman, Ward 1  |

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately forty (40) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Payne. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of August 6, 2019 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously.

A motion was made by Alderman Payne to approve the minutes of the special called meeting of August 7, 2019 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously.

A motion was made by Alderman Payne to approve the minutes of the special called meeting of August 8, 2019 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously.

### **BUDGET AMENDMENT**

Chris Wilson, City Administrator, presented this item to the Board.

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2019 BUDGET**

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The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the 2019 City Budget.

**WHEREAS**, pursuant to Miss. Code 21-35-25, the City desires to amend its 2019 budget; and

**WHEREAS**, the City's actual collections and anticipated revenues will exceed the estimates; thus, the City desires to revise and increase the budget appropriation of such funds as set forth in Exhibit A; and

**WHEREAS**, the transfer from fund to fund, or from item to item, will not result in the expenditure of any money for a purpose different from that which was budgeted or collected; and

## **NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. The City Board approves the budget amendment as set forth in Exhibit A and authorizes the Mayor or CAO or their designee to take any and all actions for such amendment.
2. If required, the City is authorized to publish within two (2) weeks of this action in the same manner as the final adopted budget. This publication shall contain a description of the amendment, the amount of money and funds affected, and a detailed statement explaining the need and purpose of the amendment. The vote of each member of the municipality's governing authority on each amendment shall be included in the publication or posted notice.
3. The Mayor or CAO or their designee are authorized to take all actions to further the effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Flores made the motion and Alderman Wheeler seconded the motion for its adoption. The Mayor put the question to a roll call vote, and the result was as follows:

|                             |               |
|-----------------------------|---------------|
| Alderman William Brooks     | voted: ABSENT |
| Alderman Kristian Kelly     | voted: ABSENT |
| Alderman George Payne       | voted: YES    |
| Alderman Joel Gallagher     | voted: YES    |
| Alderman John David Wheeler | voted: YES    |
| Alderman Charlie Hoots      | voted: YES    |
| Alderman Raymond Flores     | voted: YES    |

**RESOLVED AND DONE**, this 20th day of August, 2019.

A copy of the budget amendment is attached to these minutes.

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## **FY2020 BUDGET PUBLIC HEARING**

Chris Wilson, City Administrator, presented this item to the Board. As required and advertised, the budget hearing for FY20 was held.

A motion was made by Alderman Payne to close the Public Meeting. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

Alderman Flores made the motion to open the Budget Hearing. Motion was seconded by Alderman Hoots. Motion was put to vote and passed unanimously.

Chris Wilson gave an overview of the following for the proposed budget:

- Balanced Budget
- No prior year cash reserves/fund balance(s) used to balance
- No property tax increase
- No utility rate increase
- No sanitation rate increase
- PERS employer rate increased from 15.75% to 17.4%. FY 2020 is first full year increase.
- The total cost of the PERS increase is nearly \$400,000
- 2 new Emergency Dispatcher positions
- 1 new facility Maintenance Tech – HVAC
- 1 New part-time Court Clerk
- \$180,000 in new Public Work equipment
- \$400,000 in new Police vehicles
- Realignment(s) in Police structure
- Merit in departmental salary adjustments

Mayor Musselwhite asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none.

Alderman Flores made the motion to close the Budget Hearing. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Alderman Payne made the motion to reopen the Public Meeting. Motion was seconded by Alderman Hoots. Motion was put to vote and passed unanimously.

A copy of the FY20 proposed budget is attached to these minutes.

## **SPRINGFEST AREA PARKING IMPROVEMENTS AWARD RECOMMENDATION**

Dan Cordell, City Consulting Engineer, presented this item to the Board.

Mayor Musselwhite stated that this project will pave and landscape the area where Springfest has occurred for many years. Mr. Cordell stated that the city received

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bids early August and the lowest bid was from F& F Construction in the amount of \$1,162,047.00, but the recommendations was for it to be rejected due to inconsistencies in the bid by F&F Construction. Mr. Cordell stated that F&F Construction did not comply with the unit bid tabulation required by the Request for Bids. After noting that the Request for Bids allowed for the bid to be awarded to the lowest and best bid and noting that Barnes & Brower complied with the requirements set forth in the Request for Bids, Mr. Cordell then made the recommendation to accept the lowest and best bid from Barnes and Brower in the amount of \$1,324,162.58. Alderman Flores made the motion to award the bid to Barnes and Brower in the amount of \$1,324,162.58 and authorize Mayor Musselwhite to sign all contract documents associated with this project. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

| ALDERMAN           | VOTED  |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |
| Alderman Flores    | YES    |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of August, 2019.

