

# Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
SOUTHAVEN, MISSISSIPPI  
CITY HALL  
February 2, 2021  
6:00 PM  
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: January 19, 2021
5. Resolution to Amend Title XIII, Section 13-7(c)(2)
6. Resolution for Home Based Business Ordinance
7. Southaven Fire Dept. MOA with Mississippi Dept. of Health
8. Resolution for Budget Amendment
9. Resolution for SPD Surplus
10. Resolution for SPD Purchase of Vehicles
11. FY2020 Continuing Disclosure Engagement Letter
12. Donation Docket
13. House of Grace Donation
14. Authorization for SFD to apply for AFG Grant
15. Robert Lee Long, Historic DeSoto Foundation and DeSoto County Museum
16. Planning Agenda: Item #1 Application by Dean and Dean Associates for design review approval of a three-story medical office and cancer wing to be located on lot 15a of Southcrest PUD  
Item #2 Application by Lifestyle Communities, LLC for subdivision approval of Silo Square Commercial Area 1, lot 15 on the west side of Getwell Road, north of May Blvd.  
Item #3 Application by R & W Developers for subdivision approval to revise Deerchase Section "J" lot 493 on the south side of Nail Road, east of Uselton Drive  
Item #4 Application by Anjolic Murray and Lester Jones for subdivision approval of Carriage Hills Section "G" on the north side of Rasco Road on Coventry Drive  
Item #5 Application by Aman Devji for subdivision approval of Snowden Grove Area 16, lot 1 on the northeast corner of Church Road and Getwell Road
17. Mayor's Report
18. Personnel Docket
19. City Attorney's Legal Update
20. Utility Bill Adjustment Docket
21. Claims Docket: Docket 1  
Docket 2
22. Executive Session: Claims/Litigation against SPD; SPD Personnel;  
Economic Development (Potential Business locating to City)

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

**THIS PAGE WAS LEFT BLANK INTENTIONALLY**

# Minutes, City of Southaven, Southaven, Mississippi

## MINUTES OF THE REGULAR MEETING OF February 2, 2021 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 2<sup>nd</sup> day of February, 2021 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots (By Teleconference)	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 twenty (20) 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 19, 2021 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

### **RESOLUTION TO AMEND TITLE XIII, SECTION 13-7(C)(2)**

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

Mr. Manley stated that at the last board meeting, Title XIII, Section 13-7(c)(2) for parking of utility trailers was discussed. After review with the Mayor, there does seem to be ambiguity and too much discretion within the ordinance; thus, the suggestion is to revise the ordinance to state: "No major recreational equipment such as boats and boat trailers, travel trailers, campers, and similar items, or trailers of any kind, with the exception of utility trailers that do not exceed ten (10) feet and are empty of all debris and equipment, shall be parked or stored on any street or on any yard in any residential district.... 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 TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, SECTIONS 13-7(c)(2) AND 13-7(c)(2) (a)**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE XIII, SECTIONS 13-7(c)(2) and 13-7(c)(2)(a) ("Ordinance")

# Minutes, City of Southaven, Southaven, Mississippi

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

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND  
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,  
TITLE XIII, SECTIONS 13-7(c)(2) AND 13-7(c)(2)(a)**

**WHEREAS**, Mississippi Code Section 21-17-5 provides that the City shall have the power to alter and modify 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**, pursuant to Miss. Code 17-1-3, the City is vested with authority of regulatory controls over zoning and land uses, and may do all things, consistent with the laws of the state, which they deem necessary to protect the health and welfare of the residents; and

**WHEREAS**, Mississippi Code Section 17-1-9 provides that the City shall have the power to make regulations with reasonable consideration, among other things, to the character of the district and with a view to conserving the value of buildings and encouraging the most appropriate use of land in the City; and

**WHEREAS**, Mississippi Code Section 17-1-7 provides that the City shall have the power to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of land; and

