

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
July 20, 2021
6:00 PM
AGENDA

1. Call To Order
2. Invocation: Pastor Gregg Hurtt, Carriage Hills Baptist Church
3. Pledge Of Allegiance
4. Approval of Minutes: July 6, 2021 & Special Meeting July 16, 2021
5. Approval of Advertising for FY22 Hearing and Adoption
6. Appointment of Election Commissioners
7. Authorization to Seek Bids for Amphitheater Improvements
8. Appointment of Title VI Coordinator
9. Approval to Seek Bids for:
 - a. Request to Advertise Term Bid for Asphalt Overlay – Materials Only
 - b. Request to Advertise Term Bid for Asphalt Overlay – Material and Install
 - c. Request to Advertise Term Bid for Striping and Markings
 - d. Request to Advertise Term Bid for Pavement Surface Treatments
10. Proposal for Revision to Ordinance 7-7(a)
11. Resolution for Purple Heart Trail / Proclamation Purple Heart City
12. Resolution to Clean Private Property
13. Planning Agenda:
 - Item #1 Application by Lifestyle Communities, LLC for subdivision approval for Silo Square Phase 5 Lot 37 on the west side of Getwell Road, north of May Blvd.
 - Item #2 Application by Demarquis Howard for a Conditional Use Permit to allow a barber shop to be located at 9080 Millbranch Road
 - Item #3 Application by Omar Menichaca and Olivia Mejia Milla for a Conditional Use Permit to allow a motor vehicle shop to be located on the southwest corner of Hwy. 51 and Veterans Drive
 - Item #4 Application by Omar Menichaca and Olivia Mejia Milla for design review approval of a motor vehicle shop to be located on the southwest corner of Hwy. 51 and Veterans Drive
14. Mayor's Report
15. Personnel Docket
16. City Attorney's Legal Update
17. Utility Bill Adjustment Docket
18. Claims Docket
19. Executive Session: Personnel in Parks Dept.; Claims/Litigation against SPD; Economic Development

Items may be added to or omitted from this agenda as needed.

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MINUTES OF THE REGULAR MEETING OF July 20, 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 a Regular Meeting on the 20th day of July, 2021 at six o'clock (6:00) p.m. at City Hall.

Present were:

George Payne	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
William Jerome	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. Pastor Gregg Hurtt with Carriage Hills Baptist Church 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 July 6, 2021 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Hoots. Motion was put to a vote and passed unanimously.

APPROVAL OF ADVERTISING FOR FY22 HEARING AND ADOPTION

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

This approval will allow for the required budget/tax levy adoption and hearing that is required by state law and the tentative date for the budget hearing is the August 17 meeting and tentative date for the adoption of the budget would be the September 7 meeting as the budget must be adopted by September 15 in accordance with Mississippi law. The final budget notice for advertisement and the notice will run on August 5, 12, 19, 26 and September 2nd. Alderman Flores made the motion to authorize advertising for FY22 Budget Hearing and Adoption. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES

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Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of July, 2021.

APPOINTMENT OF ELECTION COMMISSIONERS

Alderman Payne made the motion to appoint Tim Snyder, Mike Ligon, Kathy Connelly, Mike Hammond, and Sandra Wade-Mabry as Municipal Election Commissioners. Motion was seconded by Alderman Jerome.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	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 20th day of July, 2021.

AUTHORIZATION TO SEEK BIDS FOR AMPHITHEATER IMPROVEMENTS

After discussing the task order with Brian Bullard of Urban Arch, Alderman Payne made the motion to approve the task order to design and advertising for bids for the Amphitheater Improvements Project and engage Urban Arch to assist with the bid process and design alternates. Motion was seconded by Alderman Flores.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of July, 2021.

The task order is attached and incorporated into these minutes.

APPOINTMENT OF TITLE VI COORDINATOR

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

Mr. Manley stated that MDOT requires the City to have a Title VI Coordinator for projects which receive funding from MDOT and the recommendation that Melanie Drisdale, as Human Resource Director, be the person for this position. Alderman Flores made the motion to appoint Melanie Drisdale as the Title VI Coordinator. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	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 20th day of July, 2021.

APPROVAL TO SEEK BIDS FOR:

- a. Request to Advertise Term Bid for Asphalt Overlay – Materials Only
- b. Request to Advertise Term Bid for Asphalt Overlay – Material and Install
- c. Request to Advertise Term Bid for Striping and Markings
- d. Request to Advertise Term Bid for Pavement Surface Treatments

Mr. Cordell stated that these term contracts are for one (1) year with the option to renew for up to five (5) years. Alderman Hoots made the motion to authorize advertisement of the above listed term bids. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES

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Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20th day of July, 2021.