## **PERMISSION LETTER GRANTING HERNANDO TO SUPPLY WATER TO CUSTOMERS IN CITY'S CERTIFICATED SERVICE AREA**

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this is a Permission Letter Granting Hernando to Supply Water to Customers in the City's Certificated Service Area. The City has one more annual payment due this time next year for the North Mississippi Utility Lease Purchase in the Lester Road area and then it will be solely owned by the City. With this purchase, this extended the City's "certificated service area" (as recognized by the public service commission), to the north side of Pleasant Hill Road from Baptist Road over to Getwell. In this agreement, the City realized that on Pleasant Hill Road, from Tchulahoma Road to Getwell Road, the City did not have a water main on our side of the road to serve these customers. The water main actually is on the south side of the road and is currently feeding these customers from another water source (originally North MS Utilities, but currently Hernando since Hernando purchased the remainder of North MS Utilities from Pleasant Hill south to Hernando). Also, this area is outside the City limits. Recently, the City of Hernando contacted Ray Humphrey to help clean up the water boundary between the two cities. At this juncture, Ray Humphrey needs authority to draft a letter to allow the City of Hernando to serve the customers on the north side of Pleasant Hill between Tchulahoma and Getwell indefinitely or until such time in the future, the City extends its water lines to Pleasant Hill.

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Currently, the City is billing these customers and in turn giving the collected money to Hernando as it supplies the water. Attached for review is a map of the area, a letter to the customers to switch their accounts over to Hernando, and a list of the current addresses that will need to come off the City's billing. Alderman Gallagher made the motion to authorize Ray Humphrey to send the Permission Letter Granting Hernando to Supply Water to Customers in the City's Certificated Service Area. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

## **CONTRACT WITH DESOTO COUNTY ELECTRIC**

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this contract is for a term to expire on June 30, 2019 with Desoto County Electric for routine repair, routine operation, and regularly scheduled maintenance. The Exhibit A to the contract contains the pricing, which is the same at the pricing in 2014 contract, and services that will be provided. Alderman Payne made the motion to authorize Mayor Musselwhite to sign the agreement with Desoto County Electric. Motion was seconded by Alderman Hoots.

Roll call was as follows:

| ALDERMAN           | VOTED  |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |
| Alderman Flores    | YES    |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of August, 2019.

A copy of the agreement is attached to these minutes.

## **RESOLUTION TO CLEAN PRIVATE PROPERTY**

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none.

## **RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY**

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**WHEREAS**, the governing authorities of the City of Southaven, Mississippi, have received numerous complaints regarding the parcel of land located at the following address, to-wit:

Parcel # 1087260000000603  
710 Church Road W  
2944 Keeley Cove  
9146 Whitworth Street  
5597 Kayla Drive

to the effect that the said parcel of land has been neglected whereby the grass height is in violation and there exist other unsafe conditions and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

**WHEREAS**, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, August 20, 2019, by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

**WHEREAS**, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, August 20, 2019, to voice objection or to offer a defense.

**NOW, THEREFORE**, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the above described parcel of land located at:

Parcel # 1087260000000603  
710 Church Road W  
2944 Keeley Cove  
9146 Whitworth Street  
5597 Kayla Drive

is deemed in the existing condition to be a menace to the public health and safety of the community.

**BE IT FURTHER RESOLVED** that the City of Southaven shall, if the owners of the above described parcel of land do not do so themselves, immediately proceed to clean the respective parcel of land, by the use of municipal employees or by contract, by cutting weeds and grass and removing rubbish and other debris.

Following the reading of this Resolution, it was introduced by Alderman Payne and seconded by Alderman Flores. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

**ALDERMAN**

**VOTED**

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|                             |        |
|-----------------------------|--------|
| Alderman William Brooks     | ABSENT |
| Alderman Kristian Kelly     | ABSENT |
| Alderman Charlie Hoots      | YES    |
| Alderman George Payne       | YES    |
| Alderman Joel Gallagher     | YES    |
| Alderman John David Wheeler | YES    |
| Alderman Raymond Flores     | YES    |

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 20th day of August, 2019.

A copy of the notices along with pictures of the properties is attached to these minutes.

## **PLANNING AGENDA**

Planning Agenda presented by Whitney Cook, Director of Planning & Development.

