

Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
February 21, 2023
6:00 PM
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: February 7, 2023
5. Resolution for Free Port Warehouse Tax Exemption for NovEx Supply Chain, LLC
6. SPD Agreement with DLG Learning Center
7. Contract with AmeriGas, LP
8. SPD License with Axon Enterprise, Inc.
9. Resolution for Amending of City of Southaven Ordinance Title X, Chapter 1, Section 10-13
10. Resolution for City Wrecker Rotation
11. SFD Contract with Stryker
12. Planning Agenda: Item #1 Application by Joshua Mallory for a Conditional Use Permit to allow a full-service spa at 9023 Millbranch Road
Item #2 Application by SMJ Enterprises for a Planned Unit Development- Top of 'Sip for 16 acres on the west side of Snowden Lane, north of May Blvd.
Item #3 Application by AERC, PLLC for a Planned Unit Development- Crossover for 12 acres on the west side of Snowden Lane, north of May Blvd.
13. Mayor's Report
14. Personnel Docket
15. City Attorney's Legal Update
16. Utilities Billing Leak Adjustment Docket
17. Claims Dockets: Docket 1
Docket 2
18. Executive Session: SPD Personnel; Discussion of Litigation and Prospective Litigation in Accordance with Miss. Code 25-41-7(4)(b); Economic Development (Possible Business Locating to City); Interdepartmental Personnel with No Action

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

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MINUTES OF THE REGULAR MEETING OF February 21, 2023 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 February, 2023 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 thirty (30) 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 Regular Meeting of February 7, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

RESOLUTION FOR FREEPORT WAREHOUSE TAX EXEMPTION FOR NOVEX SUPPLY CHAIN, LLC

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

Mr. Manley stated that this resolution will authorize a free port tax exemption for those goods in transit from NovEx Supply. It has been approved by Desoto County and recommended by the Desoto Council. 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, GRANTING FREE PORT WAREHOUSE AD VALOREM TAX EXEMPTION TO NOVEX SUPPLY CHAIN, LLCAS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, NovEx Supply Chain, LLC ("Chain") seeks an exemption from ad valorem taxes at its warehouse operation located at 1085 Stateline Road East, Ste. 100, Southaven, Mississippi to the fullest extent permitted by statute on all personal property held in the applicant's finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the

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territory of the State of Mississippi or is consigned or transferred to Chain's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

WHEREAS, Chain has filed an Application with the City of Southaven ("City") for exemption from free port tax warehouse ad valorem tax exemption; and

WHEREAS, Chain has produced written verification and documentation to the City Board as to the authenticity and correctness of its Application; and

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

1. That Chain ships personal property to a final destination outside the State of Mississippi during the calendar year.
2. That Chain is qualified to make application for exemption from Freeport Warehouse Ad Valorem Tax.
3. This Mayor and Board of Alderman of the City of Southaven, Mississippi, acknowledge Chain's contribution to the economic development of Southaven and believe that it should exercise its discretionary authority to exempt from all free port taxes to the full extent permitted by statute all personal property held in Chain's free port warehouse and in transit through this State and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Chain's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi as authorized by Section 27-31-51 et seq. of the Mississippi Code (1972) as amended.
4. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Tax Assessor of DeSoto County, Mississippi.

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After a full discussion of this matter, ALDERMAN Flores moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Wheeler. Upon the question being put to a vote, Members of the Board of Aldermen voted 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 February, 2023.

A copy of the Freeport Warehouse Application is attached and fully incorporated into these minutes.

SPD AGREEMENT WITH DLG LEARNING CENTER

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

Mr. Manley stated that DLG Learning Center will provide training for the SPD Supervisors. The total training cost will be \$6,045.00 yearly but it is not in a contract and the SPD is given the option to renew yearly. The DLG Learning Center Terms of Service Non-Disclosure Agreement, which must be completed online by the SPD for registration is attached. After approval, Chief Moore or his designee will complete the form online as part of the registration. Alderman Hoots made the motion to approve the agreement with DLG Learning Center. 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 21st day of February, 2023.

