

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
September 21, 2021
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: September 7, 2021 and Special Meetings September 9, 2021 and September 14, 2021
5. Resolution for FY 22 Donations
6. Resolution for Nuisance Property Ordinance
7. Extension of COVID-19 Leave Policy
8. Engineering Contract Amendment
9. Resolution for Food Trucks Using City Property
10. Public Works Dept. Uniforms
11. SPD Purchase of Additional Body Cameras
12. Recommendation to Award CE&I for the Getwell Road Widening Project to Civil-Link, LLC
13. Request to Advertise to Bid the Stateline/Getwell City Entrance Monument Sign
14. Resolutions to Appoint Deputy City Clerks and Deputy Clerks
15. Swearing-In Deputy City Clerks, Ashley Ford and Nicole Hilario
16. Constitution Week Proclamation
17. Resolution to Clean Private Property
18. Planning Agenda: Item #1 Application by Hazem Shoman for a Conditional Use Permit to allow a full service car wash to be located on lot 2 of the NECE Subdivision on the northeast corner of Church Road and Elmore Road
Item #2 Application by Sobh Family Trust to rezone one acre of the Elmore Park Subdivision on the east side of Elmore Road, north of Jennings Drive from C-1 to C-3
Item #3 Application by Sobh Family Trust to rezone 2.741 acres of the Rayburn Subdivision on the east side of Elmore Road, north of Jennings Drive from C-1 to C-3
Item #4 Application by Chuck Roberts to rezone 6.05 acres of the Bell Office Park Subdivision on the east side of Elmore Road, south of Jennings Drive from C-4 to C-3
19. Mayor's Report
20. Personnel Docket
21. City Attorney's Legal Update
22. Utility Bill Adjustment Docket
23. Claims Dockets: Docket 1
Docket 2
24. Executive Session: Economic Development

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MINUTES OF THE REGULAR MEETING OF September 21, 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 21st day of September, 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 (By Teleconference)	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

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

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Payne.

CONSTITUTION WEEK PROCLAMATION

Mayor Musselwhite read the following proclamation and proclaimed September 17-23, 2021 as Constitution Week in the City of Southaven.



*Office of the Mayor
Southaven, Mississippi*

PROCLAMATION

WHEREAS, September 17, 2021 marks the two hundred and thirty-fourth Anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

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WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebrations which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by The President of the United States of America designating September 17th through 23rd as Constitution Week.

NOW, THEREFORE, I, Darren Musselwhite, by the authority vested in me as Mayor of the City of Southaven, Mississippi, hereby proclaim the week of September 17- 23, 2021 as:

CONSTITUTION WEEK

In addition, ask our citizens to reaffirm the ideals that the Framers of the constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties, remembering that lost rights may never be regained.

In witness whereof I have hereunto set
my hand and caused this seal to be
affixed this the 17th day of September, 2021

SWEARING-IN DEPUTY CITY CLERKS, ASHLEY FORD AND NICOLE HILARIO

The Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPOINTING ASHLEY FORD and NICOLE HILARIO AS DEPUTY CITY CLERKS

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Sections 21-3-5 and 21-15-23 desires to appoint Deputy City Clerks; and

WHEREAS, the City Board desires to appoint Ashley Ford and Nicole Hilario, as Deputy City Clerks; and

WHEREAS, Ashley Ford and Nicole Hilario shall be charged with all duties and powers as set forth under Mississippi Code 21-15-23; 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 City hereby appoints Ashley Ford and Nicole Hilario to Deputy City Clerk and compensation shall be set at the budgeted amount.
2. Ashley Ford and Nicole Hilario are charged with all duties and obligations under Mississippi Code 21-15-23 and all other duties as set forth under Mississippi law.

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Motion was made by Alderman Payne and seconded by Alderman Hoots, and the question being put to a roll call vote, the result was as follows:

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

RESOLVED AND DONE, this 21st day of September, 2021.

Next, Mayor Musselwhite swore-in Nicole Hilario and Ashley Ford as Deputy City Clerks.

Next, a motion was made by Alderman Hoots to approve the minutes of the Regular Meeting of September 7, 2021 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

Alderman Hoots made the motion to approve the Special Meeting Minutes of September 9, 2021 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

Alderman Hoots made the motion to approve the Special Meeting Minutes of September 14, 2021 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

RESOLUTION FOR FY 22 DONATIONS

This resolution sets forth the donations and the statutory authority for the 2022 fiscal year which were included as part of the budget. The Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPROVING DONATIONS

WHEREAS, the City of Southaven ("City") desires to approve certain donations as allowed pursuant to the Mississippi Code; and

WHEREAS, the City pursuant to Mississippi Code 21-19-44 desires to appropriate and contribute budgeted funds for, local economic development organizations; and

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WHEREAS, the City pursuant to Mississippi Code 39-3-1 desires to appropriate and contribute budgeted funds for the M.R. Davis Library; and

WHEREAS, the City pursuant to Mississippi Code 39-15-1 desires expend monies from to match other funds available for the purpose of supporting the development, promotion and coordination of the arts within the City; and

WHEREAS, the City, pursuant to Mississippi Code 17-3-1 and 17-3-3 desires to expend moneys for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City which will be helpful toward advancing the moral interest of the City; and

WHEREAS, the City, pursuant to Mississippi Code 21-19-65, desires to match other funds via donation or rental donation for the purpose of supporting social and community service programs within the City; and