Item #1                      Application by Michael and Kristi Ferguson for a Conditional Use Permit to allow additional mini-storage and RV/boat storage on the south side of W.E. Ross Pkwy., west of Pepperchase Drive

Mrs. Choat Cook stated that this application is for a conditional use permit to allow an additional mini-storage and RV/boat storage on the south side of W E. Ross Parkway, west of Pepperchase Drive. Mrs. Choat-Cook stated that there is currently the EZ Days RV Park on both sides of W.E. Ross Parkway. Mrs. Choat-Cook that there is an existing ministorage and the applicant is requesting an expansion of that of 1.14 acres that will add 38 covered units for boat and RV storage. The applicant will extend the detention area behind there and will carry detention over so they can better improve the drainage. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

## **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE PERMIT TO MICHAEL AND KRISTY FERGUSON FOR ADDITIONAL MINI STORAGE IN SOUTH COMMERCIAL SUBDIVISION, SOUTH SIDE OF WE ROSS PKWY, NORTH OF CHURCH ROAD AND WEST OF I-55, SOUTHAVEN, MISSISSIPPI**

**WHEREAS**, the City of Southaven's ("City") Planning Commission previously held a hearing on July 29, 2019 for the conditional use permit ("permit") application of Michael and Kristy Ferguson (the "Applicant") for additional mini-storage located on 1.14 acres of property in the South Commercial Subdivision, on the south side of WE Ross Pkwy, north of Church Road and west of I-55 in Southaven, Mississippi; and

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**WHEREAS**, Title XIII, Chapter 12, Section 13-12(m), Chart 4 Commercial Zone Districts requires a conditional use permits for convenience stores; and

**WHEREAS**, "Conditional Use" is defined in the City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) as "a use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;" and

**WHEREAS**, the Laws of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

**WHEREAS**, pursuant to Mississippi Code Ann. Sections 21-17-5, the City has the authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances; and

**WHEREAS**, based on findings of the City Planning Commission at the hearing and City Code of Ordinances and City Staff Report as further set forth in Exhibit A to this Resolution, the City's Planning Commission recommends, subject to the City Board's revocation and the Applicant adhering to all requests and stipulations in the City Staff Report, a conditional use permit with one year extensions at the discretion of the City Board of Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a); and

**NOW, THEREFORE, BE IT ORDERED** by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for additional mini-storage located on 1.14 acres of property in the South Commercial Subdivision, on the south side of WE Ross Pkwy, north of Church Road and west of I-55 in Southaven, Mississippi for one (1) year to be renewed annually at the discretion of the City Board of Aldermen and subject to the City Board's revocation.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Gallagher and seconded by Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

|                         |               |
|-------------------------|---------------|
| Alderman William Brooks | voted: ABSENT |
| Alderman Kristian Kelly | voted: ABSENT |
| Alderman George Payne   | voted: YES    |

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|                             |            |
|-----------------------------|------------|
| Alderman Joel Gallagher     | voted: YES |
| Alderman John David Wheeler | voted: YES |
| Alderman Charlie Hoots      | voted: YES |
| Alderman Raymond Flores     | voted: YES |

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 20<sup>th</sup> day of August, 2019.

A copy of the staff report is attached to these minutes.

Item #2                      Application by Daron Maxwell to rezone 1.0 acres of property on the north side of Nail Road, east of Getwell Road from Agricultural to R-20

This application is a request to rezone 1 acre of property on the north side of nail Road east of Getwell Road from Agriculture to R-20. This is family owned property and they are wanting to split one lot into two lots to build two additional homes on the property. Per the city's comprehensive plan and change in character from Agriculture to Residential, this area is to remain in the low density category and the request submitted for this application abides by that request. The Planning Commission voted unanimously in favor. Alderman Wheeler made the motion to approve the application. Motion was seconded by Alderman Flores. Mayor Musselwhite asked if there was anyone in the audience that would like to speak. Mr. Maxwell thanked the Mayor and Board of Alderman for their consideration of the application. There were no other comments from the audience.

Roll call was as follows:

| ALDERMAN           | VOTED  |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |
| Alderman Flores    | YES    |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20<sup>th</sup> day of August, 2019.

A copy of the staff report and land information is attached to these minutes.

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Item #3 Initial Request Proposal for the West End Incentive Program for Magnolia Shops Development on the north side of Stateline Road and on both sides of Millbranch Road

Mrs. Choat-Cook stated that this item does not require a vote. Mrs. Choat-Cook stated that we have another request for the West End Incentive Program for Magnolia Shops Development on the north side of Stateline Road and on both sides of Millbranch Road. The applicant purchased the Minuteman store and all of the retail down Millbranch Road and are looking to do extensive renovations with a total investment of \$600,000 plus. Mrs. Choat-Cook stated that once they have all of their estimates of improvements and complete the work, they will come back before the Board and request for tax incentive approval in accordance with Mississippi law. No action was taken.

The application package with a detailed list of improvements and aerial photo is attached to these minutes.

