

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
September 19, 2023
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: September 5, 2023 & Special Meeting September 12, 2023
5. Swearing-In New Members to Mayor's Youth Council
6. Resolution for FY24 Donations
7. Resolution for SPD Surplus
8. Tennis Expansion Task Orders
 - A. UrbanARCH
 - B. Civil-Link
9. Special Event Permits
10. Resolution for Liens
11. Final Change Orders
 - A. Pepperchase Drive Extension
 - B. Getwell Multi-Use Trail
12. Citizen, Josh Stewart
13. Resolution to Clean Private Property
14. Planning Agenda:
Item #1 Application by M & N Property for a Conditional Use Permit to allow gas pumps as an accessory use on the northwest corner of Getwell Road and College Road
Item #2 Application by Shaniqua Campbell for a Conditional Use Permit to allow a full service spa at 362 Stateline Road
Item #3 Application by Michael Likens for a Conditional Use Permit to allow motor vehicle repair and towing at 1931 Veterans Drive
15. Mayor's Report
16. Personnel Docket
17. City Attorney's Legal Update
18. Utilities Billing Leak Adjustment Docket
19. Claims Dockets: Docket 1
Docket 2
20. Executive Session: Litigation Discussion with City Attorney (Miss. Code Ann. Section 25- 41-7(4)(j));
Economic Development (Industry/Business Locating to City); Interdepartmental Personnel with No Action

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

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**MINUTES OF THE REGULAR MEETING
OF September 19, 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 19th day of September, 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 sixty 60 other people were present. Mayor Musselwhite called the meeting to order. Mayor Musselwhite called for a moment of silence for the loss of Mr. Al Gilless, a long-time citizen and business man in the City of Southaven. Next, Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Weblow Scout, Raine Lantrip.

Next, a motion was made by Alderman Hoots to approve the minutes of the Regular Meeting of September 5, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Jerome. 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 September 12, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Jerome. Motion was put to a vote and passed unanimously.

Constitution Week

Mayor Musselwhite declared September 17 – 23 as Constitution Week in the City of Southaven.

SWEARING-IN NEW MEMBERS TO MAYOR'S YOUTH COUNCIL

Mayor Musselwhite swore-in the new 2023-2024 Mayor's Youth Council members that were in attendance. The following students were selected to participate on the Mayor's Youth Council:

Christian Hughes
Natalie Greaves
Ella Bryan
James Evans
Vanessa Boyd
Jordis Newsom

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Emily Grissom
Morgan Thompson
Judd Albans
Claire Webby
Addyson Drisdale
Sara Louise Manley
Tate Haynes
Tavion Jackson
Darrion Maxwell
Kyra Hoskin

RESOLUTION FOR FY24 DONATIONS

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

Mr. Manley stated that this resolution sets forth the donations to each entity along with the legal authority for each donation. 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 APPROVING DONATIONS

WHEREAS, the City of Southaven ("City") desires to approve certain donations as allowed pursuant to the Mississippi Code; and

WHEREAS, the City pursuant to Mississippi Code 21-19-44 desires to appropriate and contribute budgeted funds for, local economic development organizations; and

WHEREAS, the City pursuant to Mississippi Code 39-3-1 desires to appropriate and contribute budgeted funds for the M.R. Davis Library; and

WHEREAS, the City pursuant to Mississippi Code 39-15-1 desires expend monies from to match other funds available for the purpose of supporting the development, promotion and coordination of the arts within the City; and

WHEREAS, the City, pursuant to Mississippi Code 17-3-1 and 17-3-3 desires to expend moneys for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City which will be helpful toward advancing the moral interest of the City; and

WHEREAS, the City, pursuant to Mississippi Code 21-19-65, desires to match other funds via donation or rental donation for the purpose of supporting social and community service programs within the City; and

WHEREAS, the City, pursuant to Mississippi Code 21-17-1(3)(b)(ii), desires to provide rental donations to those entities set forth below which meet the requirements of Mississippi Code 21-17-1(3)(b)(ii); and