WHEREAS, the City, pursuant to Mississippi Code 21-17-1(3)(b)(ii), desires to provide rental donations to those entities set forth below which meet the requirements of Mississippi Code 21-17-1(3)(b)(ii); and

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

1. Pursuant to Mississippi Code 21-19-44 and 21-19-44.1, the City hereby approves donations to the Southaven Chamber in the amount of \$80,000.00 and the Desoto Economic Council in the amount of \$37,941.00 for the purpose of bringing favorable notice and economic opportunities to the City.
2. Pursuant to Mississippi Code 39-3-1, the City hereby approves appropriation to the M.R. Davis Library in the amount of \$300,000.00.
3. Pursuant to Mississippi Code 17-3-1 and 17-3-3 and Mississippi Code 39-15-1, the City hereby approves a donation in the amount of \$30,000.00 to Desoto Family Theatre for the promotion of the arts and favorable notice and opportunities for the arts to the City that the Desoto Family Theatre brings to the City and to serve as matching funds for the Theatre. Also, pursuant to Mississippi Code 17-3-1 and 17-3-3 and Mississippi Code 39-15-1, the City hereby approves a donation in the amount of \$9,000.00 to the Historic DeSoto Foundation for its museum which contribution will support the development, promotion and coordination of the arts and bring favorable notice to the City.
4. Pursuant to Mississippi Code 17-3-1 and 17-3-3 and Mississippi Code 21-19-65, the City hereby approves donations to The Arc of Northwest Mississippi in the amount of \$20,000.00 and Healing Hearts Child Advocacy Center in the amount of \$40,000.00 for the promotion of the City's moral interest associated with helping abused children by Healing Hearts Child Advocacy and helping individuals with development and intellectual disabilities by the Arc of Northwest Mississippi. The amounts provided to each entity by the City are matching funds for the support of social and community service programs within the City.
5. Pursuant to Mississippi Code 21-19-65 and 21-17-1(3)(b)(ii), the City hereby approves a donation to the House of Grace in the amount of \$9,000.00 for its efforts to help women; a rental donation for the Arena to the Community Foundation of Northwest Mississippi for its Crystal Ball to help with its mission is

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to connect and assist donors as well as nonprofit organizations and charitable causes to make a difference with an emphasis on education, health and children in order to impact communities, including individuals and causes in the City.

6. Pursuant to Mississippi Code 21-17-1(3)(b)(2), the City hereby approves a rental donation for use of the BankPlus Amphitheater Plaza for the Homerun 5K Habitat for Humanity fundraiser.
7. The City Clerk's Office is hereby authorized and directed to make such donation from City funds.
8. The City Park's Office is hereby authorized to coordinate the dates and logistics for the rental donations.
9. Upon application and approval by the City Parks Department and City Police Department as it relates to adequate security, the City Board grants an alcohol variance to the Community Foundation of Northwest Mississippi.

Following the reading of the foregoing resolution, Alderman Payne made the motion to adopt the Resolution and Alderman Kelly 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 21st day of September, 2021.

RESOLUTION FOR NUISANCE PROPERTY ORDINANCE

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite stated that this resolution was discussed at the Special Board Meeting on September 9th, this ordinance will establish a misdemeanor for owners/residents of a property where three or more Nuisance Activities (as defined in the Ordinance) have been found and adjudicated guilty by the relevant court during any continuous twelve (12) month period. Once the City Court determines the Premises or Property to be a Chronic Nuisance Property under this Ordinance, the City Court may impose a penalty in an amount not to exceed \$1,000.00 against any or all the Persons Responsible for the Property and may order any other relief deemed appropriate, including but not limited to closure of the Premises or Property; suspension of the Responsible Person's certificate of occupancy for the Premises or Property; and/or imprisonment not exceeding ninety (90) days. The ordinance provides the requirements for issuing the citation and notice. The Board of Alderman considered the following resolution:

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ORDINANCE AMENDING CITY OF SOUTHAVEN CODE OF ORDINANCES BY ADDING THE CITY OF SOUTHAVEN CHRONIC NUISANCE PROPERTY ORDINANCE

WHEREAS, the City of Southaven ("City") Board finds that chronic nuisance properties present grave health, safety and welfare concerns, where the persons responsible for such properties have failed to take corrective action to abate the nuisance condition; and

WHEREAS, chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of neighborhoods where they are located; and

WHEREAS, this Ordinance is enacted to remedy nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at properties by providing a process for abatement; and

WHEREAS, chronic nuisance properties are a financial burden to the City by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property; and

WHEREAS, pursuant to Miss. Code 21-17-5, the City Governing Authorities 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, or any other statute or law of the State of Mississippi,

WHEREAS, this Ordinance may be used in conjunction with the building code series, property maintenance code, comprehensive ordinance enforcement code, Miss. Code Anno. § 21-19-11 and any other state law or local 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 X, CHAPTER 4 AS FOLLOWS:

SECTION 1. The prefatory clauses are hereby incorporated herein as findings of the City Governing Authorities of the City of Southaven.

SECTION 2. The City Code of Ordinances is amended to add Title X, Chapter 4 "Chronic Nuisance Property Ordinance" as follows:

Title.

This article may be cited as the "City of Southaven Chronic Nuisance Property Ordinance."

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Purpose.

(a) Chronic nuisance properties present grave health, safety and welfare concerns, where the persons responsible for such properties have failed to take corrective action to abate the nuisance condition. Chronic nuisance properties have a tremendous negative impact upon the quality of life, safety and health of neighborhoods where they are located. This ordinance is enacted to remedy nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at properties by providing a process for penalizing such properties. This remedy is not an exclusive remedy available under any state or local laws and may be used in conjunction with such other laws.