## **MAYOR'S REPORT**

### Update - Building at Custer and Highway 51

Mayor Musselwhite stated that the issue is that there has been an ongoing insurance investigation and the City allowed them time to complete that investigation. Unfortunately, this is problem that occurred on December 31, 2018 and it has been adequate time for it to be resolved. Mayor Musselwhite stated that if we go ahead and proceed with condemnation, the City will be looking at having to pay \$35,000-\$40,000. Mayor Musselwhite stated that they have reached out to speak with the adjusters and attorneys and at this point have decided to proceed and start the process of condemnation.

### Pepperchase Road Extension / Medline Project

Medline Industries, Inc., a global healthcare company headquartered in Northfield, Illinois, employs 23,000-plus people manufacturing and distributing medical supplies in more than 90 countries has purchased vacant property in Southaven between I-55 and Highway 51 just north of Star Landing Road where they plan to build a 1.4 million square-foot facility that will distribute their products throughout the Southeastern U.S. This \$46-million investment will bring 450 new quality jobs to Southaven. In order for Medline to come to Southaven, they had to have a second egress route. Pepperchase Road dead ends into the Lander's Center and it will need to be extended south to Church Road. The Mississippi Development Authority agreed to pay for most of the Pepperchase Road Extension. It will be parallel to the interstate and meander westward to Star Landing Road. Mayor Musselwhite stated that in order to proceed, the City must submit a formal application to apply for the Development Infrastructure Grant. After hearing from Mayor Musselwhite, the Board of Alderman considered the following resolution:

**MUNICIPAL GOVERNMENT  
RESOLUTION OF AUTHORIZATION**

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The Mayor and Board of Aldermen (the "Governing Body") acting for and on behalf of the City of Southaven, Mississippi, (the "City") took up for consideration the matter of authorizing and approving a grant on behalf of the Municipality from the Mississippi Development Authority (the "MDA") Development Infrastructure Program for the purpose of completing infrastructure related to Medline and thus enhancing economic development through the creation of jobs.

Thereupon Alderman Flores offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO AUTHORIZE AND APPROVE THE MAYOR, ON BEHALF OF THE CITY, ENTERING INTO A GRANT AGREEMENT WITH THE MISSISSIPPI DEVELOPMENT AUTHORITY IN ORDER TO RECEIVE A GRANT ON BEHALF OF THE CITY FROM THE MISSISSIPPI DEVELOPMENT AUTHORITY IN AN AMOUNT NOT TO EXCEED Three million, seven hundred and ninety-one thousand DOLLARS (\$3,791,000.00) FOR THE PURPOSE OF COMPLETING INFRASTRUCTURE RELATED TO Medline AND THUS ENHANCING ECONOMIC DEVELOPMENT THROUGH THE CREATION OF JOBS.**

**WHEREAS**, the City ensures that all program guidelines and commitments are being followed and will be met. In addition, the City commits to provide a minimum 10% match of the Development Infrastructure Funds in amount of \$379,100.00 to come from City's funding; and

**WHEREAS**, the City will be required to reimburse the Mississippi Development Authority the amount of the grant, if for any reason whatsoever, the City does not adhere to the commitments as contemplated in the application and grant agreement, and

**WHEREAS**, the Mississippi Business Investment Act, Sections 57-61-1 et. seq., of the Mississippi Code of 1972, as amended, (the "Act") was enacted for the purpose of promoting business and economic development in the State of Mississippi (the "State") through job producing programs and by providing loans and grants to municipalities to assist in securing investment by private companies locating in the State; and

**WHEREAS**, pursuant to Section 57-61-36 of the Act, MDA is authorized to make grants/loans to the City for the purpose of completing infrastructure related to Pepper Chase Road extension and thus enhancing economic development through the creation of jobs; and

**WHEREAS**, pursuant to the Act and the guidelines adopted by MDA, the City has filed an application with MDA for a grant to complete infrastructure related to Medline; and

**WHEREAS**, based on the application, the Act and the guidelines, MDA has agreed to provide a grant to the City for the purposes set forth; and

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**WHEREAS**, before the grant can be processed, a Grant Agreement must be entered into by the City and MDA, setting out the terms and conditions of the grant.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE MUNICIPALITY, AS FOLLOWS:**

**Section 1.** That all of the findings of fact made and set forth in the preamble to this resolution shall be and the same are hereby found, declared, and adjudicated to be true and correct.

**Section 2.** That the Mayor of the City is now fully authorized and empowered under the provisions of Sections 57-61-1 *et. seq.*, of the Mississippi Code of 1972, as amended, to proceed with the execution of the Grant Agreement with the Department.

**Section 3.** That the Mayor and Clerk of the Board are hereby authorized and directed to execute any and all documents and certificates as may be necessary in order to consummate the transaction contemplated by the resolution and upon execution, each of the documents and certificates shall be legal, valid, and binding obligations of the City enforceable in accordance to the terms of each.

