

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
MUNICIPAL COURT
January 21, 2020
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: January 7, 2020
5. Handbook Amendment
6. No Parking Resolution for Brambles 55+ Subdivision
7. Hearing for Mid-South Public Improvement District Revised PID
8. MOU with Desoto County for Pepperchase Road
9. Resolution for SPD Sole Source
10. Resolution for Unmarked Vehicles
11. Resolution for Utility Dept. Surplus
12. MOU with Nesbit Water
13. Resolution for 2020 Wrecker Rotation
14. Resolution for IT Surplus
15. Planning Agenda: Item #1 Application by Sarika Patel for a Conditional Use Permit to allow a full service spa to be located in building 18 of Silo Square Commercial Subdivision on the west side of Getwell Road, on the north side of May Blvd.
16. Mayor's Report
17. Citizen's Agenda: Tim Perkins
18. Personnel Docket
19. City Attorney's Legal Update
20. Utility Bill Adjustment Docket
21. Claims Dockets: Docket 1
Docket 2
22. Executive Session: Personnel in Utilities Department; Litigation/Claims against SPD; Economic Development

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 OF THE REGULAR MEETING OF January 21, 2020 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 21st day of January, 2020 at six o'clock (6:00) p.m. at City Municipal Court.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
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

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately fifty (50) 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 January 7, 2020 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Hoots. Motion was put to a vote and passed unanimously with all Alderman present.

HANDBOOK AMENDMENT

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

Mr. Wilson stated that the following are the recommended handbook amendments:

1. An employee leaving voluntarily has the option to cash out the balance, up to 160 hours, of their unused personal leave. Employees will still have the option as long as they are not under pending disciplinary action. The personal leave hours will not be lost and will rotate to their service credit with PERS.
2. Part of the Drug Free Alcohol Free Workplace Policy is that you cannot ingest alcohol or drugs while operating a city vehicle or machinery. This is already in the policy, but it will be added to the vehicle use policy as well.

Alderman Brooks made the motion to approve the handbook amendments to the City handbook in substantially the same form as presented by Mr. Wilson. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 21st day of January, 2020.

NO PARKING RESOLUTION FOR BRAMBLES 55+ SUBDIVISION

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

Mr. Manley stated that this resolution will prohibit parking on the following streets in the Brambles:

Jade Lane	Wellbrook Lane	Sagewood Drive
Pittsfield Drive	Parkdale Cove	

The prohibition is due to the fact that emergency personnel is not able to access addresses on these streets when vehicles are parked in them. After hearing from Mr. Manley, the Board of Alderman considered the following:

RESOLUTION BY CITY OF SOUTHAVEN GOVERNING AUTHORITIES PROHIBITING PARKING ON CERTAIN CITY OF SOUTHAVEN STREETS

WHEREAS, Mississippi Code Section 21-37-3 provides the City of Southaven ("City") Governing Authorities shall have the power to exercise full jurisdiction in the matter of streets, and

WHEREAS, Mississippi Code Section 21-17-5 provides the City shall have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972; and

WHEREAS, Mississippi Code Section 21-19-15 also provides in pertinent part that the governing authorities of a municipality shall have the power to make all needful police regulations necessary for the preservation of good order and peace of the municipality, to prevent injury to, destruction of, or interference with public or private property; and

WHEREAS, Mississippi Code Section 21-19-15(5) allows the City to regulate or restrict parking on any public street or roadway when signage adequately describing the parking regulation or restriction is posted; and

WHEREAS, Mississippi Code Section 63-3-209 grants the City the authority to adopt additional traffic regulations which are not in conflict with the provisions the relevant Mississippi laws; and

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WHEREAS, in accordance with Mississippi law and to ensure City Emergency Personnel can adequately access certain residences located within the City, the City Governing Authorities desire to prohibit parking as set forth herein; and

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI:

1. There shall be no parking on the City Streets as set forth below, which are in the Brambles, and are further shown by the map attached hereto as Exhibit A to this Resolution:

Jade Lane
Wellbrook Lane
Pittsfield Drive
Parkdale Cove
Sagewood Drive

2. The City Mayor, City Planning Director, City Police Chief, and/or City Public Works Director are authorized to take any and all action consistent with this Resolution, including the posting of "No Parking" signs and enforcement of the same.

