

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
April 2, 2024
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: March 19, 2024
5. Resolution for Commercial Establishment Chronic Nuisance Property Ordinance
6. Resolution for Donation to Desoto Economic Council Salute to Industry
7. MOU with Mississippi Attorney General and Department of Homeland Security for Internet Crimes Against Children
8. Continuing Disclosure for FY23
9. Approval for SPD Grant Application
10. Resolution to Clean Private Property
11. Planning Agenda: Item #1 Application by Southaven Star Landing, LLC for subdivision approval of Lifepointe Village at Southaven on the north side of Star Landing Road, west of Getwell Road
Item #2 Application by M&R Associates for subdivision approval of Pinewood North Phase 1 on the south side of Stateline Road, east of Tchulahoma Road
Item #3 Application by Bhavin Ghodasra for subdivision approval of Airways Hotel Subdivision on the east side of Airways Blvd. north of Nail Road
Item #4 Application by Johnny Coleman Builders, Inc. for subdivision approval of Central Gardens, Parcel 1, Phase 1 Revision of lot 1 on the north side of Rasco Road, east of Airways Blvd.
Item #5 Application by Lou Sobh Honda for design review approval of a Kia auto dealership on the south side of Goodman Road, east of Elmore Road
12. Mayor's Report
13. Personnel Docket
14. City Attorney's Legal Update
15. Utilities Billing Leak Adjustment Docket
16. Claims Docket
17. Executive Session: Claims/Litigation involving SPD and Infrastructure; Economic Development; Interdepartmental Personnel with No Action

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

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MINUTES OF THE REGULAR MEETING OF April 2, 2024 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 2nd day of April, 2024 at six o'clock (6:00) p.m. at City Hall.

Present were:

George Payne

Kristian Kelly

Charlie Hoots

William Jerome

Joel Gallagher

John David Wheeler

Raymond Flores

Alderman At Large

Alderman, Ward 1

Alderman, Ward 2

Alderman, Ward 3

Alderman, Ward 4

Alderman, Ward 5

Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately twenty 20 other people were present. Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Payne.

Next, a motion was made by Alderman Hoots to approve the Minutes of the Regular Meeting of March 19, 2024 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

RESOLUTION FOR COMMERCIAL ESTABLISHMENT CHRONIC NUISANCE PROPERTY ORDINANCE

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

Mr. Manley stated that this ordinance was discussed at the last meeting and has now been revised to address the concerns of the Board. Thus, this amended ordinance would allow for a citation to be issued upon three (3) separate and distinct incidents for a "Nuisance Activity", as defined in the ordinance, and made an arrest for the "Nuisance Activity" at the "Commercial Establishment" and the "Commercial Establishment" has neglected to implement and execute reasonable management practices and other measures to deter "Nuisance Activity" during a continuous six (6) month period. The "Nuisance Activity" only applies to any criminal conduct as defined by Mississippi law or City Ordinance occurring at a Commercial Establishment where City Police respond and make an arrest. However, "Nuisance Activity" does not include conduct where the Commercial Establishment or Person Responsible is the victim of a crime and had no control over the criminal act. Also, it takes away the posting of the sign requirement, as service is done via mail or personally by police. Finally, the revised ordinance provides a defense to an action for the ordinance if the "Person Responsible", at all material times, could not, in the exercise of reasonable care or diligence, determine that the Property or Premises had

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become a Chronic Nuisance Property and reported the "Nuisance Activity" to the City Police. This amended ordinance does not weaken the current Chronic Nuisance Property Ordinance and allow for House Party Ordinance to stand alone, while also, hopefully address the legitimate concerns of the Board, but still requiring businesses to control/monitor properties, along with ensuring illegal activities are reported if wanting a defense to this ordinance. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION AMENDING THE CITY OF SOUTHAVEN CODE OF ORDINANCES BY ADDING THE COMMERCIAL ESTABLISHMENT CHRONIC NUISANCE ORDINANCE