**WHEREAS**, the Ordinance, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

**WHEREAS**, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

**NOW, THEREFORE BE IT ORDAINED** BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, SECTIONS 13-7(c)(2) AND 13-7(c)(2)(a) AS FOLLOWS:

**Sec. 13-7(c)(2)**

No recreational equipment such as boats and boat trailers, travel trailers, campers, and similar items, or trailers of any kind shall be parked or stored on any street or on any yard in any residential district with the following exceptions:

**Sec. 13-7(c)(2)(a)**

They may be parked on a paved or concrete driveway provided they are at least twenty (20) feet from the street. However, utility trailers that do not exceed ten (10) feet and are empty of all debris and equipment may be parked on paved or concrete driveway provided that such trailer is ten (10) feet from the street.

**NOW, THEREFORE BE IT ORDERED** that the City Clerk, pursuant to Miss. Code 21-13-11, provide notice of the adoption of the Ordinance in the Desoto Times for one (1) time.

# Minutes, City of Southaven, Southaven, Mississippi

**NOW, THEREFORE BE IT ORDERED** that the Ordinance shall be effective one (1) month from passage.

The foregoing Resolution was seconded by Alderman Payne 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 David 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 2<sup>nd</sup> day of February 2021.

CITY OF SOUTHAVEN, MISSISSIPPI

## **RESOLUTION FOR HOME BASED BUSINESS ORDINANCE**

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

This ordinance provides a framework for the clerk's office in regulating and permitting home based businesses. Previously, the City has provided a rules/regulations form to those who get a home based business permit. This ordinance is based off of those rules/regulations, but provides more flexibility in recognition of the increase in home based business. The ultimate goal of this ordinance is to provide clarity for the clerk's office when providing permits for home based business as questions have increased from citizens, along with providing a simple, easy, and common sense framework that recognizes the reality of expansion of home based business. The Board of Alderman considered the following resolution:

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCE TITLE VIII, CHAPTER 1, SECTION 8-2**

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

**WHEREAS**, pursuant to Miss. Code 21-17-5, the City Governing Authorities 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, or any other statute or law of the State of Mississippi, and shall likewise have the power to alter, modify and repeal such orders, resolutions or ordinances; and

**WHEREAS**, pursuant to Miss. Code 17-1-3, the City Governing Authorities may regulate the percentage of lot that may be occupied and the location and use of buildings and structures; and

**WHEREAS**, the City Governing Authorities find that home-based businesses provide employment and income for its citizens; and

# Minutes, City of Southaven, Southaven, Mississippi

**WHEREAS**, City Governing Authorities desire to ensure that home-based businesses not disrupt and/or disturb the character, safety, cleanliness, and traffic within non-commercial areas of City; and

**WHEREAS**, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

**WHEREAS**, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

**NOW, THEREFORE BE IT ORDAINED** BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI THE CITY OF SOUTHAVEN CODE OF ORDINANCE TITLE VIII, CHAPTER 1, SECTION 8-2 BE AMENDED AS FOLLOWS:

## **SECTION 1**

### **8-2 - Home Based Business Regulations**

- a. All home-based business shall obtain a permit from the City as set forth in City Code of Ordinance Sections 8-117 and 8-119. To obtain a permit, the individual shall provide a current State of Mississippi issued photo ID, which reflects the home-based business physical address. Post office boxes shall not be accepted.
- b. No persons other than occupants of the premises shall be engaged in the home-based business.
- c. The use of the dwelling unit for the home-based business shall be clearly incidental and subordinate to the primary residential use by the occupants.
- d. There shall be no change in the outside appearance of the building, home, structure or premises or other visible evidence of the conduct of the home-based business.
- e. No traffic shall be generated by the home-based business in greater volumes than would normally be expected in a residential neighborhood and parking generated by the conduct of the home-based business shall be in the driveway.
- f. No equipment or process shall be used in the home-based business that creates noise, vibration, glare or fumes, which are detectable off the property. No equipment or process shall be used that creates visual or audible interference in any radio or television receivers off the property or causes fluctuations in live voltage off the property.
- g. No wholesale or retail establishment shall be permitted unless it is conducted entirely online or by mail.
- h. There shall be no storage outside a principal building or accessory structure of equipment or material used in the home-based business.
- i. The home-based business shall be conducted entirely within the principal residential building.
- j. Any violation of this Section shall be a misdemeanor and may include penalties assessed up to \$100.00 per day until such violation ceases.