A motion was made by Alderman Flores to approve the Resolution. The Resolution was seconded by Alderman Gallagher and brought to a vote as follows:

Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES
Alderman William Brooks	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 21st day of January, 2020.

CITY OF SOUTHAVEN, MISSISSIPPI

EXHIBIT A is attached to these minutes.

HEARING FOR MID-SOUTH PUBLIC IMPROVEMENT DISTRICT REVISED PID

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

Alderman Brooks made the motion to close the Board Meeting. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

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Alderman Brooks made the motion to open the Public hearing. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

Mayor Musselwhite asked if there was anyone in the audience that wanted speak and there were none who had general comments. Mr. Manley stated that previously, the Board of Alderman approved setting the hearing for this matter. The District filed a petition with the City of Southaven to change the boundaries of the District to three out parcels for the purpose of accommodating new commercial development; a contraction of approximately 4.3 acres of the current 37.832 acres, which will not implicate the mall or the supporting parking/public improvements done in conjunction with the development of the mall. Two of the three out parcels will be the site of a hotel development adjacent to the mall and the third out parcel currently is the site for an AT&T branch and a Starbucks. The developer's expectation is that hotel clientele will frequent the mall.

There was some discussion between the Board of Alderman and Mr. Poag as it relates to the location of the hotel being on the south out parcels and that they do currently have a contract with the hotel. Mr. Manley stated that bond counsel for the PID has expressed to him that the revisions of the PID will not affect the PID bond obligations.

Alderman Brooks made the motion to formally approve the PID. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously as reflected in the following ordinance:

ORDINANCE REVISING THE BOUNDARIES OF THE OUTLET SHOPS OF THE MID SOUTH PUBLIC IMPROVEMENT DISTRICT PURSUANT TO THE PUBLIC IMPROVEMENT DISTRICT ACT, CODIFIED AT SECTIONS 19-31-1, ET SEQ., OF THE MISSISSIPPI CODE OF 1972, AS AMENDED AND OTHER RELATED MATTERS

WHEREAS, the Board of Directors of the Outlet Shops of the Mid-South Public Improvement District ("Directors") filed a petition (the "Petition") attached hereto as **EXHIBIT A**, with the City of Southaven, Mississippi Board of Aldermen (the "Governing Body" of the "City") to change the boundaries of The Outlet Shops of the Mid-South Public Improvement District ("District") in accordance with the provisions of Sections 19-31-1, *et seq.*, of the Mississippi Code Annotated 1972, as amended (the "Act"); and

WHEREAS, the Governing Body of the City previously established the District in 2014; and

WHEREAS, the obligations and duties of the District shall remain in full force and effect for the boundaries that remains within the District, which includes, but is not limited to providing the improvements and financing needs for the delivery of the improvements and facilities within the District without overburdening the City and its taxpayers; and

WHEREAS, any District infrastructure improvements completed by the District, which are located within the revised District property, whether dedicated or not dedicated to the City shall be done in accordance with the applicable MDA regulations and City of Southaven regulations, ordinances and laws; and

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WHEREAS, the District has provided the Governing Body of the City assurances that the amendment to the boundaries of the District does not affect any bond and/or debt obligations of the District; and

WHEREAS, the Petition was filed by the Directors with the City of Southaven, accepted by the Governing Body and a Notice of Public Hearing set by the City for January 21, 2020 was published four (4) consecutive weeks in the *DeSoto Times*, a newspaper having general circulation in DeSoto County, Mississippi, on December 19 and 26, 2019, and January 2 and 9, 2020, in accordance with the Act, with a Proof of Publication attached hereto and made a part of the record as **Exhibit B**; and

WHEREAS, on January 21, 2020, the Governing Body of the City held a public hearing on the Petition to change to boundaries of the District in accordance with the requirements and procedures of the Act; and

WHEREAS, the Governing Body of the City has considered the record of the public hearing and other relevant factors pursuant to the Act.

