

Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
November 7, 2023
6:00 PM
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: October 17, 2023
5. Engineering Work Authorizations for Snowden Lane and Nail Road
6. Resolution for Amendment to Property Maintenance Code
7. Fire Station #5 Change Orders
8. Getwell Road Project Change Order
9. Municipal Questionnaire
10. Approval of BankPlus Agreements/Pricing
11. Resolution for Ratification of Emergency Purchase for Utilities Dept.
12. Authorization for Annual Certification for eShare, Asset Forfeiture Program with the DOJ
13. Approval for Rental Variance
14. Discussion of Proposed Commercial Vehicle Ordinance
15. Resolution for Sanitation Fees
16. Resolution to Clean Private Property
17. Planning Agenda: Item #1 Application by ServPro for design review of an office/storage facility to be located on Lot 1 of Monahan Farms Subdivision on the north side of Stateline Road, east of Getwell Road
18. Mayor's Report
19. Personnel Docket
20. City Attorney's Legal Update
21. Utilities Billing Leak Adjustment Docket
22. Claims Dockets: Docket 1
Docket 2
23. Executive Session: Discussion for Potential Lease of City Property (Miss. Code 25-41-7(g)); Discussion regarding ongoing and potential claims/litigation by and against City (Miss. Code 25-41-7(4)(b)); Economic Development (Potential location/re-location of business to City) (Miss. Code 25-41-7(j)); Personnel in PD and FD; 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 November 7, 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 7th day of November, 2023 at six o'clock (6:00) p.m. at City Hall.

Present were:

George Payne	Alderman At Large
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

Absent were:

Kristian Kelly	Alderman, Ward 1
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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 Payne.

Next, a motion was made by Alderman Hoots to approve the minutes of the Regular Meeting of October 17, 2023 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Jerome. Motion was put to a vote and passed unanimously.

ENGINEERING WORK AUTHORIZATION FOR SNOWDEN LANE AND NAIL ROAD

Dan Cordell, City Consulting Engineer, presented this item to the Board.

As part of the Snowden Lane Widening and Nail Road Improvement Project, Civil Link will need to be engaged to conduct design, construction, and inspection services. The proposed work authorizations are in accordance with Civil Link's Master Agreement and are based on an hourly not to exceed price. The hourly not to exceed for Snowden Lane Project is \$328,000.00 and for Nail Road is \$635,000.00. Both cost proposals are based off of the MDOT pricing model allowed for engineering services. Alderman Payne made the motion to approve the work authorizations with Civil Link. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN

VOTED

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Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

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

RESOLUTION FOR AMENDMENT TO PROPERTY MAINTENANCE CODE

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

Mr. Manley stated that previously, the Board discussed the amendment to Property Maintenance Code and during the discussion, there were concerns regarding trees being included for violation in the context of overgrown shrubs. Based on that discussion, the Property Maintenance Code has been amended to add a specific section for trees, which provides more clarity and specifics, so that it is not overbroad/vague, for review. The amendment notes that overgrown vegetation, trees or the existence of other dead plant life, which may reasonably become infected or inhabited by rats, mice, other rodents, snakes, vermin, pests, or wild animals, or may furnish a breeding place or harboring place for flies, mosquitoes or other harmful insects, or impairs the economic welfare of adjacent property, or threatens or endangers the public health, safety, or welfare of the public, is a violation. This amendment will allow for the City Code Officers to make an objective determination of a violation of the Property Maintenance Code. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY
OF SOUTHAVEN PROPERTY MAINTENANCE CODE**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the City of Southaven Property Maintenance Code:

Thereupon Alderman Wheeler offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY
OF SOUTHAVEN PROPERTY MAINTENANCE CODE**

WHEREAS, the Mayor and Board of Alderman of the City have been given the authority pursuant to Miss. Code Section 21-19-11 of the Mississippi Code of

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1972, annotated, as amended, to allow for the City to clean private property after due notice is served; and

WHEREAS, pursuant to Miss. Code Section 21-19-25, the City has the authority to adopt codes dealing with general public health, safety or welfare, or a combination of the same, by ordinance, which includes the adoption of a City Property Maintenance Code; and

WHEREAS, on November 3, 2015, the City previously approved the Property Maintenance Code; and