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

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1. Pursuant to Mississippi Code 21-19-44 and 21-19-44.1, the City hereby approves donations to the Southaven Chamber in the amount of \$80,000.00 and the Desoto Economic Council in the amount of \$37,941.00 for the purpose of bringing favorable notice and economic opportunities to the City.
2. Pursuant to Mississippi Code 39-3-1, the City hereby approves appropriation to the M.R. Davis Library in the amount of \$300,000.00.
3. Pursuant to Mississippi Code 17-3-1 and 17-3-3 and Mississippi Code 39-15-1, the City hereby approves a donation in the amount of \$40,000.00 to Desoto Family Theatre for the promotion of the arts and favorable notice and opportunities for the arts to the City that the Desoto Family Theatre brings to the City and to serve as matching funds for the Theatre. Also, pursuant to Mississippi Code 17-3-1 and 17-3-3 and Mississippi Code 39-15-1, the City hereby approves a donation in the amount of \$9,000.00 to the Historic DeSoto Foundation for its museum which contribution will support the development, promotion and coordination of the arts and bring favorable notice to the City.
4. Pursuant to Mississippi Code 17-3-1 and 17-3-3 and Mississippi Code 21-19-65, the City hereby approves donations to The Arc of Northwest Mississippi in the amount of \$30,000.00 and Healing Hearts Child Advocacy Center in the amount of \$40,000.00 for the promotion of the City's moral interest associated with helping abused children by Healing Hearts Child Advocacy and helping individuals with development and intellectual disabilities by the Arc of Northwest Mississippi. The amounts provided to each entity by the City are matching funds for the support of social and community service programs within the City.
5. Pursuant to Mississippi Code 21-19-65 and 21-17-1(3)(b)(ii), the City hereby approves a donation to the House of Grace in the amount of \$9,000.00 for its efforts to help women and The Hope Center in the amount of \$20,000.00; a rental donation for the Arena to the Community Foundation of Northwest Mississippi for its Crystal Ball to help with its mission is to connect and assist donors as well as nonprofit organizations and charitable causes to make a difference with an emphasis on education, health and children in order to impact communities, including individuals and causes in the City.
6. Pursuant to Mississippi Code 21-17-1(3)(b)(2), the City hereby approves a rental donation for use of the BankPlus Amphitheater Plaza for the Homerun 5K Habitat for Humanity fundraiser.
7. The City Clerk's Office is hereby authorized and directed to make such donation from City funds.
8. The City Park's Office is hereby authorized to coordinate the dates and logistics for the rental donations.
9. Upon application and approval by the City Parks Department and City Police Department as it relates to adequate security, the City Board grants an alcohol variance to the Community Foundation of Northwest Mississippi.

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

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

RESOLVED AND DONE, this 19th day of September, 2023.

RESOLUTION FOR SPD SURPLUS

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

Mr. Manley stated that this resolution will surplus firearms from the SPD in accordance with Miss. Code 17-25-25. Before being able to bid on the firearms, the bidding entity will have to provide its firearm license for SPD review. 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**

WHEREAS, the City of Southaven ("City") Police Department, is presently in possession of certain firearms as set forth in Exhibit A (collectively "the Property") which are no longer needed by the City;

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended by the City Police to the Mayor and Board of Aldermen that the Property be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25; and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of the Property and it being surplused in accordance with Mississippi Code 17-25-25; 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 be hereby declared as surplus property.
2. The City Police Chief, or his designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the Property.

Motion was made by Alderman Flores and seconded by Alderman Payne, 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
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Alderman Kristian Kelly	voted:	YES
Alderman George Payne	voted:	YES
Alderman Joel Gallagher	voted:	YES
Alderman Charlie Hoots	voted:	YES
Alderman Raymond Flores	voted:	YES
Alderman John Wheeler	voted:	YES

RESOLVED AND DONE, this 19th of September, 2023.

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

TENNIS EXPANSION
A. URBANARCH
B. CIVIL-LINK

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

Urban Arch
This task order with Urban Arch is in the amount of \$115,000.00 is five percent (5%) of the \$2,300,000.00 estimate for the construction of eight (8) new outdoor tennis courts complete with fencing, lighting, sidewalks, landscaping, small rest room/storage building, shade pavilions and expansion of adjacent parking lot. The task order is required in accordance with Urban Arch’s Master Contract.

Civil Link
This task order with Civil Link is for the topography survey for the expansion of tennis courts. The task order is in compliance with Civil Link Master Contract, and the task order is in the amount of \$3,500.00.

Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the Urban Arch and Civil Link task orders. 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 and approved on the 19th day of September, 2023.

A copy of the task orders are attached and fully incorporated into these minutes.

SPECIAL EVENTS PERMIT

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

Mr. Manley stated that the Board is required to approve special event permits. There are three (3) special event permit requests and all three are located at Silo Square. The first request is from November 17 to December 3 for the buy a tree event at Silo Square with proceeds go to Healing Hearts. The second request is for Christmas at Silo Square on November 9-11. The third request is for Cars for a Cause at Silo Square on September 30. Alderman Payne made the motion to approve the three special events at Silo Square. 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 and approved on the 19th day of September, 2023.

A copy of the applications are attached and fully incorporated into these minutes.