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

SECTION 1. That the relief sought in the Petition is granted and the boundaries of the District are amended and are established as specifically set forth in **EXHIBIT C** to this Ordinance.

SECTION 2. That all of the District's powers, obligations and duties under the Act shall remain in full force and effect for the boundaries established and set forth in **EXHIBIT C** within the District.

SECTION 3. That the District shall continue to be designated as "Outlet Shops of the Mid-South Public Improvement District", and the five (5) persons serving as the Directors are Oscar T. Hoyle, Jacqueline Enfield, Richard B. Hull (a Qualified Voter designated by the landowner), Mandi Johnson and Carmon Harwood.

SECTION 4. The City Clerk, pursuant to Miss. Code 21-13-11, shall provide notice of the adoption of the Ordinance in the *Desoto Times* for one (1) time.

SECTION 5. This Ordinance revising the boundaries of the District shall be effective immediately upon passage.

SO ORDAINED BY THE CITY OF SOUTHAVEN, MISSISSIPPI ON THIS 21st DAY OF JANUARY, 2020.

Said ordinance having been reduced to writing and after discussion and a public hearing on the matter, Alderman Brooks moved for the adoption of the above and forgoing ordinance. Alderman Payne seconded the motion to adopt said ordinance, and the question being put to a roll call vote, the result was as follows:

Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES

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Alderman Raymond Flores
Alderman William Brooks

voted: YES
voted: YES

RESOLVED AND DONE, this 21st day of January, 2020.

EXHIBIT A

PID PETITION

(Attached and fully incorporated into these minutes)

EXHIBIT B

PROOF OF PUBLICATION

(Attached and fully incorporated into these minutes)

EXHIBIT C

LEGAL DESCRIPTION

Outlet Shops of the Mid-South Public Improvement District ("District") Legal Description of New Boundaries of District; Lots Excepted

New Boundaries of District

Land lying and being situated in the Southeast Quarter of Section 1, Township 2 South, Range 8 West, City of Southaven, DeSoto County, Mississippi, being all of Lots 1 and 2 of the REVISED PLAT, LOTS 1-5, AREA H, PLUM POINT P.D. recorded August 13, 2018, in Plat Book 124, Pages 45-46 of the Office of the Chancery Clerk of DeSoto County, Mississippi

Being a portion of the property conveyed to Mid-South Outlet Shops, LLC, a Delaware limited liability company, by Warranty Deed dated January 12, 2015 and recorded in Book 753, Page 16 of the Office of the Chancery Clerk of Desoto County, Mississippi.

Excepted from New Boundaries of District are Lots 3, 4 and 5, formerly within District

Land lying and being situated in the Southeast Quarter of Section 1, Township 2 South, Range 8 West, City of Southaven, DeSoto County, Mississippi, being all of Lots 3, 4 and 5 of the REVISED PLAT, LOTS 1-5, AREA H, PLUM POINT P.D. recorded August 13, 2018, in Plat Book 124, pages 45-46 of the Office of the Chancery Clerk of Desoto County, Mississippi

Alderman Brooks made the motion to close the Public Hearing and reopen the regular Board Meeting. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

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A copy of the ordinance revising the boundaries of the Outlet Shops of the Mid South Public Improvement District is attached to these minutes.

MOU WITH DESOTO COUNTY FOR PEPPERCHASE ROAD

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

Mr. Manley stated that this MOU will allow for Desoto County to provide \$250,000 for the Pepperchase Road extension. The City will be responsible for the design, engineering, and construction. The majority of funding will be provided by MDA DIP Grant as this is associated with the Medline project. Alderman Brooks made the motion to authorize Mayor Musselwhite to sign the MOU. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 21st day of January, 2020.

