

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
April 5, 2022
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: Special Meeting March 22, 2022
5. Resolution for Donation to Southaven Chamber
6. Contract/Quote with Tyler Technologies for Energov Software
7. MDOT Easement and Construction Agreement
8. Resolution to Clean Private Property
9. Planning Agenda: Item #1 Application by Focal Point Investments for subdivision approval to revise Plum Point Subdivision Lot 14
Item #2 Application by Hari Hotels for design review approval of a Fairfield Inn and Suites on lot 9 of Silo Square Commercial Subdivision
10. Mayor's Report
11. Personnel Docket
12. City Attorney's Legal Update
13. Utility Bill Adjustment Docket
14. Claims Dockets: Docket 1
Docket 2
15. Executive Session: Claims/Litigation for City Infrastructure and Police, Potential Purchase of Property by the City; City-wide Personnel; Economic Development

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

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MINUTES OF THE REGULAR MEETING OF April 5, 2022 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 5th day of April, 2022 at six o'clock (6:00) p.m. at City Hall.

Present were:

George Payne	Alderman At Large
Charlie Hoots	Alderman, Ward 2
William Jerome (By Teleconference)	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Absent were:

Kristian Kelly	Alderman, Ward 1
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Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately twenty (20) other people were present. Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Payne.

Next, a motion was made by Alderman Hoots to approve the minutes of the Special Meeting of March 22, 2022 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

RESOLUTION FOR DONATION TO SOUTHAVEN CHAMBER

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

Mr. Manley stated that this resolution will authorize a donation to the Southaven Chamber of the City Snowden Home on May 20, 2022 pursuant to Mississippi Code Section 21-19-44. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FOR LEASE DONATION OF SOUTHAVEN SNOWDEN HOME TO SOUTHAVEN CHAMBER OF COMMERCE AND VARIANCE FROM RENTAL POLICY

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WHEREAS, the City of Southaven ("City") pursuant to Mississippi Code Section 21-19-44 hereby desires to donate the City Snowden Home to the Southaven Chamber of Commerce ("Chamber") on May 20, 2022; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. Pursuant to Mississippi Code 21-19-44, the Governing Body of the City hereby donates the City Snowden Home to the Chamber on May 20, 2022.

SECTION 2. The City hereby grants the Chamber a variance from the City Rental Policy and allows alcohol to be served at the City Snowden Home on May 20, 2022 in accordance and restrictions under the City Rental Policy.

SECTION 3. On behalf of the City, the Mayor or his designee is directed to take all actions to effectuate this Resolution.

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

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: ABSENT
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 5th day of April, 2022.

CONTRACT / QUOTE WITH TYLER TECHNOLOGIES FOR ENERGGOV SOFTWARE

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

Mr. Manley stated that Energgov is software that integrates into the City Munis financial software that will replace MobileEyes, which is the software that the Building Inspectors are currently using. MobileEyes currently does not integrate into Munis, which requires some work by permit clerks to be duplicated in context of data entry into both systems. Energgov software will be used for City Building Department permitting, scheduling and tracking of inspections and internal code enforcement tracking to eliminate the shared Excel file that they are currently using. The fees for implementing and start-up services is \$73,995.00 that will be billed throughout the project as milestones are reached, not one invoice at completion. \$31,141.00 will be added to the annual City Tyler fees, which is paid quarterly. The software being purchased is needed for the actual service being provided; thus, the software is ancillary to the service provided by Tyler. Finally, there is a 50% deposit due for this service, but in accordance with recent AG Opinions, the City has the authority to pay in advance for purchase of software based on Tyler's history with the City and Tyler has sufficient capacity

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to perform the services. Since the software being purchased is needed for the actual service being provided and is ancillary to the service provided by Tyler and based on Tyler's history with the City and Tyler has sufficient capacity to perform the services, Alderman Payne made the motion to authorize Mayor Musselwhite or Michael Norris to sign the contract with Tyler Technologies for Energov and pay the deposit. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of April, 2022.

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

MDOT EASEMENT AND CONSTRUCTION AGREEMENT

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

Mr. Manley stated that this easement/construction agreement is for I55/Church/Goodman widening and improvements, which will be performed by MDOT. The Commission proposes to widen I-55 from south of Church Road to SR 302 (Goodman Road). Civil Link has reviewed the stationing referenced, and it matches the work areas necessary for the construction. As part of the project, the Commission will be responsible for maintaining all roadway, rights of way, and traffic control devices in accordance with the MDOT policies, rules and regulations for the duration of the project; acquire all right of way left and right of centerline as required by the plan; and be responsible for overseeing all utility adjustments. Alderman Payne made the motion to authorize Mayor Musselwhite to sign the MDOT easement and construction agreement. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 5th day of April, 2022.

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

RESOLUTION TO CLEAN PRIVATE PROPERTY

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

7857 Mary Payton Drive

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

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, April 5, 2022, 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, April 5, 2022, 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:

7857 Mary Payton 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,

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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 Gallagher. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	ABSENT
Alderman Charlie Hoots	YES
Alderman William Jerome	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 5th day of April 2022.