Alderman Gallagher seconded the motion to adopt the foregoing Resolution and after the same had been read and considered section by section and put to a roll call vote, the results was as follows:

|                    |               |
|--------------------|---------------|
| Alderman Brooks    | voted: ABSENT |
| Alderman Kelly     | voted: ABSENT |
| Alderman Hoots     | voted: YES    |
| Alderman Payne     | voted: YES    |
| Alderman Gallagher | voted: YES    |
| Alderman Wheeler   | voted: YES    |
| Alderman Flores    | voted: YES    |

The motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the Resolution adopted, on this the 20<sup>th</sup> day of August, 2019.

## Handbook Amendment

Mayor Musselwhite stated that they realized that they needed to make an amendment to the handbook regarding the employee appearance and dress code. In the current policy, there are no visible tattoos allowed. Mayor Musselwhite stated that his recommendation is to amend the policy to allow more flexibility for the hiring process. Mayor Musselwhite stated that they contacted labor law firms to seek advice in that area based on what has been used with other organizations with modern day handbooks. Alderman Payne made the motion to make the amendment to the employee handbook. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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| ALDERMAN           | VOTED  |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |
| Alderman Flores    | YES    |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20<sup>th</sup> day of August, 2019.

A copy of the handbook amendment is attached to these minutes.

### City Entrance Sign

Mayor Musselwhite stated that there was a change order for the monument signs. The sign at I-55 and Stateline Road is complete with the exception of landscape lighting and have another sign that was approved in this budget year to be on I-55 on the southern entrance to the city facing northbound traffic. Mayor Musselwhite stated that they have had some challenges along the way and explained that when entering Southaven from the south, they wanted the monument sign to be on the eastern edge on the northbound lane, but there was no place to put it. The grade is down below the interstate, with no room to put it until you get down to Church Road which defeats the purpose for a city entrance sign. Mayor Musselwhite stated that they chose to go on the other side of the interstate and then turn the sign back to face northbound traffic. Coincidentally, this location is the Medline development and there is a hill which would be an ideal place for the sign. Mayor Musselwhite explained that they did some work to get an easement and started proceeding with construction of the sign and ran into some challenges. The Pepperchase Extension will be parallel there, and they didn't realize how close it was going to be, along with challenges on how to turn the sign and fit it there. They also did not know that when they decided to put the sign on the hill that MDOT had some unmarked utilities buried there and then realized they had some elevation problems. Ultimately, the sign had to be redesigned to give it four foot more elevation for optimum visibility for northbound traffic. Mayor Musselwhite stated that they need the board to approve the change order in the amount of \$39,148 to make changes from an angle and elevation standpoint. After noting that there is not a change in scope or a change being done to circumvent the bid laws, Alderman Flores made the motion to approve the change in the amount of \$39,148. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

| ALDERMAN           | VOTED  |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |

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Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20<sup>th</sup> day of August, 2019.

## Residential Development Lighting

Mayor Musselwhite stated that it was brought to his attention recently that Entergy had requested that the new residential developments in the City set up an account with them while the subdivision is under construction, which prompted the discussion about when the city takes over streetlights. Mayor Musselwhite stated that the City waits before taking the streets until they become public streets and when a development is a certain percent built out as there could be damage caused by construction vehicles. Mayor Musselwhite stated that his first thought was why the City would take the streetlights before taking the street. The response to that from a private developer was that when the streets are built, even though there are not any homes on the lots, you face vandalism and promiscuity issues on vacant streets that do not have lighting, so it serves the City. Mayor Musselwhite stated that he did not want to have a policy to where we are discouraging development and putting the City at a competitive disadvantage with anyone else as far as attracting residential homebuilders. Mayor Musselwhite added that it is not uncommon for a development to take 5-7 years to be complete and they are paying those costs until the City takes them. Mayor Musselwhite added that whether you go with a concrete pole or get into a decorative fixture, the cost it takes to install is worked into the rental agreement and the City pays indefinitely on the cost it takes to install the light.

There was discussion among the Board, Mayor Musselwhite and Mrs. Choat-Cook in regards to policies from other municipalities and the possibility of the City installing the light poles and paying only for electricity. Mrs. Choat-Cook stated that she would do some additional research on the City of Tupelo, Oxford, Madison and Ocean Springs and will bring back more information to the Board at the next meeting. No action was taken.

