

Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
August 15, 2023
6:00 PM
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: August 1, 2023 & Special Meetings August 3, 2023 & August 9, 2023
5. Resolution for Surplus of K-9
6. Resolution for IT Surplus
7. Agreement/Quote with Tyler Technologies for a Financial Cash Management Module
8. Resolution to Amend Southaven Ordinance Title XI, Chapter 3, Section 11-69
9. MOU with Horn Lake Interceptor Sewer District, Horn Lake, and Desoto County
10. Resolution to Clean Private Property
11. Planning Agenda: Item #1 Application by Trip Trezevant for subdivision approval to revise the Shops of Southaven lot 4
Item #2 Application by Oakhurst Development for an Amendment to the Whitfield PUD text allowing for active senior housing
Item #3 Application by SMJ Enterprise for a Conditional Use Permit to allow a full service spa to be located on lot 1 of Top of Sip Subdivision
12. Mayor's Report
13. Personnel Docket
14. City Attorney's Legal Update
15. Utilities Billing Leak Adjustment Docket
16. Claims Dockets: Docket 1
Docket 2
17. Executive Session: Pending and Potential Claims/Litigation against City Police and Parks and discussion in accordance with Miss. Code 25-1-47(4)(b); Economic Development (Potential 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, City of Southaven, Southaven, Mississippi

**MINUTES OF THE REGULAR MEETING
OF August 15, 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 15th day of August, 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 August 1, 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 to approve the minutes of the Special Meetings of August 3, 2023 and August 9, 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 SURPLUS OF K-9

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

Mr. Manley stated that the Southaven Police Department has requested that the K-9, Ziggy, be retired and declared surplus property and transferred to his current handler, Lieutenant Chase Joiner. Ziggy is an 8 year old Belgian Malinois that has served the citizens of the City of Southaven diligently. Ziggy is beginning to show signs of diminished physical capability due to his age and the demands placed on a police K-9. As a result, Ziggy has reached the end of his useful ability to serve as a member of the Southaven Police K-9 Unit. Mr. Joiner has signed the release and will procure the insurance needed. 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
DECLARING SURPLUS PROPERTY**

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WHEREAS, the City of Southaven ("City") Police Department pursuant to Mississippi Code 21-21-5 previously purchased a police K-9, Belgian Malinois, named Ziggy; and

WHEREAS, Ziggy is an 8 year old Belgian Malinois and is beginning to show signs of diminished physical capability due to his age and the demands placed on a police K-9; and

WHEREAS, Ziggy has reached the end of his useful ability to serve as a member of the Southaven Police K-9 Unit, and it is recommended that Ziggy be retired from service; and

WHEREAS, pursuant to Mississippi Code Section 45-3-52, the City Mayor and Board of Aldermen authorize Lt. Chase Joiner to retain Ziggy as his personal property; and

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

1. Lt. Chase Joiner is authorized to retain Ziggy as his personal property.
2. Officer Chase Joiner has signed a release, which releases the City from any and all liability associated with his ownership of Ziggy.
3. The City Police Chief, or his designee, is hereby authorized to take any and all action to effectuate the intent of this Resolution.

Motion was made by Alderman Payne and seconded by Alderman Jerome for the adoption of the above and foregoing Resolution, and the question being put to a roll call vote, the result was as follows:

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

RESOLVED AND DONE, this 15th day of August, 2023.

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

RESOLUTION FOR IT SURPLUS

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

This resolution will surplus the IT equipment in accordance with Mississippi law. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS PROPERTY

WHEREAS, the City of Southaven Information Technology Department is presently in possession of a variety of property attached hereto as Exhibit A, which is outdated, not useful or cost effective due to the storage and maintenance costs; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the property as set forth in Exhibit A be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and removed from the fixed assets inventory; and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such property and amending, its fixed assets inventory pursuant to State guidelines; and

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

1. The property listed in Exhibit A be hereby declared as surplus property due to the fact that the property is outdated, not useful or cost effective due to the storage and maintenance costs and has no value to the City.
2. The City Clerk, IT Director, or their designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the property in Exhibit A.

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

Alderman William Jerome	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES

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Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 15th day of August, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

A list of surplus equipment is attached and fully incorporated into these minutes.

