

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
October 17, 2023
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: October 3, 2023
5. MOU with Bethel University
6. Agreement with CCBCC Operations, LLC
7. Contracts with Comcast
8. Building Code Variance Request by Dean Architecture for Baptist Ambulatory Surgery Center
9. Resolution for Free Port Warehouse Tax Exemption for Tubby Todd Bath Co., LLC
10. Authorization for Reverse Auction Bids – Utilities Dept. and Parks Dept.
11. Resolutions for Sanitation Liens/Assessments and Property Liens/Assessments
12. Engineering Work Authorization
13. Approval of FY2023 Audit
14. Resolution to Clean Private Property
15. Planning Agenda: Item #1 Application by Probir Sarkar for a Conditional Use Permit to allow a full service spa to be located at 1046 Church Road
Item #2 Application by Keusi Donald for a Conditional Use Permit to allow a wholesale/discount business to be located at 9190 Hwy. 51 N.
16. Mayor's Report
17. Personnel Docket
18. City Attorney's Legal Update
19. Utilities Billing Leak Adjustment Docket
20. Claims Dockets: Docket 1
Docket 2
21. Executive Session: Economic Development (Industry/Business Locating to City); Interdepartmental Personnel with No Action

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

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MINUTES OF THE REGULAR MEETING OF October 17, 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 17th day of October, 2023 at six o'clock (6:00) p.m. at City Hall.

Present were:

George Payne	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
William Jerome	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately thirty 30 other people were present. Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Jerome.

Next, a motion was made by Alderman Hoots to approve the minutes of the Regular Meeting of October 3, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Jerome. Motion was put to a vote and passed unanimously.

MOU WITH BETHEL UNIVERSITY

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

Mr. Manley stated that this MOU with Bethel University will provide the SPD with discounted per hour rates for online college classes at Bethel. In addition, Bethel will waive the application fee for SPD employees. The SPD plans to utilize this benefit for retention and recruiting purposes. A motion was made by Alderman Gallagher to approve the MOU with Bethel University. Motion was seconded by Alderman Jerome.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

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

AGREEMENT WITH CCBCC OPERATIONS, LLC

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

Mr. Manley stated that this agreement with CCBCC allows for CCBCC to have the right to provide the Coke products for re-sale at the BankPlus Amphitheater. Event Concessions is also a party to the agreement as, Event Concessions serves as the vendor for food and beverage. Event Concessions will be the entity to receive and re-sale the Coke products and the City will get its share of revenue from Event Concessions based on the City's agreement with Event Concessions. In consideration for using Coke products, CCBCC will pay the City \$20,000 a year and the City will provide a box for CCBCC along with the right to advertise at the BankPlus Amphitheater. A motion was made by Alderman Flores to approve the contract with CCBCC Operations, LLC. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

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

CONTRACTS WITH COMCAST

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

Mr. Manley stated that these two (2) contracts with Comcast both involve providing Wi-Fi services at Snowden. The first contract with Comcast is to provide internet access for the Parks Department, specifically Perfect Game and public Wi-Fi during games. The City IT Department has approved the network design and think the increased bandwidth and coverage will make a huge difference in ball game streaming on all fields as well as citizen access to Wi-Fi during games. The City IT Department has requested infrastructure before baseball season starts. The total cost for hardware and installation is

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\$141,880.36 with a monthly recurring charge of \$180.00/mo. for service and support. The second contract with Comcast is for the monthly service at the Parks office. The monthly fee of \$2,155.00 will increase speeds at the current facility, provide service for Perfect Game for streaming during games/tournaments and also provide public Wi-Fi. The City IT Department requested the speeds not be billed until Deep Blue has been installed and ready to be tested. Alderman Gallagher made the motion to authorize Michael Norris to sign the contracts. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

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

BUILDING CODE VARIANCE REQUEST BY DEAN ARCHITECTURE FOR BAPTIST AMBULATORY SURGERY CENTER

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

Mr. Manley stated that this request is to utilize the 2021 Building Code as opposed to the 2018 Building Code for the Baptist Ambulatory Surgery Center. Under the 2018 IBC, one is required to fire rate the columns on the lower floors within the footprint of the surgery center. Since there is a Cancer Center on the first floor and Memphis Lung on the second floor, this requirement would cause a lot of disturbance to the existing tenants. James Gentry approves the variance as the architect will use the 2021 Building Code completely for the project and not pick and choose only the parts they like from 2018 or 2021. In addition, based on the City Building Code Department experience, most big companies like to build to the most current codes, so the City Board will likely see more requests for substitution. After noting that the variance is to allow for a more current version of the building code, a motion was made by Alderman Jerome to approve the building code variance. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
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Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