PROPOSAL FOR REVISION TO ORDINANCE 7-7(a)

Bradley Wallace, Public Works Director, presented this item to the Board.

Mr. Wallace presented a revision to Ordinance 7-7(a) based on a growing issue with the City in-house small commercial garbage collection regarding overflowing carts and large quantities of garbage outside the carts at locations with multiple tenants (photo attached) and at some single tenant locations such as Veterinarian clinics and Churches. Mr. Wallace proposed revisions to the ordinance. After hearing from Mr. Wallace, 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 VII, SECTION 7-7(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 ("Ordinances").

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 21-19-1 provides that the City shall for the collect and dispose of garbage and the disposal of rubbish and have powers regarding the same; 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 VII, SECTION 7-7(a) BE AMENDED AS FOLLOWS:

Sec. 7-7 – Containers required; specifications

(a) Duty to provide. It shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and in the case of multiple dwellings or multiple occupancy with less than three (3) tenants, the owner of the premises, at all times to keep or cause to be kept a sufficient number of containers

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for the deposit of garbage generated on the premises up to a maximum of two (2) carts. It shall be required that garbage placed in such containers be bagged for both convenience and the safety of the general public and City personnel. Furthermore, it shall be the duty of every person in possession, charge or control of any premises where garbage is created or accumulated and in the case of multiple dwellings or multiple occupancy with three (3) or more tenants, OR any number of tenants requiring more than two (2) garbage carts, the owner of the premises, at all times to keep or cause to be kept a commercial dumpster of sufficient size for deposit of garbage generated on the premises. It shall be required that garbage placed in such dumpsters be bagged for both convenience and the safety of the general public. It shall also be required that the owner of the premises provide for a service to collect garbage accumulated in this dumpster and transport it away to an appropriate processing facility on a weekly basis. It shall be at the discretion of the director on a case-by-case basis regarding any hardships or special circumstances brought about by the enforcement of this section. It shall be incumbent upon every person in possession, charge or control of any premises to which a city-owned cart has been issued to insure the security of such cart from the perils of theft and damage at times other than when the cart is curbside between 6:30 a.m. and 6:30 p.m. on scheduled collection day, or at times otherwise established by the director. The cost of damage or loss occurring to a cart as the result of a failure to adequately secure it shall be borne by the person in possession, charge or control of the premises, who shall also be responsible for reporting any damage or loss of such cart to the sanitation office as soon as the damage or loss is realized. The cost of damage to the cart caused by fire, hot ashes and/or chemicals shall be borne by the person in possession, charge or control of the premises, without regard to the time or location of the cart when such damage occurs.

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.

NOW, THEREFORE BE IT ORDERED that the Ordinances shall be effective January 1, 2022.

The foregoing Resolution was seconded by Alderman Jerome 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

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Alderman Raymond Flores

voted: YES

Alderman William Jerome

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 20th day of July, 2021.

CITY OF SOUTHAVEN, MISSISSIPPI

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

RESOLUTION FOR PURPLE HEART TRAIL / PROCLAMATION **PURPLE HEART CITY**

Mayor Musselwhite read the following proclamation for Purple Heart City honoring Veterans near the Purple Heart Trail. 1 west in the City of Southaven



Office of the Mayor
Southaven, Mississippi

PROCLAMATION

WHEREAS, the Purple Heart Medal was established by General George Washington on August 7, 1782, to honor military personnel wounded in combat; and

WHEREAS, the Military Order of the Purple Heart of the USA is coordinating a national effort to establish the Purple Heart Trail consisting of major interstate highways and roadways leading to patriotic sites; and

WHEREAS, the City of Southaven ("City") and United States owe a deep debt of gratitude to those members of our Armed Forces who have been wounded in combat and honored with the Purple Heart Medal; and

WHEREAS, citizens of the City have received the Purple Heart Medal, including a former Board of Alderman Member, William Brooks; and

WHEREAS, the City desires to honor those who have fought and sacrificed so courageously for our freedoms.

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NOW, THEREFORE, I, Darren Musselwhite, by the authority vested in me as Mayor of the City of Southaven, Mississippi, hereby proclaim and recognize the City of Southaven as a

PURPLE HEART CITY

from the elected officials of the City of Southaven, Mississippi.