A copy of the MOU is attached and fully incorporated into these minutes.

RESOLUTION FOR SPD SOLE SOURCE

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

Mr. Manley stated that his resolution will allow for the SPD to purchase Graykey Software for its unique proprietary nature for cell phone extraction to assist in investigation in the amount of \$15,000.00. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI AUTHORIZING SINGLE SOURCE ITEM PURCHASE

WHEREAS, the City of Southaven ("City") Police Department is in need of cell phone extraction software as such software is integral to City Police investigations; and

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WHEREAS, based on the need by the City Police of the specific Graykey Software and the unique proprietary nature of Graykey Software as more fully set forth in Exhibit A and the sole source letter and justification also set forth in Exhibit A, the City hereby approves the single source purchase of the Graykey Software from Grayshift, LLC pursuant to Mississippi Code 31-7-13(m) (viii); and

NOW, THEREFORE, BE IT ORDERED by the Board of Aldermen of the City, to wit:

1. Pursuant to Mississippi Code 31-7-13(m) (viii), the City Police Department is authorized to purchase the Graykey Software in the amount of \$15,000.00 from Grayshift, LLC as set forth in Exhibit A on a single-source basis.
2. The Mayor, City Police Chief or their designee(s) are authorized to spend funds, including grant funds and take all actions to effectuate the intent of this Resolution.

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

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

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RESOLVED AND DONE, this 21st day of January, 2020.

A copy of the sole source and recommendation letter is attached.

RESOLUTION FOR UNMARKED VEHICLES

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

Mr. Manley stated that this resolution will authorize additional vehicles to be added to the unmarked vehicles list. This resolution will be sent to the State Auditor's Office as required. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN SETTING FORTH CITY OF SOUTHAVEN POLICE UNMARKED VEHICLES PURSUANT TO MISSISSIPPI CODE SECTION 25-1-87

WHEREAS, pursuant to Mississippi Code Section 21-21-3, the City of Southaven ("City") employs employ, regulates, and supports a sufficient police force; and

WHEREAS, the City's support of the police force includes providing vehicles for use by the police to assist with maintaining order and peace, which, includes, but is not limited to conducting official criminal investigations; and

WHEREAS, it has been recommend to the City Board by the City Police, pursuant to Mississippi Code Section 25-1-87 that certain City Police vehicles, attached hereto as Exhibit A, should be unmarked as identifying marks would hinder official criminal investigations for fugitives and narcotics; and

WHEREAS, the City Governing Authorities defer to the City Chief of Police as the chief law enforcement officer of the City and his control over police officers and how investigations will proceed; and

NOW, THEREFORE, BE IT RESOLVED by the City Mayor and Board of Aldermen of as follows, to wit:

1. The City Governing Authorities hereby authorize the use of the unmarked City Police vehicles, attached hereto as Exhibit A, as the identifying marks would hinder official criminal investigations regarding fugitive and narcotics.

2. The Mayor, Police Chief, City Administrator, City Clerk, and/or their designee(s) are authorized to take any and all action to effectuate the intent of this Resolution and the City Clerk shall furnish the State Department of Audit with a certified copy of this Resolution.

Following the reading of the foregoing resolution, Alderman Brooks made the motion to adopt the Resolution and Alderman Payne seconded the motion for

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its adoption. The Mayor put the question to a roll call vote and the result was as follows:

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

RESOLVED AND DONE, this 21st day of January, 2020.

A list of the vehicles is attached and fully incorporated into these minutes.