(b) Also, chronic nuisance properties are a financial burden to the City by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property. This ordinance is a means to improve those conditions and hold accountable those persons responsible for such property.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chronic Nuisance Property means property on which a combination of three or more Nuisance Activities occurs or exist during any continuous twelve (12) month period.

Control means the ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property.

Nuisance Activity means any criminal conduct or code violation as defined by state law or City of Southaven Ordinance occurring on a property. The term "Nuisance Activity" shall not include conduct where the Person Responsible is the victim of a crime and had no control over the criminal act.

Person means natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them.

Person Responsible for the Property or *Person Responsible* means, unless otherwise defined, any person who has titled ownership of the property or structure which is subject to this article, an occupant in control of the property or structure which is subject to this article, a developer, builder, or business operator or owner who is developing, building or operating a business on the property or in a structure which is subject to this article and/or any person who has control over the property and allows a violation of this article to continue.

Premises and *Property* may be used by this article interchangeably and means a public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as a residential or commercial property.

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Violation.

- (a) Any Premises or Property within the City of Southaven, which is Chronic Nuisance Property is in violation of this article and subject to its remedies.
- (b) Any Person Responsible for Property who permits property to be a Chronic Nuisance Property shall be in violation of this Ordinance and subject to its remedies.

Procedure and Penalty.

- (a) The police chief or his designee shall report any criminal activity defined in this Ordinance on a monthly basis to the City Planning Director or her designee. The City Planning Director or her designee shall review and confirm the occurrence of three or more Nuisance Activities that have been found in guilty or in violation of the Mississippi law or City of Southaven Ordinance by a Court of competent jurisdiction within a twelve (12) month period. Upon such finding, the City Planning Director shall notify the Person Responsible for the Property of the City Court date to determine if the Premises or Property is adjudicated to be a Chronic Nuisance Property.
- (b) The notice of violation shall contain:
 - (1) The street address or legal description sufficient enough for identification of the Property or Premises;
 - (2) A concise description of the Nuisance Activity that have occurred on the Property or Premises;
 - (3) A copy of this Ordinance along with the dates of adjudication for each offense. The notice shall also include a summons for the City of Southaven Court date and that upon conviction for misdemeanor violation of this Ordinance and declaration of the Property or Premises being a Chronic Nuisance Property, the Person Responsible shall be assessed a \$1,000.00 penalty and may result in closure of the Premises or Property and suspension of the Person Responsible certificate of occupancy for the Property.
- (c) The City Planning Director or designee shall serve or cause to be served written notice upon the Person Responsible by the following means of delivery:
 - (1) Delivered in person by a police officer to the Person Responsible for the Property.
 - (2) By first class United States mail, postage prepaid, addressed to the Person Responsible for the Property. Service by mail is deemed complete upon deposit in the U.S. mail.
- (d) It is a defense to an action for Chronic Nuisance Property that the Person Responsible, at all material times, could not, in the exercise of reasonable care or diligence, determine that the Property or Premises had become a Chronic Nuisance Property.
- (e) As part of the City Court proceedings, the City shall submit official police reports, code violations, and other Nuisance Activity occurring or existing at the Premises or Property.

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- (f) Once the City Court determines the Premises or Property to be a Chronic Nuisance Property under this Ordinance, the City Court may impose a penalty in an amount not to exceed \$1,000.00 against any or all the Persons Responsible for the Property and may order any other relief deemed appropriate, including but not limited to closure of the Premises or Property; suspension of the Responsible Person's certificate of occupancy for the Premises or Property; and/or imprisonment not exceeding ninety (90) days.

Summary closure.

Nothing in this article prohibits the City from taking any emergency action for the summary closure of such property or other available remedies when it is necessary to avoid an immediate threat to public welfare and safety.

SECTION 3. 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 4. 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 5. 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 Hoots moved that the foregoing Resolution to adopted and said motion was seconded by Alderman Gallagher and the vote thereupon 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 21st day of September, 2021.

EXTENSION OF COVID-19 LEAVE POLICY

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

Mr. Manley stated that In accordance with the Families First Coronavirus Response Act (FFCRA), this policy extends until December 31st the eligibility of full-time employees up to 80 hours of paid sick leave and part-time employees in

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an amount equal to the number of hours the employee works, on average, over a two-week period for certain Covid related reasons as set forth in the policy. Alderman made the motion to extend the Covid-19 policy to December 31, 2021. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

Policy: COVID-19 Leave Policy	
Adopted: April 1, 2020	
Revised: April 1, 2021, September 21, 2021	
Mississippi Statute:	

General Statement of Policy

March 18, 2020, the Families First Coronavirus Response Act (FFCRA) was enacted, providing employees with access to emergency paid sick leave (EPSL) for certain leave requests related to the COVID-19 pandemic.

Full-time employees are eligible for up to 80 hours of EPSL. Part-time employees are eligible for EPSL in an amount equal to the number of hours the employee works, on average, over a two-week period. All paid leave under the Act is subject to the provisions outlined below:

1. subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
2. subject to the advice of a health care provider to self-quarantine related to COVID-19;
3. experiencing COVID-19 symptoms and is seeking a medical diagnosis;
4. caring for an individual subject to an order described in (1) or in self-quarantine as described in (2); or
5. caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19.
6. obtaining a COVID-19 vaccination;
7. recovering from an injury, disability, illness or condition related to a COVID-19 vaccination;

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8. seeking or awaiting the results of a COVID-19 test or diagnosis because either the employee has been exposed to COVID-19 or the employer requested the test or diagnosis.