WHEREAS, pursuant to Miss. Code 21-17-5, the governing authorities of the City have the care, management and control of the municipal affairs and its property and finances and have the power to adopt, alter, or modify any orders, resolutions or ordinances with respect to such municipal affairs, property and finances;

WHEREAS, pursuant to Miss. Code Sections 21-13-1 and 21-17-5, the City has the authority and power to enforce the penalties as set forth in the City Property Maintenance Code as adopted by the City;

WHEREAS, the City desires to amend the City Property Maintenance Code; and

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

WHEREAS, the amendment to City Property Maintenance Code adopted, via City Ordinance, provides specific guidelines for the governmental authorities, and serves the legitimate City interest; and

NOW, THEREFORE BE IT ORDAINED BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI SHALL AMEND THE CITY OF SOUTHAVEN PROPERTY MAINTNEANCE CODE AS FOLLOWS:

Sec. 4-67 – Blighted property violations.

2.9 Trees. Any Premises or Yard that has overgrown vegetation, trees or the existence of other dead plant life to the extent that such Premises or Yard is or may reasonably become infected or inhabited by rats, mice, other rodents, snakes, vermin, pests, or wild animals, or may furnish a breeding place or harboring place for flies, mosquitoes or other

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harmful insects, or impairs the economic welfare of adjacent property, or threatens or endangers the public health, safety, or welfare of the public.

NOW, THEREFORE BE IT ORDERED that the amendment to the City Property Maintenance Code as set forth above in this Resolution shall take effect one month after passage.

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

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

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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 3rd day of October, 2023.

CITY OF SOUTHAVEN, MISSISSIPPI

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

FIRE STATION #5 CHANGE ORDERS

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

Mr. Manley stated that in accordance with Miss. Code 31-7-13, the Board previously authorized Chief Scallions to execute change orders which have been approved by the consulting architect and are below one percent (1%) of the contract price. There were three (3) change orders which were approved and executed by Chief Scallions and now need to be entered in the minutes. The change orders relate to increase of 17 days for contract time; supports for training room steel in the amount of \$2,332.82; and bloc plan for mezzanine issues which affect the lining for the steel garage door liners in the amount of \$21,630.87. In accordance with Miss. Code 31-7-13(k), the change orders do not change the scope of the project and was not done to circumvent the bid laws.

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

GETWELL ROAD PROJECT CHANGE ORDER

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

Mr. Manley stated that during actual construction, it was observed that a bigger pipe was needed at a certain location for drainage at specific locations on Getwell Road. The additional cost is \$16,318.08 for the pipe and has been approved by MDOT as part of the project. After noting that the change order was not being done to circumvent public bidding laws or outside the scope of the project, Alderman Flores made the motion to approve the change order. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

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

MUNICIPAL QUESTIONNAIRE

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

Mr. Manley stated that as part of the City’s audit, the City governing authorities are required to make certain findings and/or assertions via the municipal questionnaire. The questionnaire has been completed to ensure compliance. Alderman Flores made the motion to authorize Mayor Musselwhite to sign the municipal questionnaire. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
Alderman Hoots	YES

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved on the 7th day of November, 2023.

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

APPROVAL OF BANKPLUS AGREEMENTS / PRICING

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

Mr. Manley stated that for the upcoming concert seasons, the recommendation is that individuals/entities enter into a contract for the box seats. The options will be a one-year or three-year contract. For those who have a three (3) year contract, the cost will only increase by three percent (3%) per year. For boxes without a contract, the cost for a box will increase by eight percent (8%) per year. The contract is a form contract that can be approved by the Board and used for each person/entity who purchases a box. The proposed pricing is:

	No Contract, 8% not compounding			
	2023	2024	2025	2026
Lower	125	135.00	145.00	155.00
Upper	85	91.80	98.60	105.40
Table	75	81.00	87.00	93.00

	3 year, 3% not compounding			
	2023	2024	2025	2026
Lower	125.00	125.00	128.75	132.50
Upper	85.00	85.00	87.55	90.10
Table	75.00	75.00	77.25	79.50

Alderman Wheeler made the motion to approve the contract forms and pricing. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT

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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 7th day of November, 2023.