AGREEMENT/QUOTE WITH TYLER TECHNOLOGIES FOR A FINANCIAL CASH MANAGEMENT MODULE

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

Mr. Manley stated that this module/software will allow the City to automate the bank statement reconciliation process. This will reduce the time spent on reconciling the City bank accounts and allow more time spent on other essential processes and functions. The total cost is \$11,308, which is broken down as \$4,108.00 for SaaS and \$7,200 for the professional services for the installation and management. The software is ancillary to the service provided. After noting that the software is ancillary to the service provided, Alderman Payne made the motion to authorize Michael Norris to sign the contract with Tyler Technologies. 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 and approved on the 15th day of August, 2023.

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

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RESOLUTION TO AMEND SOUTHAVEN ORDINANCE TITLE XI, CHAPTER 3, SECTION 11-69

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

Mr. Manley stated that this amendment to the City Ordinance is designed to address people using the use of a street, sidewalk, other right-of-way, and/or any area underneath a bridge, within the City for living accommodation purposes such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping or utilizing a vehicle for sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. While there has not been a huge influx of these issues, there have been smaller problems related to these activities. The goal of the attached ordinance is to address these issues so that they do not become prevalent within the City right of way/property/parks. Also, it will allow for City to have a mechanism in place to prevent and/or prohibit these activities and the City will work with the individuals, via the City of Southaven Serve Southaven Program. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES TITLE XI, CHAPTER 3, SECTION 11-69

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

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

WHEREAS, pursuant to Miss. Code 21-37-3, the City Governing Authorities have the power to exercise full jurisdiction in the matter of streets, sidewalks, sewers, and parks; and

WHEREAS, the use of the areas beneath bridges and overpasses for inhabiting, camping, building fires for warmth and cooking possesses a public health and safety issue due to the risk of damage to bridge structures; and

WHEREAS, the blocking of sidewalks presents a safety hazard for persons having to walk around off the sidewalk and possibly in the streets; and

WHEREAS, the sleeping in cars on public property and right of ways creates a health hazard and safety issue; and

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WHEREAS, the blocking of building ingress and egress poses a public health and safety issue from slowing egress from a building in the event of an emergency and slowing ingress of first responders in the event of an emergency; and

WHEREAS, the City Governing Authorities seek to prevent damage to bridges and overpasses, right of ways and other property and to allow for the unimpeded use of streets and sidewalks within the City; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XI, CHAPTER 3, SECTION 11-69 BE AMENDED AS FOLLOWS:

Section 11-69

Urban camping and improper use of public places.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bridge means a structure, including the approaches thereto, erected in order to afford passage over any obstruction in any public road, railroad, or other right-of-way; or to afford passage under or over existing public roads, railroads, or other rights-of-way. As used in this section the definition of bridge shall include a controlled access highway overpass as defined herein.

Camp or camping means the use of a street, sidewalk, other right-of-way, and/or any area underneath a bridge, within the City of Southaven for living accommodation purposes such as sleeping activities or making preparations to sleep (including the laying down of bedding for the purpose of sleeping or utilizing a vehicle for sleeping), or storing personal belongings, or making a fire, or carrying on cooking activities, or using a tent or other structure for habitation. These activities constitute camping if, in light of all the circumstances, it reasonably appears that in conducting one or more of these activities, the participant is in fact using the area as a living accommodation, regardless of the intent of the participant or the nature of any other activities in which s/he may also be engaging.

City means the City of Southaven.

Controlled access highway overpass means a crossing of two controlled access highways or of a controlled access highway and other public road, pedestrian path, railroad or public right-of-way at different levels where clearance to traffic on the lower level is obtained by elevating the higher level.

Interference (or interfere) with ingress and egress means standing, sitting, lying down, using personal property, or performing any other activity on public property and/or in a park, where such activity: a) materially interferes with the ingress into and egress from buildings, driveways, streets, alleys, or any other real property that has a limited number of entrances/exits, regardless of whether the property is owned by the city, a private owner or

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another public entity; b) reasonably appears, in light of all of the circumstances, to have the purpose of blocking ingress and egress; and c) occurs without the express written permission of the owner of the property at issue. Where written permission has been granted, the individuals interfering with ingress and egress must have possession of the permission at the time of the activity in question.

Park or parks means any city-owned park.

Public property means any street, sidewalk, and/or other right-of-way, within the City of Southaven.