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

RESOLUTION FOR FREE PORT WAREHOUSE TAX EXEMPTION FOR TUBBY TODD BATH CO, LLC

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

Mr. Manley stated that this resolution will authorize a free port warehouse tax exemption to Tubby Todd Bath Co, LLC (inventories body care and bath products for babies and kids) for personal property held in Tubby's free port warehouse and in transit through the State and which either is moving in interstate commerce through or over the territory of the State or is consigned or transferred to Tubby's finished goods warehouse for storage in transit to a final destination outside the State. The Desoto Economic Council recommended approval. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING FREE PORT WAREHOUSE AD VALOREM TAX EXEMPTION TO TUBBY TODD BATH CO, LLC AS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, Tubby Todd Bath Co, LLC ("Tubby") seeks an exemption from ad valorem taxes at its warehouse operation located at 1620 Stateline Road East, Southaven, Mississippi to the fullest extent permitted by statute on all personal property held in the applicant's finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Chain's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

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

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

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

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

After a full discussion of this matter, ALDERMAN Kelly moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Jerome. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

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

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Alderman Raymond Flores

voted: YES

RESOLVED AND DONE, this 17th day of October, 2023.

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

AUTHORIZATION FOR REVERSE AUCTION BIDS – UTILITIES DEPARTMENT AND PARKS DEPARTMENT

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

Mr. Manley stated that the City Utility Department is requesting authorization to seek reverse auction bids for water chemicals, and the City Parks Department is seeking authorization for reverse auction bids for a skid-steer and mini-excavator. Central Bidding will be the entity to handle the reverse auction and once bids are received, they will be presented to Board to select the lowest and best. A motion was made by Alderman Hoots to authorize advertising and reverse auction for both bids. Motion was seconded by Alderman Jerome.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

RESOLUTION FOR SANITATION LIENS / ASSESSMENTS AND PROPERTY LIENS / ASSESSMENTS

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

Mr. Manley stated that these separate resolutions will authorize the City to file liens/assessments and convert liens to assessments for those residences who did not pay the sanitation fee and those residences that had property cut and/or cleaned in accordance with Miss. Code 21-19-11. The penalties for those properties under 21-19-11 were approved at a prior meeting and are consistent with state law along with being based on the size of the property that has been cut and/or cleaned. After hearing from Mr. Manley, the Board of Alderman considered the following resolutions:

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Resolution for Sanitation Liens

RESOLUTION FOR ASSESSING UNPAID SANITATION FEES

WHEREAS, the City of Southaven ("City") operates and maintains a garbage and rubbish collection system; and

WHEREAS, the City previously implemented a \$12.00 per month sanitation fee to defray the cost for the operating and maintaining of the garbage and rubbish collection system; and

WHEREAS, despite correspondence requesting that the City residents pay the sanitation fee and providing the residents the opportunity to address the City Board at previous City meetings, the residents listed at the properties on Exhibit A have failed to pay the sanitation fee; and

WHEREAS, the individuals were provided an opportunity for a hearing at the City Board Meetings regarding the delinquent assessments and chose not to attend the hearing; and

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

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

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

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

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

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

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

RESOLVED AND DONE, this 17th day of October, 2023.

A list of addresses with unpaid sanitation fees is attached to these minutes.

Resolution for Assessments and Property Liens / Assessments

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI 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, the City used City personnel for 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 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; and

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WHEREAS, the City Governing Authorities previously adopted, via resolution, the cost and penalties charged by the City for the clean-up of properties; 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 fees, costs, and penalties listed in Exhibit A be assessed to the property.
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.
4. The City Planner and/or her designee is authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Hoots and seconded by Alderman Wheeler. 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 George Payne	ABSENT
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	YES
Alderman Charlie Hoots	YES

RESOLVED AND DONE this 17th day of October, 2023.

The standard penalties for the lots along with a list containing street names, parcel id #, and assessment totals is attached to these minutes.