RESOLUTION FOR LIENS

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

Mr. Manley stated that this resolution will authorize liens to be filed for those properties that were cut in accordance with Miss. Code 21-19-11. 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**

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ADJUDICATING THE COST OF CLEANING PROPERTY, IMPOSING A PENALTY AND IMPOSING LIEN OF THE SAME AGAINST PROPERTY

WHEREAS, the City of Southaven ("City") has the authority, pursuant to Section 21-19-11 of the Mississippi Code (1972) to clean up property within the City, under circumstances which create a menace to the public health and safety of the community, and

WHEREAS, the Mayor and Board of Aldermen conducted hearings regarding various properties, as set forth in Exhibit A, and determined that the conditions and circumstances of such properties created a menace to the public health and safety of the community, and ordered the clean-up of the properties, and

WHEREAS, pursuant to the authority granted to the City, the Mayor and Board of Aldermen contracted with an outside contractor who has undertaken and completed the clean-up of the properties, and

WHEREAS, the Mayor and Board of Aldermen have heard proof and find as a fact that the actual cost of the clean-up is as attached hereto as Exhibit A, and

WHEREAS, the Mayor and Board of Aldermen are desirous of imposing a penalty of Two Hundred Fifty Dollars and 00/100 (\$250.00) per property per cutting, and

WHEREAS, the Mayor and Board of Aldermen deem and resolve that the clean-up cost and penalty shall be collected as a lien against property and if not paid, the lien shall be converted as an assessment against each property, to be collected by the Tax Collector in the manner employed for the collection of all other taxes and assessments of the municipality, unless sooner collected through other means.

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

1. The actual cost of the clean-up of properties listed in Exhibit A be assessed to the property and the same is hereby determined to be as set forth in Exhibit A attached hereto.
2. A penalty in the amount of \$250 per lot per cutting as listed above be, and the same is hereby imposed against each parcel in addition to the actual cost of the property clean-up.
3. The total amount, as set forth above, be, and the same is hereby assessed against each property, to be filed as a lien and if not collected, to be converted as an assessment to be collected by the Tax Collector in the manner used for collection of other municipal taxes and assessments, unless sooner collected through other means.

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:

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

RESOLVED AND DONE this 19th day of September, 2023.

A list containing street name, parcel id#, and assessment totals is attached to these minutes.

FINAL CHANGE ORDERS
A. PEPPERCHASE DRIVE EXTENSION
B. GETWELL MULTI-USE TRAIL

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

Pepperchase Drive Extension Change Order
Mr. Manley stated that this change order is a deduct in the amount of \$165,185.22 as the contract quantities were less than the final quantities. Alderman Flores made the motion to authorize Mayor Musselwhite to sign the change order. 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 and approved on the 19th day of September, 2023.

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

Getwell Multiuse Trail Change Order
Mr. Manley stated that this change order is an increase in the amount of \$39,714.69 for the increased quantities from the contract quantities associated with the Springfest Parking addition. The Board considered the following resolution:

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
APPROVING FINAL CHANGE ORDER FOR GETWELL ROAD MULTIUSE TRAIL
CONNECTION AND AUTHORIZING THE MAYOR TO SIGN

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for Getwell Road Multiuse Trail Connection ("Project") whereby Phillips Contracting Co., Inc. ("Phillips") was the lowest and best bid; and

WHEREAS, it has been recommended by the City Engineers and Project consulting engineers to allow for changes, via a final change order, to adjust for original contract quantities to match final measure quantities for parking, as more fully set forth in Exhibit A; and

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

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

1. Pursuant to Mississippi Code 31-7-13(g), the Summary Change Order for the Project is not a new undertaking or outside the original scope of the contract and is commercially reasonable and not being done to circumvent the public purchasing statutes, the City Board approves the Change Order in the amount of \$39,714.69.
2. The Mayor is authorized to sign the Change Order and take all actions to effectuate the intent of this Resolution.

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

Alderman William Jerome	voted: yes
Alderman Kristian Kelly	voted: yes
Alderman 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 19th day of September, 2023.

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved on the 19th day of September, 2023.

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

CITIZEN. JOSH STEWART

Mr. Stewart, Citizen of Southaven, expressed concerns about the lack of a skate park. Mr. Stewart requested that the City bring a skate park back into Southaven. Mayor Musselwhite stated that they will continue to work on looking at locations for a possible skate park. Mayor Musselwhite thanked Mr. Stewart for coming before the Board.

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

1336 BROOKHAVEN

8411 OLD FORGE Rd.

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, **September 19, 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, **September 19, 2023**, to voice objection or to offer a defense.

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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

1336 BROOKHAVEN

8411 OLD FORGE Rd.

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 **19th of September 2023.**

CITY OF SOUTHAVEN

PLANNING AGENDA

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

Item#1 Application by M & N Property for a Conditional Use Permit to allow gas pumps as an accessory use on the northwest corner of Getwell Road and College Road

Mrs. Choat-Cook stated that this property is identified under the Dickens Place PUD as a Neighborhood Commercial (C-1) area with 5.92 acres on the northwest corner of Getwell Road and College Road. The applicant is requesting a conditional use permit to allow gas pumps as an accessory use to a retail store on this parcel of land. The current condition of the land is a vacant property with no formal approvals for development on site.

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Mrs. Choat-Cook presented the original staff report and the original submittal by the applicant. In the staff report, the recommendation of staff and the reasons to deny gas pumps in this location is stated. There was 65 plus people standing room only at the Planning Commission Meeting who were also in opposition of it. With the arguments being placed in front of the Planning Commission, it was voted unanimously in favor to deny by the Planning Commission.