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

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CONTRACT WITH AMERIGAS, LP

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

Mr. Manley stated that this agreement will authorize an account to be established with AmeriGas for the City Utility Building on Dorchester. The agreement is for the leasing of a propane tank in the amount of \$82.50 per year. Alderman Gallagher made the motion to approve the agreement with AmeriGas. 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 February, 2023.

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

SPD LICENSE WITH AXON ENTERPRISE, INC.

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

Mr. Manley stated that as part of the Axon Sole Source Body Cameras, the SPD is requesting a three-year contract (the Master Service Agreement with Axon will govern) with Axon for four (4) Evidence.com Pro Licenses. The cost for the three year use of the license is \$5,353.56. These additional pro licenses, which are ancillary to service provided, allow supervisors to audit randomly selected body camera and in-car videos for quality and compliance. With the number of videos in in the SPD system, these licenses will help reduce the burden on only one or two people keeping up with what is called the “performance” application of the software. Monitoring auto-generated, randomly selected videos ensures that we are utilizing the body camera resource efficiently and assists in discussions that will lead to providing better law enforcement services to the community. After noting the software and license are ancillary to the service provided and noting the prior sole source purchase from Axon, Alderman Payne made the motion to approve the agreement with Axon Enterprise, Inc. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
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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 February, 2023.

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

RESOLUTION FOR AMENDING OF CITY OF SOUTHAVEN ORDINANCE TITLE X, CHAPTER 1, SECTION 10-13

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

Mr. Manley stated that previously, the City leased the amphitheater to third parties, which allowed for those entities to enforce a no firearm restriction. However, as has been discussed, the City will now control the amphitheater and as part of the operations of the amphitheater, it is recommended that firearms be prohibited during concerts, as alcohol will be present and the City will provide armed police for protection. Pursuant to Miss. Code 45-9-53(f), the City Governing Authorities may regulate the carrying of a firearm at a public park; thus, this ordinance will specifically prohibit firearms inside of the amphitheater. The ordinance does not prohibit firearms on any other property owned by the City. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES TITLE X, CHAPTER 1,
SECTION 10-13**

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

WHEREAS, pursuant to Miss. Code 21-17-5, the City Governing Authorities have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi; and

WHEREAS, pursuant to Miss. Code 45-9-53(f), the City Governing Authorities may regulate the carrying of a firearm at a public park; and

WHEREAS, the City Governing Authorities may lawfully prohibit enhanced concealed carry permit holders from possessing firearms in public parks; and

WHEREAS, the City Governing Authorities declare the City Amphitheater as a public park; and

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WHEREAS, the City Governing Authorities have previously acted in accordance with Senate Bill 2924, Local and Private Legislation (2013) (allowing for the City to sell naming rights of park buildings and structures) by selling the naming rights of the City Amphitheater; thus, further solidifying the City's declaration of the City Amphitheater as a public park; and

WHEREAS, the City Police will be present at each event at the City Amphitheater; thus, providing protection and law enforcement for the attendees; and

WHEREAS, alcohol will be present at the City Amphitheater, and the City Governing Authorities find that there is an increase for potential danger with firearms when alcohol is being consumed; and

WHEREAS, the City Board desires to amend Title X, Chapter 1, Section 10-13.

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 ORDINANCES, TITLE X, CHAPTER 1, SECTION 10-13 BE AMENDED AS FOLLOWS:

Section 10-13 Firearms - Possession of firearms prohibited at a public park.

(a) It shall be unlawful for any person, other than sworn law enforcement officers or those who have otherwise received a permit from the chief of police for a specific legitimate public safety related purpose, to carry or possess a firearm at a City of Southaven Public Park.

(b) For purposes of this Section 10-13, a City of Southaven Public Park shall be defined as and specifically be limited to inside the gates of the City of Southaven Amphitheater.

BE IT ORDERED in order to ensure that no circumstances jeopardizing the health and safety of the community arise prior to the ordinary effective date of this ordinance, the Mayor and Board of Aldermen do hereby order and declare that this ordinance shall be and is hereby effective from and after its passage on the date set forth below in order to assist with the immediate preservation of the public peace, health, and safety of the citizens of the City of Southaven. Passage of this Ordinance is now official and the same shall take effect immediately pursuant to Miss. Code Ann. Section 21-13-11 and be in force as provided by law.