ENGINEERING WORK AUTHORIZATION

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

Mr. Manley stated that ss required by the Civil Link Master Agreement, this work authorization authorizes Civil Link to perform Geotech services in an amount not to exceed \$5,000.00 for the new tennis courts being designed by Urban Arch. A motion was made by Alderman Jerome to approve the work authorization. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES

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Alderman Payne	ABSENT
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 17th day of October, 2023.

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

APPROVAL OF FY2023 AUDIT

Edi Mcilwain, Finance Director, presented this item to the Board.

Mrs. Mcilwain stated that the audit was performed as required by state law. The City received a clean audit with no significant findings. Alderman Flores made the motion to approve the FY23 audited financial statements. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

A copy of the FY23 audit is attached and fully incorporated into these minutes.

RESOLUTION TO CLEAN PRIVATE PROPERTY

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

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

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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

1090 MAIN ST/PARCEL # 108614000000100
1090 MAIN ST/PARCEL # 108614000000200
1090 MAIN ST/PARCEL # 108614000000300
1090 MAIN ST/PARCEL# 108614000000400
1090 MAIN ST/PARCEL# 108614000000500
1090 MAIN ST/ PARCEL# 108614000000600
1515 MAIN ST.
8055 OAKBROOK DR.

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

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, **October 17, 2023** by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, **October 17, 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

1090 MAIN ST/PARCEL # 108614000000100
1090 MAIN ST/PARCEL # 108614000000200
1090 MAIN ST/PARCEL # 108614000000300
1090 MAIN ST/PARCEL# 108614000000400
1090 MAIN ST/PARCEL# 108614000000500
1090 MAIN ST/ PARCEL# 108614000000600
1515 MAIN ST.
8055 OAKBROOK DR.

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

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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 Flores 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	ABSENT
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 17th of October 2023.

CITY OF SOUTHAVEN

PLANNING AGENDA

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

Item#1 Application by Probir Sarkar for a Conditional Use Permit to allow a full service spa to be located at 1046 Church Road

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to allow a full service spa at 1046 Church Road. The applicant is in compliance and meets three amenities which is considered full service. 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 PROBIR SAKAR FOR FULL-SERVICE SPA LOCATED AT 1046
CHURCH ROAD, SUITE 106 IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on September 25, 2023 for the conditional use permit ("permit") application of Probir Sakir (the "Applicant") for full-service spa located at 1046 Church Road, Suite 106, Southaven, Mississippi; and

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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:

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 1046 Church Road in Southaven, Mississippi for one (1) year to be renewed annually at the discretion of the City Board of Aldermen and subject to the City Board’s revocation.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Gallagher and seconded by Alderman 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 George Payne	ABSENT
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	YES
Alderman Charlie Hoots	YES

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Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 17th day of October, 2023.

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

Item #2 Application by Keusi Donald for a Conditional Use Permit to allow a wholesale/discount business to be located at 9190 Hwy. 51 N

Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to allow a wholesale / discount business at 9190 Hwy 51 N. Mrs. Choat-Cook stated that all merchandise will be new. 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 KEUIS DONALD FOR WHOLESALE/DISCOUNT STORE LOCATED AT 9190 HWY. 51, IN SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on September 25, 2023 for the conditional use permit ("permit") application of Keuis Donald (the "Applicant") for full-service spa located at 9190 Hwy. 51 in Southaven, Mississippi; and

WHEREAS, Title XIII, Chapter 12, Section 13-12(m), Chart 4 Commercial Zone Districts requires a conditional use permits for wholesale/discount store; and

WHEREAS, the City Ordinance allows for two (2) wholesale/discount stores 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

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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:

3. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for wholesale/discount store located at 9190 Hwy. 51 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.
4. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Hoots and seconded by Alderman Kelly. 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	ABSENT
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 17th day of October, 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

Nail Road Extension Project (Getwell to Tchulahoma)

