

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
April 18, 2023
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: April 4, 2023 and Special Meeting April 13, 2023
5. Order of City of Southaven Governing Authorities Pursuant to Miss. Code Section 27-51-29
6. Amendment to MOU with Nesbit Water Association
7. City Continuing Disclosure
8. Resolution for Amendment of City Southaven Ordinance Title XIII, Chapter 12, Sections 13-1(b), 13-12(m)
9. Professional Services Contract with Jaycon Development Corporation
10. Desoto County Convention Visitors Bureau Assignment to City
11. SPD Contract with Leads Online
12. Resolution for Free Port Tax Exemption for RingCentral, Inc.
13. Court Dept. Agreement with TransUnion
14. Resolution for Contribution to Desoto Economic Council
15. Tyler Services Professional Services Contract
16. Resolution to Clean Private Property
17. Planning Agenda: Item #1 Application by Vimal Patel for a conditional use permit to allow a retail ice cream shop to be located on the southwest corner of Getwell Road and Forrest Bend Drive
Item #2 UPDATE Request for West End District incentive program approval for 984 Main Street
18. Mayor's Report
19. Personnel Docket
20. City Attorney's Legal Update
21. Utilities Billing Leak Adjustment Docket
22. Claims Dockets: Docket 1
Docket 2
23. Executive Session: Discussion of Ongoing and Potential Litigation by and against the City 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 April 18, 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 18th day of April, 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 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 April 4, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

A motion was made by Alderman Hoots to approve the minutes of the Special Meeting of April 13, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

ORDER OF CITY OF SOUTHAVEN GOVERNING AUTHORITIES PURSUANT TO MISS CODE SECTION 27-51-29

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

Mr. Manley stated that this Order of the City of Southaven Governing Authorities Pursuant to Miss. Code Section 27-51-29 – Mississippi Code Section 27-51-29, requires the Desoto County Tax Collector to collect the motor vehicle ad valorem taxes of the City upon the City Governing Authorities entering an order upon its minutes signifying its desire to have the county tax collector collect its motor vehicle ad valorem taxes at the same time and in the same manner that he collects the county and state ad valorem taxes on such motor vehicles for the ensuing fiscal year. This Order, which is required to be done, by May 1st will provide the statutory authority by the City to require that the tax collector continue to collect the ad valorem taxes for motor vehicles. Upon approval of the Order, a copy will be provided to the Desoto County Tax Collector, Mississippi Tax Commission, and the

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administrator of the road and bridge privilege tax laws. After hearing from Mr. Manley, the Board of Alderman considered the following order:

**ORDER OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI GOVERNING AUTHORITIES
SIGNIFYING ITS DESIRE TO HAVE THE DESOTO COUNTY TAX
COLLECTOR COLLECT ITS MOTOR VEHICLE AD VALOREM TAXES**

WHEREAS, pursuant to Mississippi Code Section 21-17-5, the City of Southaven ("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, for numerous years, the Desoto County Tax Collector has consistently and without interruption or issue collected the motor vehicle ad valorem taxes of the City residents; and

WHEREAS, the City Governing Authorities and its residents have relied upon the Desoto County Tax Collector to collect the motor vehicle ad valorem taxes of the City residents; and

WHEREAS, the City and Desoto County and Desoto County Tax Collector have had a long-term and consistent arrangement for collection of motor vehicle ad valorem tax, which has never been rescinded; and

WHEREAS, Mississippi Code Section 27-51-29 unambiguously requires the Desoto County Tax Collector to collect the motor vehicle ad valorem taxes of the City upon the City Governing Authorities entering an order upon its minutes signifying its desire to have the county tax collector collect its motor vehicle ad valorem taxes at the same time and in the same manner that he collects the county and state ad valorem taxes on such motor vehicles for the ensuing fiscal year; and

NOW, THEREFORE BE IT ORDERED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT:

1. The City Governing Authorities desire to have the Desoto County Tax Collector collect the City motor vehicle ad valorem taxes at the same time and in the same manner that he collects the county and state ad valorem taxes on such motor vehicles for the ensuing fiscal year.