The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was made by Aldermen Wheeler to adopt the Ordinance, and said motion was seconded by Aldermen Payne, with the vote thereon having the following results:

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

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The foregoing Ordinance was passed, adopted, and approved on the 21st day of February, 2023.

RESOLUTION FOR CITY WRECKER ROTATION

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

Mr. Manley stated that in accordance with the City Wrecker Rotation Policy, the SPD has provided those entities which have met the requirements for the rotation and use, on an as needed basis, by the SPD for towing services for 2023. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI ESTABLISHING THE 2023 WRECKER ROTATION FOR THE CITY OF SOUTHAVEN

WHEREAS, the City of Southaven ("City") previously adopted the City Police Wrecker Rotation Policy ("Policy"); and

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

WHEREAS, pursuant to the City Policy, the City desires to affirm the recommendation of the City Police for the 2023 wrecker rotation for the City; and

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

1. The City Board hereby affirms and approves the recommendation of the City Police Chief and Deputy Chief for the City Police one-year wrecker rotation for 2023 as set forth in Exhibit A.
2. The Mayor, Chief of Police or Deputy Chief of Police are hereby authorized and directed to take all actions, as set forth in the Policy, needed to effectuate the intent of this Resolution.

Following the reading of the foregoing resolution, Alderman Hoots 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:

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

RESOLVED AND DONE, this 21st day of February, 2023.

A copy of the wrecker rotation list is attached and fully incorporated into these minutes.

SFD CONTRACT WITH STRYKER

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

Mr. Manley stated that this contract is a maintenance contract renewal for a three (3) year period of service and repairs for the City’s ambulance power-load stretchers and loading systems. The costs for the service for repair over the 3 year is \$57,951.00, which is paid over the course of the contract and based on the finding that Stryker has the financial capacity and experience to perform the services, the SFD may pay prior to services rendered. Alderman Gallagher made the motion to approve the contract with Stryker. 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 February, 2023.

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

PLANNING AGENDA

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

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Item #1 Application by Joshua Mallory for a Conditional Use Permit to allow a full-service spa at 9023 Millbranch Road

Mrs. Choat-Cook stated that this applicant is requesting a conditional use permit for a full service spa to be located at 9023 Millbranch Road. Per the business plan, the owner will be offering services including manicures/pedicures, haircuts/colors/treatments, facials, waxing, wig fittings, eyelashes and eyebrows. This location is situated in an existing retail strip center in the West End District of the city. The Board of Alderman recently revised this ordinance to allow for a maximum of two (2) spas within the ½ distance area in an effort to ease the concerns of business owners wishing to locate in the city. That being said, staff did a window survey to determine the distance compliance. The closet full service spa would be The Spa, located on the north side of Stateline Road, east of Hwy. 51, which is out of the ½ radius range. There are no other full service spas in the vicinity of this address. Mrs. Choat-Cook stated that the applicant has met the requirements for the conditional use and staff recommends approval of a one (1) year 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 JOSHUA MALLORY FOR FULL-SERVICE SPA LOCATED
AT 9023 MILLBRANCH ROAD IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on October 24, 2022 for the conditional use permit ("permit") application of Joshua Mallory, (the "Applicant") for full service spa located at 9023 Millbranch Road in Southaven, Mississippi; and

WHEREAS, Title XIII, Chapter 12, Section 13-12(m), Chart 4 Commercial Zone Districts requires a conditional use permits for full-service spa; 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

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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, the City Board grants a permit to the Applicant for full-service spa located at 9023 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 Jerome. 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 February, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

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

Item #2 Application by SMJ Enterprises for a Planned Unit Development- Top of 'Sip for 16 acres on the west side of Snowden Lane, north of May Blvd.

Mrs. Choat-Cook stated that the applicant is requesting to rezone 15.79 acres south of Goodman Road on the west side of Snowden Lane from C-4 to PUD. The applicant submitted the following criteria:

Areas A: Consists of 4.44 acres and it located at the north end of the site. The PUD shows this area for proposed office use and “limited retail” uses. The text does not itemize the uses for this area so the classification for the permitted establishments are shown to fall under the standard Office “O” zoning set forth in the city of Southaven zoning ordinance. The master plan

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proposes three spec buildings with 16,500 sq. ft. each. Two of which are located along the linear frontage of Snowden Lane and the third in the rear of the site (west end) next to the existing wet detention pond. Two points of access are shown in the area, one at the northern end of the overall site and the second point, which is shared with area B. The shared access is being proposed as a roundabout incorporated into the ROW of Snowden Lane. The bulk regulations shown provide standard design except for the front setback which is proposed at fifteen (15) feet for this area which pushes the buildings closer to the roads allowing for better screening of parking on the interior of the site.