Storing (or store) personal property means leaving one's personal effects unattended on public property, in any area underneath a bridge, and/or in a park, such as but not limited to clothing, bedrolls, cookware, sleeping bags, luggage, knapsacks, or backpacks. This term does not include parking a bicycle or other mode of transportation.

- (b) It shall be unlawful for any person to camp.
- (c) It shall be unlawful for any person to store personal property.
- (d) It shall be unlawful for any person to interfere with ingress and egress.
- (e) No person may be arrested for violating this code section until they have received an oral or written warning from the Southaven Police Department to cease the prohibited conduct. If the violator fails to comply with the warning issued, they may be arrested for violation of this section.
- (f) Where personal property is stored in violation of subsection (c) above, the Southaven Police Department may deem the property to be abandoned and may confiscate it. No warning is required prior to the confiscation. The department shall retain the property in a manner consistent with the handling of other confiscated property.
- (g) The prohibitions set forth in subsections (b) and (c) above shall not apply during a permitted outdoor event on property where the outdoor event is located, as set forth in a city-issued outdoor event permit, unless the permit explicitly prohibits the activity.
- (h) The prohibitions set forth in this section shall not apply to city, state, or county officials or employees acting in their official capacity, performing the activities as part of their official city duties.
- (i) The prohibitions set forth in this section shall not apply to city, state, or county contractors or subcontractors where said activities are associated and performed in conjunction with the scope of work set forth in the city contract.

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

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The foregoing Ordinance was read, discussed and voted upon in a public meeting, section by section, and as a whole, and whereas a motion was made by Aldermen Jerome to adopt the Ordinance, and said motion was seconded by Aldermen Hoots, 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 15th day of August, 2023.

MOU WITH HORN LAKE INTERCEPTOR SEWER DISTRICT, HORN LAKE, AND DESOTO COUNTY

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

Mr. Manley stated that previously, the Board, via resolution, approved giving \$3 million of the ARPA funds to the HLCISD. This MOU provides that each party will abide by the sub-recipient agreement to be executed by HLCBISD. This agreement just notes that the HLCISD will abide by the sub-recipient agreement and that no local subaward funds (i.e. those funds provided by County/Southaven/Horn Lake) will be expended by HLCBISD until the expenditure has been reviewed and approved by MDEQ. Alderman Kelly made the motion to authorize Mayor Musselwhite to sign the agreement. 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 and approved on the 15th day of August, 2023.

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

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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:

CONDEMNATION ADDRESS

98 STONEBROOK COVE

754 VALLEY SPRINGS DR.

8082 OAKBROOK DR.

PARCEL #20741900000000100

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, **August 15, 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 uncleanliness 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, **August 15, 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:

CONDEMNATION ADDRESS

98 STONEBROOK COVE

754 VALLEY SPRINGS DR.

8082 OAKBROOK DR.

PARCEL #20741900000000100

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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.

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **15th day of August 2023**.

PLANNING AGENDA

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

Item #1 Application by Trip Trezevant for subdivision approval to revise the Shops of Southaven lot 4

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval to revise lot 4 of the Shops of Goodman Road on the northwest corner of Goodman Road and Malone Road. The current lot 4 consists of 2.101 acres and the applicant is requesting to further subdivide the lot into lot 4 with 0.97 acres and lot 4a with 1.13 acres. Accessibility to the lot is shown via two ingress/egress points to the lot. One is designed to carry on the frontage access from the lots to the west which was designed and previously recorded with the original plat. The applicant has also proposed a curb cut between the proposed lot onto Goodman Road at the end point of the MDOT ROW. The applicant will need to remove the proposed curb cut onto Goodman Road. The city has been clear with distance requirements from MDOT ROW and intersections and this proposed curb cut does not meet those distance requirements. Mrs. Choat-Cook stated that they have further received clarification from the MDOT side. Additionally, the city has remained

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consistent with the allowances in similar situations such as the one directly across from this site at Goodman Road and Malone. The newly approved coffee shop on the south side was denied the same request and they resubmitted their site with shared access with the lot to the west and a private ingress/egress through two lots to Malone Road. The original plat further reiterated this which is why the frontage access drive was incorporated into the site. It is staffs suggestion that the applicant take the frontage ingress/egress and carry it front the south side around the entire perimeter of the lot going north and gain access into the existing parking lot for a second entry point to lot 4a. The parking on site is over the required amount and the identified stalls are rarely if ever used. The applicant currently owns both lot 4 as well as lot 1 which has the existing parking so there is not possible ownership conflict. Mrs. Choat-Cook stated that staff recommends approval with noted comments. Alderman Payne made the motion to approve the application by Trip Trezevant. 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 and approved on the 15th day of August, 2023.