WHEREAS, the City of Southaven ("City") Board finds that Commercial Establishments that allow and/or facilitate nuisance activities present grave health, safety and welfare concerns, specifically, where the persons responsible for such Commercial Establishments have created conditions for the nuisance activities and failed to take corrective action to abate the nuisance condition; and

WHEREAS, Commercial Establishments where nuisance activities occur on an on-going basis have a tremendous negative impact upon the quality of life, safety and health in areas where they are located; and

WHEREAS, this Ordinance is enacted to remedy nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at Commercial Properties by providing a process for abatement; and

WHEREAS, Chronic Nuisance Commercial Establishments are a financial burden to the City by the repeated calls for service to the properties because of the nuisance activities that repeatedly occur or exist on such property; and

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

WHEREAS, this Ordinance may be used in conjunction with the City's Ordinances and any other state law or regulation; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, BY RESOLUTION TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE X, CHAPTER 5, AS FOLLOWS:

SECTION 1. The prefatory clauses are hereby incorporated herein as findings of the City Governing Authorities of the City of Southaven.

SECTION 2. The City Code of Ordinances is amended to add Title X, Chapter 5 "Chronic Commercial Establishment Nuisance Property Ordinance" as follows:

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Title.

This article may be cited as the "City of Southaven Chronic Nuisance Commercial Establishment Ordinance."

Purpose.

(a) Chronic Nuisance Commercial Establishments present grave health, safety and welfare concerns, where the persons responsible for such properties allow and/or facilitate nuisance activities and have failed to take corrective action to abate the nuisance condition. Chronic Nuisance Commercial Establishment have a tremendous negative impact upon the quality of life, safety, and health of areas where they are located. This ordinance is enacted to remedy Nuisance Activities that are particularly disruptive to quality of life and repeatedly occur or exist at Commercial Establishments by providing a process for penalizing such Commercial Establishments. This remedy is not an exclusive remedy and the City may, in addition, utilize all available state or local laws.

(b) Also, Chronic Nuisance Commercial Establishments are a financial burden to the City by the repeated calls for service to the properties because of the Nuisance Activities that repeatedly occur or exist on such property. This ordinance is a means to improve those conditions and hold accountable those persons responsible for Commercial Establishments.

Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Chronic Nuisance Commercial Establishment means a Commercial Establishment where the City Police have responded to three (3) separate and distinct incidents for a Nuisance Activity and made an arrest for the Nuisance Activity at the Commercial Establishment and the Commercial Establishment has neglected to implement and execute reasonable management practices and other measures to deter nuisance activity during a continuous six (6) month period.

Commercial Establishment means public or private facilities open to the general public, including but not limited to, restaurants, lounges, or any place that charges a direct or indirect fee for admission. For purposes of this Ordinance, Commercial Establishment shall include the building, parking lot, parcel, or land or portion thereof.

Control means the ability to regulate, restrain, dominate, counteract or govern the Commercial Establishment, or conduct that occurs at the Commercial Establishment.

Nuisance Activity means any criminal conduct as defined by Mississippi law or City of Southaven Ordinance occurring at a Commercial Establishment where City Police respond and make an arrest. The term "Nuisance Activity" shall not include conduct where the Commercial Establishment or Person Responsible is the victim of a crime and had no control over the criminal act.

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Person means natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them.

Person Responsible for the Commercial Establishment or *Person Responsible* means, unless otherwise defined, any person or entity who has titled ownership of the Commercial Establishment, which is subject to this article, an occupant in control of the Commercial Establishment, which is subject to this article, a developer, builder, or business operator or owner who is developing, building or operating a Commercial Establishment, which is subject to this article and/or any person who has control over the Commercial Establishment and allows a violation of this article to continue.

Violation.

- (a) Any Commercial Establishment within the City of Southaven, which is a Chronic Nuisance Commercial Establishment, is in violation of this article and subject to its remedies.
- (b) Any Person Responsible for Commercial Establishment, who permits property to be a Chronic Nuisance Commercial Establishment, shall be in violation of this Ordinance and subject to its remedies.