If an employee meets one of the qualifying reasons above, he/she may use up to 80 hours of paid COVID leave per calendar year, rather than major medical and/or personal leave. Paid COVID leave, as outlined in this policy, will be available to eligible employees until December 31, 2021.

ENGINEERING CONTRACT AMENDMENT

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

Mr. Cordell stated that this contract expires on September 30, 2021 and they are requesting a one year extension until September 30, 2022 for the basic/day-to-day engineering services. The contract is the same as the current contract with no cost increases. Alderman Flores made the motion to amend the master engineering contract. 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	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

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

RESOLUTION FOR FOOD TRUCKS USING CITY PROPERTY

Mayor Musselwhite presented this item to the BOARD.

This resolution establishes the time, regulations and permit requirements for "Food Truck Friday". The City will allow for food trucks to set up at the Arena Parking Lot and Snowden Grove on Fridays from 10 a.m. to 3 p.m. after the food trucks have received the permit in accordance with the requirement set forth in the resolution. The permit fee is \$100. Also, the food truck vendor shall pay the City in the amount of \$25.00 per Friday or \$75 per month. The requirement for the food truck permit includes inspection by the SFD, insurance, and permit from the Department of Health. The Board of Alderman considered the following resolution:

RESOLUTION OF THE CITY SOUTHAVEN, MISSISSIPPI ESTABLISHING AND REGULATING THE ALLOWING OF FOOD TRUCKS AT THE

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CITY ARENA AND SNOWDEN GROVE PARK

WHEREAS, in accordance with Mississippi Code 21-17-5, the City of Southaven ("City") Governing Authorities shall have the care, management and control of the municipal affairs and its property and finances; and

WHEREAS, mobile food vendors enliven the pedestrian environment by providing convenience and diversity of food products; and

WHEREAS, mobile food vendors promote a variety of cuisines and will bring vitality to the City Parks; and

WHEREAS, the intent of this Resolution is to allow for a variety for food related businesses at the City Arena and Snowden Grove; and

WHEREAS, the City Board finds that it would be advantageous, beneficial, and in the best interest of City residents and visitors to enable mobile food vendors at the City Arena and Snowden Grove on Fridays from 10:00 a.m. to 3:00 p.m.

THEREFORE, BE IT RESOLVED BY THE CITY BOARD OF THE CITY OF SOUTHAVEN, MISSISSIPPI THAT:

SECTION 1. APPLICABILITY.

This Resolution and the regulations set forth shall apply to all mobile food vendors desiring to become permitted to sell food and/or beverages at the City Arena and Snowden Grove as authorized by the City.

SECTION 2. DEFINITIONS.

For purposes of this Resolution, the following words and phrases shall be construed as defined in this section:

Mobile food vendor is defined as any person or persons who sell food from a permitted vehicle, which meets all City requirements, including but not limited to, the 2018 International Fire Code as adopted by the City (hereinafter "Food Truck").

Food Truck means a vehicle that contains cooking equipment that produces smoke or grease-laden vapors for the purpose of preparing and serving food to the public. Vehicles intended for private recreation shall not be considered a Food Truck for purposes of this Resolution. The Food Truck must be on wheels at all times.

SECTION 3. PERMIT REQUIRED

(a) All Mobile food vendors must obtain and maintain a permit from the City. All applications for a permit must be filed yearly. The application shall be made with the City Clerk's Office. The application may be reviewed by any department of the City as may be necessary or convenient to determine whether the application is complete or whether the permit should be granted. Permit applications shall contain the following information:

- 1) The name, mailing address, physical address, telephone number(s), and email address of the applicant(s). If any applicant is anything other than a natural person, then all documents related to the

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- creation and maintenance of the entity such as articles of incorporation and any similar relevant documents shall be included;
- 2) A food service permit from the Mississippi Department of Health;
 - 3) All Food Trucks shall provide a State tax number issued by the Mississippi Department of Revenue;
 - 4) Approval from the City Fire Inspector;
 - 5) A list of products to be sold.
 - 6) Proof of a valid business insurance policy that provides minimum liability coverage of \$500,000 per Food Truck, with the City named as an additional insured.
 - 7) A written indemnity agreement that will hold harmless the City, its officers, and employees, for any loss or liability or damage, including costs, for bodily injury or property damage sustained by a person as a result of the negligent installation, use, or maintenance of the Food Truck.
 - 8) The dates, jurisdiction, court, and disposition of the following:
 - a. All felony charges related to the applicant or any principal of the applicant; and
 - b. All misdemeanors and violations directly or indirectly related to food, food preparation, permit operations, and/or business operations, related to the applicant or any principal of the applicant.
 - 9) A police background check by the City Police;
 - 10) Such other additional information required by law, rule, or ordinance, or that any department of the City deems necessary in determining whether the permit should be granted. The City reserves the right to deny any permit request it deems to be a danger to public health, welfare, and safety based on the information provided in the application.
- (b) Permits cost shall be \$100 per year.
- (c) The permit shall be displayed on the Food Truck at all times.

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(d) Permits are non-transferable.

(e) Any permit granted pursuant to this ordinance shall be nonexclusive. The City may grant any number of such permits as the City deems appropriate. The granting of a permit shall not limit or abridge any power or authority of the City and shall not limit the authority of the City to commence appropriate civil, criminal, or other enforcement actions. The City retains full authority to amend the rules and regulations that apply to any permit.