Mrs. Choat-Cook next stated that on September 18, she received an email from the City Attorney where he forwarded the applicant's further response to the staff report. Mrs. Choat-Cook stated that with conditional use permits, there are certain criteria you are required to meet, such as traffic, health hazards, fire, etc.

First, Mrs. Choat-Cook stated that she, as the Planning Director, does not think from a C1 zoning stand point that this application for the CUP should be allowed to be heard. C1 zoning in the City of Southaven is neighborhood commercial. According to the City Zoning ordinance, gas pumps are not allowed in C1 zoning under a conditional use permit.

Mrs. Choat-Cook stated that the representative's argument was the PUD that was proposed and approved in 1997 by Desoto County, and it had a blanket zoning of C1 for this particular area. At the time of approval of the PUD, the Desoto County Ordinances for C1 property did allow for gas pumps to be considered under a conditional use permit. With that understanding, Mrs. Choat-Cook also examined the conditional use permit in accordance with the conditional use factors. However, Mrs. Choat-Cook re-stated that she does not believe this to be a valid application and her opinion is that the current City ordinance, which does not allow for gas pumps in C-1 zoning, supersedes the 1997 ordinances as referenced by the PUD.

Mrs. Choat-Cook presented and then detailed the City Planning Staff Report, which reflects the factors that the denial of the conditional use permit was based on by the planning commission. In addition, Mrs. Choat-Cook noted that it is City Planning Staff's opinion that the City's C-1 zoning at the time of submittal is the formal designation to abide by which does not allow for gas pumps AT ALL. While staff disagrees that C-1 allows for a gas pump CUP, the City Planning Staff still considered the conditional use request under the relevant factors. CUP's are not permitted by right and the governing authority has the authority to hear and review the evidence for the conditional use at the time of application. Conditional uses are based on several factors as set forth in City Ordinance and it was then noted that the City Planning Report states the reasons for denial of the CUP; however, in addition to the report items, the planning staff was able to further review CEDS documents referenced by the applicant which identified fire hazard concerns that staff has not previously documented in the report. Mrs. Choat- Cook then noted the original report be amended to add the following "During the five-year period of 2004-2008, NFPA [National Fire Protection Association] estimates that U.S. fire departments responded to an average of 5,020 [fires] in service or gas station properties per year. These fires caused an annual average of two

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civilian deaths, 48 civilian fire injuries, and \$20 million in direct property damage.”

In addition, Mrs. Choat-Cook noted that Title XIII Chapter 9 of the City Ordinances states, “If the findings by the governing authority relative to the above subjects are that the city would benefit from the proposed use and surrounding area would not be adversely affected, then such permits may be granted.” It was staff’s, as noted in the staff report, and City Planning Commission’s opinion that the surrounding area is adversely affected as noted in the report and by the 65+ attendees of the Planning Commission. This chapter also states that the board has the right to place safeguards to protect the City Comprehensive Plan and conserve and protect property and property values in the neighborhood.

Also, it was noted that the applicant references the CEDS report and in further review of CEDS documents staff notes the adverse impacts to property values as stated in the reports: “What decreases your property value: Gas stations, railroad tracks, hydro towers, power stations, and industrial areas — proximity to any of these things definitely won’t help improve your home value, since they can generate and/or attract odors or other substances that could affect your air quality” and “2. Convenience Store with Gas Station. People will be driving in and out of your intersection, hanging out at the property, and buying lots of lotto tickets, cigarettes, and beer when they gas up. Although handy, these shops do nothing to help property values and hurt them significantly according to Zillow.com.”

It was further noted that the planning staff has no issue with a convenience store, as it is allowed by right and the applicant may resubmit it at any time. As of today, there is no site plan approved as the previous one was denied by the Planning Commission in 2018 after it was tabled and the revisions were never addressed. The assumption by the applicant that showing the gas pumps on the site plan gives an informal approval to the owner is not realistic. The due diligence on uses by the owner of the property is not the responsibility of the city.

Furthermore, the City Planner disagreed with the applicant’s response regarding design review. The regulations use this term generally to discuss the site and the design of that site. The reference to this section is from Chapter 3 Planning and Design Review Commission. Section 13-3(h) is a general procedure for site design and those comments and submittals are for all applications. It does not reference the design review application which is specifically for elevations and landscaping and is identified in its own chapter. Either way, the city accepted the CUP application under C-1 zoning of the county so this argument is mute.

Mrs. Choat-Cook then noted the applicant keeps assuming that a hypothetical site design gives the allowance of the gas pumps, which is not the case. Submitting a conceptual design to engineering consultants does not provide a traffic warrant study or give the applicant a green light for traffic circulation. The applicant is assuming there was no need for a traffic study at that point which is not for him to decide since the City Planning Commission required it.

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In addition, as noted in staff report, gas stations are one of the highest yielding traffic uses for commercial properties which is documented in the Institute of Transportation Engineers Trip Generation Manual.

