

Minutes, City of Southaven, Southaven, Mississippi



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

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: March 7, 2023
5. Resolution for Purchase of Golf Carts by Parks Department
6. MOU with the Horn Lake Creek Drainage District
7. MOU Between Southaven Fire Department and Mississippi Office of Homeland Security Task Force
8. Resolution for Desoto Economic Council Salute to Industry
9. Contract with Cummins Generator
10. Amendment to City Employee Handbook
11. Award of Bid for City Neighborhood Parks Improvements
12. Resolution for Change Order for BankPlus Amphitheater
13. Resolution for Personal Property Tax Exemption for Intuitive Surgical, Inc.
14. Ratification of Emergency Services by Parks Department
15. Approval to Seek Bids for Southaven Police Department Fencing Project
16. Resolution for Unpaid Sanitation Fees
17. Request for Variance from City Facility Use Policy
18. Planning Agenda: Item #1 Application by TITi, LLC for a Conditional Use Permit to allow a full service spa to be located at 6890 Elmore Road
19. Mayor's Report
20. Personnel Docket
21. City Attorney's Legal Update
22. Utilities Billing Leak Adjustment Docket
23. Claims Docket
24. Executive Session: Economic Development (Industry/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 MARCH 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 March, 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
Raymond Flores	Alderman, Ward 6

Absent were:

John David Wheeler	Alderman, Ward 5
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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 Regular Meeting of March 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 PURCHASE OF GOLF CARTS BY PARKS DEPARTMENT

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

Mr. Manley stated that this resolution will authorize the City Parks Department to purchase twenty (20) golf carts for park operations. Currently, the state contract amount for 20 golf carts from Ladds is \$159,486.40; however, Ladds is willing to provide the same 20 carts to the City in the amount of \$135,198.40, which is a savings of \$24,288.00. Thus, in accordance with Miss. Code 31-7-12, the City Board can authorize the purchase without competitive bids as the amount is less than the state contract price for the same golf cart. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION FOR PURCHASE BY CITY OF SOUTHAVEN PARKS DEPARTMENT IN ACCORDANCE WITH MISSISSIPPI CODE SECTION 31-7-12

WHEREAS, the City of Southaven ("City") Parks Department needs twenty (20) golf carts for park operations and City Golf Course; and

WHEREAS, Ladd's is the vendor for golf carts under the current state contract for golf carts in the amount of \$7,811.32 per cart; and

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WHEREAS, Ladd's has offered the identical golf cart to the City Parks Department in the amount of \$6,759.22 per cart; and

WHEREAS, the City Parks Department desires to purchase the twenty (20) golf carts from Ladd's in the amount of \$6,729.22 per cart as the decrease in price will be save the City citizens money; and

NOW THEREFORE BE IT RESOLVED:

1. In accordance with Mississippi Code 31-7-12(2), the City Parks Department may purchase twenty (20) golf carts for \$6,729.22 per golf cart in the total amount of \$135,198.40 from Ladd's as the golf carts are the identical and less expensive than those on the State of Mississippi without obtaining or advertising for competitive bids.

2. The Mayor, City Parks Director, or their designee or authorized to take any and all action to effectuate the intent of this Resolution.

After a full discussion of this matter, ALDERMAN Flores moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Payne. 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 George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: ABSENT
Alderman Raymond Flores	voted: YES
Alderman Charlie Hoots	voted: YES

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

MOU WITH THE HORN LAKE CREEK DRAINAGE DISTRICT

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

Mr. Manley stated that at the March 7 meeting, the Board authorized and accepted the NRCS Grant for the Horn Lake Creek Bridge/Slope Stabilization Project in the amount of \$667,678.50. As part of the project, the City estimated costs are \$667,678.50. The MOU notes that the Horn Lake Creek Drainage District will fund up to 50% of the difference of the total cost of the project less the combined NRCS grant (\$667,678.50) and equal Southaven match (\$667,678.50) to a maximum of \$250,000.00 for work performed outside the roadway right-of-way as the Horn Lake Creek Drainage District is not allowed to pay for work within an existing roadway right-of-way. The current project total estimate of \$1,800,000 less the combined NRCS/Southaven amount of \$1,335,357.00, that leaves a balance to be funded of \$464,643.00, of which the District has agree to pay 50%, or \$232,321.50, but in event costs exceed the estimate, the District's contribution will not exceed \$250,000.00. Alderman Hoots made the motion