(f) The City may revoke and terminate the permit in the event the vendor violates any term, condition, or provision of the permit, the City Code of Ordinances and/or Zoning Ordinances, state and/or federal law, or if the permit/license issued by the City for the permitted activity is revoked. Termination of the permit shall not operate to relieve the vendor of the obligation to release, hold harmless, and indemnify the City and its officers, agents, and employees.

SECTION 4. LOCATION, PAYMENT AND OPERATION.

The Food Trucks shall operate within the City Arena Parking Lot and Snowden Grove which have been designated, assigned, and approved by the City. The City shall have complete discretion as to which locations to approve within the City Arena Parking Lot and Snowden Grove. The City shall have continuing authority to approve locations. The City Police and Fire Departments shall have concurrent authority to oversee locations and setup. If an applicant is denied and wishes to appeal his or her grievance, he or she may request an order approving his application to the City Board at a regular scheduled meeting and said item will be considered "approved or disapproved".

(a) Food Trucks shall conform to the following regulations regarding location, payment, and operation:

1. Food Trucks may operate on Fridays from 10:00 a.m. to 3:00 p.m. at the City Arena or Snowden Grove.
2. There shall be a \$25.00 rental charge for each Friday the Mobile food vendor operates a Food Truck at the City Arena or Snowden Grove Park. If the Mobile food vendor pays for an entire month, the rental charge shall be \$75.00. In no event shall any refunds be issued for any reason, including, but not limited to weather conditions.
3. In order to participate the Mobile food vendor shall pay the required rental fee to the City by Monday of the week for which the Mobile food vendor desires to locate the Food Truck. In addition, the Food Truck shall be permitted as required in this Resolution.

(b) The operators must be present at all times. The Food Truck shall not be left unattended while in operation.

(c) Sales of goods are limited to food and non-alcoholic beverages.

(d) Mobile food vendors are responsible for all waste and trash removal associated with the operation. No liquid waste or grease is to be disposed of directly on to ground, into landscaping, or onto sidewalks, streets, stormwater drains or other public places.

(e) All Food Trucks must comply with all local, state, and federal rules regarding sanitation and protection of food from airborne contamination.

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(f) Every vendor shall keep records utilizing generally accepted accounting practices for the purposes of compliance with all federal, state and local taxlaws.

(g) All permitted Food Trucks units must pay the sales tax required by other food providers along with all other required tax and license fees required by other food providers.

(h) No speakers or other noise production devices are allowed.

The Mayor and/or his designee is authorized to take any and all actions to effectuate the intent of this Resolution.

After review and discussion, Alderman Kelly offered and moved the adoption of the resolution. The foregoing Resolution was seconded by Alderman Gallagher and brought to a vote 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

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 September 2021.

CITY OF SOUTHAVEN, MISSISSIPPI

PUBLIC WORKS DEPARTMENT UNIFORMS

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

Mr. Manley stated that the City Public Works Dept. is requesting authorization to order uniforms from Cintas, which is entity that has the Mississippi State Contract (state contract number 8200044758). Alderman Flores made the motion to authorize the Public Works Department to purchase uniforms through Cintas under the state contract. 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	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 21st day of September, 2021.

A copy of the state contract is attached and fully incorporated to these minutes

SPD PURCHASE OF ADDITIONAL BODY CAMERAS

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

In order to provide for the possible new police officers as provided for in the FY22 budget, the purchase of fifteen (15) additional body cameras are needed. A sole source purchase was previously approved for the body cameras with Axon and the Board can ratify the prior resolution for the Axon Sole Source, which was adopted on October 6, 2020 and approve the purchase of the additional body cameras in the amount of \$35,000.00. Alderman Gallagher made the motion to ratify the sole source resolution from Axon from October 6, 2020 and to authorize additional body cameras through Axon. 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 21st day of September, 2021.

A copy of the quote, master agreement, and October 6, 2020 resolution is attached and fully incorporated to these minutes.

RECOMMENDATION TO AWARD CE&I FOR THE GETWELL ROAD WIDENING PROJECT TO CIVIL-LINK, LLC

Whitney Choat-Cook, Director of Planning and Development, presented this item to the Board.

Mrs. Choat-Cook stated that the City received one proposal from Civil-Link, LLC. A selection committee process that included Mrs. Choat-Cook, Mayor Musselwhite, Edi McIlwain, and Andrea Mullen determined that Civil-Link, LLC was very qualified to do the work as they designed this project. Mrs. Choat-Cook stated that once the project is under full construction in March, they will be inspecting and ensuring that we are in compliance with OSHA and MDOT regulations. Mrs. Choat-Cook made the recommendation to award CE&I contract

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to Civil-Link, LLC. Alderman Flores made the motion to award CE&I to Civil-Link, LLC. Motion was seconded by Alderman Gallagher.
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 21st day of September, 2021.

A copy of the recommendation letter is attached to these minutes.

REQUEST TO ADVERTISE TO BID THE STATELINE/GETWELL CITY ENTRANCE MONUMENT SIGN

Whitney Choat-Cook, Director of Planning and Development, presented this item to the Board.