2. The City Clerk is directed to furnish a certified copy of this Order to the Desoto County Tax Collector, the state tax commission, and the administrator of the road and bridge privilege tax laws.

3. It is mandatory for the Desoto County Tax Collector to collect the City motor vehicle ad valorem taxes.

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4. The City Clerk on or before September 15 shall certify to the Desoto County Tax Collector a copy of its official tax levy for the then ensuing fiscal year.

5. This Order shall remain in force from year to year until rescinded by official order duly recorded and certified to the Desoto County Tax Collector and the City Clerk.

6. The Mayor, City Clerk, or their designee(s) are authorized to take any and all action to effectuate the intent of this Resolution.

After review and discussion, a motion was made by Aldermen Hoots to adopt the Order and said motion was seconded by Aldermen Jerome, 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

The foregoing Ordinance was passed, adopted, and approved on the 18th day of April, 2023.

AMENDMENT TO MOU WITH NESBIT WATER ASSOCIATION

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

Mr. Manley stated that this is an amendment to the MOU with Nesbit Water Association. In May of 2021, the City approved an MOU with Nesbit Water which would allow for the City to provide a metered point at Bailey Road and Airways to ensure that adequate water was available for Medline as Medline was in the Nesbit Water service area. This MOU will amend the May 2021 MOU to also authorize the City to provide a metered connection point at Flora Lee Drive and Buttermilk Cove in order to ensure that the new Desoto County School located near Pleasant Hill and McIngvale Road will have adequate water supply. Wheeler made the motion to approve the amended MOU and authorized Mayor Musselwhite to sign. 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	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

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

CITY CONTINUING DISCLOSURE

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

Mr. Manley stated that previously Butler Snow was authorized to prepare and file the City's Continuing Disclosure as required since the City has outstanding bond debt. The disclosure submission has been finalized and needs to be included in the City's minutes. No action was taken.

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

RESOLUTION FOR AMENDMENT OF CITY OF SOUTHAVEN ORDINANCE TITLE XIII, CHAPTER 12, SECTIONS 13-1(B), 13-12 (M)

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

Mr. Manley stated that as was discussed in the planning report at the last meeting, this resolution amends the City Ordinance to define Headshop/Vape Store/Smoking Accessory Store as any commercial or retail establishment that specializes in the sale of any equipment, apparatus or furnishing that is used or necessary for the activity of smoking which shall include pipes, water pipes, hookahs, rolling papers, vaporizers or e-liquids, e cigarettes. In addition to providing the definition, it requires those entities to procure a conditional use permit and be in the stated zones with the stated requirements so long as there is not an existing establishment of the same classification are not currently located within a half-mile radius of the newly proposed establishment. The distance shall be determined via driving measurements on city right of way or approved and installed private drive-in linear footage (½ mile = 2,640 linear feet).

Next, a motion was made by Alderman Flores to open the public hearing. Motion was seconded by Alderman Wheeler. Mayor Musselwhite asked if there was anyone in the audience that would like to speak and there were none. Alderman Flores made the motion to close the public hearing. Motion was seconded by Alderman Wheeler.

The Board of Alderman then considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND

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THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 12, SECTION 13-1(b) AND TITLE XIII, CHAPTER 12, SECTION 13-12(m)

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE XIII, CHAPTER 12, SECTION 13-1(b) AND TITLE XIII, CHAPTER 12, SECTION 13-12(m), ("Ordinances")

Thereupon Alderman Flores offered and moved the adoption of 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 XIII, CHAPTER 12, SECTION 13-1(b) AND TITLE XIII, CHAPTER 12, SECTION 13-12(m),

WHEREAS, pursuant to Miss. Code 17-1-3, the City is vested with authority of regulatory controls over zoning and land uses, and may do all things, consistent with the laws of the state, which they deem necessary to protect the health and welfare of the residents; and

WHEREAS, further pursuant to Miss. Code 17-1-3, the City is empowered to promote the health, safety, morals, or the general welfare of the City by regulating the percentage of lot that may be occupied, the density of population, and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and