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to approve the MOU with the Horn Lake Creek Drainage District. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

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

MOU BETWEEN SOUTHAVEN FIRE DEPARTMENT AND MISSISSIPPI OFFICE OF HOMELAND SECURITY TASK FORCE

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

Mr. Manley stated that this MOU is a renewal between the MS Office of Homeland Security/Task Force and the Southaven Fire Department, which outlines the responsibilities for each agency as participants in training and emergency deployments. The task force was formed after September 11, 2001 and the provisions of this MOU apply only to Task Force activities performed at the request of the MOHS, provided at the option of the Participating Agency, and in conjunction with, or in preparation of, a declaration from the Governor of Mississippi for a disaster or emergency and upon activation of the Mississippi Task Force (MTF). Alderman Hoots made the motion to approve the MOU renewal. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

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

RESOLUTION FOR DESOTO ECONOMIC COUNCIL SALUTE TO INDUSTRY

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

Mr. Manley stated that this resolution will authorize a donation to the Desoto Economic Council Salute to Industry Event in accordance with Miss. Code Pursuant to Mississippi Code 21-19-44 and Local and Private Legislation Chapter 938 HB 1618. 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 DONATION TO THE DESOTO COUNTY ECONOMIC DEVELOPMENT COUNCIL SALUTE TO INDUSTRY

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 21-19-44 and Local and Private Legislation Chapter 938 HB 1618, desires to make a donation to the Desoto County Economic Development Council Salute to Industry ("Council") for the purpose of promoting the Council and promoting the City; and

WHEREAS, the City desires to donate the Seven Hundred Dollars and 00/100 (\$700.00) to further those purposes previously set forth.

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 and Local and Private Legislation Chapter 938 HB 1618, the Governing Body of the City hereby donates \$700.00 to the Council for the purpose of promoting the Council and promoting the City.

SECTION 2. On behalf of the City, the Mayor or his designee is authorized to take all actions to effectuate the intent of this Resolution.

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

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

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

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CONTRACT WITH CUMMINS GENERATOR

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

Mr. Manley stated that this contract with Cummins has been revised to reflect Mississippi law for governmental entities and authorizes Cummins to provide routine and regularly scheduled maintenance for the all the City's generators. The total amount is \$39,353.27 per year and is recommended by Dylan Brink, Facilities Director. Alderman Payne made the motion to authorize Mayor Musselwhite or Dylan Brink to sign the contract with Cummins. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

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

AMENDMENT TO CITY HANDBOOK

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

Mr. Manley stated that as a MDOT sub recipient, the City must comply with Title VI of the Civil Rights Act of 1964; dealing with discrimination in public accommodations of agencies/governments receiving federal funding. The City previously adopted a Title VII policy, but it appears that a Title VI policy was not created and adopted at the time. Thus, this amendment will adopt a Title VI policy, which prohibits discrimination on the basis of race, color or national origin in federally assisted programs. The intent of the law is to ensure that all persons, regardless of their race, color or national origin, are allowed to participate in federally funded programs. Alderman Flores made the motion to approve the handbook amendment. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

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

AWARD OF BID FOR CITY NEIGHBORHOOD PARKS IMPROVEMENTS

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

Mr. Manley stated that previously, in accordance with Miss. Code 31-7-13, the City solicited bids for the neighborhood parks improvements. The bids came in below the budget and Civil Link is recommending Murphy and Sons as the low bidder in the amount of \$2,834,002.13. In addition, as part of the bid, Civil Link is recommending award of all the work, including the extras that were added, which is at or a little below the original budget. Alderman Hoots made the motion to award the bid to Murphy & Sons and authorize Mayor Musselwhite or his designee to take any and all action to effectuate the intent of the resolution. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

A copy of the recommendation letter and bid tabulation are attached and fully incorporated into these minutes.