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

RESOLUTION FOR RATIFICATION OF EMERGENCY PURCHASE FOR UTILITIES DEPARTMENT

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

Mr. Manley stated that the utilities department planned to seek bids for a bucket truck; however, based on the information it has received, the lead time for a bucket truck is a couple of years at earliest. In addition, companies are not able to guarantee pricing for bucket trucks based on the length of the lead time and if they will even have a truck to bid. The Utilities Dept. was able to locate two (2) dealers who happened to have trucks and both provided a letter noting the uncertainty and timing for a bucket truck bid. As part of the review, Aerial Truck Company had a truck that was purchased in the amount of \$196,136.00. The truck was purchased based on the fact that the current truck is not operable and being repaired and the Utilities Dept. is not able to locate truck for rent. Finally, the Utilities Dept. needs two (2) trucks as part of its increased duties in the City and is not able to continue to operate without a bucket truck and the uncertainty of the availability of the trucks. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FOR RATIFICATION OF EMERGENCY PURCHASE BY THE SOUTHAVEN UTILITIES DEPARTMENT

WHEREAS, the City of Southaven ("City") Utilities Department needs a Bucket Truck ("Truck") to provide the services required to the City citizens in the context of utility needs; and

WHEREAS, the City Utility Department currently owns one (1) Truck which is not operating correctly and is being repaired; and

WHEREAS, the City Utility Department planned to seek bids for the Truck, but has been informed by multiple entities, as set forth in Exhibit A, that the lead and/or delivery time for a Truck is several years, which creates issues for entities bidding; and

WHEREAS, the City Utility Department is not able to locate a Truck for rent; and

WHEREAS, due to the size and needs of the City citizens, the City Utilities Department needs two (2) Trucks at all times; and

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WHEREAS, the City was able to locate two (2) Trucks which are available now for purchase and are not guaranteed to be available in the event of having to seek bids within the next month; and

WHEREAS, the Truck from Aerial Truck Company was purchased in the amount of \$196,136.00, due to the City Utility Department need and the uncertainty that it would be available when seeking bids; and

WHEREAS, the City Utility Department is not able to wait until Trucks may or may not be ready and/or available, as the City Utility Department needs the certainty of procuring the Truck for utility department purposes for the public safety of the City, and delay and/or trying to find actual Trucks for quotes would be detrimental to the interest to the City; and

WHEREAS, the City Governing Authorities pursuant to Mississippi Code Section 31-7-13(k) hereby approve and/or ratify the purchase by the City Utility Department of the Truck in the amount of \$196,136.00; and

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

SECTION 1. Pursuant to Mississippi Code 31-7-13(k) and based on the recommendation of the City Utility Director and the reasoning and findings set forth above, the City Board ratifies the purchase of the Truck in the amount of \$196,136.00 from Aerial Truck Company.

SECTION 2. On behalf of the City, the Mayor, City Utility Director, or their designee are authorized to take all actions to effectuate the intent of this Resolution.

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

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

RESOLVED AND DONE, this 7th day of November, 2023.

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

AUTHORIZATION FOR ANNUAL CERTIFICATION FOR ESHARE, ASSET FORFEITURE PROGRAM WITH THE DOJ

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

Mr. Manley stated that this is the annual certification for the forfeiture program with the Department of Justice, which requires approval by the

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Board for Mayor’s signature. The only difference this year from last year is the increase to the PD’s budget, and the single audit information, which the auditor has changed to Watkins, Ward, Stafford, PLLC. Mr. Manley stated that the SPD did not have any DAG seized funds this year, and the increase to the SPD balance was due to interest accrued. Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

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

APPROVAL FOR RENTAL VARIANCE

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

Mr. Manley stated that this variance, as required by the City’s Facility Use Policy, will allow for alcohol to be served at the Senator Roger Wicker Event on November 20 at the Snowden House. Alderman Flores made the motion to approve the rental variance. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

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DISCUSSION OF PROPOSED COMMERCIAL VEHICLE ORDINANCE

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

There was much discussion as it relates to a proposed commercial vehicle ordinance. Vehicle ratings, limitations with height and length were discussed. It was shared among the Board that they did not want commercial vehicles in residential areas, but also did not want to adversely affect someone’s livelihood. Mayor Musselwhite stated that they will continue to discuss options. No action was taken.

RESOLUTION FOR SANITATION FEES

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

Mr. Manley stated that this resolution authorizes the placement of lien or placement of amount owed on car tag for unpaid sanitation fees. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

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

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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 Payne. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

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

RESOLVED AND DONE, this 6th day of November, 2023.