Mr. Choat-Cook stated that the City received the easement that was needed and they are now prepared to go to bid. The projected bid open date is October 29, 2021. Alderman Flores made the motion to advertise for bids. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

RESOLUTION TO APPOINT DEPUTY CLERKS

This resolution will appoint Elissa Prewitt, Sonya Pride and Alisha Ferguson as Deputy Clerks. The Board of Alderman considered the following resolution:

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPOINTING DEPUTY CLERKS

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 21-3-5 desires to appoint Deputy Clerks; and

WHEREAS, the Deputy Clerks handle or have the custody of public funds; and

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

3. The City hereby appoints the following as Deputy Clerks:
 - i. Sonya Pride
 - ii. Elissa Prewitt
 - iii. Alicia Ferguson
4. The Deputy Clerks' compensation shall be set at the budgeted amount.

Motion was made by Alderman Flores and seconded by Alderman Payne and the question being put to a roll call vote, 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 21st day of September, 2021.

PLANNING AGENDA

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

- Item #1 Application by Hazem Shoman for a Conditional Use Permit to allow a full service car wash to be located on lot 2 of the NECE Subdivision on the northeast corner of Church Road and Elmore Road

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to allow full service car wash to be located on the north side of Church Road, east of Elmore Road in the NECE subdivision. The site is located next to the hard corner which currently has a C-store situated on lot 1 of the subdivision. Lot 2 consists of

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1.62 acres of property with an existing shared access onto Church Road. A conditional use permit approval can be granted if a proposed development is conducive with the surrounding area. When reviewing the existing development around the site, staff found it to be commercial while also having a large area of single family residential which means this area has a good concentration of residents. A car wash is a service that follows nicely with heavy commercial areas and fits well with a high density populated area such as this. Mrs. Choat-Cook stated that additionally, they want to ensure that we are not placing this use in an area that is already being serviced or over serviced by existing carwashes. Staff did a window survey of the surrounding area and also measured out the distance from the closest carwash. The closest full service car wash is located at Church Road and WE Ross Pkwy which is nearly two miles west of this site. Staff believes that allowing this car wash will not saturate the area with this use and it is conducive to the area. Pending approval the applicant's next step will be to submit for formal site plan and design review approval. Staff recommends 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 Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE
PERMIT TO HAZEM SHOMON FOR FULL-SERVICE CAR WASH LOCATED AT
NORTH SIDE OF CHURCH ROAD AND EAST OF ELMORE, SOUTHAVEN,
MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on August 30, 2021 for the conditional use permit ("permit") application of Hazem Shomon (the "Applicant") for full-service car wash located at the North of Church Road and East of Elmore in the NECE Subdivision in Southaven, Mississippi; and

WHEREAS, Title XIII, Chapter 12, Section 13-12(m), requires a conditional use permits for car washes; 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

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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 a car wash located at the North of Church Road and East of Elmore in the NECE Subdivision, 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 Alderman Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman William Jerome	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 September, 2021.

CITY OF SOUTHAVEN, MISSISSIPPI

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

- Item #2 Application by Sobh Family Trust to rezone one acre of the Elmore Park Subdivision on the east side of Elmore Road, north of Jennings Drive from C-1 to C-3

Mrs. Choat-Cook stated that the applicant is requesting to rezone 1 acre of property on the east side of Elmore Road, north of Jennings Drive from Neighborhood Commercial to General Commercial. These two lots are platted

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under the Elmore Park Subdivision and both contain 0.5 acres of property. This site is currently under contract by the new Honda dealership. The intent of this space is solely for overflow parking and a secondary point of access shown to be gated. The property is adjacent to commercial uses and commercially zoned property. Per the comprehensive plan this area is set to be used for commercial projects which this rezoning would comply with. Staff must look at several concerns to determine if a rezoning of this property should be recommended. 1. The fact that the property is designed to be used for parking and green space only prevents any future commercial activity from being in close proximity to the 55+ development to the south. This type of use on the property provides a good transitional area between Goodman Road commercial and residential; 2. The request should be in line the character of the surrounding areas: North- Commercial South- Agricultural East- Agricultural West- Commercial The applicant has made it a point to only request rezoning this property for the overflow parking and green space. To further reiterate this use the applicant has provided the revision to the site plan which shows the design for this area. Staff can recommend approval of the rezoning with stipulations which are necessary for this application. There should be a heavy landscape tree line on the south and east side of the property where it is adjacent to the agricultural areas to ensure proper transition with future uses of those areas. The site plan shall be submitted to the building department to ensure the use is what has been approved and a stipulation of no building construction should be noted for this area. Since there are residences in the surrounding area there should be careful consideration about lighting. The future use of the large tracts of agricultural land will not be commercial but something that allows transition from the commercial to the residential zoning. Lighting for car dealerships can be very intrusive to the surrounding properties and that should not be the case for this area. The applicant will need to adjust the wattage, height, etc. for this area and submit for final review and acceptance. Mayor Musselwhite asked if there was anyone in the audience that would like to speak and there were none. Alderman Flores made the motion to approve the application by Sobh Family Trust. Motion was seconded by Alderman Gallagher.

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 21st day of September, 2021.