RESOLUTION FOR CHANGE ORDER FOR BANKPLUS AMPHITHEATER

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

Mr. Manley stated that this change order in the amount of \$58,416.14 is for the signage/way-finding signs and stainless steel in commissary required by City Building and Fire Departments and electrical for the video boards and light poles required by City Facilities Department. After hearing from Mr. Manley, 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 APPROVING CHANGE ORDER FOR BANKPLUS AMPHITHEATER

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for the renovation of the BankPlus Amphitheater ("Project") whereby Murphy and Sons was the lowest and best bid; and

WHEREAS, it has been recommended and required by City Safety Personnel that signage and/or way-finding signs; stainless steel in commissary electrical for the video boards, and light poles, all as set forth in Exhibit A, be included in the Project; and

WHEREAS, based on the recommendation of the City Project Manager, Urban Arch, the City desires to proceed with the suggested requirements as set forth above and in more detail in Exhibit A and pursuant to Mississippi Code 31-7-13(g) finds that the Change Order for the Project is necessary and better serves the purpose of the City and the change order will be done in a commercially reasonable manner and is not being done to circumvent the public purchasing statutes; and

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

1. Pursuant to Mississippi Code 31-7-13(g), the Change for the Project is not a new undertaking or outside the original scope of the contract and is commercially reasonable and not being done to circumvent the public purchasing statutes, the City Board approves the Change Order in the amount of \$58,416.14.
2. The Mayor is authorized to sign the Change Order and he or his designee are authorized to take all actions to effectuate the intent of this Resolution.

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

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

ORDERED AND DONE, this 21st day of March, 2023.

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

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RESOLUTION FOR PERSON PROPERTY TAX EXEMPTION FOR INTUITIVE SURGICAL, INC.

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

Mr. Manley stated that this resolution will authorize personal property tax exemption and is recommended by the Desoto Economic Council in the amount of \$3,197,472.00 for a period of five (5) years. 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 EXEMPTION FROM PERSONAL PROPERTY AD VALOREM TAXES TO INTUITIVE SURGICAL, INC. FOR A FIVE-YEAR PERIOD PURSUANT TO 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, Intuitive Surgical, Inc. ("Intuitive") located at 710 Venture Drive, Ste. 300, Southaven, Mississippi filed with the City of Southaven ("City") for exemption from personal ad valorem taxation; and

WHEREAS, Intuitive has produced written verification and documentation to the City as to the authenticity and correctness of its Application in regard to the true value of the prayed for exemption and the completion date of said expanded enterprise; and

WHEREAS, the City Board finds as a fact that the property described in the aforesaid Application constitutes an expanded enterprise, which was completed on August 31, 2022 and that Intuitive is entitled to the exemption sought for a period of five (5) years for personal property in the amount of \$3,197,142.00 beginning on the 1st day of January, 2023, subject to approval and certification by the Mississippi Department of Revenue.

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

1. Based on Intuitive expanded enterprise providing fifty (50) new jobs and service to the City and Desoto County, the application for ad valorem tax exemption for Intuitive for five (5) years for personal property in the amount of \$3,197,142.00 beginning the 1st day of January, 2023 on the property described in the Application filed by Intuitive be and the same is hereby approved.

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2. That Intuitive is hereby granted a tax exemption on personal property ad valorem taxes, except school district, parks and library taxes and the State mandated County levies, for personal property in the amount of \$3,197,142.00 for five (5) years beginning January 1, 2023.
3. 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 Mississippi Department of Revenue for its approval and certification; and, that upon approval of this Application by the Mississippi Department of Revenue and the issuance of its certificate of approval, the Board of Alderman shall enter a Final Order on its minutes granting the exemption; and said Clerk shall also forward one (1) certified copy to the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the personal property as itemized in the Application has been placed on the appropriate tax roll as "Non-Taxable", except for school district, parks and library taxes and the "mandated levies" for the duration of the exemption period only.