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

Item #2 Application by Oakhurst Development for an Amendment to the Whitfield PUD text allowing for active senior housing

Mrs. Choat-Cook stated that the applicant is requesting to amend the text for the Whitfield Planned Unit Development on the north and south side of Nail Road between Airways Blvd and Elmore Road to include the allowance of senior housing (attached and detached) for areas A, A-1 and B. The request also includes the allowance of townhomes for area A-1 which is solely on the south side of Nail Road. Oakhurst Development took possession of this property over 10 years ago and has marketed it for the uses shown on the PUD text as approved in 2006. With little movement on the property, the

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proposed addition takes the property in a different direction. Oakhurst believes that the aging community concept and a diverse mixture of available living options would benefit the entire community. Staff Recommendation: This PUD has been in place since 2006. The original design was approved as heavy commercial and small warehouse development that would play into the surrounding area once new developments took off. This is during the time when the Southaven Towne Center came to fruition, warehousing was beginning to take off in Southaven and the housing market was heading to the southeast quadrant of the city. The city designed Nail Road and built it out as a five lane typical section as part of this future development planning and there is still a submittal to the state for funding to extend Nail Road and add a traffic signal at Elmore Road and Nail Road. Since the approval of this development in 2006, there has been little movement with the exception of a veterinarian office on Elmore Road and a small cove of office buildings. That being said, staff wanted to take a fresh look at the area and determine if the original plan still fits. There is low and medium density directly across the street on Elmore Road where White Oak Drive and Southern Pines area located. Due south of this project, there are duplexes in the Gardens of Plum Point and the Savannah Creek Apartments. The property remains vacant to the west. The existing residential in this area and the lack of commercial viability results in the opinion of staff that a residential aspect may be more viable and less intrusive to the surrounding area. To further investigate this concept, staff wanted to look at the city's overall residential stock and see if there was a missing demographic that could be incorporated. Cities in the surrounding metro area like Collierville, Germantown and Bartlett have approved senior apartments which cater to the 62+ age group only. These buildings are typically 3- 5 stories tall which would match the existing Savannah Creek design for height and layout but with an age restriction. These complexes also have ranging amenities such as pickle ball, dry cleaning services, pools, bbq and dog park area. In looking at Southaven's age restricted communities, the existing developments include single family high density, quad and five plexes and assisted living. It is staff's opinion that this concept would fit well in the city limits and provide another option to the aging residents along with the possibility of SFR and quad plex design on one intact campus. The site is centrally located in the city and not located near any of the other senior living areas. It is also situated closely to Baptist Desoto, doctor offices and fire station #3 which has on site ambulance service all of which are identified as positive factors for this type of development. Additionally, in 2021, the Planning Commission and Board of Alderman approved a five acre townhome concept on Swinnea Road, north of Goodman as a test site for introducing townhome developments back into Southaven as an infill type design. It is currently under construction and is well received by both the adjacent property owners as well as prospective buyers. The nine acres on the south side of Nail Road in area A-1 is similar in land concept for such a design. The addition of the uses for senior living apartments and townhomes would not replace the existing uses allowed in these areas but simply be placed in the text as additional options which would require both site plan and design review approvals. The amount of

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existing warehousing and heavy commercial uses have created a negative aspect to the city infrastructure with road damage and traffic concerns. Allowing this as a replacement option would eliminate further aggravation with these factors. Staff has worked for several years with the bank that currently owns this property after taking it back from a private entity. The bank and staff both worked to determine the best use of this property and how to make it more marketable. Due to the suggestions brought forth by staff regarding amending the site for residential/senior living, staff did not put forth a recommendation. Alderman Jerome made the motion to approve the application by Trip Trezevant. 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 and approved on the 15th day of August, 2023.

A copy of the staff report, outline plan, and application are attached and fully incorporated into these minutes.