WHEREAS, Mississippi Code Section 17-1-9 provides that the City shall have the power to make regulations with reasonable consideration, among other things, to the character of the district and with a view to conserving the value of buildings and encouraging the most appropriate use of land in the City; and

WHEREAS, Mississippi Code Section 17-1-7 provides that the City shall have the power to regulate and restrict the erection, construction, reconstruction, alteration, repair or use of structures; and

WHEREAS, pursuant to Miss. Code 17-1-17, the City provided fifteen (15) days' notice of the hearing regarding the proposed amendment in an official paper or a paper of general circulation in Southaven, Desoto County; and

WHEREAS, the City may adopt an ordinance which seeks to regulate certain types of businesses, but does not prohibit their existence; and

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WHEREAS, the City has the power and responsibility for planning and zoning in the City and to that end desires to provide clear guidelines for businesses located in the City, which shall ensure compliance with the zoning regulations of the City; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest for planning and zoning in the City by providing clear locations of certain type of business; and

WHEREAS, the City Governing Authorities, to protect the health and welfare of the City residents and youth, desire to limit the locations that provide, sell, or promote the equipment, apparatus or furnishings that are used or necessary for the activity of smoking; and

WHEREAS, the City Governing Authorities find that by requiring certain distance requirements between those entities that provide, sell, or promote the equipment, apparatus or furnishings that are used or necessary for the activity of smoking, the opportunities for purchase may be decreased; and

WHEREAS, the distance requirements set forth in the revised ordinance, as noted below, are similar to those imposed by Mississippi law for medical cannabis dispensaries; and

WHEREAS, in addition to the above, the requiring of a certain distance for those entities that provide, sell, or promote the equipment, apparatus or furnishings that are used or necessary for the activity of smoking, will help to avoid undue concentration of population which will ensure adequate parking in commercial areas; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 12, FOOTNOTE 43 COMMERCIAL ZONE DISTRICTS AS FOLLOWS:

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Sec. 13-1 (b) Definition and word usage

Headshop/Vape Store/Smoking Accessory Store shall be defined as any commercial or retail establishment that specializes in the sale of any equipment, apparatus or furnishing that is used or necessary for the activity of smoking which shall include pipes, water pipes, hookahs, rolling papers, vaporizers or e-liquids, e cigarettes.

Section 13-12 (m) Commercial Use Chart

Uses Permitted	O	RO	C1	C3	C4	PBP	M1	M2	PUD
COMMERCIAL USES									
Smoke shop/vape store/head shop				C49	C49				

Footnote #49 A smoke shop/vape store/head shop establishment may locate in the stated zones with the stated requirements so long as there is not an existing establishment of the same classification are not currently located within a half-mile radius of the newly proposed establishment. The distance shall be determined via driving measurements on city right of way or approved and installed private drive-in linear footage (½ mile = 2,640 linear feet).

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-13-11, provide notice of the adoption of the Ordinance in the Desoto Times for one (1) time.

NOW, THEREFORE BE IT FURTHER ORDERED that this Ordinance shall be in effect one month from its passage.

The foregoing Resolution was seconded by Alderman Wheeler and brought to a vote as follows:

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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 18th day of April 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

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PROFESSIONAL SERVICES CONTRACT WITH JAYCON DEVELOPMENT CORPORATION

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

Mr. Manley stated that this professional services agreement in the amount of \$67,171 with Jaycon is for the painting of the roofs of the Field of Dreams, Pump House and Umpire Buildings. Alderman Wheeler made the motion to authorize mayor Musselwhite or Wes Brown to sign the contract with Jaycon. 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 18th day of April, 2023.

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

DESOTO COUNTY CONVENTION VISITORS BUREAU ASSISGNMENT TO CITY

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

Mr. Manley stated that this contract assignment will authorize Ticketmaster to pay funds to the City of Southaven for events at the BankPlus Amphitheater. The funds include the value, facility fee, and rebates to the City. Ticketmaster agreed to revisions in the contract. Alderman Flores made the motion to approve the contract. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

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

SPD CONTRACT WITH LEADS ONLINE

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

Mr. Manley stated that the SPD wants to add a cell phone tracking program, Cell Hawk, to its Leads Online account. The SPD already has an existing contract with Leads Online and this amendment will allow the addition of technology to track and map a suspect's cell phone. Alderman Hoots made the motion to authorize Chief Moore to sign the contract. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

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

RESOLUTION FOR FREE PORT TAX EXEMPTION FOR RING CENTRAL, INC.