After a full discussion of this matter, Alderman Flores moved that the foregoing Resolution be adopted. The motion was seconded by Alderman Payne. 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 George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: ABSENT
Alderman Raymond Flores	voted: YES
Alderman Charlie Hoots	voted: YES

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

A copy of the guidelines for business incentive is attached and fully incorporated into these minutes.

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RATIFICATION OF EMERGENCY SERVICES BY PARKS DEPARTMENT

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

Mr. Manley stated that due to the ice issues and subsequent tornado watch/warning with high winds, there was damage to several trees along the walking path at Snowden. Based on the damage, the City Parks Department was uncomfortable taking the time for a second quote as many people walk under these trees daily; thus, the City Parks Department contracted with Addison Tree Care under an emergency basis to cut damaged/dead branches in these areas. The cost of this service was \$6,900.00. 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 RATIFICATION OF EMERGENCY SERVICES BY PARKS DEPARTMENT

WHEREAS, the City of Southaven ("City") pursuant to Mississippi Code Section 31-7-13(k) hereby ratifies the emergency services performed by Addison Tree Care for the removal of trees along the Snowden Grove Walking Trail, which were damaged from the ice storm and such trees needed to be removed due to the subsequent threat of tornadoes in the City; and

WHEREAS, the tree removal was needed as the delay would be detrimental to the interest of the City as such falling trees could danger citizens and/or property; and

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

SECTION 3. Pursuant to Mississippi Code 31-7-13(k) and based on the recommendation of the City's Parks Director and reasoning set forth above, the City Board ratifies the services performed by Addison Tree Care in the amount of \$6,900.00 as set forth in Exhibit A.

SECTION 4. On behalf of the City, the Mayor or his designee is authorized to take all actions 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 Payne seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

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

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

EXHIBIT A

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A copy of the proposal / invoice is attached and fully incorporated into these minutes.

APPROVAL TO SEEK BIDS FOR SOUTHAVEN POLICE DEPARTMENT FENCING PROJECT

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

Mr. Manley stated that the City Facilities Department has completed the specifications and requirements for this fencing project around the SPD and now needs approval to seek bids. Once bids are received, the recommendation for the lowest and best bid will be presented to the Board. Alderman Gallagher made the motion to authorize advertising for bids. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

RESOLUTION FOR UNPAID SANITATION FEES

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

Mr. Manley stated that this resolution will authorize the City to add the costs to the car tag or place a lien on property for those individuals who have not paid the monthly sanitation fees. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION FOR ASSESSING UNPAID SANITATION FEES

WHEREAS, pursuant to Mississippi Code 21-19-1, the City of Southaven ("City") operates and maintains a garbage and rubbish collection system; and

WHEREAS, pursuant to Mississippi Code 21-19-2 and the City ordinances, the City previously implemented a \$12.00 per month sanitation fee to defray the cost for the operating and maintaining of the garbage and rubbish collection system; and

WHEREAS, despite correspondence requesting that certain City residents pay the sanitation fee, the residents listed at the properties on Exhibit A have failed to pay the sanitation fee; and

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WHEREAS, the individuals for the properties in Exhibit A were provided correspondence for an opportunity for a hearing City Board Meetings regarding the delinquent assessments and chose not to attend the hearing; and

WHEREAS, the City desires to collect the sanitation fees from the individuals and in the amount as set forth in Exhibit A; and

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

1. Pursuant to Mississippi Code 21-19-2, the City Public Works Director and his staff are authorized to notify the Desoto County Tax Collector of the unpaid fees for those residents as set forth in Exhibit A. Upon receipt of the residents and addresses as set forth in Exhibit A from the City, the Desoto County Tax Collector shall not issue or renew a motor vehicle road and bridge privilege license for the motor vehicle owned by those individuals, unless such fees or charges, in addition to any other taxes or fees assessed against the motor vehicle, are paid.