Procedure and Penalty.

- (a) The police chief or his designee shall report any Nuisance Activity at Commercial Establishments on an ongoing basis to the City Planning Director or his/her designee. The City Planning Director or his/her designee shall review and confirm the occurrence of three (3) or more Nuisance Activities within a six (6) month period. Upon such finding, the City Planning Director shall notify the Person Responsible for the Commercial Establishment of the City Court date to determine if the Commercial Establishment is adjudicated to be a Chronic Nuisance Commercial Establishment.
- (b) The notice of violation shall contain:
 - (1) The street address or legal description sufficient enough for identification of the Commercial Establishment;
 - (2) A concise description of the Nuisance Activities, along with the incident reports, that have occurred at the Commercial Establishment;
 - (3) A copy of this Ordinance. The notice shall also include a summons for the City Court date and that upon conviction for misdemeanor violation of this Ordinance and declaration of the Commercial Establishment being a Chronic Nuisance Commercial Establishment, the Person Responsible shall be assessed a \$1,000.00 penalty and may result in a temporary closure of the Commercial Establishment and suspension of the Person Responsible certificate of occupancy for the Commercial Establishment.
- (c) The City Planning Director or designee shall serve or cause to be served written notice upon the Person Responsible by the following means of delivery:
 - (1) Delivered in person by a City Police Officer to the Person Responsible for the Commercial Establishment.

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- (2) By first class United States mail, postage prepaid, addressed to the Person Responsible for the Commercial Establishment. Service by mail is deemed complete upon deposit in the U.S. mail.
- (d) It is a defense to an action for Chronic Nuisance Commercial Establishment that the Person Responsible, at all material times, could not, in the exercise of reasonable care or diligence, prohibit and/or prevent the Commercial Establishment from becoming a Chronic Commercial Establishment and reported the Nuisance Activity to the City Police.
- (e) As part of the City Court proceedings, the City shall submit official police reports and other Nuisance Activity occurring or existing at the Commercial Establishment.
- (f) Once the City Court determines the Commercial Establishment to be a Chronic Nuisance Commercial Establishment under this Ordinance, the City Court may impose a penalty in an amount not to exceed \$1,000.00 against any or all the Persons Responsible for the Property and may order any other relief deemed appropriate, including but not limited to temporary closure of the Commercial Establishment; suspension of the Responsible Person's certificate of occupancy for the Premises or Property; and/or imprisonment not exceeding ninety (90) days.

Summary closure.

Nothing in this article prohibits the City from taking any emergency action for the summary closure of the Commercial Establishment or other available remedies when it is necessary to avoid an immediate threat to public welfare and safety.

SECTION 3. Severability. If any term or provision of this Ordinance is held by a court of competent jurisdiction or other authority to be invalid, void or unenforceable, the remainder of the terms and provisions of this Ordinance shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 4. Conflict. If the provisions of this Ordinance are inconsistent with one another or if they conflict with provisions found in other adopted ordinances or regulations of the City in the context of Commercial Establishments, the provisions in this Ordinance shall govern.

SECTION 5. The City Clerk is hereby directed to cause a summary of this ordinance in a form allowed by law to be published one time in the *Desoto Times Tribune*.

SECTION 6. The effective date of this ordinance shall be thirty (30) days after passage and publication required by law.

After a full discussion of this matter, Alderman Gallagher moved that the foregoing Resolution to adopted and said motion was seconded by Alderman Payne and the vote thereupon was as follows:

Alderman George Payne	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman William Jerome	YES
Alderman Joel Gallagher	YES

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Alderman John David Wheeler	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE, this 2nd day of April, 2024.