Item #3 Application by SMJ Enterprise for a Conditional Use Permit to allow a full service spa to be located on lot 1 of Top of Sip Subdivision

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a full service spa at 6227 Snowden Lane on the west side of Snowden Lane, north of May Blvd. The proposal allows for a larger tenant space, approximately 6,835 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. The Board of Alderman recently revised this ordinance to allow for a maximum of two (2) spas within the ½ distance area in an effort to ease the concerns of business owners wishing to locate in the city. That being said, staff did a window survey to determine the distance compliance. There are two full service establishments at Malone Road and Goodman Road which is east of this location however they are not in the

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stated distance. Wendy's Spa is located within the ½ mile area. This spa, if approved, would be the 2nd spa in the stated area which does meet the board's requirements. 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 four (4) year extension to be renewed annually. After hearing from Mrs. Choat-Cook the Board considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE
PERMIT TO SMJ ENTERPRISES FOR FULL-SERVICE SPA LOCATED AT 6227
SNOWDEN LANE IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on July 31, 2023 for the conditional use permit ("permit") application of SMJ Enterprises (the "Applicant") for full-service spa located at 6227 Snowden Lane, 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 spas; and

WHEREAS, Title XIII, Chapter 12, Footnote 43 allows for two (2) spas to be located within an ½ mile radius; 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:

Minutes, City of Southaven, Southaven, Mississippi

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 6227 Snowden Lane 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 Payne and seconded by Flores. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 15th day of August, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the staff report and conditional use application are attached and fully incorporated into these minutes.

MAYOR’S REPORT

Pepperchase Road Extension Project

Mayor Musselwhite stated that the City of Southaven received MDA money because of the massive Medline Development. The City has had a long term goal of getting relief from the Landers Center traffic, so this was a dual benefit to give a secondary access point for Medline and also to dilute the traffic from Landers Center. Mayor Musselwhite reported that road was complete and open.

Budget Discussions

Mayor Musselwhite explained that the City of Southaven is not immune to the challenges of inflation that are going on around the country. Mayor Musselwhite stated that they will have to make financially sound decisions as there are challenges on the horizon.

PERSONNEL DOCKET

Minutes, City of Southaven, Southaven, Mississippi

<u>Personnel</u> <u>Docket</u>		August 15, 2023		
New Hires	Department	Position Title	Start Date	Rate of Pay
Scott Robinson	Utility	Locator 2	TBD	\$18.00
Binh Nguyen	Parks	Laborer I	8/16/2023	\$15.45
Almanzo Lifford	Public Works	Laborer I	TBD	\$15.00
Joseph Nallick	Police	Police Officer 1	8/16/2023	\$24.99
Alex Vaughn	Police	Police Officer 1	8/16/2023	\$24.99
Tryston Goodman	Utility	Service Tech	TBD	\$16.50
Cortney Elliott	Fire	Fire Fighter II	TBD	\$17.77
Simon Ridgeway	Fire	Fire Fighter II	TBD	\$17.77
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Brian Kerwin	Police Officer 3	Police Officer 4	9/11/2023	\$28.97
Oath of Office				
Forest Quay Roberts, Code Enforcement Officer				
Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Mary H. Patterson	Fire	EMS Driver	8/4/2023	\$17.15
Storm Sulton	Fire	EMS Driver	8/24/2023	\$17.15
Ronald Taylor	Fire	Fire Fighter 3	8/22/2023	\$18.08
Haley Tedder	Fire	Paramedic	8/22/2023	\$21.22
Andrew Clark	Police	Police Officer 4	8/15/2023	\$28.97
Connor Easley	Public Works	Street Laborer	8/14/2023	\$15.45
Parks Tournaments				
New Hires	Position Title	Start Date	Rate of Pay	
Skylar S. Taylor	Concessions	8/16/2023	\$9.50	
Star Y. Taylor	Concessions	8/16/2023	\$9.50	
Charlie Verucchi	Concessions	8/16/2023	\$9.50	
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Aidan Blackwell	Concessions	Supervisor Concessions	8/16/2023	\$10.25
Jada Bledsoe	Concessions	Supervisor Concessions	8/16/2023	\$10.25
Reagan Dale	Concessions	Supervisor Concessions	8/16/2023	\$10.25
Kaitlyn Lucas	Concessions	Supervisor Concessions	8/16/2023	\$10.25
Hannah Schwartz	Concessions	Supervisor - Snowden	8/16/2023	\$10.25
Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay

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Madison White	Parks	Gift Shop	8/16/2023	\$9.50
	Parks	Supervisor		
Mary Anderson	Tournaments	Concessions	8/16/2023	\$10.25

Alderman Payne made the motion to approve the Personnel Docket of August 15, 2023 as presented to this Board. Motion was seconded by Alderman Flores.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 15th day of August, 2023.