Area B: Consists of 11.39 acres and takes on the remainder of the property located just south of Area A. The text identifies this area for entertainment and retail uses with the underlying zoning or C-4 uses with the exclusion of:

- a. Automobile dealerships, new and use
- b. Automobile rental office
- c. Big box retail
- d. Car Wash
- e. Contractor storage yard
- f. Dry cleaning, full service
- g. Funeral home
- h. Motor vehicle repair
- i. Greenhouse nursery
- j. Laundry, self service
- k. Pet grooming shop without open kennel
- l. Radio tower

The master plan shows a small entertainment venue with a stage located at the south end of the site surrounded with two 18,400 square foot retail buildings. A courtyard area has also been shown in this portion to allow for outdoor seating at the venue. Additional design shows a restaurant/retail area in the center and two 6,240 sq. ft. retail buildings along Snowden Lane. Along with the shared access described, there are also two more access points into the site. The bulk regulations for this area show a fifty foot setback for the front which is standard, but the master plan still maintains the parking on the interior of the site and a frontage road with landscaping along the Snowden Lane frontage. The overall height proposed in this area has a maximum of 65' which is above standard height in the area but normal for the area of Snowden District.

There is no on site detention shown in the master plan. Twelve (12) foot pedestrian trails allow for circulations between the two areas along the detention pond area at the west end. Additional sidewalks area shown along Snowden Lane with a typical section shown a fifteen (15) foot landscape area with an eleven (11) foot utility width and a five (5) foot sidewalk directly next to the road way. Snowden Lane shows a sixty (60) foot ROW total with thirty (30) feet existing ROW on the west side. There is direct access to Getwell Road from an existing recorded ROW shown between this property and the Crossover property directly south of this site.

Staff Final Recommendations:

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1. The applicant has noted in the text that this site is conducive to a hotel in conjunction with the entertainment area. Staff has expressed concerns to the Board of Alderman about the number of hotels coming into the area and the demand for such a use. While staff is not totally against this option, it should be added as a use with conditions which need to be met prior to approval.

The Board of Alderman is in the process of amending the ordinance to require hotels in all zones to go through a conditional use permit process and must submit: 1) identification on the SRT scales; 2) market research study showing the supply/demand for the Southaven area; and 3) expiration of CUP's after two years if no dirt has been turned. These stipulations should be added to this PUD; 2. The typical section for Snowden Lane needs to be adjusted to match the city's design which includes three lanes and a ten foot wide multi-use trail on the west side. Staff has spoken with the designer and the changes will be made and inserted into the book. 3. Staff likes the roundabout idea; however, it is on both sides of the ROW center line which means that this proposal will need to be coordinated with the city in design and must be approved independently from this project, which staff can address with the Board of Alderman. Once approved, the applicant will work through the city for installation; 4. Staff appreciates the overall parking concept which does not allow for any parking along the Snowden Lane right of way. 5. Staff would like confirmation that the existing detention pond is sufficient in size to meet the demands of this project; 6. In addition to the exclusions stated in the PUD text for the commercial uses on this property staff would like to extend that list to include: a. Restaurants with drive thru facilities; b. Retail strip with 4-8 tenants; c. Wholesale merchandising. Staff is acceptable to the overall design of the property including a small scale entertainment venue with open air seating which is something we do not currently have in this area. The amount of office space proposed allows that parking to be used in an overlapping fashion for the night life events which helps reduce the mass parking lot areas that we see throughout cities. Mrs. Choat-Cook stated that staff recommends approval with the above stated comments/revisions/stipulations. Alderman Wheeler made the motion to approve the application with comments/revisions/stipulations by SMJ Enterprises. 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 February, 2023.