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

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- Item #3 Application by Sobh Family Trust to rezone 2.741 acres of the Rayburn Subdivision on the east side of Elmore Road, north of Jennings Drive from C-1 to C-3

Mrs. Choat-Cook stated that the applicant is requesting to rezone 2.741 acres of property on the east side of Elmore Road, north of Jennings Drive from Neighborhood Commercial to General Commercial. These two lots are platted under the Rayburn Subdivision. This site is currently under contract by the new Honda dealership. The intent of this space is solely for overflow parking and a secondary point of access shown to be gated. The property is adjacent to commercial uses and commercially zoned property. Per the comprehensive plan this area is set to be used for commercial projects which this rezoning would comply with. The applicant is requesting to rezone 2.741 acres of property on the east side of Elmore Road, north of Jennings Drive from Neighborhood Commercial to General Commercial. These two lots are platted under the Rayburn Subdivision. This site is currently under contract by the new Honda dealership. The intent of this space is solely for overflow parking and a secondary point of access shown to be gated. The property is adjacent to commercial uses and commercially zoned property. Per the comprehensive plan this area is set to be used for commercial projects which this rezoning would comply with. Mayor Musselwhite asked if there was anyone in the audience that would like to speak and there were none. Alderman Flores made the motion to approve the application by Sobh Family Trust. Motion was seconded by Alderman Gallagher.

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 21st day of September, 2021.

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

- Item #4 Application by Chuck Roberts to rezone 6.05 acres of the Bell Office Park Subdivision on the east side of Elmore Road, south of Jennings Drive from C-4 to C-3

Mrs. Choat-Cook stated that the applicant is requesting to rezone 6 acres of property on the east side of Elmore Road, south of Jennings Drive from Planned Commercial to General Commercial. This site is under contract by the new Honda dealership. The intent of this space is solely for overflow parking and green

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space/detention needed for the overall site. The property is adjacent to commercial uses and commercially zoned property along with a portion of Agricultural property to the east of the site. Per the comprehensive plan this area is set to be used for commercial/office projects which this rezoning would comply with that document. Staff must look at several concerns to determine if a rezoning of this property should be recommended. 1. The fact that the property is designed to be used for parking and green space ONLY prevents any future commercial activity from being in close proximity to the 55+ development to the southwest. This type of use on the property provides a good transitional area between Goodman Road commercial and residential; 2. The request should be in line the character of the surrounding areas: North- Commercial South- Agricultural East- Agricultural West- Commercial The applicant has made it a point to only request rezoning this property for the overflow parking and green space. To further reiterate this use the applicant has provided the revision to the site plan which shows the design for this area. Staff can recommend approval of the rezoning with stipulations which are necessary for this application. There should be a heavy landscape tree line on the south and east side of the property where it is adjacent to the agricultural areas to ensure proper transition with future uses of those areas. The site plan shall be submitted to the building department to ensure the use is what has been approved and a stipulation of no building construction should be noted for this area. Since there are residences in the surrounding area there should be careful consideration about lighting. The future use of the large tracts of agricultural land will not be commercial but something that allows transition from the commercial to the residential zoning. Lighting for car dealerships can be very intrusive to the surrounding properties and that should not be the case for this area. The applicant will need to adjust the wattage, height, etc. for this area and submit for final review and acceptance. Mayor Musselwhite asked if there was anyone in the audience that would like to speak and there were none. Alderman Flores made the motion to approve the application by Clyde Olin Bynum with noted stipulations. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

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

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MAYOR'S REPORT

Automated Meter Readers

Mayor Musselwhite reported that the automated meter readers are 82.5% complete. This will assist with determining water leaks and a citizen will only be charged for what they use.

Shows at Saucier Park

Mayor Musselwhite reminded everyone that they will be playing The Secret Lives of Pets at Saucier Park this Thursday and encouraged families to come out.

Guthrie Park

Mayor Musselwhite stated that there is not a sign denoting Guthrie Park. Mayor Musselwhite stated that Guthrie was developed by Howe Guthrie who passed away a few years ago and he made the recommendation to name the park Howe Guthrie Park and place a sign there in his memory. Alderman Flores made the motion to name the park Howe Guthrie Park and purchase a sign. 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	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

PERSONNEL DOCKET

Personnel

Docket

September 21,
2021

New Hires	Department	Position Title	Start Date	Rate of Pay
Ashley Hutson ***	Police	Police Officer 2	TBD	\$21.89

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*pending 1 pre-emp
screening
** pending 2 pre-emp
screenings

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Police				
Robin Grace	Police Officer 2	Police Officer 3	10/1/2021	\$23.68

Stipends	Type of Stipend	Effective Date	Yearly Amount
Police			
Whitney Gee	CIT	9/27/2021	\$600.00
Robin Grace	FTO	9/27/2021	\$600.00
Mary Hall	Training	9/27/2021	\$600.00
Mary Hall	FTO	9/27/2021	\$600.00
Victoria Jackson	CIT	9/22/2021	\$600.00
Neal Mitchell	CIT	9/22/2021	\$600.00
James Speights	CIT	9/27/2021	\$600.00
Dustin Whiteaker	Training	9/22/2021	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Jeremy Johnson	Fire	Fire Fighter 3	9/23/2021	\$16.38
Jonathan McClure	Utility	Operator	9/23/2021	\$17.28

Alderman Payne made the motion to approve the Personnel Docket of September 21, 2021 as presented to this Board. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

CITY ATTORNEY'S LEGAL UPDATE

Snowden Marquee

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Alderman Flores made the motion to remove and surplus the marquee at Snowden Grove Park. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

BCBS EMS BILLING

Mr. Manley stated that Chief Scallions is requesting that an adjustment to the EMS Billing to reflect what BCBS will cover and have this change become effective on October 1, 2021. There was some discussion among the Board as it relates to individual policies and patient responsibility. Alderman Hoots expressed concerns with cost for the patients. Mayor Musselwhite stated that the citizens are being charged a fair rate. Alderman Flores made the motion to approve the adjustment to the EMS Billing. 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	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