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

RESOLUTION TO CLEAN PRIVATE PROPERTY

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

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

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

CONDEMNATION ADDRESS
PARCEL # 1079310000001302
1626 Brookhaven Dr.
8958 Smith Ranch Rd.
8854 Smith Ranch Rd.

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PARCEL# 207203000000306
PARCEL # 1078342800001700
PARCEL # 1078340000000204
2072Coral Hills 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, **November 7, 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, **November 7, 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
PARCEL # 1079310000001302
1626 Brookhaven Dr.
8958 Smith Ranch Rd.
8854 Smith Ranch Rd.
PARCEL# 207203000000306
PARCEL # 1078342800001700
PARCEL # 1078340000000204
2072Coral Hills Dr.

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

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

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

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ALDERMAN	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	ABSENT
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 7th day of November 2023.

CITY OF SOUTHAVEN

PLANNING AGENDA

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

Item#1 Application by ServPro for design review of an office/storage facility to be located on Lot 1 of Monahan Farms Subdivision on the north side of Stateline Road, east of Getwell Road

Mrs. Choat-Cook stated that the applicant is requesting design review approval for an office and storage building on lot 1 of Monahan Farms Subdivision. Building elevations and landscaping plan were submitted. Mrs. Choat-Cook stated that staff has worked with the applicant on the design of the building. This submittal is the third attempt and staff is agreeable to the design. The color palette is gray tones and the use of the nichihia board and tile brings in a modern feel to the site. The lighting is standard and acceptable; however, since the building is more modern it would be staff's suggestion to revise the decorative lighting to match. The acorn style is a very traditional look which doesn't necessarily fit this site. The MOGA specs and the Wendy's (Church Road) specs have a modern look and would be acceptable replacements. The applicant is also welcome to bring a new lighting spec to staff for approval. It would be staff's recommendation to use this decorative lighting on each end of the building frontage in the grass median areas as well as two on each end of the streetscape area along Getwell Road. The landscape proposed is a good mixture of materials and is appropriately sized. Mrs. Choat-Cook stated that the applicant made the corrections and the recommendation is to approve. Alderman Wheeler made the motion to approve the application by The Reaves Firm. Motion was seconded by Alderman Flores.

Roll call was as follows:

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ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

A copy of the staff report, building elevations, and landscape plan are attached and fully incorporated into these minutes.

MAYOR’S REPORT

VETERAN’S DAY LUNCHEON

The Annual Veterans Appreciation Luncheon in honor of military veterans will be held Friday, November 10, 2023 at the Southaven Community Safe Room located at 7312 Highway 51 N. and will begin at 11:00 AM. Thomas E. Tuggle, II, Former Active Duty Marine and Current Sheriff-Elect DeSoto County, will be the guest speaker.

IMAGERY COST SHARING

Mayor Musselwhite stated that in the past, the City of Southaven joined with the county and other cities in the imagery cost sharing for maps. The county is proposing to renew it again and fly it twice a year opposed to once. Mayor Musselwhite stated that based on participation and population the cost for Southaven would be \$12,943.00 for three years. Alderman Flores made the motion to approve the imagery cost sharing agreement. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

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AMPHITHEATER CONCERT SEASON 1

Mayor Musselwhite stated that the City finished up the first concert season at the renovated amphitheater. In past years, the most concerts held were eight (8) and this year we had twelve (12). The amount of money the City made in the past from concerts was never more than \$200,000 per year and this year the City made \$632,000.

WARD 2 REVITALIZATION EFFORTS

Mayor Musselwhite stated that as the West End district evolves, it creates challenges, but still has great potential for revitalization. The Chamber of Commerce was asked to be more involved in promoting incentives to help bring attention back to the West End District. Mayor Musselwhite added that a Facebook page has been created to aid in promoting redevelopment /revitalization in the West End District.

OLD HIGHWAY 51 BAPTIST CHURCH PROPERTY CONDEMNATION DISCUSSION

Mayor Musselwhite stated that for years the City has tried to get changes made to the Old Highway 51 Baptist Church property. Citizens are asking why nothing is being done about the condition of the building. Mayor Musselwhite stated that the building itself is in a horrific condition and he will be bringing a recommendation to condemn and demolish at a future meeting.