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

Item #3 Application by AERC, PLLC for a Planned Unit Development-Crossover for 12 acres on the west side of Snowden Lane, north of May Blvd.

Mrs. Choat-Cook stated that the applicant is requesting to rezone 12 acres between Getwell Road and Snowden Lane, north of May Blvd. from Planned Commercial (C-4) to Planned Unit development. This area includes mixed use office/commercial/residential and multifamily lofts and flats.

The following criteria has been submitted:

Buildings A and B: These are two large footprint buildings which have the highest visibility on Getwell Road. Building A is shown as a one-story mixed-use building encompassing 23,000 sq. ft. with an angled entry point and a loading dock on the rear. There is no residential component with this building. Building B is proposed as a three-story mixed-use building with commercial and office on the bottom two floors and a roof top bar on the third floor. The total estimated square footage is proposed at 32,960 sq. ft. and it also features an angled entry point which matches building A and helps orient the building features to the roadway between. Buildings C1/C2 and D1/D2: As you carry into the site from Getwell Road, these two buildings are situated next to buildings A and B and run perpendicular to Getwell Road with a "main street" design between them much like Silo Square on May Blvd. They are shown to be two stories with commercial/office on the bottom floor and residential lofts on the second floor. The two smaller buildings are separated via a breezeway area. The PUD text shows a total of 9,872 sq. ft. of commercial space for each pair of buildings and 56 lofts. Each of these buildings has available parking on the front for retail customers and rear access parking for the residents as well as overflow parking for shopping if necessary. The loft parking requires 56 stalls while the commercial portion of the building has a 1:300 spacing which calculates to 32 stalls per set of buildings. The lofts in this area are all proposed as one bedroom with approximately 645 (930) heated square feet per unit. The final mixed-use building sits parallel to Getwell Road at the end of the main street. It is shown as a two-story building with the frontage on the west side first floor having commercial/office use and the second floor with lofts. The rear of this building is solid residential lofts, and it faces a massive courtyard area where the remaining buildings shown have a solid residential design. This building proposes 9,000 sq. ft. of commercial with 42 one-bedroom lofts 903 heated square foot minimum. The parking for the commercial customers is situated along the frontage of the building and the north and south sides while the residential tenants have covered parking and gated access parking. Buildings H and J are identical to each other and are situated on the north and south sides of the residential courtyard. These buildings are proposed to be four stories with two story walk-up flats stacked on top of each other. Both flats would have a porch stoop area and private covered parking along with rear

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yard green space. Additionally, these residential spaces have rooftop patio areas for leisure and green space activities. Both buildings show 16 units for a total of 32 units and a minimum heated square footage of 1,800 sq. ft. Building I has frontage along Snowden Lane and is shown as a three story loft building. There are 54 lots shown with 950 sq. ft. each, which is similar to the Silo Square footprint. A roof top patio is also shown with this building along with the covered parking for the residents. Overflow and guest parking for this area along with buildings I and J are shown directly off of Snowden Lane. Building G1/G2 is a commercial tenant building designed primarily for a restaurant on the hard northwest corner of May Blvd and Snowden Lane. A portion of the building allows for mixed use which faces May Blvd. Parking for this site is shown behind the buildings to allow the spaces to be prominent at the street. The site has linear frontage on both Getwell Road and Snowden Lane. The applicant is showing the main entrance to the overall site midway along the Getwell Road frontage which is designed with a boulevard style entrance and a roundabout. The drive carries further into the site with diagonal parking along the mixed-use buildings on each side and ends with a second round about just before it goes into the all residential portion of the development. A second point of access is shown off Getwell Road on the north boundary line of the site, which captures a part of the existing dedicated right of way that was recorded with the development due north of the site. This road will be a shared road between the two developments with accessibility to both. Two points of access are shown off Snowden Lane which allows for primary circulation around the residential areas and access to the restaurant area at the south end. There are two drives into the corner lot via May Blvd. The public road shown off of Getwell at the north end of the property has been designed to carry into the development beyond building A and then stop and turn north which will allow for cross access between this development and the one north of it. The commercial amenities for both of the above areas are meant to create a liveable/walkable area for the residents in this development while also not creating major competition with Silo Square. The applicant shows commercial uses in the PUD as: 1. Yoga/pilates studios 2. Specialty food shops 3. Exercise and health/fitness businesses 4. Jewelry shops 5. Barber shops (only) 6. Hardware store 7. Sporting goods store 8. Artisan shops 9. Office space 10. Higher end bar and dining 11. Microbrewery 12. Pizzeria There is a large amount of open space shown on site. The unusable open space mainly occurs in the heavily landscaped roundabouts and boulevard shown on the main roadway. Other greenspace captured in the design are areas in the parking lots where medians and grass strip areas separate and space the stalls, streetscapes shown on both Getwell Road and Snowden Lane and buffer areas around the buildings. The recreational green space is shown in the courtyard area of the residential portion. This large space incorporates an elevated pool facility, frisbee golf area, putting area, etc. for the sole use of the residential tenants of those buildings located around the area. The applicant has requested some allowances in the text that go against the bulk regulations set forth in the ordinance including: 1. Maximum building height being increased from 40' to 60' 2. Yard setbacks be decreased to allow the buildings to be situated up close to the road; 3. Bufferyard requirements for minor roads and side setbacks be decreased to maximize the lot; 4. Parking