# Minutes, City of Southaven, Southaven, Mississippi

**SECTION 2.** Severability. If any term or provision of this Ordinance is held by a court of competent jurisdiction or other authority to be invalid, void or unenforceable, the remainder of the terms and provisions of this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

**SECTION 3.** The City Clerk is hereby directed to cause a summary of this ordinance in a form allowed by law to be published one time in the *Desoto Times Tribune*.

**SECTION 4.** The effective date of this ordinance shall be thirty (30) days after passage and publication required by law.

After a full discussion of this matter, Alderman Kelly moved that the foregoing Resolution to adopted and said motion was seconded by Alderman Wheeler and the vote thereupon was as follows:

Alderman William Brooks	voted: YES
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

RESOLVED AND DONE, this 2nd day of February, 2021.

## **SOUTHAVEN FIRE DEPARTMENT MOA WITH MISSISSIPPI DEPARTMENT OF HEALTH**

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

Mr. Manley stated that this MOA allows for the SFD to be reimbursed for its personnel costs from the MS Dept. of Health when City provides paramedics to the Miss. Dept. of Health for its use. Alderman Brooks made the motion to authorize Mayor Musselwhite or Chief Scallions to sign the MOA with the Mississippi Department of Health. Motion was seconded by Alderman Payne.

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 2<sup>nd</sup> day of February, 2021.

# Minutes, City of Southaven, Southaven, Mississippi

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

## **RESOLUTION FOR BUDGET AMENDMENT**

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

Mr. Wilson stated that this amendment reflects an increase of \$750,000.00 in funds to the City from Mississippi Infrastructure Modernization Act and these funds will be used for infrastructure improvements within the City. After hearing from Mr. Wilson, the Board of Alderman considered the following resolution:

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2021 BUDGET**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the 2021 City Budget.

**WHEREAS**, pursuant to Miss. Code 21-35-25, the City desires to amend its 2021 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.



# Minutes, City of Southaven, Southaven, Mississippi

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: YES
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

RESOLVED AND DONE, this the 2<sup>nd</sup> day of February, 2021

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

## **RESOLUTION FOR SPD SURPLUS**

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

This resolution will surplus a police vehicle and SPD electronic equipment.

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

**WHEREAS**, the City of Southaven ("City") Police Department is presently in possession of a vehicle as set forth in Exhibit A (collectively "the Property"); and

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

**WHEREAS**, the Mayor and Board of Aldermen are desirous of disposing of the Property 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:

1. The Property be hereby declared as surplus property.
2. The City Police Chief, or his designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the Property.

Motion was made by Alderman Brooks 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:

# Minutes, City of Southaven, Southaven, Mississippi

Alderman William Brooks	voted: YES
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

RESOLVED AND DONE, this 2<sup>nd</sup> day of February, 2021.

A list of the surplus items is attached to these minutes.

## **RESOLUTION FOR SPD PURCHASE OF VEHICLES**

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

This resolution will authorize the SPD to purchase vehicles from the Missouri Highway Patrol as the vehicles can be purchased at a lower cost than the state contract. The Board of Alderman considered the following resolution:

### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI AUTHORIZING PURCHASE OF VEHICLES**

**WHEREAS**, the City of Southaven ("City") Police Department is in need of vehicles for its officers; and

**WHEREAS**, the Missouri State Highway Patrol, a governmental entity as set forth by Miss. Code 31-71-13(m)(v), offers used police vehicles for sale at a discounted price; and