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

Mr. Manley stated that this tax exemption will authorize a tax exemption for those goods in transit by RingCentral and has been recommended by Desoto Council and the Desoto County Supervisors contingent upon RingCentral providing the required charitable giving information. 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 RINGCENTRAL INC AS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

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WHEREAS, RingCentral, Inc. ("Ring") seeks an exemption from ad valorem taxes at its warehouse operation located at 8650 Commerce Drive, 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 territory of the State of Mississippi or is consigned or transferred to Ring's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

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

WHEREAS, Ring 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 Ring ships personal property to a final destination outside the State of Mississippi during the calendar year.
2. That Ring 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 Ring'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 Ring'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 Ring'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.

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 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 18th day of April, 2023.

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

COURT DEPARTMENT AGREEMENT WITH TRANSUNION

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

Mr. Manley stated that this pricing agreement will authorize the City Court to use TransUnion's "TLO" service. Recently, the SPD stopped using the CLEAR service with LexisNexis, and the City Court staff had been sharing a login with the SPD in order to look up addresses and phone numbers for defendants who missed court. SPD has switched to TransUnion's TLO service and Court is required to have its own contract with TransUnion. Alderman Hoots made the motion to authorize Thomas Mastin to sign the contract. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

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

RESOLUTION FOR CONTRIBUTION TO DESOTO ECONOMIC COUNCIL

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

Mr. Manley stated that this resolution will authorize a contribution in the amount of \$27,840.00 which will be utilized by the Desoto Economic Council to offset the costs associated with the engagement of professionals to assist with obtaining the remainder of the funding for I-55 widening along with various other infrastructure projects. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE

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CITY OF SOUTHAVEN, MISSISSIPPI FOR DONATION TO THE DESOTO COUNTY ECONOMIC DEVELOPMENT COUNCIL

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 ("Council") for the purpose of promoting the Council, as it promotes the City, by attempting to secure various funding from the Mississippi Legislature for infrastructure projects vitally needed by the City, including, but not limited to widening of I-55 for increase traffic for the Landers Center events and activities, to assist with the increase and further promote tourism and convention opportunities within the City; and

WHEREAS, the City desires to donate Twenty-Seven Thousand Eight Hundred Forty Dollars and 00/100 (\$27,840.00) 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 \$27,840.00 to the Council for the purpose of promoting the Council and promoting the City, as more fully set forth above.

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 Wheeler seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Jerome	Voted: YES
Alderman Kristian Kelly	Voted: 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 18th day of April 2023.

TYLER SERVICES PROFESSIONAL SERVICES CONTRACT

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

Mr. Manley stated that this contract in the amount of \$14,925.00 will provide training for City Employees for 15 days of PACE training due to the upgrade and changes associated with upgrade. The training will include assistance with new customers, final bills, payment entry, batch settlements, reversals, along with bank reconciliation and system admin training for IT. Alderman

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Kelly made the motion to authorize Mayor Musselwhite to sign the agreement. 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 18th day of April, 2023.

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

RESOLUTION TO CLEAN PRIVATE PROPERTY

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

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

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

1122 WARWICK PLACE
8250 CHESTERFIELD DR.
1175 MAIN ST.
PARCEL# 1086130000002700 / 984 MAIN ST.
1086140500000100 / 984 MAIN ST.
8468 CEDARCREST DR.
9076 SOUTHVIEW DR.
1354 MAIN ST.
8755 TCHULAHOMA DR.
526 CHRISYBROOK CV.
1911 CLAIRMONT DR.
7340 GREENBROOK PARKWAY
619 GREENCLIFF DR
8268 WHITEBROOK DR.