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for studio/one bedrooms be decreased from two stalls to one stall with the idea that the retail parking will allow for the surplus at nighttime.

Questions and concerns by staff: -Improvements to Snowden Lane required which will include the widening and a multi-use trail. Staff has sent the typical section and OPC to the applicant for their information. The designer has incorporated the necessary width along Snowden Lane for the construction. It is preferred that the applicant provide payment in lieu of so that the city can do all of the improvements to the road at one time. The city will take on the east side while this development and the development under proposal to the north will take on the west side. -Remove one of the drives off of May Blvd. too many and too close for small lot -Define "mixed use" for the single-story building A. Is this building broken up into tenant spaces? (Applicant believes this to be a single tenant space one story only) -Silos one bedroom design has a minimum 950 heated square feet and this one proposes a 645 heated square footage for the buildings C and D which is significantly smaller. The applicant will need to make adjustments and increase the heated square footage to mimic the Silo Square single bedroom concept. (Applicant has adjusted the minimum square footage to 930') - Parking ratios have been calculated on the master plan and show that the minimums have been met by the applicant. There is not a lot of room to expand the overflow parking unless the site concedes to the removal of open space which staff feels like is essential to the overall development. The residential areas have a good amount of restricted and gated access which alleviates a lot of staff's concern with the parking. The applicant, per the text has requested that the studio/one bedrooms to have a minimum of one parking stall to aid in compliance of the overall site. Staff is agreeable to the overall design and mixture of uses on the site. It is important to understand the overall design theme of the project and reviewing the concepts from the designer it is clear that this project is taking on an entirely different theme than Silo Square which tends to be a more traditional look, this project takes on a modern appeal. Each building or set of buildings will be required to submit for design approval at the appropriate time. This application also provides a new product to the market with the walk ups which is something more than a standard loft and less than a single family dwelling. The roof top patio and rain gardens also bring an element to this design which has not been used elsewhere and helps differentiate this site from the successful Silo Square. These differences create another all-inclusive development to the market for a population that may not want to be in the nightlife themed area. Staff believes this project to be yet another asset to the Snowden District area. Mrs. Choat-Cook stated that the applicant addressed all concerns and questions above and staff recommends approval.

Alderman Wheeler made the motion to open the floor for discussion. Motion was seconded by Alderman Flores.

Board members expressed concerns with the look of apartments located in the development. Mrs. Choat-Cook stated that it was the same design that was approved at Silo Square. Mrs. Choat-Cook also stated that there will be underground parking located under the buildings. Mrs. Choat-Cook stated

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that what is being presented is the conceptual design and the will have to come back before the Board for approval.

Next, the Board of Alderman heard from Doug Thornton AERC, PLLC and he gave a brief description of the development. After hearing from Mr. Thornton, Alderman Wheeler made the motion to approve the application by AERC, PLLC. 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 February, 2023.

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

MAYOR'S REPORT

Streets Update

Mayor Musselwhite reported that the City is aware of the potholes caused by the recent bad weather and the Public Works Department is prepared to make those repairs. Mayor Musselwhite added that the street resurfacing schedule is set to resume as soon as the weather gets better and everyone will see turn around soon.