Mrs. Choat-Cook reiterated that the City Planning Staff has no issues with a convenience-stores, as they are permitted by right. A gas station and a convenience store are not one in the same and are not treated the same per city or county ordinances. However, staff conducted a conditional use review per the request of the applicant and for the reasons stated in the original report and this amended report, staff recommends denial.

Finally, the original report shows the viability of convenience stores without gas pumps within the city limits of Southaven. The applicant states that the loss of gas pumps has created a financial burden on the owner; however, the 5.92 acres is still commercial and has many commercial uses allowed. The applicant states that the delay in hearings has cost money however, his site plan application was submitted in mid-2018 and he never returned with the revisions requested by the City Planning Commission.

Title 13 Chapter 9 of the City Ordinance states that if the findings by the governing authorities be relative to the above subjects are that the City would benefit from the proposed use then the surrounding area would not be adversely affected then such permits may be granted. This is the allowance of a governmental agency / governing authority to deny it because of the adverse effects or approve it because there were not adversely affected. Mrs. Choat-Cook stated that she believed there was some confusion on behalf of the applicant that conditional use permits are granted by right and have to meet some stipulations and that is not the case. Mrs. Choat-Cook clarified that the City Governing Authority does have the right to deny it a conditional use permit when it adversely affects the neighborhoods around it, which in accordance with the documents, studies and findings, this use does.

Mrs. Choat-Cook stated that the Planning Commission as well as the people in the audience do believe it to be an adverse effect to the property. It also states that the Board has the right to place safe guards and protect the comprehensive plan and conserve and protect property values of the neighborhood. Mrs. Choat-Cook added that there is some confusion about the City not allowing a convenience store at the location, which no one in the City has ever stated. There are convenient stores and markets all throughout the City. It does not indicate that gas pumps go along with it. The convenience store can be located there, but the addition of the gas pumps in not conducive to that area.

Mrs. Choat-Cook stated that as of today, there is not even a site plan approved. There was a mention of the site plan application in 2018 by the Planning Commission and there were a lot of revisions to be done and additional information was requested, but it was never provided, so after 3 consecutive Planning Commission meetings with no further response, the application was denied. Mrs. Choat-Cook stated that as of right now, the applicant is 5 years in by their own doing, not by the City. The assumption of the applicant showing the gas pumps on the site plan somewhat gives it an informal approval to the

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owner is not realistic and as due diligence is owners responsibility. The applicant assumes that the site design gives them the allowance.

Mrs. Choat-Cook stated that quick service restaurants and gas stations have the highest traffic yielding uses you can put on a corner or a main thoroughfare so you have to be mindful of where the main access points are, where they are located, and how to enter and exit. College Road is a two-lane road with no curb and no gutter. Mrs. Choat-Cook stated that they had to determine if it could sustain the entrance and exit of that piece of property. The City never received any of that documentation from the applicant, but it is noted that in the Institute of Transportation Engineers and several other engineering transportation books that besides a quick service restaurant, gas stations are the biggest traffic generators.

Mrs. Choat-Cook stated that the City does not have an issue with a local convenient store or a local market, but they are not treated as a gas station. Those are two different uses and not one in the same. Mrs. Choat-Cook stated that they feel that they have conducted the conditional use per the request, looked at it on a fair basis, and not all conditional use permits are approved.

It was noted by Mrs. Choat-Cook that the Snowden Grove PUD text, Rosebury PUD text, and Cherry Tree Park PUD text specifically authorized gas pumps as part of the PUD. However, the PUD under consideration did not specifically authorize gas pumps but used a blanket C-1 zoning which in 1997 Desoto County zoning required a conditional use permit. Thus, if pumps were clearly allowed, the PUD text should have specifically allowed for it as done by other similar PUDS within the City.

After review of the conditional use, Mrs. Choat-Cook stated that she still feels that denial of the application is still in place as the proposed gas pumps are not consistent with the comprehensive plan, it creates concerns for the neighboring properties, fire concerns, was not specifically allowed by the PUD, and traffic congestion.

In addition to the above findings, Mrs. Choat-Cook provided the City Clerk the following documents for the record: a list of attendees in opposition of the gas station that was at the Planning Commission Meeting, Southaven Code of Ordinances Title 13, Chapter 13 -9 which itemizes out the conditional uses and what has to be taken into account when approving them, Comprehensive Plan, the Institute of Transportation Engineers trip generation manual which will show that this is an extremely high yielding traffic that warrants for concern on a corner, original staff report, and original application are attached to these minutes.

Ben Smith, Southaven Resident and M & N Property, LLC representative stated that he was not aware that a convenient store was approved at the location. Mr. Smith stated that their argument is that in 1997, the Desoto County Board of Supervisors approved the PUD for Dicken's Place. The County Ordinance at that time said that the preliminary plan for a PUD will be what governs the development of that property. The City of Southaven annexed that property and when annexed, the City took the zoning in for that piece of property. The

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PUD documents govern how that piece of property can be developed. Mr. Smith stated that it is their position that the City of Southaven, applicant, or surrounding home owners could not make changes to the original PUD.