2. In lieu of filing the assessments with the Desoto County Tax Collector, the City, pursuant to Mississippi Code 21-19-2, may file a lien on the property offered the sanitation service.

3. The Mayor, City Public Works Director and any of their designees are authorized to take any and all action to effectuate the intent of this Resolution.

After a full discussion of this matter, ALDERMAN Payne moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Kelly. 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 George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: ABSENT
Alderman Raymond Flores	voted: YES
Alderman Charlie Hoots	voted: YES

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

A list of addresses with unpaid sanitation fees is attached and fully incorporated into these minutes.

REQUEST FOR VARIANCE FROM CITY FACILITY USE POLICY

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

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Mr. Manley stated that the Southaven Chamber of Commerce and Southaven Young Professionals Group are hosting a murder mystery event on May 12, 2023 at the Snowden House from 5:00 to 9:00 and will serve alcohol, which requires approval from the Board. The approval is recommended by the City Parks Department. Alderman Flores made the motion to approve the request for variance. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

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

PLANNING AGENDA

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

Item #1 Application by TiTi, LLC for a Conditional Use Permit to allow a full service spa to be located at 6890 Elmore Road

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a full service spa at 6890 Elmore Road on the east side of Elmore Road, south of Goodman Road. The proposal allows for a larger tenant space, approximately 3,700 sq. ft. that supports smaller privately owned businesses to locate within a shared space. Each tenant has a cosmetology background and license so the allowance for a spa keeps the overall space in compliance with the ordinance. Per the application there will be hair services, nails, massage therapy, skincare, teeth whitening, etc. All of which fall under amenities of a spa. Mrs. Choat-Cook stated that 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. Staff did a window survey to determine the distance compliance. There was a full service establishment just west of this location within the stated distance which was approved as Bombay Spa; however, there are no other spas in the stated distance vicinity. Mrs. Choat-Cook stated that the applicant has met the requirements for the conditional use; therefore, staff recommends approval of a one (1) year permit with a

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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 LEE TRUONG FOR FULL-SERVICE SPA LOCATED AT 6890 ELMORE
ROAD IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on February 27, 2023 for the conditional use permit ("permit") application of TITI, LLC, (the "Applicant") for full service spa located at 6890 Elmore 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

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 6890 Elmore 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 Flores and seconded by Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Minutes, City of Southaven, Southaven, Mississippi

Alderman William Jerome	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John Wheeler	ABSENT
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 March, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

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

MAYOR'S REPORT

Mayor Musselwhite presented the following proclamation celebrating the 50th anniversary of Northpoint Christian School, formerly known as Southern Baptist Educational Center, and proclaiming April 1, 2023 as NCS Day in Southaven:



*Office of the Mayor
Southaven, Mississippi*

PROCLAMATION

WHEREAS, ten Southern Baptist churches had a vision in 1973 to establish a different kind of school where prayer was an essential component of school life and biblical principles were implemented as part of the curriculum; and

WHEREAS, on April 1, 1973, that vision became a reality when the Southern Baptist Education Center, hereinafter known as SBEC was organized and dedicated to the glory of God; and

WHEREAS, in 1974, SBEC not only established its first campus on Tulane Road in Memphis, Shelby County, Tennessee, but also had 24 students in its first graduating class; and

WHEREAS, in August, 1988, SBEC relocated to its current facility which is situated on 61 acres in the heart of Southaven, Desoto County, Mississippi; and

WHEREAS, in August, 2013, SBEC changed its name to Northpoint Christian School to better reflect the school's mission and values so that they would be more deeply ingrained into the culture and language of the school, to point children in the right direction, to help them find their true north. The school hereinafter is known as Northpoint Christian School or NCS; and

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WHEREAS, the number of students has consistently grown to where the total enrollment is 1074 of the best students in the Mid-South area; and

WHEREAS, NCS offers an academic curriculum of the highest order through which students consistently score above the national average on all student achievement tests and the ACT; and

WHEREAS, NCS provides a variety of co-curricular activities including student government, drama and theatre arts, chorus, band, honor clubs, and over 30 athletic teams for men and women in thirteen interscholastic sports and an extensive intramural program for lower school students; and

WHEREAS, NCS is celebrating fifty years of fulfilling its mission of equipping the next generation by assisting the home and church in pursuit of a Christ-centered work and life view, achieved through the highest quality, Biblically-based academic and co-academic instruction.