I-55 Widening Project

Mayor Musselwhite stated that this project will mitigate the worst traffic congestion problem in our city involving a city-maintained street/road. This project also produces tremendous economic opportunity. Mayor Musselwhite stated that Phase 1 is from Goodman to Church Road changing four lanes to five and the interchange at Church Road will be reworked expanding lanes and adding a loop on the southeast quadrant. The project will cost \$124 million. Mayor Musselwhite stated that Governor Reeves announced that with the \$1.4 billion in infrastructure federal funding, he is making recommendations to the legislature on how these projects are allocated and the I-55 Widening project was the first that he mentioned. Mayor Musselwhite stated that this is not a guarantee as legislature will have

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to allocate those funds, but feels strongly that the City will get the project started.

Traffic

Mayor Musselwhite stated that Southaven is one of the fastest growing cities in the southeastern part of the United States and as a result the City is steadily studying the traffic grids. Mayor Musselwhite reported that the City has an extensive traffic grid improvement plan to widen and extend roads contingent upon funding. The first project that is funded is the Getwell Road south widening project. This project will widen Getwell Rd south of Church Rd to Star Landing Rd from two lanes to five lanes, including a median for improved safety and new signals at College Rd and Star Landing Rd. Mayor Musselwhite stated that the City has applied for MPO funding and the project will cost \$14 million. Construction of this project officially begins on March 1 with an estimated two-year timeframe for completion.

Softball Tournament

Mayor Musselwhite stated that the City has tried for years to expand the softball program by building an indoor training facility and installed artificial turf on all of the infields and foul lines at Greenbrook. Mayor Musselwhite stated that they have been trying to get the tournament participation up at Greenbrook and the good news is that there are 52 teams participating in the tournament this coming weekend.

PERSONNEL DOCKET

Personnel Docket

February 21,
2023

New Hires	Department	Position Title	Start Date	Rate of Pay
Latarius Carr	Utility	Sewer Technician	2/22/2023	\$16.50
Joseph Barbour	Police	Police Officer 1	3/7/2023	\$24.99
Re-Hire	Department	Position Title	Start Date	Rate of Pay
Luke Sorrells	Parks	Laborer II	TBD	\$15.97
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
<i>Emergency Communication</i>				
Paige Hibbler	Dispatch 1	Dispatch 2	3/1/2023	\$24.50
Stipends	Department	Stipend	Effective Date	Stipend Rate
John Haynes	Fire	Haz-Mat	2/2/2023	\$22.22

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Re-Classification	Department	Position	Effective Date	New Rate of Pay
Jonathan Lucy	Planning	Bldg Inspector I	2/28/2023	\$22.00
Oath of Office				
Police				
Dylan Dever	Gervis Kendrick			
Dondrell Franklin	Patrick Wiggins			
Emergency Communications				
Terrye Canady				
Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Zachary Greenbaum	Police	Police Officer I	12/9/2022	\$24.99
Antoris Patty	Fire	Fire Fighter 2	2/27/2023	\$17.77
Preston Greer	Public Works	Street Operator I	2/8/2023	\$17.51
Sidney Jackson	Public Works	Tractor Operator	2/8/2023	\$16.00
Parks Tournaments				
New Hires	Position Title	Start Date	Rate of Pay	Payroll Supervisor
Derrill A Argo III	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Adam DeClue	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Adison Kahler	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Alinda A Hannigan	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Andrew Bowen	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Anna Marie Cross	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Blake Witherspoon	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Christopher Barron	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Christopher Gaston JR	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Colletta Jane Cross	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Faith Ryan	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Jamal Wallace	Concession	2/22/2023	\$9.50	Elizabeth Robinson
James Peyton Waldrip	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Jordyn Pegram	Concession	2/22/2023	\$10.25	Elizabeth Robinson