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9040 MILBRANCH RD.
8015 WHITEBROOK DR.

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

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, April 18, 2023, by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, April 18, 2023, to voice objection or to offer a defense.

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

1122 WARWICK PLACE
8250 CHESTERFIELD DR.
1175 MAIN ST.
PARCEL# 1086130000002700 / 984 MAIN ST.
1086140500000100 / 984 MAIN ST.
8468 CEDARCREST DR.
9076 SOUTHVIEW DR.
1354 MAIN ST.
8755 TCHULAHOMA DR.
526 CHRISYBROOK CV.
1911 CLAIRMONT DR.
7340 GREENBROOK PARKWAY
619 GREENCLIFF DR
8268 WHITEBROOK DR.
9040 MILBRANCH RD.
8015 WHITEBROOK DR.

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

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

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

ALDERMAN	VOTED
Alderman William Jerome	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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 18th day of April, 2023.

CITY OF SOUTHAVEN

PLANNING AGENDA

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

- Item #1 Application by Vimal Patel for a conditional use permit to allow a retail ice cream shop to be located on the southwest corner of Getwell Road and Forrest Bend Drive

Mrs. Choat-Cook stated that the applicant is requesting to allow a 1,610 sq. ft. ice cream shop to be located on the southwest corner of Getwell Road and Forrest Bend Drive. The site is 1.57 acres and is being master designed as a residential office site; however, the applicant would like to incorporate the ice cream shop as an amenity to both the office complex as well as the school children of Desoto Central. There is no drive through proposed for the location, only "dine in" and pre call pickups. Additionally, there is a fenced in area along the front of the building for outdoor seating. The building will be designed to incorporate the residential conceptual design of the two buildings located behind the building which will serve as a buffer between the shop and the houses. The properties on both sides have office/commercial developments existing. A similar establishment "Yo Sweetz" was located as an accessory use on the property just south of this lot until April of 2015. The proposed use without a drive through poses no additional increase in traffic than what is already permitted on the site. It is staff's opinion that a small ice cream parlor is a positive aspect not only to the future office tenants and school kids but also to the residents located in the Wildwood Subdivision. Mrs. Choat-Cook stated that staff recommends approval of the conditional use permit with the acknowledgement that the site layout and design applications will be approved individually. The conditional use permit should be granted as a one (1) year permit with a (4) year extension to be renewed after

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determining code compliance. Alderman Flores made the motion to approve the application by Vimal Patel. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

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

Item #2 UPDATE Request for West End District incentive program approval for 984 Main Street

Mrs. Choat-Cook stated that at the last meeting this item was tabled to allow for additional time to speak with the owner and request that the grocery store become the primary business and the liquor store secondary. The applicant stated that they wanted to make the liquor store primary and that he would need to speak with his partner. Mrs. Choat-Cook stated that she has not heard back from the applicant therefore no action was taken.

MAYOR'S REPORT

CERTIFICATE OF EXCELLENCE

Mayor Musselwhite stated that the City has received the Certificate of Excellence for Financial Reporting from the Government Finance Officers Association, a rating agency that evaluates governmental entities across the United States and Canada, for the past six years. Mayor Musselwhite reported that the City received it again for the seventh year in a row. Mayor Musselwhite commended Edi McIlwain and her team for doing an excellent job.

STREET RESURFACING UPDATE

Mayor Musselwhite reported that progress is being made on street resurfacing with two crews working. All of the patching and milling is complete and roads are now being paved.

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SPRINGFEST UPDATE

Mayor Musselwhite stated that Springfest has started and the Thursday night will have the first concert after three years due to the COVID shut down and renovations. There will also be a ribbon cutting to celebrate the Grand Reopening of the Amphitheater at 2 p.m. Mayor Musselwhite added that the BBQ contest is the largest BBQ Cooking Contest in the State of Mississippi and Southaven is very proud to hold the event.

BLUE RIBBON TRIP

Mayor Musselwhite reported that he will need to leave early to attend this trip and will not be present at the May 2 meeting.