NOW, THEREFORE, I, Darren Musselwhite, by the authority vested in me as Mayor of the City of Southaven, Mississippi, hereby proclaim April 1, 2023 as:

NCS DAY

in Southaven, and urge all citizens to join me in congratulating Northpoint Christian School and wishing them continued success in achieving their mission.

Sales Tax Revenue Update

Mayor Musselwhite reported that the budget for sales tax in 2022 was \$18 million and it finished at \$18.5 million. The City is on pace right now to finish 2023 at \$18.9 million.

Tourism Tax Update

Mayor Musselwhite reported that tourism tax in 2022 finished at \$2.9 million and on pace right now to be \$3.69 million. Mayor Musselwhite stated that the numbers to date are looking great.

PERSONNEL DOCKET

Personnel Docket

March 21,
2023

New Hires	Department	Position Title	Start Date	Rate of Pay
Jaime Mease	Court	Deputy Court Clerk I	3/27/2023	\$16.19
Markesse Archie	Police	Police Officer 1	TBD	\$24.99
Zarrious Moore	Police	Police Officer 1	3/22/2023	\$24.99
Marcus Scott	Parks	Laborer I	TBD	\$15.45
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Police				
Ditavion Nash	Police Officer 1	Police Officer 2	3/27/2023	\$26.01
Janet Montoya	Police Officer 1	Police Officer 2	3/27/2023	\$26.01

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Devin Perry	Police Officer 1	Police Officer 2	3/27/2023	\$26.01
Christian Richardson	Police Officer 1	Police Officer 2	3/27/2023	\$26.01
Jessica Smith	Police Officer 1	Police Officer 2	3/27/2023	\$26.01
Christian Walker	Police Officer 1	Police Officer 2	3/27/2023	\$26.01
Brandon McLean	Police Officer 4	Sergeant	3/27/2023	\$30.60

Re-Classification	Department	Position	Effective Date	New Rate of Pay
Jonathon Hester	Fire	FF II/Paramedic	3/14/2023	\$18.73

Oath of Office	
Police	Court
Joseph Barbour	Kenneth Stockton

Pay Adjustment	Department	Position	Effective Date	New Rate of Pay
Robert Booth	Public Works	Director	4/1/2023	\$105,000 annually

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Connor Witherspoon	Parks	Laborer I	3/13/2023	\$15.45
Curtis Plumley	Parks	Laborer I	3/30/2023	\$15.45
Neal Mitchell Jr.	Police	Police Officer 4	3/17/2023	\$28.97

Parks Tournaments

New Hires	Position Title	Start Date	Rate of Pay
Chakyla Brooks	Concessions	3/22/2023	\$9.50
Emma Leonard	Concessions	3/22/2023	\$9.50
Hannah Schwartz	Concessions	3/22/2023	\$9.50
Eli Smith	Concessions	3/22/2023	\$9.50
Angela McAllister	Gates	3/22/2023	\$9.75
Tamari McAllister	Gates	3/22/2023	\$9.75

Promotions/Status change	Position Title	Start Date	New Rate of Pay
Madison Ashford	Supervisor Concessions	3/22/2023	\$10.25
Madison Cole	Supervisor Concessions	3/22/2023	\$10.25

Resignations/Terminations	Position Title	Effective Date	New Rate of Pay
Samuel Arton	Grounds Crew	3/14/2023	\$9.50
Elijah Abernathy	Grounds Crew	3/14/2023	\$9.50
Connor Fought	Grounds Crew	3/14/2023	\$9.50