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Kamryn Day	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Katherine Grace Austin	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Khamani Holmes	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Landon E Parker	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Lane Neely	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Lawson Bills	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Leland Craig	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Pamela Barron	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Sara Armstrong	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Sheila Cross	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Ta'darius Taylor	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Tavion Jackson	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Trinity Lyons	Concession	2/22/2023	\$9.50	Elizabeth Robinson
Shelia Sowell	Gift Shop	2/22/2023	\$9.50	Elizabeth Robinson
Jayda Scott	Gift Shop	2/22/2023	\$9.50	Elizabeth Robinson
Jessica Neely	Gift Shop	2/23/2023	\$9.50	Elizabeth Robinson
Shandy R. Perry	Gift Shop	2/22/2023	\$9.50	Elizabeth Robinson
Dominque L Robinson	Gates	2/22/2023	\$9.75	John Lyons
Abigail Johnston	Gates	2/22/2023	\$9.75	John Lyons
Anna Grace Waldrip	Gates	2/22/2023	\$9.75	John Lyons
Maddison Ridgway	Gates	2/22/2023	\$9.75	John Lyons
Melissa Simms	Gates	2/22/2023	\$9.75	John Lyons
Toya Gronke	Gates	2/22/2023	\$9.75	John Lyons
Promotions/Status change	Position Title	Start Date	New Rate of Pay	Payroll Supervisor
Janice Cole	Concession Supervisor	2/22/2023	\$11.25	Elizabeth Robinson
Gage Fulwood	Concession Supervisor	2/22/2023	\$11.25	Elizabeth Robinson
Brayden Parrish	Concession Supervisor	2/22/2023	\$11.25	Elizabeth Robinson

Alderman Payne made the motion to approve the Personnel Docket of February 21, 2023 as presented to this Board. Motion was seconded by Alderman Hoots.

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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 February, 2023.

CITY ATTORNEY’S LEGAL UPDATE

No Legal Update

UTILITY BILL ADJUSTMENT DOCKET

UTILITIES BILL LEAK ADJUSTMENT DOCKET 02/21/2023						
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.						
	COMM /RES.	NAME	HOU SE #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
1	RESIDENTIAL	CHARLES YONKERS	1720	GEORGE PL	(304.20)	MAIN WATER LINE BREAK /FRONT YARD
2	RESIDENTIAL	KEVIN PATRICK	1831	VICKSBURG	(520.65)	TOILET LEAK
3	RESIDENTIAL	GLADYS CARROLL	4718	DERBY DR	(590.48)	TOILET LEAK
4	RESIDENTIAL	ALBERT GIVENS	4538	SWEET FLAG LOOP	(287.92)	MAIN LINE BROKE TO HOUSE UNDER FLOWER BED
5	RESIDENTIAL	JENNIFER GORDON	814	HACKBERRY	(868.16)	TREE ROOT DAMAGED WATER LINE
6	RESIDENTIAL	LEIGH ANN HARRISON	17	BELISLE DR	(351.36)	TOILET LEAK
7	RESIDENTIAL	ALL STAR	8217	ELMBROOK	(322.08)	HOT WATER HEATER/TOILET LEAK
8	RESIDENTIAL	JOHNNY JACKSON	7085	TIMBER TRAIL	(87.84)	SHOWER LEAK
9	RESIDENTIAL	SHAUNDER CHILLIS	3310	HILL VALLEY LN	(253.99)	TOILET LEAK
10	RESIDENTIAL	JAMES CRAWFORD	8950	DEER CREEK CV	(70.20)	LEAK UNDER SLAB
11	RESIDENTIAL	WARREN WILSON	1345	MAIN ST	(58.56)	TOILET LEAK

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Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of February 21, 2022 in the amount of \$22,169.94. 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 21st day of February, 2023.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of February 21, 2023 in the amount of \$3,584,972.06. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

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 February, 2023.

Alderman Hoots recused himself and left the room.

A motion was made by Alderman Payne to approve the Special Claims Docket of February 21, 2023 in the amount of \$23,023.94. Motion was seconded by Alderman Jerome.

Roll call was as follows:

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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 February, 2023.

Alderman Hoots returned to the room.

EXECUTIVE SESSION

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

A motion was made by Alderman Flores to authorize the Mayor to sign the engagement letter with Carroll Warren & Parker, PLLC for municipal growth consultation along with any resulting annexation litigation or court proceedings, if any. The motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Gallagher to adjourn. Motion was seconded by Alderman Wheeler. Motion was put to a vote and passed unanimously February 21, 2023 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.