## Paving Proposal

Mayor Musselwhite stated that when we did our budget workshops we talked about the idea of a paving proposal and experimenting with adding a paving department to the City. After speaking with Bradley Wallace, Public Works Director, and Robert Booth, Public Works Supervisor it was determined that the City will need \$550,000 in equipment up front and approximately \$275,000 for personnel to bring paving in-house. That breaks down to a paving machine, two dump trucks and a roller and personnel with that skill set. Mayor Musselwhite commented that it would be better to contract the milling. Mayor Musselwhite explained that City streets are paved from March through June and if we had our own department we could pave more streets, decide when to pave them, would be allowed more flexibility and not at the mercy of others. Mayor Musselwhite stated that he will research this further and update the Board. No action was taken.

## City Hall Renovation Bid Award

Brian Bullard with Urban Arch stated that the City opened bids a couple of months ago for the City Hall Renovation Project and at that time he noted that he did not feel that the City was getting the best bids. Mr. Bullard stated that a lot

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had to do with the reroofing component of that job. The roofing component essentially was making the project complex for general contractors to want to bid it, so they made the recommendation to the City to reject the bids and get creative by splitting the bid project doing the building renovation project separate from the roof project. Mr. Bullard reported that the City received bids on August 7 for the building renovations and the lowest and best bid was for \$1,117,808.00 from F&F Construction. Mr. Bullard stated that by separating the bids, the City has saved approximately \$130,000.00. Alderman Flores made the motion to accept the lowest and best bid from F&F construction in the amount of \$1,117,808.00 and authorized Mayor Musselwhite to sign all contract documents. Motion was seconded by Alderman Payne.

Roll call was as follows:

| ALDERMAN           | VOTED  |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |
| Alderman Flores    | YES    |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20<sup>th</sup> day of August, 2019.

## CITIZEN'S AGENDA

No Citizen's Agenda

## PERSONNEL DOCKET

### Personnel Docket

August 20, 2019

| Payroll Additions | Department | Position Title      | Start Date | Rate of Pay |
|-------------------|------------|---------------------|------------|-------------|
| Jason Asbury      | Police     | Sgt. Police Officer | TBD        | \$22.86     |
| Timothy Beck      | Parks      | Laborer I           | TBD        | \$11.50     |
| Joseph Becker *   | Police     | Police Officer III  | TBD        | \$22.06     |
| Chauncy Stokes    | Police     | Police Officer II   | TBD        | \$20.79     |
| Michael Morrow ** | Fire       | Fire Fighter II     | TBD        | \$15.57     |
| Carly Winship *   | Police     | Sgt. Police Officer | TBD        | \$22.86     |

\*pending 1 pre-emp screening

\*\* pending 2 pre-emp screenings

| Pay Adjustments | Previous Classification | New Classification | Effective Date | Proposed Rate of Pay |
|-----------------|-------------------------|--------------------|----------------|----------------------|
|-----------------|-------------------------|--------------------|----------------|----------------------|

| Stipend | Type of Stipend | Effective Date | Yearly Amount |
|---------|-----------------|----------------|---------------|
|---------|-----------------|----------------|---------------|

Fire

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|                   |         |            |          |
|-------------------|---------|------------|----------|
| Parnell Boyd      | Haz-Mat | 07/30/2019 | \$600.00 |
| Stephen Jackson   | Haz-Mat | 08/03/2019 | \$600.00 |
| Benjamin Schaefer | Haz-Mat | 08/08/2019 | \$600.00 |

## *Police*

|                       |          |            |          |
|-----------------------|----------|------------|----------|
| Christopher Robertson | Training | 08/18/2019 | \$600.00 |
|-----------------------|----------|------------|----------|

| Resignations/Terminations | Department | Current Position Title | Effective Date | Rate of Pay |
|---------------------------|------------|------------------------|----------------|-------------|
| Jeffrey McKendree         | Police     | Police Officer I       | 8/19/2019      | \$17.38     |
| Amanda Michael            | Police     | Crossing Guard         | 7/21/2019      | \$9.00      |
| Keith Moffett             | Fire       | Lieutenant             | 8/19/2019      | \$19.73     |
| Jeremy Pickens            | Police     | Crossing Guard         | 7/21/2019      | \$9.00      |

Alderman Payne made the motion to approve the Personnel Docket of August 20, 2019 as presented to this Board. Motion was seconded by Alderman Flores.

Roll call was as follows:

| ALDERMAN           | VOTED  |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |
| Alderman Flores    | YES    |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20<sup>th</sup> day of August, 2019.