**WHEREAS**, the City Police desire to purchase the vehicles from the Missouri State Highway Patrol, which will provide the City Police with the vehicles it needs and provide a savings benefit to the City residents; 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)(v), the City Police may purchase the vehicles as specifically set forth in Exhibit A and pay the purchase price for each vehicle as further set forth in Exhibit A to the Missouri Highway Patrol in the total amount of \$77,850.00.
2. The Mayor, City Police Chief or their designee(s) are authorized to spend 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 Gallagher 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: YES
-------------------------	------------

# Minutes, City of Southaven, Southaven, Mississippi

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

RESOLVED AND DONE, this 2<sup>nd</sup> day of February, 2021.

A copy of the letter of request and invoice is attached to these minutes.

## **FY2020 CONTINUING DISCLOSURE ENGAGEMENT LETTER**

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

Mr. Manley stated that the SEC requires that the City provide on an annual basis certain financial information and data to the Municipal Securities Rulemaking Board via the electronic format required by SEC. This engagement letter will authorize Butler Snow to work with Chris Wilson to compile the information and for Butler Snow to serve as the Dissemination Agent for filing of the information for fiscal year 2020 by March 28, 2021. Alderman Flores made the motion to authorize Mayor Musselwhite to sign the engagement letter. 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 2<sup>nd</sup> day of February, 2021.

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

## **DONATION DOCKET**

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

**DONATION DOCKET 02/02/2021**

# Minutes, City of Southaven, Southaven, Mississippi

Date of Donation	Donation Item	Money Donation	Person/Entity Making Donation	Department	Budget Code
2/2/2021	Check #002822	\$500.00	Mid-South Outlet Shops LLC (Tanger)	Fire	290-610100
Total		\$500.00			

A motion was made by Alderman Payne to approve the Donation Docket of February 2, 2021. Motion was seconded by Alderman Gallagher.

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 2<sup>nd</sup> day of February, 2021.

## **HOUSE OF GRACE DONATION**

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite stated that the City gave the House of Grace a \$9,000 donation last year to assist with helping them to get out of a financial bind. When it came time to approve donations for this budget year, the City did not receive any additional requests, but the House of Grace is claiming that they submitted a \$9,000 donation request for FY2021. Mayor Musselwhite stated that the City was under the impression that this was a one-time donation. There was much discussion among the Board as it relates to being a one-time or recurring donation. Mr. Wilson, City Administrator, stated that he explained to the organization that the donation was a lifeline, a one-time \$9,000 donation and they expressed that it was meant to be annually. Mr. Wilson stated that the House of Grace claimed they emailed a request to the City Clerk's office in July, but we can find no record of them doing so. House of Grace has since sent in a new application requesting the money, but the city has already set its budget. Mayor Musselwhite said while he is sympathetic, the House of Grace was supposed to provide the City with a full accounting of their financials, along with information about any other support they receive from the other cities and counties they serve and did not do so in time. Alderman Kelly agreed that the House of Grace performs a valuable service, but the organization did not follow the process. Alderman Gallagher stated that if it were his nonprofit and he got a \$9,000 lifeline, he would make sure that documents were in before the deadline.

# Minutes, City of Southaven, Southaven, Mississippi

Alderman Raymond Flores added that granting the request would set a bad precedent. Alderman Payne made the motion to grant the request pending receipt of the financials. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	NO
Alderman Kelly	NO
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	NO
Alderman Wheeler	NO
Alderman Flores	NO

The Board of Alderman voted 5-2 and Mayor Musselwhite declared that the motion failed on the 2<sup>nd</sup> day of February, 2021.