Snowden Lane Widening Project

Starlanding and Swinnea Road Update

Mayor Musselwhite stated that as development occurs in the Getwell / Snowden district area, there is going to be a need to extend Nail road. Part of the approval for some developments is that they agree to pay for half of the improvements. The extension from Getwell to Tchulahoma is projected to cost about \$7.7 million. Mayor Musselwhite stated that at this point, some of the developments are being held up until they are given the green light that the City is moving forward with their portion of the project. Mayor Musselwhite stated that he was not asking for Board action at this meeting as there are still some questions that needed to be answered in regards to how the City will fund its portion of the project. Mayor Musselwhite stated that he will make the recommendation to hire Civil Link to handle the design and oversight of the project at the next meeting. Mayor Musselwhite stated that

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there are some developments that have been approved on Snowden Lane, north of the bowling alley and soccer complex, and will require Snowden Lane to be widened. This development will split the cost of \$2.8 million with the City. Mayor Musselwhite stated that this item will also be on the next agenda with the recommendation to approve. Mayor Musselwhite stated that Southaven is a fast growing City and they need to be prepared for the challenges ahead with traffic. As of right now, Swinnea Road dead ends at Starlanding, but with the McIngvale -Swinnea connection that is underway by Desoto County, Swinnea Road will soon go past Starlanding and connect to McIngvale. There will be a lot more traffic on that road. Mayor Musselwhite reported that on Starlanding before you get to Swinnea, there is a hill that takes out the sight of those making a left hand turn. Mayor Musselwhite stated that this situation has been aggravated by the increase in traffic flows and needs to be addressed now.

Mayor Musselwhite stated that coincidentally, as they started to address this issue, it was made known that MDOT has a special project on non-state roads with accident data that allows them to help fund improvements. MDOT already had this project underway to help make it a safer intersection. Mayor Musselwhite stated that the City is going to make the intersection a four way stop initially, but the ultimate solution is to level the hill to eliminate the visibility problem on Starlanding and put traffic signals on all four sides. The cost to complete the project is approximately \$650,000. Mayor Musselwhite stated that they are going to move forward with this project as it is just too dangerous. In this project, a flashing red light that is elevated above the hill will be hung to assist motorists traveling Westbound.

Bank Plus Amphitheater Concert Update

Mayor Musselwhite stated that in 2020-2021 the City stopped having concerts and shutdown the amphitheater due to the COVID pandemic. The City began to think about a better way to do the concerts and bring in better acts so they began to do things differently and hired a specialist with CVB to produce the concerts held at the Bank Plus Amphitheater. At that time, the Board of Alderman also made significant improvements to the amphitheater. Mayor Musselwhite reported that the concert series just ended and the decisions and investments made a difference and will be even better moving forward.

PERSONNEL DOCKET

Personnel October 17,
Docket 2023

New Hires	Department	Position Title	Start Date	Rate of Pay
James Sentenn	Parks	Laborer I	10/17/2023	\$15.91

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Larry Cole	Parks	PT Golf	10/18/2023	\$9.50
Clarence Brownlee	Public Works	Laborer I	TBD	\$15.00
Zacheius Hunter	Public Works	Laborer I	TBD	\$15.00
James Lane	Public Works	Laborer I	TBD	\$15.00
Kaelob Preston	Fire	Paramedic	TBD	\$24.15
Christian Gulde	Police Department	Police Officer I	10/23/23	\$25.99

Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Anthony Silvino	Parks	Laborer II	10/18/2023	\$16.45
James Turnbow	Parks	Laborer II	10/18/2023	\$16.45

Re-Classifications	Current Position Title	New Position Title	Effective Date	Rate of Pay
Tanya Blevins	Dispatch I	Dispatch II	10/10/2023	\$25.30

Stipend	Department	Stipend	Effective Date	Stipend Rate Annually
Eric Davis	Fire	Honor Guard (<i>being removed</i>)	10/3/2023	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
William Mayo	Police	Police Officer I	10/12/2023	\$25.99
Tyrone M. Scott	Parks	Laborer II	10/4/2023	\$15.91
Nicole Hilario	City Clerk's Office	Deputy City Clerk	10/25/2023	\$52,000.00
D'Arta Rice	Emergency Communication	Dispatch I	10/13/2023	\$22.32

Parks Tournaments

New Hires	Position Title	Start Date	Rate of Pay
Alanna Herron	Gates	10/17/2023	\$9.75

Alderman Jerome made the motion to approve the Personnel Docket of October 17, 2023 as presented to this Board. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN

VOTED

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Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