## **CITY ATTORNEY'S LEGAL UPDATE**

Mr. Manley stated that authorization is needed for reimbursement to the Swinnea Ridge HOA in the amount of \$438.71. Mr. Manley explained that the HOA has been paying the electric bill for a substation on the north end of Swinnea Ridge for the last 20 years. The City can only be held liable for one year worth of claims. Alderman Gallagher made the motion to reimburse the Swinnea Ridge HOA for one year of payments made in the amount of \$438.71. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

## **UTILITY BILL ADJUSTMENT DOCKET**

|                                                                                                                     |  | UTILITY BILL<br>ADJUSTMENT DOCKET<br>08/20/19 |   |
|---------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------|---|
| The addresses below experienced<br>unforeseen circumstances in their utilities<br>for which no benefit was received |  | -                                             | - |

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| HOUSE # | STREET               | ADJUSTED AMOUNT | REASON FOR LEAK ADJUSTMENT |
|---------|----------------------|-----------------|----------------------------|
| 2054    | BROOKHAVEN           | (\$69.16)       | POOL ADJUSTMENT            |
| 3973    | SWINNEA RD           | (\$190.32)      | LEAK AT POOL               |
| 3973    | SWINNEA RD           | (\$29.64)       | POOL ADJUSTMENT            |
| 7594    | LILLY DR             | (\$102.48)      | SERVICE LINE LEAK          |
| 3289    | HILL VALLEY LN       | (\$195.20)      | TOILET LEAK                |
| 961     | MAIN ST              | (\$178.91)      | TOILET LEAK                |
| 2087    | CRESTHILL DR         | (\$122.00)      | SERVICE LINE LEAK          |
| 7608    | IRIS DR              | (\$151.28)      | TOILET LEAK                |
| 4941    | ROSEBROOK CIRCLE W   | (\$24.40)       | LEAK IN POOL               |
| 1483    | WHITWORTH CV         | (\$244.00)      | TOILET LEAK                |
| 526     | COTTONBROOK          | (\$131.76)      | TOILET LEAK                |
| 7411    | PADDOCK COVE         | (\$644.16)      | TOILET LEAK                |
| 8950    | OAKWOOD LANE         | (\$82.96)       | TOILET LEAK                |
| 4253    | JESSICA DR           | (\$214.72)      | TOILET LEAK                |
| 570     | BOULDERCREST DR      | (\$48.80)       | TOILET LEAK                |
| 8661    | GREENBROOK PKWY      | (\$9.92)        | POOL ADJUSTMENT            |
| 1214    | RICHLAND DR          | (\$24.70)       | POOL ADJUSTMENT            |
| 5764    | ANTLER TRAIL         | (\$37.05)       | POOL ADJUSTMENT            |
| 5960    | TCHULAHOMA           | (\$265.10)      | SERVICE LINE LEAK          |
| 7834    | NATHAN SAWYER DR     | (\$64.22)       | POOL ADJUSTMENT            |
| 3018    | BRAMBLE CREST DR     | (\$5.47)        | POOL ADJUSTMENT            |
| 8583    | MILLBRANCH           | (\$34.58)       | POOL ADJUSTMENT            |
| 2482    | ANSLEY PARK N        | (\$79.04)       | POOL ADJUSTMENT            |
| 5089    | MEADOW POINTE DR     | (\$69.16)       | POOL ADJUSTMENT            |
| 3146    | GOODMAN RD           | (\$373.70)      | POOL ADJUSTMENT            |
| 7334    | THISTLEDOWN CV       | (\$69.16)       | POOL ADJUSTMENT            |
| 7334    | THISTLEDOWN CV       | (\$204.96)      | TOILET LEAK                |
| 2118    | CEDARCREST           | (\$111.15)      | POOL ADJUSTMENT            |
| 7900    | BRENTWOOD DR         | (\$27.17)       | POOL ADJUSTMENT            |
| 6491    | EVERGREEN            | (\$93.86)       | POOL ADJUSTMENT            |
| 8592    | WOODBINE DR          | (\$12.35)       | POOL ADJUSTMENT            |
| 7738    | CHERRY VALLEY        | (\$44.46)       | POOL ADJUSTMENT            |
| 8376    | CHESTERFIELD DR      | (\$19.76)       | POOL ADJUSTMENT            |
| 8447    | ALLEN LANE           | (\$131.76)      | TOILET LEAK                |
| 1577    | IAN                  | (\$46.93)       | POOL ADJUSTMENT            |
| 7639    | BROOKWOOD PL         | (\$91.39)       | POOL ADJUSTMENT            |
| 8745    | FIVE OAKS DRIVE WEST | (\$22.23)       | POOL ADJUSTMENT            |
| 1211    | CARRIAGE DR S        | (\$51.87)       | POOL ADJUSTMENT            |
| 7671    | LENOX CV             | (\$32.11)       | POOL ADJUSTMENT            |