*In witness whereof I have hereunto set
my hand and caused this seal to be*

affixed this the 20th day of July, 2021

Attest:

Andrea Mullen, City Clerk

Mayor

Darren Musselwhite

After hearing from Mayor Musselwhite, the Board of Alderman considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN GOVERNING AUTHORITIES DESIGNATING THE PORTION OF CHURCH ROAD LOCATED WITHIN THE CITY OF SOUTHAVEN AS THE PURPLE HEART TRAIL

WHEREAS, the Purple Heart Medal was established by General George Washington on August 7, 1782, to honor military personnel wounded in combat; and

WHEREAS, the Military Order of the Purple Heart of the USA is coordinating a national effort to establish the Purple Heart Trail consisting of major interstate highways and roadways leading to patriotic sites; and

WHEREAS, the City of Southaven ("City") and United States owe a deep debt of gratitude to those members of our Armed Forces who have been wounded in combat and honored with the Purple Heart Medal; and

WHEREAS, citizens of the City have received the Purple Heart Medal, including a former Board of Alderman Member William Brooks; and

WHEREAS, the City desires to honor those who have fought and sacrificed so courageously for our freedoms; and

WHEREAS, in accordance with Mississippi Code Section 21-37-3, the City Governing Authorities have the power to exercise full jurisdiction in the matter of streets; and

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NOW THEREFORE BE IT RESOLVED THAT:

1. The portions of Church Road located within the City shall be designated as the Purple Heart Trail.
2. The Mayor and/or his designee is authorized to take any and all action to effectuate the intent of this Resolution, including, but not limited to purchasing of signs for the Purple Heart Trail.

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

Alderman William Jerome	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 20th day of July, 2021.

RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none. The Board then considered the following resolution to clean private property:

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

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

CONDEMNATION ADDRESS
1109 McGowan Drive
8115 Coventry
2061 Coral Hills Drive

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

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi,

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provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, July 20, 2021, by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, July 20, 2021, to voice objection or to offer a defense.

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

CONDEMNATION ADDRESS

1109 McGowan Drive
8115 Coventry
2061 Coral Hills Drive

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

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

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

ALDERMAN	VOTED
Alderman William Jerome	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 20th day of July, 2021.

**CITY OF SOUTHAVEN,
MISSISSIPPI BY**

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PLANNING AGENDA

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

Item#1 Application by Lifestyle Communities, LLC for subdivision approval for Silo Square Phase 5 Lot 37 on the west side of Getwell Road, north of May Blvd.

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for Silo Square Phase 5 lot 37 which is on the west side of Getwell Road, north of May Blvd. This lot is sits just north of Slim Chickens and is considered an outparcel to Getwell Road. There is no direct access to the site via Getwell Road, but the plat does show a shared drive north of the lot which is proposed as a fifty (50) foot dedicated ROW for Grand Oak Lane. There is also a private drive on the rear of the property which is an extension from the existing drive south of this site. All of the standard easements have been shown on the plat. The application is compliant with the overall plan for Silo Square and the amendment that was approved for the 81 acres prior to this application. The application is also compliant with the bulk regulations set forth in the ordinance for a commercial lot. All improvements have been completed and dedicated for Getwell Road. Alderman Flores made the motion to approve the application by Lifestyle Communities, LLC. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	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 20th day of July, 2021.

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

Item #2 Application by Demarquis Howard for a Conditional Use Permit to allow a barber shop to be located at 9080 Millbranch Road

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a barber shop at 9080 Millbranch Road on the east side, north of Stateline

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Road. Previously there was a barber shop in this location which has since left and the conditional use permit has expired. The site is a tenant space in a multi-tenant building with existing barber materials on site. This type of establishment must maintain a ½ mile distance from other similar establishments. Staff has completed a window survey of the surrounding area and has determined that the closest establishment in relation to this application is approximately 3,500 linear feet which is well out of the ½ mile range. Mrs. Choat-Cook stated that staff recommends approval of a one (1) year conditional use permit with a four (4) year extension to be renewed annually. After hearing from Mrs. Choat-Cook, the Board of Aldermen considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE
PERMIT TO DEMARQUIS HOWARD FOR BARBER SHOP LOCATED AT 9080
MILLBRANCH ROAD IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on June 28, 2021 for the conditional use permit ("permit") application of Demarquis Howard (the "Applicant") for barber shop located at 9080 Millbranch Road in Southaven, Mississippi; and

WHEREAS, Title XIII, Chapter 12, Section 13-12(m), Footnote 43 requires a conditional use permits for barber shops and that barber shops be a certain distance from each other; and

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

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

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

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

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

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1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for barber shop located at 9080 Millbranch Road, 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 Hoots and seconded by Alderman Kelly. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman William Jerome	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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 20th day of July, 2021.