CITY ATTORNEY'S LEGAL UPDATE

Alderman Flores made the motion to approve the HomeRun for Habitat 5K on October 22nd from 12:00 p.m. to 6:00 p.m. at Silo Square. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

UTILITY BILL ADJUSTMENT DOCKET

UTILITIES BILL LEAK ADJUSTMENT DOCKET 10/17/2023						
<u>The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.</u>						
1	RESIDE NT	AMANDA PHILLIPS	848	RASCO RD	(122.85)	TUB/TOILET LEAK

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2	RESIDENT	JESSICA JAMES	953	KESWICK	(339.30)	TOILET LEAK
3	RESIDENT	DANIEL BARULLI	7410	KINSTON CV	(289.85)	LEAK ON SERVICE LINE
4	RESIDENT	PAMELA HAMNER	5225	WINDY RIDGE DR	(585.00)	TOILET LEAK/AND LEAK BEHIND KITCHEN CABINETS
5	RESIDENT	JIMMY RIGSBY	8182	ELMBROOK	(1164.15)	TOILET LEAK
6	COMMERCIAL	RYAN T ENGLAND	1055	CHURCH RD E	(248.22)	TOILET LEAK
7	RESIDENT	CRYSTAL ROSEBUD	4674	DERBY DR	(128.70)	TOILET LEAK
8	COMMERCIAL	CARDIFF GARDENS HOA	1849	GILLESS PT N	(282.46)	PIPE BURST UNDERGROUND
9	RESIDENT	LISA PENDERGRASS	1840	WINDY LN	(181.35)	LEAK UNDER SLAB
10	RESIDENT	TYRELL JAMES	8655	MILLBRANCH	(292.50)	TOILET LEAK
11	RESIDENT	ANGELA COX	8579	SOUTHAVEN CR W	(327.60)	LEAK UNDER FRONT YARD
12	RESIDENT	BOBBY MARHALL	756	HALIFAX CV	(444.60)	TOILET LEAK
13	RESIDENT	JENNIFER REED	394	PLUM POINT CV	(135.38)	VALVE LEAK ON POOL PUMP
14	RESIDENT	DONALD ANDERSON	8970	SMITH RANCH	(162.29)	TOILET LEAK
15	RESIDENT	JANE RUTHERFORD	1554	BROOKHAVEN DR	(128.70)	KITCHEN FAUCET/T OILET LEAK
16	RESIDENT	MARY JOINER	1011	BOULDER DR	(81.90)	TUB FAUCET
17	RESIDENT	VERONICA STEWART	8848	SWEET FLAG LOOP	(316.51)	TOILET LEAK
18	RESIDENT	DANIEL PEREZ	8443	ANSLEY PARK LN	(106.56)	POOL ADJUSTMENT

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19	RESIDE NT	JANET MOTE	930	CLOVER LEAF	(72.25)	LEAK ON IRRIGATI ON LINE IN BACK YARD
20	RESIDE NT	DOROTHY WHITLEY	480	CHASE CV	(81.90)	TOILET LEAK
				TOTAL	(5492.07)	

Alderman Jerome made the motion to approve the Utility Bill Adjustment Docket of October 17, 2023 in the amount of \$5,492.07. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	ABSENT
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 17th day of October, 2023.

CLAIMS DOCKET

A motion was made by Alderman Flores to approve the Claims Docket of October 17, 2023 in the amount of \$5,170,551.45. Motion was seconded by Alderman Hoots.

Excluding voucher numbers:

406735, 406745, 406746, 406860, 406871, 406872, 407033, 407212, 407234, 407329, 408352, 408430, 408608, 408620, 408621, 408622, 408623, 408624, 408625, 408626, 408627, 408628, 408629, 408662, 408715, 408792, 408811, 408830, 408908, 408917, 408949, 408953, 408954

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES

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Alderman Payne	ABSENT
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 17th day of October, 2023.

SPECIAL CLAIMS DOCKET

Alderman Hoots recused himself and left the room.

Alderman Flores made the motion to approve the Special Claims Docket of October 17, 2023 in the amount of \$2,201.47. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 17th day of October, 2023.

Alderman Hoots returned to the room.

EXECUTIVE SESSION

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 Hoots to adjourn. Motion was seconded by Alderman Jerome. Motion was put to a vote and passed unanimously October 17, 2023 at 7:35 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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