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|      |                     |              |                                         |
|------|---------------------|--------------|-----------------------------------------|
| 367  | SANDALWOOD          | (\$54.34)    | POOL<br>ADJUSTMENT                      |
| 8625 | CEDAR CIR W         | (\$24.70)    | POOL<br>ADJUSTMENT                      |
| 1739 | SPRINGFIELD CV      | (\$34.58)    | POOL<br>ADJUSTMENT                      |
| 8235 | FAIRFAX CV          | (\$91.39)    | POOL<br>ADJUSTMENT                      |
| 5815 | PLUM TREE CV        | (\$86.45)    | POOL<br>ADJUSTMENT                      |
| 800  | ROCKBRIDGE CV       | (\$37.05)    | POOL<br>ADJUSTMENT                      |
| 310  | VILLAGE PKWY        | (\$12.35)    | POOL<br>ADJUSTMENT                      |
| 909  | SCOTCH PINE CV      | (\$93.86)    | POOL<br>ADJUSTMENT                      |
| 8620 | WOODBINE DR         | (\$39.52)    | POOL<br>ADJUSTMENT                      |
| 738  | HALIFAX CV          | (\$37.05)    | POOL<br>ADJUSTMENT                      |
| 4170 | PINEHURST DR        | (\$71.63)    | POOL<br>ADJUSTMENT                      |
| 6835 | FOX CHASE DR        | (\$121.03)   | POOL<br>ADJUSTMENT                      |
| 7546 | PINE KNOT PL        | (\$101.27)   | POOL<br>ADJUSTMENT                      |
| 7137 | CARROLTON           | (\$10.26)    | POOL<br>ADJUSTMENT                      |
| 8363 | CEDARBRUSH          | (\$76.57)    | POOL<br>ADJUSTMENT                      |
| 2048 | MISS VALLEY         | (\$29.28)    | TOILET LEAK                             |
| 7471 | GREENBROOK PKWY     | (\$58.56)    | TOILET LEAK                             |
| 475  | CHERRY TREE LANE    | (\$92.72)    | LEAK UNDER SLAB<br>BUSTED WATER<br>PIPE |
| 290  | CHERRY TREE LANE    | (\$102.48)   | TOILET LEAK                             |
| 2786 | PYRAMID DR          | (\$405.04)   | TOILET LEAK                             |
| 5255 | WINDY RIDGE COVE    | (\$85.32)    | TOILET LEAK                             |
| 8329 | LAKESHORE DR. W     | (\$29.28)    | LEAK IN LINER<br>SERVICE LINE<br>LEAK   |
| 3612 | NAIL ROAD           | (\$291.80)   | LEAK UNDER SLAB                         |
| 909  | AUTUMN WOOD DR<br>E | (\$317.20)   | TOILET LEAK                             |
| 8830 | CYPRESS CV          | (\$161.04)   | TOILET LEAK                             |
| 5536 | AMANDA BELLE CV     | (\$219.78)   | TOILET LEAK                             |
| 2583 | STATLINE RD W       | (\$713.47)   | TOILET LEAK                             |
|      |                     |              |                                         |
|      |                     | (\$7,681.75) |                                         |

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of August 20, 2019 in the amount of \$7,681.75. Motion was seconded by Alderman Flores.

Roll call was as follows:

## ALDERMAN

Alderman Brooks  
Alderman Kelly  
Alderman Hoots  
Alderman Payne  
Alderman Gallagher  
Alderman Wheeler

## VOTED

ABSENT  
ABSENT  
YES  
YES  
YES  
YES

# Minutes, City of Southaven, Southaven, Mississippi

Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of August, 2019.

## **CLAIMS DOCKET**

A motion was made by Alderman Payne to approve the Claims Docket of August 20, 2019 in the amount of \$2,119,643.68. Motion was seconded by Alderman Flores.

### **Excluding voucher numbers:**

326586, 326594, 326647, 326654, 326658, 326663, 326672, 326692, 326693, 327017, 327042, 327105, 327271, 327323

Roll call was as follows:

### **ALDERMAN**

### **VOTED**

|                    |        |
|--------------------|--------|
| Alderman Brooks    | ABSENT |
| Alderman Kelly     | ABSENT |
| Alderman Hoots     | YES    |
| Alderman Payne     | YES    |
| Alderman Gallagher | YES    |
| Alderman Wheeler   | YES    |
| Alderman Flores    | YES    |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 20<sup>th</sup> day of August, 2019.

## **EXECUTIVE SESSION**

A copy of the Executive Session Minutes are maintained in the City Clerk's Office.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Flores to adjourn. Motion was seconded by Alderman Wheeler. Motion was put to a vote and passed unanimously August 20, 2019 at 8:15 p.m.

\_\_\_\_\_  
Darren Musselwhite,  
Mayor

\_\_\_\_\_  
Andrea Mullen,  
City Clerk  
(Seal)

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