Nick Manley stated that, from the City’s perspective, the argument is that C1 under the 2018 amendment to the City ordinance for a gas station is not allowed by conditional in C1 zoning. However, even when considering the gas pumps under a CUP analysis, it still fails based on requirements, documents, and findings.

Mr. Smith noted that he utilized the CDES Report that stated that gas stations do not cause traffic congestion, fire hazards, decline in property values and have no adverse effects having your house near a gas station. Mr. Smith shared document information from the Community and Environmental Services in regards to probability studies associated with fire hazards.

Mayor Musselwhite asked if there was anyone else in the audience that would like to speak. Barbara Green, Nicole, and Debby Coby all expressed concerns with a gas station locating near their homes specifically property values and crime issues.

After noting the recommendation by the City Planning Commission, the City Planning Report, the City Comp. Plan, the reports and documents from the City Planner, and the findings and information provided by the City Planner that the record supports a finding that this denial is not “arbitrary and capricious” and furthermore is “fairly debatable,” and that the Board abided by its own rules and regulations set forth in the zoning ordinance for the denial, Alderman Flores made the motion to deny the CUP by M & N Property, LLC to allow gas pumps. Motion was seconded by Alderman Payne.

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 19th day of September, 2023.

The Following Documents are included as Exhibits to these Minutes and are fully incorporated in these minutes:

- Snowden Grove PUD text
- Rosebury PUD text
- Cherry Tree Park PUD text
- Desoto County zoning 1973
- Desoto County zoning 2023

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Planning Commission attendees list in opposition of the gas station
Southaven Code of Ordinances Title XIII Chapter 13-9 Conditional Uses
Institute of Transportation Engineers Trip Gen Manual 10th edition
City Comprehensive Plan
City Planning Report
CUP Application
Documents Provided by Applicant's Representative at Board Meeting
The web page found at <https://ceds.org/gasstation/>

**Item #2 Application by Shaniqua Campbell for a Conditional Use
Permit to allow a full-service spa at 362 Stateline Road**

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit for a full-service spa to be located at 362 Stateline Road on the north side of Stateline Road, just east of Hamilton Road. Per the application, the owners intends to offer manicures, pedicures, nail extensions, nail art and additional nail care services. There are no other amenities on site. After review of the applicant's paperwork, this establishment does not meet the requirements for a full-service spa which requires three or more amenities. It does, however, meet the standards for a nail salon, which by definition is also required to meet the ½ mile distance rule. The Board of Alderman recently revised this ordinance to allow for a maximum of two (2) nail salons within the ½ distance area in an effort to ease the concerns of business owners wishing to locate in the city. 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 of Alderman considered the following resolution:

**THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE
PERMIT TO SHANIQUA CAMPBELL AT 362 STATELINE ROAD, SOUTHAVEN,
MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on August 28, 2023 for the conditional use permit ("permit") application of Shaniqua Campbell (the "Applicant") for a nail salon located at 362 Stateline Road, Southaven, Mississippi; 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

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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, a one (1) year permit, and the permit may be renewed for four (4), one year extensions at the discretion of the City Board of Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a); and

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

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for a nail salon at 362 Stateline Road, Southaven, Mississippi for one (1) year with up to four (4), one-year extensions to be renewed annually at the discretion of the City Board of Aldermen.
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 Kelly and seconded by Alderman Hoots. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman Raymond Flores	voted: YES
Alderman John Wheeler	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 19th day of September, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

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

Item #3 Application by Michael Likens for a Conditional Use Permit to allow motor vehicle repair and towing at 1931 Veterans Drive

Mrs. Choat-Cook stated that The applicant is requesting a conditional use permit for motor vehicle repair and towing to be located at 1931 Veterans Drive. The site has an existing office building and repair shop on site with a sight proof fence line and gated access on the east side. Per the applicant's submission paperwork, the existing two story office building will be renovated to meet code and have a more modern appearance and will be used by administrative staff for customer service

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duties. The existing accessory building on site has four (4) roll up bay doors and is designed for repair. The applicant will use this portion of the property for auto repair of customer vehicles as well as maintenance to business vehicles. The paved area behind the main building is proposed to store towed vehicles and will be situated behind a sight proof fence line. Mrs. Choat-Cook stated that staff has no issues with the request as there are several similar establishments in this immediate vicinity. Staff would like to state that any vehicles that are wrecked or towed should not be on site any longer than the 120 days as stated in the ordinance under the repair. The towing request allows for additional vehicles to be stored on site but this should be temporary in nature and the vehicles should only be parked on the paved surfaces. Staff recommends a one (1) year conditional use permit with a four (4) year extension pending compliance and annual inspection. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE
PERMIT TO MICHAEL LIKENS FOR MOTOR VEHICLE REPAIR SHOP LOCATED
AT 1931 VETERANS DRIVE IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on August 28, 2023 for the conditional use permit ("permit") application of Michael Likens (the "Applicant") for a motor vehicle repair shop located at 1931 Veterans Drive in Southaven, Mississippi; and