PERSONNEL DOCKET

Personnel

Docket

April 18, 2023

New Hires	Department	Position Title	Start Date	Rate of Pay
Monquil Davis	Public Works	Laborer I	TBD	\$15.00
Joseph McCoy	Public Works	Laborer I	TBD	\$15.00
Kedrin Williams	Public Works	Laborer I	TBD	\$15.00
Fredrick Pratcher	Parks	Laborer I	TBD	\$15.45
Anthony Silvino	Parks	Laborer I	4/19/2023	\$15.45
James Turnbow	Parks	Laborer I	TBD	\$15.45
Ryan Cone	Parks	Seasonal	4/19/2023	\$10.00
Tristan Cunningham	Utility	Service Tech	TBD	\$16.50
Bergen Teeter	Fire	EMS Driver	TBD	\$17.15

ReHire	Department	Position Title	Start Date	Rate of Pay
Dustin Flowers	Public Works	Laborer I	TBD	\$15.00

Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
<i>Fire</i>				
Ronald Taylor	Firefighter II	Firefighter III	4/10/2023	\$18.08

Stipend	Department	Stipend	Effective Date	Stipend Rate
Christopher Terry	Fire	EMT	4/10/2023	\$22.22

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Martin Roby	Police	Patrol Officer 4	4/23/2023	\$28.97
	Emergency			
Amanda Scallion	Communications	Shift Supervisor	4/21/2023	\$27.30
Elizabeth Read	Fire	EMS Driver	4/18/2023	\$17.15
Justin Stringfellow	Fire	Fire Fighter 2	4/22/2023	\$17.77

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Jackson Harty Parks Laborer I 4/17/2023 \$15.00

Parks Tournaments

New Hires	Position Title	Start Date	Rate of Pay
Emma Avent	Concessions	4/19/2023	\$9.50
Nicholas Courson	Concessions	4/19/2023	\$9.50
Makeila LaVoie	Concessions	4/19/2023	\$9.50
Reagan Petersen	Concessions	4/19/2023	\$9.50
Aaron Rodriguez	Concessions	4/19/2023	\$9.50
Gage Willis	Concessions	4/19/2023	\$9.50
DeAndrea Stone	Gates	4/19/2023	\$9.75

Alderman Payne made the motion to approve the Personnel Docket of April 18, 2023 as presented to this Board. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

CITY ATTORNEY'S LEGAL UPDATE

Mr. Manley stated that this request is for a Special Event Permit for a Crawfish Fundraiser for SPD at Silo Square and closure of May Blvd west of Getwell for the event. Approval is needed for the special permit and road closure. A motion was made by Alderman Flores to approve the Special Event. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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

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Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

Alderman Hoots made the motion to award the low bid for the SPD Fencing Project in the amount of \$115,810.30 to Frontier Fencing. This project was previously approved for bid for fence for south, west, and northwest area of parking lot. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN

VOTED

Alderman Jerome

YES

Alderman Kelly

YES

Alderman Hoots

YES

Alderman Payne

YES

Alderman Gallagher

YES

Alderman Wheeler

YES

Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

UTILITY BILL ADJUSTMENT DOCKET

ADJUSTMENT DOCKET 04/18/2023						UTILITIES BILL LEAK
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.						
1	RESIDENTIAL	JENNIFER EDWARDS	8615	BRIDGEWOOD	(450.45)	TOILET AND SINK LEAK
2	RESIDENTIAL	JERRY MASK	2725	FOREST BEND DR	(117.00)	TOILET LEAK
3	RESIDENTIAL	JOE JOHNSON	8131	BUCKINGHAM DR	(35.10)	TOILET LEAK
4	RESIDENTIAL	RAYMOND STONE	2327	GREENWICH	(274.95)	TOILET LEAK
5	RESIDENTIAL	LYNWOOD CROSS	7977	NEWCASTLE CV	(81.90)	TOILET LEAK
6	RESIDENTIAL	GEORGE MASON	4141	JESSICA DR	(93.60)	TOILET LEAK
7	RESIDENTIAL	HERMAN JONES	7886	BIRCHWOOD CV	(157.95)	TOILET LEAK
8	RESIDENTIAL	DIVINA THOMAS	441	HILLBROOK DR	(129.48)	TUB FAUCET LEAK
9	RESIDENTIAL	NIYA HARRIS	2042	BROOKHAVEN	(140.40)	TOILET LEAK