CHERRY VALLEY PARK

Mayor Musselwhite stated that Cherry Valley Park is barely being used anymore. Efforts to kick interest back up with the football program have been unsuccessful. Mayor Musselwhite stated that Cherry Valley Park will never be what it used to be, but thinks it could be better. Mayor Musselwhite stated that they have someone researching the potential of the park and some suggestions have been made to make it a skate/bike park or use it for adult softball. Mayor Musselwhite added that he will be bringing back a proposal to start the revitalization of Cherry Valley Park.

PERSONNEL DOCKET

Personnel November 7,
Docket 2023

New Hires	Department	Position Title	Start Date	Rate of Pay
Nadine Clark	Fire	Paramedic	11/9/2023	\$24.15
Travian Jeffries	Police	Police Officer I	11/27/2023	\$25.99
Nathan Maples	Public Works	Laborer I	TBD	\$15.00

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Re-Hire	Department	Position Title	Start Date	Rate of Pay
Haaken Thompson	Utility	Lead Foreman	TBD	\$24.00

Training Certification	Department	Certification	Total Training Hours	Date
Thomas Mastin	Court	2023 Municipal Court Clerks Conference	12.75	9/22/2023

Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Paul Peterson	Asst. Water Plant Operator	Water Treatment Operator	10/23/2023	\$24.00
Donald Bynum	Fire Driver	Lieutenant	11/12/2023	\$23.36
John T. Coke	Firefighter3/Paramedic	Driver/Paramedic	11/12/2023	\$20.56

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Patrick Mastro	Fire	FF2/Paramedic	11/3/2023	\$19.48
Bergen Teeter	Fire	EMS Driver	10/19/2023	\$17.15
Monquil Davis	Public Works	Street Laborer I	10/25/2023	\$15.00

Alderman Payne made the motion to approve the Personnel Docket of November 7, 2023 as presented to this Board. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

CITY ATTORNEY’S LEGAL UPDATE
No Legal Update

UTILITY BILL ADJUSTMENT DOCKET

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		UTILITIES BILL LEAK ADJUSTMENT DOCKET 11/07/2023				
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.						
1	RESIDENT	PAMELA SIDDEN	3401	SWINNEA RD	(96.19)	TOILET LEAK
2	RESIDENT	PATRICIA LANE	1470	TRAFALGAR	(738.89)	REPLACED 3 TOILETS
3	RESIDENT	WAI MAN LAU	2565	RUSSUM	(99.45)	TOILET LEAK
4	RESIDENT	BEELEER DUNGAN	2248	COLONIAL HILLS	(198.90)	MAIN WATER LINE BROKEN
5	RESIDENT	RONNIE MOSS	4494	SWINNEA RD	(166.17)	TOILET LEAK
6	RESIDENT	ISAAC CLAY	8458	ALLEN LANE CV	(128.70)	TOILET LEAK
7	COMMERCIAL	PROGRESSIVE PHYSICIANS PRAC	8412	AIRWAYS BLVD	(1283.93)	MAIN WATER LINE, FAUCET AND TOILET LEAKS
8	RESIDENT	TRACY HAMMER	7465	FOX HOLLOW	(304.20)	BROKEN WATER LINE IN FRONT YARD
9	RESIDENT	DON LOVETT	4160	JESSICA DR	(99.45)	TOILET LEAK
10	RESIDENT	VERA JACKSON	6210	STAFFORD CV	(99.45)	TOILET LEAK
11	RESIDENT	OMAR ALAMORI	4765	DUSTIN PLACE DR	(65.96)	POOL ADJUSTMENT
12	RESIDENT	SHARON HOLT	7839	CAYLEB LN	(290.46)	TOILET LEAK
13	RESIDENT	ANTOINETTE WALLACE	4843	NELSON DR	(682.36)	TOILET LEAK
14	RESIDENT	ANGEL PEARSON	1363	STAUNTON	(61.67)	TOILET LEAK AND LEAK ON COPPER LINE UNDER HOUSE
15	RESIDENT	DIANE AVERESCH	4770	DUSTIN PLACE DR	(32.56)	POOL ADJUSTMENT
16	RESIDENT	SHIRELY POSEY	3589	TANYA WAY	(68.08)	POOL ADJUSTMENT
17	RESIDENT	ROSS MCCULLAR	8255	CHESTER FIELD	(62.16)	POOL ADJUSTMENT