CITY ATTORNEY’S LEGAL UPDATE

Subrecipient Agreement By and Between Horn Lake Creek Basin Interceptor Sewer District and COS

Mr. Manley entered the subrecipient agreement by and between Horn Lake Creek Basin Interceptor Sewer District and City of Southaven into the minutes. At the last meeting, the Board approved the subrecipient agreement with HLCISD for the City ARPA Funds. The agreement has been approved and executed by the District.

Bank Plus Amphitheater Agreement / AFG Presents Productions, LLC

Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the BankPlus Amphitheater agreement with AFG Presents Productions, LLC. 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

Minutes, City of Southaven, Southaven, Mississippi

Alderman Wheeler

Alderman Flores

YES

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 15th day of August, 2023.

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

UTILITY BILL ADJUSTMENT DOCKET

UTILITIES BILL LEAK						
ADJUSTMENT DOCKET 08/15/2023						
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.						
1	RESID ENT	JAMES ANDERSON	27 94	BAIRD	(68.08)	POOL ADJUSTMENT
2	RESID ENT	MARY STACY	34 21	WOODLAND TRACE E	(41.44)	POOL ADJUSTMENT
3	RESID ENT	MELISSA HICKEY	33 26	WOODLAND TRACE E	(79.92)	POOL ADJUSTMENT
4	RESID ENT	AMANDA MASSEY	44 84	GRAYSTONE DR	(304.2 0)	TOILET GASKET LEAK
5	RESID ENT	JOSEPH LEMONS	31 45	MARCIA LOUISE DR	(79.92)	POOL ADJUSTMENT
6	RESID ENT	RONDA GRAY	37 98	EAST POINTE DR	(29.60)	POOL ADJUSTMENT
7	RESID ENT	JEROME BUSENTIZ	36 75	COLLEGE RD	(105.3 0)	CRACKED PVC PIPE TO HOUSE
8	RESID ENT	TONY HARRELL	38 42	GLENDA GAIL	(58.50)	FAUCET LEAK
9	RESID ENT	GENE LEE	39 73	SWINNEA	(180.4 3)	LEAK BEHIND POOL LIGHT
10	RESID ENT	FAITH SAUNDERS	14 45	WHITWORTH	(204.7 5)	TOILET LEAK
11	RESID ENT	TERESA REEVES	91 19	BELMONT	(29.60)	POOL ADJUSTMENT
12	RESID ENT	MELISSA HICKEY	33 26	WOODLAND TRACE W	(76.96)	POOL ADJUSTMENT
13	RESID ENT	BRANDY COLEY	15 18	CENTRAL TRAILS	(26.64)	POOL ADJUSTMENT
14	RESID ENT	CHARLES LEWIS	27 44	AUSTIN JAMES DR	(62.16)	POOL ADJUSTMENT