## **AUTHORIZATION FOR SFD TO APPLY FOR AFG GRANT**

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

Chief Scallions stated that the Fire Department is seeking authorization to apply for an AFG Grant. The grant comes with a 10% cost share for five (5) cardiac monitors and the total cost is \$154,000 with a cost share of \$15,000 for the SFD. Alderman Flores made the motion to authorize Chief Scallions / Southaven Fire Department to apply for an AFG grant. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

## **ROBERT LEE LONG, HISTORIC DESOTO FOUNDATION AND DESOTO COUNTY MUSEUM**

Mr. Long stated that it has been a long range goal to have a marker on Tchulahoma Road at the Spitfires Acres area. Mr. Long explained that even though the City of Southaven is a younger City, there are some things that go back to our Native American history. Mr. Long stated that Red Fox and Chickasaw was the site of a Chickasaw trading post and we have a chance to document this old trail. Mr. Long thanked the Mayor and Board for their support and expressed that he hoped for some sort of marker not only from a historical but also a tourism standpoint. Mr. Long stated that he looked forward to working with Southaven on some possible grant opportunities to pursue this goal.

## **PLANNING AGENDA**

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

# Minutes, City of Southaven, Southaven, Mississippi

Item #1 Application by Dean and Dean Associates for design review approval of a three- story medical office and cancer wing to be located on lot 15a of Southcrest PUD

Mrs. Choat-Cook stated that the applicant is requesting design review approval for a medical office building to be located on lot 15a of the Southcrest PUD. The design of the building plays well into a medical office design and the mixture of materials keeps the look of the building modern yet subtle to match those medical buildings in the surrounding area. Mrs. Choat-Cook stated the following:

1. Staff is agreeable to the list of landscape materials. Staff would like to see a more detailed streetscape design for both Southcrest Circle and Southcrest Parkway both in the depth of the planting area and also the mixture of materials.
2. The applicant should provide a decorative lighting spec to be used in both streetscapes that can either replace some of the parking lot lighting or it can be used as additional lighting
3. Staff will want assurances that the roof mounted equipment for the annex wing will be sufficiently screened from the road way. The three story building provides enough height that the visibility of that area would not be a problem. Staff recommends approval with the comments stated above.

Alderman Payne made the motion to approve the application by Dean and Dean Associates. 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	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2<sup>nd</sup> day of February, 2021.

A copy of the staff report, site layout plan, grading and drainage plan, site utility plan, and landscape plans is attached and fully incorporated into these minutes.

Item #2 Application by Lifestyle Communities, LLC for subdivision approval of Silo Square Commercial Area 1, lot 15 on the west side of Getwell Road, north of May Blvd.

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for 2.366 acres of property on west side of Getwell Road, north of May Boulevard in the Silo Square PUD. The lot is accessed via an ingress/egress already approved

# Minutes, City of Southaven, Southaven, Mississippi

and built on the east side of the lot. There is also an already recorded Entergy easement along the north line of the lot. The setbacks show a fifteen (15) foot front setback and a thirty (30) foot rear setback with no side setbacks. The existing non-exclusive ingress/egress shown on the plat via a label is sufficient for access to the side of lot 16 since it has direct access off of a dedicated ROW. This lot; however, does not have that access and therefore needs a legal binding ingress/egress platted so that the land does not appear landlocked. While staff does see the labeling on both this plat and the plat for lot 16 is does not appear to have a legal description or a binding record for the access. The applicant does not have to revise the plat but should prepare a legal description in easement format to record in addition to the plat where the chancery's office can reference the plat book and page on the recorded plat. Additionally, a fifteen (15) foot front setback is not a standard width except in the case for a main street type design like May Blvd. This site is not conducive to those standards which means the front setback width should be increased to comply and show 25'-50' per the developer's preference. Staff has no further comments and recommends approval with the stated changes/additions. Alderman Flores made the motion to approve the application by Lifestyle Companies, LLC. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2<sup>nd</sup> day of February, 2021.

A copy of the staff report and plat of survey is attached and fully incorporated into these minutes.