CITY OF SOUTHAVEN, MISSISSIPPI

PLANNING AGENDA

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

Item #1 Application by Focal Point Investments for subdivision approval to revise Plum Point Subdivision Lot 14

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval to revise Lot 14 of the Plum Point Villages Subdivision on the north side of Church Road, west of I-55. In May of 2021, the commission approved a revision to this particular lot which removed the existing Waffle House lot out of the remainder of the property and left 3.89 acres in a new lot 4a. The applicant is now wanting to further subdivide that 3.89 acres into two lots consisting of lot 14-b with 1.213 acres and lot 14-c with 2.67 acres. Both lots still have direct access off of Venture Drive and there is a small portion of lot 14-b which has a point of contact on Church Road but it is in the "no access" portion identified by MDOT. The front building setback lines have been identified on both the Venture Drive portion as well as the I-55 side. There are no proposed improvements shown for roadway on this application. The application submitted does comply with the regulations set forth in the zoning ordinance regarding commercial lots. Mrs. Choat-Cook stated that after speaking with the Fire Marshal, it is preferable to leave the option open to extend Venture Drive to the north past this property. Mrs. Choat-Cook added that this application will need to extend the ROW dedication area to their north property line. The city will not require a build out of the road at this time but would like to reserve the right in the future to extend if needed. Since this is a revision, the applicant will need to gain the signatures of all adjacent property

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owners prior to platting per subdivision regulations prior to recording. Alderman Payne made the motion to approve the application with comments by Focal Point Investments. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of April, 2022.

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

Item #2 Application by Hari Hotels for design review approval of a
Fairfield Inn and Suites on lot 9 of Silo Square Commercial
Subdivision

Alderman Wheeler recused himself and left the room.

Mrs. Choat-Cook stated that the applicant is requesting design review approval of a three story hotel to be located on Lot 9 of Silo Square Commercial Subdivision. Building elevations and landscaping plan was submitted. The applicant has worked with both staff and the Silo Square developer to ensure that the hotel follows the overall theme of the Silo Square area. The materials and color options are acceptable to staff and there is no comment. The landscaping design is compliant in size and materials but it somewhat basic. Staff recommends seasonal plantings be incorporated into the entryway areas as well as the ingress/egress areas on the private drive. Additionally, staff would like to see more detail for the courtyard areas on the south elevation (front of building). This should include ornamental shrub materials along with some seasonal plantings. Staff requests administrative approval for these revisions. The lighting for the site needs to be adjusted to match the specs shown for Silo Square. While the hotel site does have a need for security lighting, it is not recommended that it be utilized for the entire site so staff recommends using the acorn lighting along the front façade of the building in place of the standard lighting as well as portion of the parking lot where the entrance line has been enhanced. The remainder of the perimeter should match in height and style to the rest of Silo Square. The Planning Commission does not normally approve/deny signage for sites; however, in Silo Square there have been many variations of signs that do not conform to the zoning ordinance. This PUD was approved with these variations; therefore, they do comply and should be noted as compliant with this application including the blade signs shown. Alderman Flores made the motion to approve the design review with changes by Hari Hotels. Motion was seconded by Alderman Gallagher.

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 5th day of April, 2022.

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

Alderman Wheeler returned to the room.

MAYOR'S REPORT

Penny For Your Parks Update

Mayor Musselwhite stated that The City of Southaven experienced a huge win last week with the passage of SB 2512 which is a local and private bill that extended the 1% restaurant tourism tax, commonly referred to as "A Penny for Your Parks", for another 4 years until June 30, 2026.

Medical Marijuana Update

Mayor Musselwhite stated that the City of Southaven has been instrumental in providing some language to the state to amend the current medical marijuana law. The current law does not give cities zoning authority with dispensaries in commercial zones. Mayor Musselwhite stated that we are not sure if it will be amended, but the City has until May 2 to opt out. A decision will need to be made at the next meeting if the City will opt out or not. Mayor Musselwhite added that if you choose to opt back in, this can be done at any time.

Springfest 2022

Mayor Musselwhite stated that we will have our traditional Springfest April 19-23. The BankPlus Amphitheater is under renovation so there will not be live entertainment this time but everything else will go as planned.

May Boulevard Pedestrian Bridge Ribbon Cutting

Mayor Musselwhite announced that the May Boulevard Pedestrian Bridge grand opening and ribbon cutting will be Thursday, April 14 at 10:30.