WHEREAS, the City Code of Ordinances define a "Motor Vehicle Service and Repair" and set forth the requirements as provided in Exhibit A; 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

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

1. Subject to the Board’s revocation for violation of the permit or ordinances and Applicant’s compliance with the requirements as set forth in the Staff Report attached hereto as Exhibit A, the City Board grants a conditional use permit to the Applicant for motor vehicle repair shop located at 1931 Veterans Drive, Southaven, Mississippi for one (1) year to be renewed annually at the discretion of the City Board of Aldermen and subject to the City Board’s revocation.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

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

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman Raymond Flores	voted: YES
Alderman John Wheeler	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 19th day of September, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

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

MAYOR’S REPORT

BankPlus Amphitheater Concerts

Mayor Musselwhite reported that concert season is going very well. The City had one of their biggest events with Brantley Gilbert and Nickelback with a sold out show. Mayor Musselwhite commented that the pedestrian trails allowed the police to separate the pedestrian traffic from the vehicle traffic to allow for better traffic flow.

Fall Street Resurfacing

Mayor Musselwhite explained that the Fall street resurfacing schedule will be sent to Lehman Roberts to get started in October. The plan is to get as many streets on the FY2024 list before the weather gets bad.

I-55 Widening Project

Mayor Musselwhite reported that the I55 and Church Road area have been hampered by the interstate system as there are companies that want to come to Southaven but cannot do business until the traffic infrastructure improves. Mayor Musselwhite stated that a bus tour is scheduled for the

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following day with state legislators and key MDOT officials that will start at the TN state line and travel south for a visual of the need to widen I55.

PERSONNEL DOCKET

Personnel

Docket

September 19, 2023

New Hires	Department	Position Title	Start Date	Rate of Pay
Lasundra Carter	Planning	Code Enforcement Officer	TBD 9/25/202	\$18.00
Christian Waller	Police	Police Officer 4	3	\$28.97

Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Alexis Clifton	Dispatch 1	Dispatch 2	8/28/202 3	\$24.50
Daniel Colby Haynes	FireFighter II	FireFighter III	9/19/202 3	\$18.08
David Payne	Police Officer 3	Police Officer 4	10/9/202 3	\$28.97

Promotion	Current Position Title	Certification	Effective Date	Rate of Pay
Andrew Mease	LE Certified Code Enforcement Officer	Police Professional Certification	9/1/2023	\$24.00

Stipend	Department	Stipend	Effective Date	Stipend Rate Annually
Ashton Berryhill	Fire	EMT-B	9/6/2023	600.00

Oath of Office

Susanna Taylor

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Joseph Nallick	Police	Police Officer 1	9/5/2023	\$24.99

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Amber White	Emergency Communications	Dispatch 3	9/22/202 3	\$25.00
Jarris Scott	Utility	Sewer Technician	9/19/202 3	\$16.50

**Parks
Tournaments**

New Hires	Position Title	Start Date	Rate of Pay
Marlen Smith	Concession	9/20/2023	\$9.50

Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Madison Ashford	Supervisor Concession	Snowden Head Supervisor	9/20/202 3	\$11.25
Eli Smith	Concession	Cook	9/20/202 3	\$10.25

Resignations/Terminations	Position Title	Effective Date	Rate of Pay
Donna Lucas	Concession	9/20/2023	\$11.25
Cooper Crapa	Concession	9/20/2023	\$10.25
Adam DeClue	Concession	9/20/2023	\$9.50
Destiny Doelling	Concession	9/20/2023	\$9.50
Rylan Siebert	Concession	9/20/2023	\$9.50
Chloe Stewart	Concession	9/20/2023	\$9.50
Skylar Taylor	Concession	9/20/2023	\$9.50

Alderman Payne made the motion to approve the Personnel Docket of September 19, 2023 as presented to this Board. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 19th day of September, 2023.

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CITY ATTORNEY’S LEGAL UPDATE

Mr. Manley stated that the \$3 million dollars of ARPA money approved for the Horn Lake Creek Interceptor District will be transferred this week. The item is being entered into the minutes with no other action taken.

Alcohol Variance

Alderman Flores made the motion to approve an alcohol variance for an event at the Snowden House for Tate Reeves. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 19th day of September, 2023.

BUTLER SNOW CONTRACT

Mr. Manley stated that this request is for a one-year contract extension with Butler Snow for legal services to be effective October 1, 2023 – September 30, 2024. Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the contract with Butler Snow. 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 19th day of September, 2023.