Item #3      Application by R & W Developers for subdivision approval to revise Deerchase Section "J" lot 493 on the south side of Nail Road, east of Uselton Drive

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval to revise lot 493 of the Deerchase Subdivision Section "J" on the south side of Nail Road, west of Getwell Road. The lot is located on the hard corner of Nail Road and Uselton Drive and encompasses 10,887 sq. ft. The applicant is wanting to remove a triangular piece from the property on the rear of the lot which encompasses 2,579 sq. ft. There are two reasons behind the revision:

# Minutes, City of Southaven, Southaven, Mississippi

1. To square up the lot which is more conducive to building it out and constructing a fence;

2. The neighbor, lot 455, previously discussed purchasing this portion to increase the lot and square up the fence line for their existing property. The developer agreed to this request prior to submitting Section "J" but overlooked the revision.

Revising the lots would still allow lot 493 to meet the minimum lot size of 8,000 sq. ft. Staff sees no issue with this request since it still meets the minimums for a single family residential lot in the subdivision per the PUD text. There should be a note added to the warranty deed details for lot 455 and lot 493A which requires the purchase of both lot 455 and lot 493a in the event a sale of the property occurs OR the owner may elect to come back to the city with a request to revise their lot and increase the overall square footage. Alderman Flores made the motion to approve the application by R & W Developers. 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 2<sup>nd</sup> day of February, 2021.

A copy of the staff report and final plat is attached and fully incorporated into these minutes.

Item #4 Application by Anjolic Murray and Lester Jones for subdivision approval of Carriage Hills Section "G" on the north side of Rasco Road on Coventry Drive

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for 4.54 acres of property which lies north of Rasco Road on the existing Coventry Drive in the Carriage Hills Subdivision. The property is situated at the dead end of Coventry Drive which has an existing section of homes in place. The applicant is proposing to extend the drive and end it in a cove radius with an additional 10 lots which range in size from 11,690 sq. ft. to 25,889 sq. ft. The ROW is set to match the existing ROW for Coventry Drive at fifty (50) feet. The applicant has further mirrored the existing subdivision via the setback lines and is showing a thirty five (35) foot front building line for these lots. There is no common open



# Minutes, City of Southaven, Southaven, Mississippi

space associated with this subdivision. The applicant has exceeded the minimum lot sizes associated with R-9 zoning. Staff has the following comments:

1. To name this section Samaya Subdivision will confuse not only emergency services but also the Chancery Clerks office. There is not definitive line and entry point into an obviously new subdivision. There is no COS that will allow for a subdivision entrance sign. That being said, the applicant will need to address this section as Carriage Hills Section "G" and identify the lots as 790-800 to allow for recording;
2. The applicant needs to identify the minimum heated square footage so that staff can make sure it is conducive to the surrounding properties;
3. Now that Coventry Drive has extended and ended in a cove, the distance exceeds the allowable linear footage. The applicant will need to address additional hydrants on site to appease the fire departments concern for water accessibility;
4. It should be noted here that all new residential properties are being required by the USPS to have a collective mail box for their developments even if it is an extension of an existing subdivision. The applicant will not be allowed to install individual mailboxes for each lot so they will need to provide an easement either on lot 1 or lot 10 for access to a community mailbox which will be installed by the applicant and approved in design by staff and should be included on the plat prior to recording. This easement will require a maintenance clause added to the plat as well so that the residents locating in this area will be aware of their responsibility.

Alderman Kelly asked if there was a fence line barrier from the apartments and Mrs. Choat-Cook stated that a fence was not proposed but a stipulation could be added to require a 6-foot site proof fence to be installed around the north and west perimeter of the subdivision. Alderman Kelly made the motion to approve the application by Anjolic Murray and Lester Jones with the stated stipulation. Motion was seconded by Alderman Flores.

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 2<sup>nd</sup> day of February, 2021.

A copy of the staff report and preliminary plat is attached and fully incorporated into these minutes.