CITY OF SOUTHAVEN, MISSISSIPPI

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

Item #3 Application by Omar Menichaca and Olivia Mejia Milla for a Conditional Use Permit to allow a motor vehicle shop to be located on the southwest corner of Hwy. 51 and Veterans Drive

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a motor vehicle repair shop on the west side of Stateline Road, south of Veterans Drive. Per the business summary the owners plan to work primarily on the body of vehicles including dent repair, collision repair, replacement of exterior body parts and repair of glass. This may include painting of the exterior once items have been repairs, therefore, there is a paint booth proposed on site. There is no transfer of liquids, motor work or transmission repairs associated with this site. The business is set to be open M-5 from 8-5 pm with no weekend work. This type of establishment only allows for a small amount of vehicles to be stored on site in disrepair. Additional storage on site which the applicant has stated will be parts for vehicles. While storage shall be allowed it will only be allowed inside the building so the site does not become a salvage or auto parts storage yard. Pending the items are agreed upon, staff recommends approval of a one (1) year conditional use permit with a four (4) year extension pending compliance and annual inspection. After hearing from Mrs. Choat-Cook, the Board of Aldermen considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE PERMIT TO OMAR MENICHACA AND OLIVIA MEJIA MILLA FOR MOTOR

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VEHICLE REPAIR SHOP LOCATED AT SOUTHWEST CORNER OF HWY 51 AND VETERANS DRIVE IN SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on June 28, 2021 for the conditional use permit ("permit") application of Omar Menichaca and Olivia Mejia Millia (the "Applicant") for a motor vehicle repair shop located at the southwest corner of Hwy 51 and Veterans Drive in Southaven, Mississippi; and

WHEREAS, the City Code of Ordinances define a "Motor Vehicle Service and Repair" and set forth the requirements as provided in Exhibit A; and

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

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

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

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

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

1. Subject to the Board's revocation for violation of the permit or ordinances and Applicants compliance with the requirements as set forth in the Staff Report attached hereto as Exhibit A, the City Board grants a conditional use permit to the Applicant for motor vehicle repair shop located at the southwest corner of Hwy 51 and Veterans Drive 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 Hoots and seconded by Alderman Kelly. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman William Jerome

voted: YES

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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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 20th day of July, 2021.

CITY OF SOUTHAVEN, MISSISSIPPI

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

Item #4 Application by Omar Menichaca and Olivia Mejia Milla for design review approval of a motor vehicle shop to be located on the southwest corner of Hwy. 51 and Veterans Drive

Mrs. Choat-Cook stated that the applicant is requesting design review approval for an auto repair building site on the west side of Hwy. 51, south of Stateline Road. Mrs. Choat-Cook noted that there are a few comments that need to be addressed: 1. The wainscot area of the rear of the building needs to be constructed of a masonry material. This area can be the bottom 3.5' of the wall line or higher but that will be the minimum; 2. The roll up doors should be painted or stained in a color to match the building. Staff would suggest a darker contrasting brown so that they do not simply blend into the wall lines; 3. The site plan shows where there is ground mounted AC units which will need to be screened with a masonry material on three sides. Any roof mounted equipment will need to be completely screened from both Hwy. 51 and Veterans Drive via a roof parapet; 4. The dumpster shown on the southwest end of the lot will need to be screened with matching masonry materials from the building and further screened with a tight line of evergreen materials; 5. As with all new developments the applicant will need to install decorative lighting on site inside the streetscape design. It would be staffs suggestion that the applicant place a space line along both Veterans Drive and Hwy. 51 to comply. The spacing/location should be submitted to staff for final approval. Mrs., Choat-Cook made the recommendation for approval with the stated changes. Alderman Hoots made the motion to approve the application by Omar Menichaca. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES

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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 20th day of July, 2021.

A copy of the staff report and rendering of the proposed building is attached and fully incorporated into these minutes.

MAYOR'S REPORT

INTERLOCAL WITH DESOTO COUNTY FOR GIS MAP

This interlocal agreement with each City, Desoto County, E-911, and DCRUA sets forth the amounts for each entity to provide as part of the GIS Mapping by Desoto County. The total cost for the City of Southaven based on population is \$13,615.53. The money will be paid to Desoto County, who will be in charge of the project. Alderman Payne made the motion to approve the interlocal agreement for the GIS Map. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

Dizzy Dean World Series Update

Mayor Musselwhite reported that the Dizzy Dean World Series Tournaments just completed and had a very successful tournament without any rainouts due to the artificial turf investment.