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1 5	RESID ENT	JAMES JACKSON	33 30	WOODLAND TR E	(41.44)	POOL ADJUSTMENT
1 6	RESID ENT	MELANIE BRADLEY	62 4	BARRY MOORE	(59.20)	POOL ADJUSTMENT
1 7	RESID ENT	JOHN HOPKINS	33 85	PLUM POINT E	(608.4 0)	TOILET LEAK
1 8	RESID ENT	TAMARRA GOLDEN	32 22	PINETREE LOOP S	(354.1 7)	TOILET LEAKS
1 9	RESID ENT	LYNN SIMMONS	71 05	COUNTRY OAKS DR	(99.45)	LEAK UNDER KITCHEN FLOOR
2 0	RESID ENT	KATHERINE HARRELL	83 49	CHARLESTON DR	(23.68)	POOL ADJUSTMENT
2 1	RESID ENT	JAMES MARTIN	33 67	MARCIA LOUISE DR	(119.3 2)	POOL ADJUSTMENT
2 2	RESID ENT	ALISA FOWLER	27 15	MARIAH LN	(41.44)	POOL ADJUSTMENT
2 3	RESID ENT	CONSA FREEMAN	55 20	ALEXANDRIA LN	(140.4 0)	TOILET LEAK
2 4	RESID ENT	CHRISTOPHER BOWDEN	28 95	AINSWORTH LN	(185.6 9)	TOILET LEAK
2 5	RESID ENT	DENITKIA JOHNSON	43 77	SWEET FLAG LOOP	(245.7 0)	TOILET LEAK
2 6	RESID ENT	TONY IBARRA	78 03	ANDOVER CV	(38.48)	POOL ADJUSTMENT
2 7	RESID ENT	KIMBERLY WIMBERLY	85 27	SOUTHAVEN CIRCLE	(44.40)	POOL ADJUSTMENT
2 8	RESID ENT	BARRY ANQUANITA	20 87	OWL WING PL	(23.68)	POOL ADJUSTMENT
2 9	RESID ENT	SHAWN KEITH	91 1	VALLEY SPRINGS	(44.40)	POOL ADJUSTMENT
3 0	RESID ENT	JEFF WOODS	24 74	KINDLEWOOD DR	(26.64)	POOL ADJUSTMENT
3 1	RESID ENT	THERESA JEFFERSON	78 34	NATHAN SAWYER	(94.72)	POOL ADJUSTMENT
3 2	RESID ENT	MARGARET HILL	75 63	OVERLOOK	(32.56)	POOL ADJUSTMENT
3 3	RESID ENT	HATTIE STEWART	83 34	MANHATTEN DR	(58.30)	TOILET LEAK
3 4	RESID ENT	MCSHAN ALMA	18 41	VAUGHT CIR	(38.48)	POOL ADJUSTMENT
3 5	RESID ENT	WILLIAMS MARCUS	23 16	HEATHER RIDGE	(17.76)	POOL ADJUSTMENT
3 6	RESID ENT	SHAWN ALEXANDER	18 28	VICKSBURG DR	(87.75)	BUSTED LINE ON OUTSIDE OF HOUSE
3 7	RESID ENT	CRYSTAL WINFIELD	87 1	CHARTER OAK	(391.9 5)	TOILET LEAK
3 8	RESID ENT	JASON SMITH	38 71	NAIL RD	(71.04)	POOL ADJUSTMENT

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3	RESID		73		(62.16	
9	ENT	COLLINS BOYD	72	CEDAR HILL	)	POOL ADJUSTMENT
4	RESID		82		(71.04	
0	ENT	KEVIN TURNER	35	FAIRFAX	)	POOL ADJUSTMENT
4	RESID	JOHN	90		(115.4	
1	ENT	LARTIGUE	7	RUTLAND DR	4)	POOL ADJUSTMENT
4	RESID		75		(11.84	
2	ENT	TED JONES	6	CUMBERLAND	)	POOL ADJUSTMENT
4	RESID	ALYSSA	79		(37.24	
3	ENT	GILBERT	7	DINWIDDIE CV	)	POOL ADJUSTMENT
4	RESID	TOCARRA	16	CHERRY	(122.8	
4	ENT	JACKSON	49	CREEK DR	5)	LEAK UNDER SLAB
4	RESID	OMARION	15		(175.5	
5	ENT	SMITH	3	TACKETT RUN	0)	TOILET LEAK
4	RESID		18	PECAN RIDGE	(87.75	
6	ENT	VICKI BRUTON	65	N	)	LEAK UNDER DRIVEWAY
4						
7						
				TOTAL	(3372.95)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of August 15, 2023 in the amount of \$3,372.95. 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 15th day of August, 2023.

CLAIMS DOCKET

Alderman Jerome recused himself and left the room.

A motion was made by Alderman Payne to approve the Claims Docket of August 15, 2023 in the amount of \$2,887,685.52. Motion was seconded by Alderman Flores.

Excluding voucher numbers:
405043,405061,405120,405139,405373

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	RECUSED
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 15th day of August, 2023.

Alderman Jerome returned to the room.

SPECIAL CLAIMS DOCKET 2

Alderman Hoots recused himself and left the room.

Alderman Payne made the motion to approve the Special Claims Docket of August 15, 2023 in the amount of \$18,986.40. 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 15th day of August, 2023.

Alderman Hoots returned to the room.

EXECUTIVE SESSION

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

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Flores to adjourn. Motion was seconded by Alderman Jerome. Motion was put to a vote and passed unanimously August 15, 2023 at 7:15 p.m.

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Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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