<u>02 Service</u>	<u>Current rate</u>	<u>New Rate</u>
<u>(BCBS)</u>		
BLS	\$400.00	\$525.00
ALS	\$500.00	
\$625.00		
ALS 2	\$650.00	
\$900.00		

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Mileage	\$9.50
\$12.00	
*Treatment	
Non-Transport	\$0 \$100.00

*The Treatment Non-Transport would be a new charge for SFD, but is already in place for all other Desoto County Services. In my conversation with our billing company (AMB), this would be covered by most insurance companies and would only be billed if the patient meets certain criteria. For the City, it could implement this charge for someone who calls three (3) or more times in a 30 day period that results in no transport, or if SFD treats a patient on a scene and give medications and then the patient decides to not be transported. This could help eliminate calls that burden City's services from callers that call frequently without having a necessary emergency.

BUTLER SNOW CONTRACT

Mr. Manley stated that this contract is with Butler Snow for legal services to be effective October 1st and reflects the compensation as set forth in the FY 2022 budget. Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the contract with Butler Snow. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

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

UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL LEAK ADJUSTMENT DOCKET 09/21/21

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
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JUDSON ROGERS	1600	SADDLE LANE	(170.80)	TOILET LEAK
TYRONE & ANGELA METCALF	1704	MADISON AVE	(82.96)	TOILET LEAK
GARY PERKINS	1299	RICHLAND DRIVE	(78.08)	TOILET LEAK
ANTHONY & LAUREN EMBRY	2631	BLUE RIDGE DR	(51.87)	POOL ADJUSTMENT
WILLIAMS CHAUNTAY	1574	GOLDEN OAKS LOOP	(32.11)	POOL ADJUSTMENT
KENNETH & DEON BROWN	1100	JEWELL DR	(128.44)	POOL ADJUSTMENT
WILLIAM MCCORY	950	BIRCHFIELD PL	(79.04)	POOL ADJUSTMENT
BENNINGTON EDITH	7784	ANDOVER COVE	(19.76)	POOL ADJUSTMENT
RONNIE COOPER	1575	EPPING FOREST DRIVE	(92.72)	LEAK ON IRRIGATION
RICHARD GWIN	7554	MILLBRANCH	(56.81)	POOL ADJUSTMENT
KENNETH & HELEN RHOADS	8590	CEDAR CIRCLE	(29.28)	TOILET LEAK
STEPHIE BARZON	1170	CLAIBORNE	(93.86)	POOL ADJUSTMENT
WANDA LUTHER	172	GUTHRIE	(34.16)	LEAK AT WASHER
CHARKITA PRIMER	50	STEFFANI	(112.24)	TOILET LEAK
BARRY AND REGINA GELORIMONE	3134	BRAMBLE CREST DR	(170.80)	TOILET LEAK
MICHAEL JOHNSON	8907	CHESTERFIELD	(51.87)	POOL ADJUSTMENT
GENE LEE	3973	SWINNEA	(161.04)	LEAK ADJUSTMENT
JIM CRADDOCK	730	DOGWOOD TRAIL CV	(112.24)	LEAK ADJUSTMENT
SHACK JASON & ANDREA	3174	JAMES ROBERT DR	(22.23)	POOL ADJUSTMENT
LATISE TATE	8391	LAKE SHORE DR	(66.69)	POOL ADJUSTMENT
KAREN MAZZONE	7666	LENNOX CV	(234.24)	TUB VALVE/KITCHEN DRAIN
KEITH SHAWN	911	VALLEY SPRINGS	(24.70)	POOL ADJUSTMENT
JOHN EVANS	1017	FARMINGTON DR N	(78.08)	WATER LINE/ FRONT YARD
STEVE DEATON	3635	STATELINE RD	(56.81)	POOL ADJUSTMENT
JASON GARNER	7490	ROUND TABLE DR	(673.44)	TOILET LEAK
SHARONDA DOBBINS	2605	HUNTERS POINTE	(138.88)	TOILET LEAK
ERBY SHELTON	835	SNOW PINE	(53.68)	TOILET LEAK
JAMES MAY	730	HALIFAX CV	(79.04)	POOL ADJUSTMENT
HARRY PHILLIPS	1615	STONEHEDGE DR	(326.04)	POOL ADJUSTMENT
SHERRI TANNER JONES	442	SOUTHWICK DR	(204.96)	TOILET LEAK
KENDRA GAY/FERNANDO MILLIGAN	968	PARHAM	(326.96)	TOILET LEAK

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		TOTAL	(3843.83)	
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A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of September 21, 2021 in the amount of \$3,843.83. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of September, 2021.

CLAIMS DOCKET-1

A motion was made by Alderman Payne to approve the Claims Docket of September 21, 2021 in the amount of \$1,903,762.92. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

366333,366334,366335,366352,366366,366451,366452,366453,
366454,366606,366624,366625,366626,366628,366629,366709,
366724,366908,366947,366965

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 21st day of September, 2021.

Alderman Flores recused himself and left the room.

CLAIMS DOCKET-2

A motion was made by Alderman Payne to approve the Special Claims Docket of September 21, 2021 in the amount of \$249.30. Motion was seconded by Alderman Gallagher.

Minutes, City of Southaven, Southaven, Mississippi

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	RECUSED

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 21st day of September, 2021.

Alderman Flores returned to the room.

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 Gallagher to adjourn. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously September 21, 2021 at 8:00 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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