RESOLUTION FOR UTILITY DEPARTMENT SURPLUS

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

Mr. Manley stated that this resolution will authorize the Utilities Department to surplus equipment and list on Gov Deals. After hearing from Mr. Manley, the Board of Aldermen considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS PROPERTY

WHEREAS, the City of Southaven Utility Department ("City") is presently in possession of a variety of property attached hereto as Exhibit A, which is not useful or cost effective due to the storage and maintenance costs; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the property set forth in Exhibit A be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and removed from the fixed assets inventory; and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of the surplus property in Exhibit A and amending, its fixed assets inventory pursuant to State guidelines; and

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

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1. The property be hereby declared as surplus property as the property is not useful or cost effective due to the storage and maintenance costs and has no value to the City.
2. The City Clerk, or her designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the property.

Motion was made by Alderman Payne and seconded by Alderman Kelly for the adoption of the above and foregoing Resolution, and the question being put to a roll call vote, the result was as follows:

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

RESOLVED AND DONE, this 21st day of January, 2020.

The recommendation letter is attached and fully incorporated into these minutes.

MOU WITH NESBIT WATER

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

Mr. Manley stated that at this juncture, the Nesbit Water Association is not willing to forfeit its certificated area near the Medline facility; however, it is willing to enter an MOU so that Southaven can provide the potable water to the Medline site, as Nesbit Water is not able to provide the water. The City will receive \$250,000 from the MDA ACE Grant which will assist with the costs. Alderman Payne made the motion to approve the MOU with Nesbit Water. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 21st day of January, 2020.

A copy of the MOU is attached and fully incorporated into these minutes.

RESOLUTION FOR 2020 WRECKER ROTATION

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

Mr. Manley stated that this resolution establishes the wrecker rotation for 2020. The companies have been reviewed by the SPD and the recommendation letter, along with the information from each company is attached to these minutes. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI ESTABLISHING THE WRECKER ROTATION FOR THE CITY OF SOUTHAVEN FOR 2020 PURSUANT TO POLICE WRECKER ROTATION POLICY

WHEREAS, the City of Southaven ("City") previously adopted, via Resolution, on August 20, 2013, the City Police Wrecker Rotation Policy ("Policy"); and

WHEREAS, the City Board adopted the Policy to establish certain and specific guidelines for those entities which tow vehicles at the request of the City Police Department, so that the City can ensure conformity and protection from liability, along with a specific and objective standard for being included on the wrecker rotation; and

WHEREAS, pursuant to the City Policy, the City desires to affirm the recommendation of the City Police Chief and City Deputy Police Chief as it relates to the 2020 wrecker rotation for the City; and

NOW, THEREFORE, BE IT ORDERED based on the vote by the Board of Aldermen of the City, to wit:

1. The City Board hereby affirms and approves the recommendation of the City Police Chief and Deputy Chief for the City Police one year wrecker rotation for 2020 as set forth in Exhibit A.
2. The Mayor, Chief of Police or Deputy Chief of Police

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are hereby authorized and directed to take all actions, as set forth in the Policy, needed to effectuate the intent of this Resolution.

Following the reading of the foregoing resolution, Alderman Brooks made the motion to adopt the Resolution 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 Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES
Alderman William Brooks	voted: YES

RESOLVED AND DONE, this 21st day of January, 2020.

Exhibit A is attached to these minutes.

RESOLUTION FOR IT SURPLUS

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

Mr. Manley stated that this resolution will authorize IT Surplus pursuant to Miss. Code 17-25-25. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS PROPERTY

WHEREAS, the City of Southaven Information Technology Department is presently in possession of a variety of property attached hereto as Exhibit A, which is outdated, not useful or cost effective due to the storage and maintenance costs; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the property as set forth in Exhibit A be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and removed from the fixed assets inventory; and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such property and amending, its fixed assets inventory pursuant to State guidelines; and

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

1. The property listed in Exhibit A be hereby declared as surplus property due to the fact that the property is outdated, not useful or cost effective due to the storage and maintenance costs and has no value to the City.

2. The City Clerk, IT Director, or their designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the property in Exhibit A.