Central Park Playground Update

Mayor Musselwhite stated that the Central Park Playground Project is underway and is expected to be complete within the next 10 days.

Mav Boulevard Pedestrian Bridge Project

Mayor Musselwhite stated that the bridge structure is expected to be delivered on site within the next few weeks and completion is still expected late September, early October.

PERSONNEL DOCKET

Personnel

Docket

July 20, 2021

All other current City employees shall continue their at will employment with the City of Southaven at their current compensation, subject to Mayor and Board review of employment and compensation, and subject to any and all handbooks, policies, orders, guides, rules, and/or regulations governing their employment. This continuation of employment, including all statutory appointments, does not create any contractual right to employment or term of employment.

Minutes, City of Southaven, Southaven, Mississippi

New Hires	Department	Position Title	Start Date	Rate of Pay
Dustin Flowers ** Courvorsier Marion **	Parks	Laborer I	TBD	\$13.50
*pending 1 pre-emp screening ** pending 2 pre-emp screenings	Public Works	Operator	TBD	\$15.00

Payroll Transfer	From Dept	To Dept	Start Date	Position	Rate of Pay
Alicia Ferguson	Utility	City Clerk's Office	8/2/2021	Deputy Clerk	\$18.00

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Animal Control				
Ashley Perrone	Shelter Office Staff	Animal Control Officer	7/19/2021	14.28

Police				
Shekerria Goss	Police Officer 2	Police Officer 3	7/19/2021	23.16

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Roger Garner	Police	Police Officer 4	7/15/2021	\$23.96
Ryan Payne	ITEC	Dispatch 3	8/1/2021	\$21.93
Ashton Worley	ITEC	Dispatch 3	7/18/2021	\$21.93

Parks

Tournaments

Resignations/Terminations	Current Position Title	Effective Date	Rate of Pay
Savannah Aldridge	Gates	7/20/2021	\$7.50
Kaylin Brassfield	Gates	7/20/2021	\$7.50
Meagan Cobb	Gift	7/20/2021	\$7.25
Kate Coleman	Concession	7/20/2021	\$7.25
Davis Foucault III	Concession	7/21/2021	\$8.00
Sara Frazier	Gates	7/20/2021	\$7.50
Kaylee Littleton	Gates	7/20/2021	\$7.50
Tiana Maxwell	Concession	7/20/2021	\$7.25
Madalyn			
McAlexander	Gift	7/20/2021	\$7.25
Tammy Nash	Gates	7/20/2021	\$7.50
Andrew O'Neal	Concession	7/21/2021	\$8.00
Derrick Onidas	Gates	7/20/2021	\$7.50

Minutes, City of Southaven, Southaven, Mississippi

Emma Ponder	Gates	7/20/2021	\$7.50
Katelyn Rich	Gift	7/20/2021	\$7.25
Madison Savoy	Gift	7/20/2021	\$7.25
Leanna Silas	Gates	7/20/2021	\$7.50
Summer Stegall	Gift	7/20/2021	\$7.25
Diandrea Summers	Gates	7/20/2021	\$7.50
Kylie Tygart	Concession	7/20/2021	\$8.00
Emma Walker	Concession	7/20/2021	\$7.25
Thomas P. Williams	Seasonal	6/28/2021	\$10.00

Alderman Payne made the motion to approve the Personnel Docket of July 20, 2021 as presented to this Board. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	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 20th day of July, 2021.

CITY ATTORNEY'S LEGAL UPDATE

AMB SERVICE AGREEMENT (FIRE)

Mr. Manley stated that this is a renewal contract with AMB for SFD/EMT Billing. They accepted the revisions along with the inclusion of the relevant OSA Circular. The Agreement includes certain equipment, which is ancillary to the service provided so not required to be bid in accordance with Miss. Code 31-7-13. Alderman Wheeler made the motion to authorize Chief Scallion to sign the agreement. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	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 on the 20th day of July, 2021.