# Minutes, City of Southaven, Southaven, Mississippi

Item #5      Application by Aman Devji for subdivision approval of Snowden Grove Area 16, lot 1 on the northeast corner of Church Road and Getwell Road

Mrs. Choat-Cook stated that it was approved to add a C-store with additional space and also approved the design. This application is to solidify the boundaries of the lot so that it is one single lot. The only adjustment was to change the 15-foot streetscape for landscaping and design to 20 feet. Alderman Wheeler made the motion to approve the application by Aman Devji. Motion was seconded by Alderman Flores.

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 2<sup>nd</sup> day of February, 2021.

A copy of the staff report and outline plan is attached and fully incorporated into these minutes.

## **MAYOR'S REPORT**

### **College Road and Rasco Road Reclamation**

Mayor Musselwhite stated that College Road between Getwell Road and the main entrance of the Lakes of Nicholas and Rasco Road from Swinnea to Tchulahoma require a process called reclamation due to a poor subsurface. The section of College Road was overlaid three (3) years ago and it is failing. The section of Rasco Road from Swinnea to Tchulahoma is failing due to the increase in traffic since extending the road five years ago. That section of road was built to be a subdivision collector street and not an arterial road. Mayor Musselwhite stated that the Lehman Roberts contract does not include reclamation and it will need to be bid. Alderman Flores made the motion to authorize advertising for bids for reclamation of these streets. Motion was seconded by Alderman Gallagher.

# Minutes, City of Southaven, Southaven, Mississippi

## Regional Hazard Mitigation Plan City Representative

Mayor Musselwhite stated that the City needs to designate a Hazard Mitigation Representative for our Regional Hazard Mitigation Plan and Chief Scallions made the recommendation to name Chris Olson, who is the Director of the Desoto County Emergency Management Agency. Alderman Brooks made the motion to accept Chief Scallions recommendation and authorized Mr. Olsen to represent the City of Southaven, Motion was seconded by Alderman Wheeler.

## Fire Station #5 Update

Mayor Musselwhite stated that recently the City received nine bids for Fire Station #5. A2H is currently reviewing those bids and they will prepare a formal proposal for the next meeting. No action taken.

## PERSONNEL DOCKET

### Personnel

#### Docket

February 2,  
2021

<b>New Hire</b>	<b>Department</b>	<b>Position Title</b>	<b>Start Date</b>	<b>Rate of Pay</b>
Jamarcus Brown *	Parks	Laborer I	2/3/2021	\$13.50
Robin Grace	Police	Police Officer 2	2/15/2021	\$21.89
Shawn Harmon **	Parks	Laborer I	2/8/2021	\$13.50
Terreous Johnson *	Police	Police Officer 3	2/15/2021	\$23.16
Keagan Lancaster *	Public Works	Laborer I	TBD	\$13.50
Zachery Smith **	Parks	Laborer I	2/8/2021	\$13.50
Adrian Stringer *	Parks	Laborer I	2/3/2021	\$13.50
Johnny Westbrook *	Utility	Service Technician	TBD	\$14.00

\*pending 1 pre-emp screening

\*\* pending 2 pre-emp screenings

<b>Promotions</b>	<b>Previous Classification</b>	<b>New Classification</b>	<b>Effective Date</b>	<b>Proposed Rate of Pay</b>
<i>Utility</i>				
Michael Houston	Sewer Technician	Locator 1	2/3/2021	\$14.72
Marty Young	Locator 1	Locator 3	2/3/2021	\$18.78

<b>Re-Classifications</b>	<b>Position</b>	<b>Effective Date</b>	<b>Proposed Rate of Pay</b>
<i>Police</i>			
Jacob Cooke	Sergeant	2/1/2021	\$25.36
Seth Kern	Lieutenant	2/1/2021	\$27.86
Nicholas York	Captain	2/1/2021	\$30.21

# Minutes, City of Southaven, Southaven, Mississippi

Stipends	Type of Stipend	Effective Date	Yearly Amount
<i>Police</i>			
Christopher Robertson	Negotiations	2/1/2021	\$600.00
<i>Fire</i>			
Alan Legge	Haz-Mat	2/3/2021	\$600.00
Gabriel Romero	Haz-Mat	2/3/2021	\$600.00
Louis Tomlison	EMT	1/20/2021	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
---------------------------	------------	------------------------	----------------	-------------

Alderman Brooks made the motion to approve the Personnel Docket of February 2, 2021 as presented to this Board. Motion was seconded by Alderman Payne.