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PERSONNEL DOCKET

Personnel Docket

April 5, 2022

New Hires	Department	Position Title	Start Date	Rate of Pay
Julian Bing	Parks	Seasonal	4/6/2023	\$10.00
* Preston Greer	Public Works	Operator	TBD	\$17.00
** Michael Hudspeth	Police	Police Officer I	4/18/2022	\$24.50
** Lee Sullivan	Police	Police Officer I	4/18/2022	\$24.50
** Cedric Vaughn	Police	Police Officer III	4/18/2022	\$26.50

*pending 1 pre-emp
screening

** pending 2 pre-emp
screenings

Re-Classification	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
<i>Police</i>				
Coty Barker	Police Officer I	Police Officer II	3/28/2022	\$25.50
Martice Buckley	Police Officer I	Police Officer II	3/28/2022	\$25.50
Conner Lewis	Police Officer I	Police Officer II	3/28/2022	\$25.50
Gerardo Venegas	Police Officer I	Police Officer II	3/28/2022	\$25.50
Glenn Alexander	Parks Grounds Crew	Parks Custodian	3/28/2022	\$14.28

Pay Adjustments	Classification	Department	Effective Date	Proposed Rate of
Robert Sims	Laborer	Public Works	4/11/2022	\$15.00
Connor Easley	Street Laborer I	Public Works	4/11/2022	\$15.00
Thaddeus Hawkins	Street Laborer II	Public Works	4/11/2022	\$15.50
Jessie Langaber	Street Laborer II	Public Works	4/11/2022	\$15.50
Kevin House	Laborer	Parks	4/11/2022	\$15.00
Christopher Schwartz	Laborer	Parks	4/11/2022	\$15.00
Coby Scott	Laborer	Parks	4/11/2022	\$15.00
Michael Brewer	Laborer	Parks	4/11/2022	\$15.00
Jamarcus Brown	Laborer II	Parks	4/11/2022	\$15.50
Benjamin				
McNaughton	Laborer II	Parks	4/11/2022	\$15.50
Dylan Stricker	Laborer II	Parks	4/11/2022	\$15.50
Adrian Stringer	Laborer II	Parks	4/11/2022	\$15.50
Avery White	Laborer II	Parks	4/11/2022	\$15.50
Grant Brokaw	Parks Lead Man	Parks	4/11/2022	\$16.00
Gary Gregg	Parks Lead Man	Parks	4/11/2022	\$16.00

Transfer	From Dept/Position	To Dept/Position	Effective	Proposed Rate of Pay
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Michael Morrow	Fire/Fire Fighter II	Police/Police Officer I	4/18/2022	24.50
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Oath of Office

Emergency
Communications
Gracie Goldsby

Not Hired	Department	Current Position Title	Effective Date	Rate of Pay
William Buck	Public Works	Mechanic	3/22/2022	\$13.50

Parks Tournaments

New Hires	Position Title	Start Date	Rate of Pay
Elizabeth Creel	Gates	4/6/2022	\$9.75
Reagan Dale	Concessions	4/6/2022	\$9.50
Brennan Hodges	Concessions	4/6/2022	\$9.50
Hayden Hodges	Grounds	4/6/2022	\$9.50
Delaney Howell	Concessions	4/6/2022	\$9.50
Camila Lara	Concessions	4/9/2022	\$9.50
Isabel Lara	Concessions	4/9/2022	\$9.50
Kristen McVay	Gates	4/6/2022	\$9.75
Timothy McVey	Gates	4/6/2022	\$9.75
Carlos Shannon	Concessions	4/6/2022	\$9.50
Luke Sorrells	Grounds	4/6/2022	\$9.50
Ray Stacy	Gates	4/6/2022	\$9.75

Alderman Payne made the motion to approve the Personnel Docket of April 5, 2022 as presented to this Board. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of April, 2022.

CITY ATTORNEY'S LEGAL UPDATE

No legal Update

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UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL LEAK ADJUSTMENT DOCKET 04/05/22

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

NAME	HOUSE #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
CHARLES RANGLES	3758	TANYA WAY	(268.40)	HOLE IN BRASS FITTING
JAY MELLOTT	7726	ANNESDALE	(82.96)	TREE ROOT BROKE LINE
JENNIE RICHARDSON	1038	STARLANDING	(77.12)	FROZEN PIPE
BERNADINE HULETTE	8805	SWEET FLAG LOOP	(161.04)	LEAK AT METER
CHRISTY WILSON	2239	LEGENDS DR	(131.76)	TOILET LEAK
MICHELLE KELLY	7419	OVERLOOK	(141.52)	REPLACED WATER LINES
SOUTHCREST LAKE	155	ROSEMARY #3	(4938.56)	BROKEN WATER LINE
KATHRYN JAMES	5761	BEDFORD LOOP E	(448.96)	TOILET LEAK
JAMES THREATT	7398	HUNTERS HOLLOW COVE	(151.28)	LEAK UNDER SINK
RENITA MILTON	1965	PADDOCK LN	(24.40)	SLAB LEAK
TOTAL			(6426.00)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of April 5, 2022 in the amount of \$6,426.00. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 5th day of April, 2022.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of April 5, 2022 in the amount of \$1,714,831.14. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

376193,376257,376335,376385,376398,376428,376432,376455,376465,376518,376622,376709,376790,376836,376897

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 5th day of April, 2022.

SPECIAL CLAIMS DOCKET

Alderman Hoots recused himself and left the room.

Alderman Payne made the motion to approve the Special Claims Docket of April 5, 2022 in the amount of \$17,001.28. Motion was seconded by Alderman Flores.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 5th day of April, 2022.

Alderman Hoots returned to the room.

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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 Hoots to adjourn. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously April 5, 2022 at 7:10 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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