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

Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES
Alderman William Brooks	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 21st day of January, 2020.

CITY OF SOUTHAVEN, MISSISSIPPI

A list of surplus items is attached and fully incorporated into these minutes.

PLANNING AGENDA

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

Item #1 Application by Sarika Patel for a Conditional Use Permit to allow a full service spa to be located in building 18 of Silo Square Commercial Subdivision on the west side of Getwell Road, on the north side of May Blvd.

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a full service salon in building 18 of Silo Square. This full service spa incorporates permanent makeup, eye brow microblading, eye lash

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extensions/lifts/tints, eyebrow threading, tanning, body waxing and nail services. There is also a private rental area in the spa for larger groups such as bridal parties which will cater to more personalized parties. Per the ordinance, these type of establishments must be no closer than ½ mile from an existing similar establishment of the same classification. Although this establishment is considered a spa because it contains more than the 3 amenities by definition, there is not a similar establishment in the vicinity. There is an approved nail salon which has yet to open across Getwell Road in the Southaven Marketplace and there is a full service spa- Belle Ross which does not carry the same amenities on the southeast corner of Nail Road and Getwell Road. That being said, this application meets the distance requirements set forth in the ordinance. Staff recommends approval of a one (1) year conditional use permit with a four (4) year permit to be renewed annually. 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 SARIKA
PATEL FOR FULL SERVICE SPA LOCATED ON THE WEST
SIDE OF GETWELL ON THE NORTH SIDE OF MAY BLVD.
IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on December 30, 2019 for the conditional use permit ("permit") application of Sarika Patel, (the "Applicant") for full service salon located on the west side of Getwell on the North Side of May Blvd.; and

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

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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 full service salon located on the West Sid of Getwell on the North Side of May Blvd. 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 Flores and seconded by Gallagher. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John Wheeler	YES
Alderman Raymond Flores	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 21st day of January, 2020.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the staff report and conditional use application is attached and fully incorporated into these minutes.

MAYOR'S REPORT

Internet Sales Tax

Mayor Musselwhite explained that in the summer of 2018, the State Legislature passed the *Mississippi Infrastructure Modernization Act of 2018* which started the collection of sales taxes from internet transactions for the first time in Mississippi's history. At that time, Mississippi was one of only 7 states in the United States that was not collecting these taxes. This law restored a level

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playing field from a pricing standpoint for local businesses that invest hundreds of thousands, and for some, millions of dollars in real estate and business personal property in our cities; and will also create a revenue stream to provide desperately-needed financial solutions for state, county, and city roads, bridges and other infrastructure.

This law includes a formula which determines the amount of tax diversion back to local counties and cities as follows:

- *70% of revenue is used for state roads and bridges.

- *15% of revenue is diverted to counties and must be used for infrastructure needs.

- *15% of revenue is diverted to municipalities and must also be used for infrastructure needs. Distributions to cities are determined as follows: \$3 million is distributed equally to every city in the state, which equates to about \$10,033 each with the remaining funds distributed based on population % and generated sales tax revenue % as compared to the state as a whole. The initial diversions are done in phases with 2020 netting 25% of total calculations, 2021-50%, 2022-75%, and all future years providing 100% of the revenues derived by this formula. Specifically to Southaven, our city is one of the largest producers of sales tax revenue in Mississippi and projects receipts to total approximately \$1.8 million annually starting in 2023. We received our first diversion from the state recently in the amount of \$198,446.77 and will receive one more for 2020 in July for this same amount. Our Board of Aldermen voted in favor of my recommendation to place all of this money into our street improvement line of our general fund budget. This additional funding will make a significant difference in our already-aggressive plan to improve street conditions throughout our city.

Finally, Mayor Musselwhite stated that he commends our state legislators on a great decision which will address one of Mississippi's largest problems that has created tremendous opportunity costs for our state, transportation infrastructure. I also commend and thank them for returning funding locally where it is generated and for the fair diversion formula which will benefit every city throughout our state.