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1	RESIDEN	WILLIAM		BIRCHFIELD	(356.8	
0	TIAL	MCCRORY	950	PL	5)	LEAK AT METER
1	RESIDEN		223		(310.0	
1	TIAL	DON FULLER	3	REDBUD CV	5)	FROZEN PIPES ON IRRG. SYSTEM
1	RESIDEN	TERRY	872	DOVE HILL	(497.2	
2	TIAL	WILDMON	5	DR	5)	SERVICE LINE REPLACEMENT
1	COMME	DON SPEED	898	HIGHWAY 51	(573.4	
3	RCIAL	SHOP	0	N	8)	CRACKED PIPE BEHIND TOILET
1	RESIDEN	TIMKEA	818			
4	TIAL	CONWAY	1	ELMBROOK	(70.20)	TOILET LEAK
1	COMME		899	NORTHWEST	(385.1	
5	RCIAL	KELLY KARZON	4	DR	8)	LEAK AT SERVICE LINE BY SINK
1	RESIDEN	ROBERT	287	CHATTERING	(427.0	
6	TIAL	MORGAN	1	LN	5)	TOILET LEAKS
1	RESIDEN	KEVIN	157		(245.7	
7	TIAL	CAMPBELL	9	HEADIN LANE	0)	BURST PIPE IN ATTIC
1	RESIDEN			WHITEHALL	(210.6	
8	TIAL	SCOTT SELDON	783	PLACE	0)	FROZEN PIPE BURST IN FRONT YARD
1	RESIDEN	LORINE	833		(134.5	
9	TIAL	PEOPLES	0	CONERLY DR	5)	TOILET LEAK
2	RESIDEN	MARCHELLE	749	ROUNDTABL	(374.4	
0	TIAL	JONES	0	E DR	0)	LEAK BEHIND LAUNDRY ROOM WALL
2	RESIDEN	JAMES	322			
1	TIAL	FOREMAN	0	THREATT RD	(76.05)	LEAK ON MAIN SERVICE
2	RESIDEN	CITLALI	495	ROSEBROOK	(234.0	
2	TIAL	ARREDONDO	1	CR W	0)	TOILET LEAKS
2	RESIDEN			VILLAGE		
3	TIAL	TERRELL BLACK	280	PKWY	(93.60)	TOILET LEAKS
2	RESIDEN		876	CHESTERFIEL	(117.0	
4	TIAL	ROSY TORRES	2	D DR	0)	THREE PIPES LEAKING IN BACKYARD AND FAUCET
				TOTAL	(5586.79)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of April 18, 2023 in the amount of \$5,586.79. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2023.

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CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of April 18, 2023 in the amount of \$5,077,133.61. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

397586,397612,397848,397900

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 18th day of April, 2023.

Alderman Hoots recused himself and left the room.

Alderman Payne made the motion to approve the Special Claims Docket of April 18, 2023 in the amount of \$22,349.92. Motion was seconded by Alderman Flores.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 18th day of April, 2023.

Alderman Hoots returned to the room.

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EXECUTIVE SESSION

A motion was made by Alderman Gallagher to move for a closed determination of the issue on whether or not to declare an Executive Session. Motion was put to vote and passed unanimously. Alderman Hoots made the motion to go into Executive Session for the purpose of discussing Discussion of Ongoing and Potential Ligation by and against the City in accordance with Miss. Code 25-41-7(4)(b); Economic Development (Possible Business Locating to City); and Interdepartmental Personnel with No Action. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

The Mayor and Board discussed potential and ongoing litigation against and by City. No action taken.

The Mayor and Board discussed an economic development project. No action taken.

A motion was made by Alderman Payne to end executive session and re-open the meeting. The motion was seconded by Alderman Jerome. 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 Hoots to adjourn. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously April 18, 2023 at 7:15 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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