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1 8	RESIDENT	BILLIE JAMES	3907	KENTON	(41.44)	POOL ADJUSTMENT
1 9	RESIDENT	RUTH & DERRICK WILLIS	3162	JOHN MICHAEL DR	(109.52)	POOL ADJUSTMENT
2 0	RESIDENT	DEBBIE RAINEY	7679	SOUTH VEN CR W	(117.00)	TOILET LEAK
2 1	RESIDENT	ROGERS KENNETH	4170	PINEHUR ST BLVD	(168.72)	POOL ADJUSTMENT
2 2	RESIDENT	MATTHEW DELLINGER	953	MILLCREE K	(59.20)	POOL ADJUSTMENT
2 3	RESIDENT	KEIYMA MITCHELL	86	PEPPERB ROOK CV	(321.75)	TOILET LEAK
2 4	RESIDENT	SANDRA FEATHERS	1602	GOLDEN OAKS LOOP S	(76.05)	TOILET LEAK
2 9	RESIDENT	TASHIA KING	7163	CARROLT ON	(122.85)	BURST PIPE UPSTAIRS AND TOILET LEAK
3 0	RESIDENT	RACHELLE MCINTOSH	7844	CHESTER FIELD	(144.53)	TOILET LEAK
3 1	RESIDENT	CASSANDRA RUFFEN	1790	MS VALLEY BLVD	(70.20)	TOILET LEAK
3 2	RESIDENT	WAYLAND HARVEY	7264	FLOWER CREEK DR	(219.41)	LEAK ON POOL LINER
3 3	RESIDENT	WAYNE WHATLEY	3584	NEW POINTE DR S	(17.76)	POOL ADJUSTMENT
3 4	RESIDENT	DIMPLE AGNER	6754	BEAUMO NT CR W	(52.65)	TOILET LEAK
3 5	RESIDENT	LASHELLIE D ECKLES	2928	BOFFIN DR	(573.30)	LEAK ON SUPPLY LINE
3 6	RESIDENT	CALANDRA ARD	1650	CENTRAL TRAILS	(193.08)	TOILET LEAK
3 7	RESIDENT	VICKI WOODS	760	WHITEHA LL PL	(36.49)	POOL ADJUSTMENT
3 8	RESIDENT	JERRELL TERRY	8269	CEDARBR USH DR	(136.15)	LEAK ON LINE IN FRONT YARD
3 9	RESIDENT	RAMELLE TURNER	6725	MCCAIN	(356.85)	CRACKED PIPE BEHIND TOILET
4 0	RESIDENT	JENNIFER CRUDUP	1767	SOUTH VEN CR N	(163.80)	LEAK UNDER SLAB
4 1	RESIDENT	JOHN HISKY	530	CLARING TON DR	(61.09)	TOILET LEAK
4 2	RESIDENT	DENEAN PARKER	720	WHITE OAK	(81.90)	LEAK ON FILTER SYSTEM

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4				TCHULAH		LEAK AT SHOWER
3	RESIDENT	LEE BOOTH	1865	OMA	(89.59)	VALVE
4				PINE		LEAK ON MAIN
4	RESIDENT	TERESA TERRELL	950	BIRCH	(111.15)	LINE
4		CONNIE		SAULSBE		
5	RESIDENT	STEWART	1885	RRY	(193.05)	TOILET LEAK
4		MICHAEL		RANGER		POOL
6	RESIDENT	DIETRICH	1431		(85.84)	ADJUSTMENT
4		SANFORD		WHITTEN		POOL
7	RESIDENT	MILLER	7620	PL DR	(47.36)	ADJUSTMENT
				TOTAL	(8129.31)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of November 7, 2023 in the amount of \$8,129.31 . Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
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 7th day of November, 2023.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of November 7, 2023 in the amount of \$4,769,278.91. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

409038, 409321, 409389, 409562, 409572, 410093, 410187, 410374

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	ABSENT
Alderman Hoots	YES

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 7th day of November, 2023.

SPECIAL CLAIMS DOCKET

Alderman Hoots recused himself and left the room.

Alderman Flores made the motion to approve the Special Claims Docket of November 7, 2023 in the amount of \$18,288.68. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman George Payne	YES
Alderman Kristian Kelly	ABSENT
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 7th day of November, 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 Hoots to adjourn. Motion was seconded by Alderman Jerome. Motion was put to a vote and passed unanimously November 7, 2023 at 8:25 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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