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

UTILITY BILL ADJUSTMENT DOCKET

		UTILITIES BILL LEAK ADJUSTMENT DOCKET 09/19/2023				
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.						
1	RESIDENT	BRIGHT LARRY	8170	SWINNEA RD	(43.30)	POOL ADJUSTMENT
2	RESIDENT	MORRIS LARRY	1577	IAN	(11.84)	POOL ADJUSTMENT
3	RESIDENT	MILLER BOBBY	7332	FOX TRACE	(53.28)	POOL ADJUSTMENT
4	RESIDENT	BIRDIE LEE COOPERWOOD	8337	CEDARBRUSH	(117.00)	REPLACED SERVICE LINE TO BATHROOM
5	RESIDENT	DANNY ALLISON	2890	SOUTH HARTLAND	(228.15)	TOILET LEAK
6	RESIDENT	ROY THOMPSON	7170	COUNTRY OAKS	(26.01)	REPLACED FITTING ON SPRINKLER SYSTEM
7	RESIDENT	JOHN MAY	7137	ARCASTLE LP W	(65.12)	POOL ADJUSTMENT
8	RESIDENT	DEBORAH NICHOLS	1702	BROOKHAVE N	(47.36)	POOL ADJUSTMENT
9	RESIDENT	JEAN MITCHELL	9144	FOREST	(44.40)	POOL ADJUSTMENT
10	RESIDENT	BELL MARCUS	2433	HEATHER RIDGE	(32.56)	POOL ADJUSTMENT
11	RESIDENT	ARBERRY REDMOND	5695	NICHOLS DR	(26.64)	POOL ADJUSTMENT
12	RESIDENT	CHARLES LEWIS-AMANDA SMITH	2744	AUSTIN JAMES DR	(152.10)	TOILET LEAK
13	RESIDENT	JAY WHITE	1540	TICONDEROG A	(46.80)	TOILET LEAK
14	RESIDENT	LEONARD GLOVER	5984	STAFFORD DR	(148.00)	POOL ADJUSTMENT
15	RESIDENT	FELISHA AND KEITH BURNETT	4375	CHALICE DR	(64.34)	TOILET LEAK
16	RESIDENT	DARRELL GRAHAM	7849	COTTON LN DR	(32.56)	POOL ADJUSTMENT
17	RESIDENT	JEMONTE MARROW	5498	DOE LN	(17.76)	POOL ADJUSTMENT
18	RESIDENT	B.K. HUNTER	2085	CHURCH RD E	(236.45)	3 FAUCETS LEAKING

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19	RESIDENT	AYANNA THOMAS	5665	DEER RIDGE DR	(339.30)	LEAK ON MAIN LINE
20	RESIDENT	NORMAN BRESEMAN	3226	MARCIA LOUISE	(38.48)	POOL ADJUSTMENT
21	RESIDENT	MELISSA CALDWELL	1766	FOREST CV	(210.16)	POOL ADJUSTMENT
22	RESIDENT	CORINNA CECIL	1845	PECAN RIDGE N	(88.80)	POOL ADJUSTMENT
23	RESIDENT	OLLIE MEEKS MOORE	4242	SWEET FLAG LOOP N	(473.85)	TOILET LEAK
24	RESIDENT	JAMES LORRE	285	VILLAGE PKWY	(106.56)	LEAK ON MAIN LINE IN FRONT YARD
25	RESIDENT	CAROLYN ROTEN	380	GARDEN WALK N	(46.80)	TOILET LEAK
26	RESIDENT	LAQUENDRA BURCHETT	2636	PINNACLE DR	(409.01)	LEAK ON MAIN LINE
27	RESIDENT	MALLORY HAEMON	691	WOODSMOKE	(128.70)	TOILET LEAK
28	RESIDENT	KATY COMPTON	8224	BARBERRY PL	(29.25)	TOILET LEAK
29	RESIDENT	GARRETT DUNCAN	2482	ANSLEY PARK LN	(408.94)	POOL ADJUSTMENT
30	RESIDENT	MACK WILCOX	1635	SHERWOOD	(46.80)	TOILET LEAK
31	RESIDENT	DAVID AND MARY CARLISLE	1780	COLONIAL HILLS DR	(198.90)	BATHTUB LEAK
32	RESIDENT	MARILYN MARTIN	2619	PYRAMID	(181.35)	TOILET LEAK
33	RESIDENT	DAKOTA WEST	8082	WHITEBROOK	(115.44)	POOL ADJUSTMENT
34	RESIDENT	NEISHA KOCKZA	4742	DERBY DR	(106.93)	TOILET LEAK
36						
				TOTAL	(4322.94)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of September 19, 2023 in the amount of \$4,322.94. Motion was seconded by Alderman Jerome.

Roll call was as follows:

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

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 19th day of September, 2023.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of September 19, 2023 in the amount of \$3,668,168.64. Motion was seconded by Alderman Flores.

Excluding voucher numbers:
406735,406745,406746,406860,406871,406872,407033,407212,407234,407329

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 19th day of September, 2023.

Alderman Hoots recused himself and left the room.

SPECIAL CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of September 19, 2023 in the amount of \$18,887.22. 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

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 19th day of September, 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 September 19, 2023 at 8:00 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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

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