Mayor Musselwhite stated that it is his recommendation to place the \$198,446.77 into the street improvement schedule. Mayor Musselwhite added that there will be another payment due in July and they estimate that the City will receive \$350,000 to \$400,000 this year. Alderman Flores made the motion to approve the budget amendment. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Neon Sign Ordinance Update

Mayor Musselwhite stated that a local business owner brought a situation to his attention regarding neon signs. Mayor Musselwhite explained that this was an interpretation issue that has been resolved. This was a situation where a business had a neon sign prior to the revised sign ordinance being adopted and they qualified for grandfather clause.

Paving Proposal Update

Mayor Musselwhite stated that they have not reached a decision and are still checking the labor market. They anticipate that they will have reached a decision for the February 4 meeting.

May Boulevard Pedestrian Bridge Design

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Mayor Musselwhite stated that they have had meetings with architects and hope to have reached a decision for a recommendation to the Board at the February 4 meeting.

CITIZEN'S AGENDA

Tim Perkins

Mr. Perkins stated that he received a denial letter after he made a claim to the City for damage done to his wife's vehicle from an uncovered manhole and expressed that the City should pay the claim. Mr. Manley explained that the City cannot accept responsibility for all situations on the roadway. Mr. Manley added that after review of several departments, it was determined that this was not something caused by the City. Once the City had notice, it was repaired immediately. Mayor Musselwhite asked the Board of Alderman if they wanted to make a motion to pay the claim and a motion was not made. Mayor Musselwhite apologized to Mr. Perkins for the unfortunate situation.

Matthew Jo

Mr. Jo with Jimbo's Liquor and Wine on Millbranch Road expressed concerns with the sign ordinance. Mr. Jo stated that if he is told to remove his sign that is located inside of his store the nit could cause his business to close. Mayor Musselwhite asked that he leave his contact information with Kristi Faulkner and stated that he would call him back to determine his specific situation.

Melissa Burns

Mrs. Burns stated that she has lived on Greenbrook Parkway for 23 years and she expressed concerns with the Bike Lane Parking Ordinance. Mrs. Burns stated that when she purchased her home, the carport was enclosed and there is only enough space to park two cars in her driveway. Mrs. Burns stated that she feels that this ordinance will not allow for her family to visit without being ticketed. Mayor Musselwhite explained to Mrs. Burns that this ordinance has been discussed for three years and is part of a bigger plan for economic growth. After some discussion among the Board of Alderman, it was determined that they would continue to look at the ordinance and would update Mrs. Burns on the status.

PERSONNEL DOCKET

Personnel

Docket

January 21, 2020

New Hires	Department	Position Title	Start Date	Rate of Pay
LaDarius Tucker	Police	Police Officer II	TBD	\$21.89

*pending 1 pre-emp screening

** pending 2 pre-emp screenings

Payroll Promotions	Position Title	Start Date	Rate of Pay
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Police

Nathan Richmond	Police Officer		
	3	1/20/2020	\$23.16
Jason Scallorn	Captain	1/20/2020	\$30.21

ITEC

Andrew Cummins	IT Tech 3	2/3/2020	\$27.78
Cameron Lomonaco	IT Tech 3	2/3/2020	\$27.78

Stipend	Type of Stipend	Effective Date	Yearly Amount
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Fire

John T. Coke	Paramedic	1/22/2020	\$6,000.00
William E. Townsend	Paramedic	1/22/2020	\$6,000.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Whitney Mamczur	Parks	PT Front Desk	1/15/2020	\$7.25
Hector Reyes Lutin	Parks	Spray Technician	1/18/2020	\$21.72

Alderman Brooks made the motion to approve the Personnel Docket of January 21, 2020 as presented to this Board. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 21st day of January, 2020.