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Brock Garey	Grounds Crew	3/14/2023	\$9.50
Hayden Hodges	Grounds Crew	3/14/2023	\$9.50
Harrison Ivy	Grounds Crew	3/14/2023	\$9.50
Zayne Mereles	Grounds Crew	3/14/2023	\$9.50
Jadelldrien Maggett	Seasonal	3/14/2023	\$10.00
Jaylon Sanders	Seasonal	3/14/2023	\$10.00
Tennesson Jordan	Cook	3/22/2023	\$10.25
	Tennis		
Kagan Church	Concessions	3/22/2023	\$10.25
Christopher Gaston Jr.	Concessions	3/22/2023	\$9.50
Delaney Howell	Concessions	3/22/2023	\$9.50
Josh King	Concessions	3/22/2023	\$9.50
Madison Monaghan	Concessions	3/22/2023	\$9.50
Gracie Oakes	Concessions	3/22/2023	\$9.50
Regan Oakes	Concessions	3/22/2023	\$9.50
Omya Yanezz	Concessions	3/22/2023	\$9.50
	Supervisor		
Towery McNeil	Concessions	3/22/2023	\$10.25

Alderman Payne made the motion to approve the Personnel Docket of March 21, 2023 as presented to this Board. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

CITY ATTORNEY'S LEGAL UPDATE

Gold Strike for BankPlus Amphitheater Contract

This contract states that GST agrees to purchase the right to use boxes 209,210, 211, and 212 for all events performed at the amphitheater through December 31, 2023 at a cost of \$6,800 per box. GST agreed to pay \$27,000 within fifteen days after the final execution of this agreement. Alderman Flores made the motion to approve the contract with Goldstrike. Motion was seconded by Alderman Payne.

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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

Sole Source Zoll Medical Corporation / Parks Department

Mr. Manley stated that this resolution is for the Sole Source Purchase of Defibrillators for the BankPlus Amphitheater. The purchase amount is \$9,405.18 and the sole source letter and quote are attached. 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 RATIFICATION OF EMERGENCY SERVICES BY PARKS DEPARTMENT

WHEREAS, the City of Southaven ("City") pursuant to Mississippi Code Section 31-7-13(k) hereby ratifies the emergency services performed by Addison Tree Care for the removal of trees along the Snowden Grove Walking Trail, which were damaged from the ice storm and such trees needed to be removed due to the subsequent threat of tornados in the City; and

WHEREAS, the tree removal was needed as the delay would be detrimental to the interest of the City as such falling trees could danger citizens and/or property; 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 31-7-13(k) and based on the recommendation of the City's Parks Director and reasoning set forth above, the City Board ratifies the services performed by Addison Tree Care in the amount of \$6,900.00 as set forth in Exhibit A.

SECTION 2. On behalf of the City, the Mayor or his designee is authorized to take all actions 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 Payne seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