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 2<sup>nd</sup> day of February, 2021.

## CITY ATTORNEY'S LEGAL UPDATE

### Alcohol Variance

Alderman Gallagher made the motion to approve an alcohol variance for the May 1, 2021 Rayford wedding. 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

# 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 2<sup>nd</sup> day of February, 2021.

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

EEP Contract – Police

A motion was made by Alderman Brooks to approve a one year contract with EEP to supply uniforms to the Police Departments. Motion was seconded by Alderman Kelly.

**UTILITY BILL ADJUSTMENT DOCKET**

**UTILITY BILL LEAK ADJUSTMENT DOCKET  
02/02/2021**

The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.

NAME	HOUS E #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
PEGGY WADDLE	1540	WILBOURNE	(86.76)	TOILET LEAK
DONNA/WELDON N CLAYTON	2696	BARRETT DR	(597.68)	MAIN SERVICE LINE
SHAMIKA ROBINSON	1527	BENNINGTON CV	(263.52)	TOILET LEAK
JULIE HOLLOWELL	4465	JESSICA DRIVE	(229.36)	TOILET LEAKS X 2
KYLE PORTER	1614	SADDLE LANE	(175.68)	TOILET LEAK
EDWIN CARTER	2333	ASHLAND DRIVE	(156.16)	LEAK IN WALLS
SARAH MIMS	870	WATERFORD PL	(151.28)	SERVICE LINE LEAK
WILLIE BROWN	3930	NAIL RD	(141.52)	SERVICE LINE LEAK
BRADLEY VALENTINE	5270	PEAR DR	(48.80)	SERVICE LINE LEAK
BIRDIE MONTGOMERY	1739	DESOTO COVE	(82.96)	TUB/SHOWER LEAK
MATTHEW BUTLER	516	LAKESHORE DRIVE S.	(151.28)	HOLE IN HOT WATER PIPE
RUBEN LEFLORE	2660	CHERRY TREE DRIVE	(546.56)	SERVICE LINE LEAK
M A B BUILDERS	2109	MAY BLVD	(424.56)	SHEETROCK SCREW IN PIPE
RAY/KELLY WADDELL	2062	BARBERRY COVE	(180.56)	SERVICE LINE LEAK
ROBERT SPARKS	5347	EAST POINTE DRIVE - IRRG	(79.53)	LEAK ON SERVICE LINE
MICHAEL DICKERSON	3194	HUNTER RD NORTH	(326.96)	SERVICE LINE LEAK

# Minutes, City of Southaven, Southaven, Mississippi

TINA STAFFORD	1130	CHARSTONE DRIVE	(58.56)	SERVICE LINE LEAK
		TOTAL	(3701.73)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of February 2, 2021 in the amount of \$4,636.59. 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	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2<sup>nd</sup> day of February, 2021.

## CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of February 2, 2021 in the amount of \$3,999,122.44. Motion was seconded by Alderman Kelly.

Excluding voucher numbers:

353386, 353501, 353521, 353555, 353559, 353594, 353648, 353728, 353736, 353753, 353796, 353802, 353803, 353835, 353883

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

# Minutes, City of Southaven, Southaven, Mississippi

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 2<sup>nd</sup> day of February, 2021.

## SPECIAL CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of February 2, 2021 in the amount of \$16,245.40. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	RECUSED
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 2<sup>nd</sup> day of February, 2021.

## 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 Payne to adjourn. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously February 2, 2021 at 7:35 p.m.

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

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

**THIS PAGE WAS LEFT BLANK INTENTIONALLY**