CITY ATTORNEY'S LEGAL UPDATE

Entering Oath of Office into the Minutes

Mr. Manley stated that Deputy Court Clerks, Brittany Williams, Adrienne Bucey, and Kristina Luttrell were sworn in by the municipal court judge this week, and their Oath of Office needs to be entered into the minutes.

A copy of the Oaths of Office is attached to these minutes.

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Assessment Refund

Mr. Manley requested a refund of an assessment for 8416 Southern Wood Cove in the amount of \$2,557.00. This was a case of a third party unsuspecting purchaser. Alderman Gallagher made the motion to approve the refund and authorized pursuing the original owner. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 21st day of January, 2020.

UTILITY BILL ADJUSTMENT DOCKET

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of January 21, 2020 in the amount of \$4,910.07. Motion was seconded by Alderman Hoots.

		UTILITY BILL ADJUSTMENT DOCKET 01/21/2020	
<u>The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received</u>		-	-
HOUSE #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
1657	MADISON AVE	(\$180.56)	TOILET LEAK
7778	DAVIS PKWY	(\$136.64)	TOILET LEAK
1581	CUSTER DR	(\$92.72)	TOILET LEAK
4410	SWINNE A RD	(\$107.36)	SERVICE PIPE
5978	BELLE POINTE DR	(\$48.80)	TOILET LEAK
2207	ANSLEY PARK N	(\$102.48)	TOILET LEAK
5715	BEDFORD LOOP W	(\$234.24)	TUB LEAK

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3746	PAVILL ON CIRCLE	(\$92.72)	PIPE IN KITCHEN
512	LAKESH ORE DR N	(\$268.40)	TOILET LEAK
821	PINEST ONE PLACE	(\$112.24)	BATHROOM SINK/TOILET LEAK
708	LEE COVE	(\$122.00)	TOILET LEAK
3170	GETWEL L LN	(\$219.60)	TOILET LEAK
6054	WEATH ERBY CV	(\$141.52)	TOILET LEAK
1741	GREENC LIFF DR	(\$483.12)	LEAK AT METER
6443	EVERGR EEN	(\$63.44)	LEAK AT METER
8901	SWEET FLAG LOOP	(\$113.86)	TOILET LEAK
61	TORBR OOK CV	(\$102.48)	LEAK IN FRONT YARD
1696	CHERRY CREEK	(\$29.28)	HOT WATER HEATER
9195	MILLBR ANCH	(\$877.57)	TOILET LEAK
1563	MADIS ON CV W	(\$248.88)	HOT WATER HEATER
5412	SAVAN NAH PKWY	(\$829.60)	TOILET LEAK
5959	STAFFO RD DR	(\$78.08)	LEAK AT METER
8390	BRADFO RD	(\$63.44)	LEAK AT METER
7542	LONE OAK COVE	(\$161.04)	FOUNDATION LEAK
		(\$4,910.07)	

Roll call was as follows:

ALDERMAN

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

VOTED

YES
YES
YES
YES
YES
YES
YES

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of January, 2020.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of January 21, 2020 in the amount of \$1,983,226.18. Motion was seconded by Alderman Kelly.

Excluding voucher numbers:

334831, 334872, 334942, 334984, 334996, 335002, 335026, 335061, 335063, 335064, 335075, 335076, 335124, 335125, 335196, 335528, 335541

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 21st day of January, 2020.

Alderman Flores recused himself and left the room.

SPECIAL CLAIMS DOCKET 1

A motion was made by Alderman Payne to approve the Special Claims Docket of January 7, 2020 in the amount of \$2,007.26. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	RECUSED

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 21st day of January, 2020.

Alderman Flores returned to the room.

EXECUTIVE SESSION

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

A motion was made by Alderman Brooks to end executive session and re-open the meeting. The motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

A motion was made by Alderman Gallagher to authorize travel to the Fifth Circuit Oral Argument for the Troy Goode case on February 6, 2020. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously January 21, 2020 at 7:50 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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