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

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

UTILITY BILL ADJUSTMENT DOCKET

UTILITIES BILL LEAK

ADJUSTMENT DOCKET 03/21/2023

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

	COMM/ RES.	NAME	HOU SE #	STREET	ADJUSTE D AMOUNT	REASON FOR LEAK ADJUSTMENT
1	RESIDEN TIAL	JENNIFER REAUME	1355	MOSS POINT DR	(538.20)	MAIN LINE LEAK UNDER HOUSE
2	RESIDEN TIAL	MADLINE RIVERA	41	TORBROOK CV	(397.80)	MAIN LINE LEAK
3	RESIDEN TIAL	SHIRLEY DALE	6945	KINGS ROW DR	(239.85)	COPPER LINE DAMAGED UNDER HOUSE
4	RESIDEN TIAL	DENISA YOUNG	8167	JAMESBROO K	(105.30)	TOILET LEAK
5	RESIDEN TIAL	SHIRLEY SARTOR	8156	ELMWOOD	(1058.85)	LEAK AT MAIN SERVICE LINE
6	RESIDEN TIAL	LISA PRICE	8288	GREENBROO K PKWY	(93.60)	BATHTUB FAUCETS
7	RESIDEN TIAL	SHAQUANA MOORE	2700	MARIAH LN	(99.45)	TOILET LEAK
8	RESIDEN TIAL	LARRY FORTNER	5440	PEAR DR	(181.44)	LEAK UNDER SLAB AND BEHIND WALL/ FLOOR
9	COMME RCIAL	SPRINGFIELD BAPTIST	8770	HWY 51 N	(746.10)	COPPER LINE LEAK TO BAPTISMAL POOL
10	COMME RCIAL	SANDY'S AUTO REPAIR	1759	VETERANS DR	(231.10)	BUSTED FAUCET IN SHOP AREA
11	RESIDEN TIAL	EDDIE & DIXIE ALDRIDGE	668	OLD FORGE RD	(318.21)	WATER LINE TO REFRIGERATOR
12	COMME RCIAL	LEN KO	1305	CHURCH RD	(762.68)	FROZEN PIPE BUSTED
13	RESIDEN TIAL	BROOKLYN SNELL	2286	ASHLAND DR	(484.41)	FROZEN PIPE BUSTED
14	RESIDEN TIAL	SYLVIA TELLO	4740	DUSTIN PLACE DR	(204.75)	TOILET LEAK
15	RESIDEN TIAL	KENYA JOHNSON	5631	HIDDEN POINTE DR	(81.90)	TOILET LEAK
16	RESIDEN TIAL	CASSANDRA MAXWELL	8324	BARBERRY PL	(87.75)	MAIN WATER LINE BREAK
17	RESIDEN TIAL	LINDA DETERING	4405	BLOOMBURY	(134.55)	2 TOILET LEAKS
18	RESIDEN TIAL	STEPHEN GROSS	7240	COUNTRY OAKS	(684.45)	WATER LINE FROZE IN ATTIC AND BATHROOM
19	RESIDEN TIAL	JAKIAYAH SMALL	2556	DARLENE DT	(280.80)	LEAK AT MAIN WATER LINE
20	COMME RCIAL	C&M BUILDERS INC	2247	STATELINE RD	(1720.46)	REPAIRED 2" WATER LINE

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2	RESIDEN	PATRICK SLAY	1686	CUSTER	(257.40)	BROKEN PVC ELBOW AT MAIN
1	TIAL					WATER LINE
2	RESIDEN	RAYMOND		GARDEN		
2	TIAL	GARR	5825	WALK E	(87.75)	TOILET/SHOWER LEAK
2	RESIDEN			TICONDEROG		
3	TIAL	ALLSTAR MGMT	1611	A	(304.23)	BUSTED PIPE IN ATTIC
2	RESIDEN					
4	ETIAL	ALLSTAR MGMT	1337	VICKSBURG	(228.15)	2 TOILET LEAKS AND FAUCET
2	COMME					
5	RCIAL	JAY POPWELL	1697	MAIN ST	(51.36)	TOILET LEAK
2	RESIDEN	MARGIE				
6	TIAL	HAYNES	6799	BLUE SPRUCE	(122.85)	TOILET LEAK
2	RESIDEN	KIMBERLY				
7	TIAL	KENNEY	8903	YORKTOWN	(270.30)	TOILET LEAK AND PIPE BEHIND WASHER
2	RESEDE			PLUM POINT		
8	NTIAL	JEANNE GRIFFIS	3315	DR	(111.15)	3 TOILET LEAKS
2	RESIDE			STONEBROO		
9	NTIAL	ASHLEY COURTS	2860	K	(35.32)	POOL ADJ
				TOTAL	(9920.16)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of March 21, 2022 in the amount of \$9,920.16. 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	ABSENT
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 21st day of March, 2023.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of March 21, 2023 in the amount of \$3,854,337.50. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

395296,395381,395412,395434,395451,395499,395530,395536,395537,395538,395540,395541,395559,395608,395864

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	ABSENT
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 March, 2023.

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 Flores to adjourn. Motion was seconded by Alderman Hoots. Motion was put to a vote and passed unanimously March 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.