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

UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL LEAK ADJUSTMENT DOCKET 7/20/2021

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

NAME	HOUSE #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
ZACHARY JAMES	537	CYPRESS CV	(29.64)	POOL ADJUSTMENT
JOHN WINTERMANTEL	2319	DICKENS PL	(74.10)	POOL ADJUSTMENT
CARMELIA RAMIREZ	42	STONEBROOK	(51.87)	POOL ADJUSTMENT
ANGELA HANSON	902	VIRGINIA PINE	(49.40)	POOL ADJUSTMENT
APRIL CORDER	2973	GLENNBURY	(43.92)	POOL ADJUSTMENT
BEVERLY COKER	1845	PECAN RIDGE DR N	(29.64)	POOL ADJUSTMENT
FARHAT OTHMANI	9144	VALLEY GROVE LN	(133.38)	POOL ADJUSTMENT
DAVID STRACENER	955	MECKLENBURG CV	(39.52)	POOL ADJUSTMENT
EDWARD STEPHENS	3690	NEW POINTE DR S	(98.80)	POOL ADJUSTMENT
CLYDE BROOKINS	3528	THORN TREE LN	(71.63)	POOL ADJUSTMENT
LISA MOORE	2972	MAKENLEE ST	(39.52)	POOL ADJUSTMENT
DELORES WILLIAMS	517	OLE DAN RD	(64.22)	POOL ADJUSTMENT
ALZAMZAMI MAHMOOD NAJI	2357	BAIRD DR	(39.52)	POOL ADJUSTMENT
MICHAEL BOWERS	8285	BARBERRY PLACE	(83.98)	POOL ADJUSTMENT
ASHLEY & MICHAEL COURTS	2860	STONEBROOK DR	(17.29)	POOL ADJUSTMENT
MILTON HARRIS	3575	PLUM POINT DR E	(88.92)	POOL ADJUSTMENT
MOORE ANNA & NICHOLAS	1775	NORTHFIELD	(17.29)	POOL ADJUSTMENT
ROBERT JORDAN	5739	BEFORD LP E	(27.17)	POOL ADJUSTMENT
GLEN WHITE	482	DRIFTWOOD PT	(37.05)	POOL ADJUSTMENT

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SALAS IVAN	904	SCOTCH PINE CV	(59.28)	POOL ADJUSTMENT
KATHERIN HARRELL	8349	CHARLESTON DR	(27.17)	POOL ADJUSTMENT
KATHY LOFTIS	8579	LAKESHORE DRIVE WEST	(46.96)	POOL ADJUSTMENT
OLMI DEBBIE	1007	HINDMAN COVE	(49.40)	POOL ADJUSTMENT
HEIM RUTH	8245	DOTTLEY DR	(83.98)	POOL ADJUSTMENT
JOHN WINTERMANTEL	3690	NEW POINTE DR S	(98.80)	POOL ADJUSTMENT
RHONDA SARG	767	ALLEGANY CV	(81.51)	POOL ADJUSTMENT
ELIZABETH PARTEE	8875	SHELLFLOWER	(79.04)	POOL ADJUSTMENT
LAYTON TURPIN	8425	FARMINGTON WEST	(59.28)	POOL ADJUSTMENT
BOBBY JOHNSON	1887	MISSISSIPPI VALLEY	(29.64)	POOL ADJUSTMENT
R D HOLLAND	317	MEADOW CV	(66.69)	POOL ADJUSTMENT
RICHARD KOZBIEL	8060	ROSEBUSH CV	(81.51)	POOL ADJUSTMENT
DARRLY THURMOND	2912	DAWKINS DRIVE	(361.12)	TOILET LEAK
ESTEFANNY DIAN	1717	CHERRY CREEK DRIVE	(453.84)	TOILET LEAK
EILEEN MURLEY	1211	CARRIAGE	(74.10)	POOL ADJUSTMENT
BARBARA WINDSOR	8080	CANTERBURY DR	(49.40)	POOL ADJUSTMENT
KIRKMAN JEANICE	7427	HUGH LANE	(34.58)	POOL ADJUSTMENT
JOHN & DEBBIE SMITH	710	EAGLEWOOD	(27.17)	POOL ADJUSTMENT
		TOTAL	(2800.33)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of July 20, 2021 in the amount of \$2,800.33. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	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 on the 6th day of July, 2021.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of July 20, 2021 in the amount of \$1,347,436.24. Motion was seconded by Alderman Hoots.

Excluding voucher numbers:

363300, 363339, 363414, 363584, 363586, 363756, 363800, 363808, 363859, 363898

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	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 20th day of July, 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 Jerome. Motion was put to a vote and passed unanimously July 20, 2021 at 7:30 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

All exhibits and attachments are electronically filed in the City Clerk's Office.