RESOLUTION FOR DONATION TO DESOTO ECONOMIC COUNCIL SALUTE TO INDUSTRY

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

Mr. Manley stated that this resolution will authorize a donation from the City in the amount of \$700 to the Desoto Economic Council for Salute to Industry Event. 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 DONATION TO THE
DESOTO COUNTY ECONOMIC DEVELOPMENT COUNCIL
SALUTE TO INDUSTRY**

WHEREAS, the City of Southaven (“City”), pursuant to Mississippi Code Section 21-19-44 and Local and Private Legislation Chapter 938 HB 1618, desires to make a donation to the Desoto County Economic Development Council Salute to Industry (“Council”) for the purpose of promoting the Council and promoting the City; and

WHEREAS, the City desires to donate the Seven Hundred Dollars and 00/100 (\$700.00) to further those purposes previously set forth.

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

SECTION 1. Pursuant to Mississippi Code 21-19-44 and Local and Private Legislation Chapter 938 HB 1618, the Governing Body of the City hereby donates \$700.00 to the Council for the purpose of promoting the Council and promoting the City.

SECTION 2. On behalf of the City, the Mayor or his designee is authorized to take all actions to effectuate the intent of this Resolution.

Following the reading of the foregoing resolution, Alderman Payne made the motion to adopt the Resolution and Alderman Kelly 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 2nd day of April, 2024.

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MOU WITH MISSISSIPPI ATTORNEY GENERAL AND DEPARTMENT OF HOMELAND SECURITY FOR INTERNET CRIMES AGAINST CHILDREN

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

Mr. Manley stated that this MOU is for SPD Officers to be on the Internet Crimes Against Children (ICAC) Task Force. The SPD currently has two (2) officers on this task force. At this juncture, the SPD does not receive any money or equipment, but do share information when necessary and may qualify for equipment in the future. This MOU is required for continued participation in the program and is recommended by the SPD. Alderman Wheeler made the motion to authorize Mayor Musselwhite or Chief Vickers to sign the MOU. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

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

CONTINUING DISCLOSURE FOR FY23

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

Mr. Manley stated that this City's Disclosure Submission for the fiscal year ended September 30, 2023 has been filed on EMMA as required by the Securities Exchange Act. There is no action to take but the disclosure needs to be included in the minutes.

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

APPROVAL FOR SPD GRANT APPLICATION

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

Mr. Manley stated that this approval will authorize the SPD, Officer Carden, to apply for a grant for K9 Bob, who needs dental work. The grant application request \$7,186.00 from the National Police Dog Foundation. Alderman Hoots made the motion to authorize SPD to apply for the grant. Motion was seconded by Alderman Jerome. Motion was put to vote and passed unanimously.

A copy of the application is attached and 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

PARCEL # 1079321500000200

587 JENNINGS DR.

PARCEL # 2073050000000500

PARCEL # 1078282000000400

PARCEL # 1078282000000500

PARCEL# 1075211200022900

PARCEL # 1075211000011500

2211 CEDARWOOD COVE

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

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, **April 2, 2024** by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, **April 2, 2024**, 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 ADDRESSS

PARCEL # 1079321500000200

587 JENNINGS DR.

PARCEL # 2073050000000500

PARCEL # 1078282000000400

PARCEL # 1078282000000500

PARCEL# 1075211200022900

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PARCEL # 1075211000011500

2211 CEDARWOOD COVE

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 Hoots. 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 **2nd day of April 2024**.

**CITY OF SOUTHAVEN,
MISSISSIPPI**

PLANNING AGENDA

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

Item #1 Application by Southaven Star Landing, LLC for subdivision approval of Lifepointe Village at Southaven on the north side of Star Landing Road, west of Getwell Road

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for Life Pointe Village at Southaven on the north side of Star Landing Road, west of Getwell Road. The applicant is proposing to use the existing access point off of the round about as an entrance as well as a main entrance off of Star Landing Road. The proposed development shows four plex and five plex designs on zero lot line lots with rear access and front load access to the homes. There is a circular drive shown as a public ROW with 44 lots. A large swath of green space is shown buffering the lots from Star Landing Road that carries north and surrounds the entire development. An additional green space has been incorporated in the center of the main circle. The roads on the interior are shown as twenty eight (28) foot wide with all utilities inside the common open spaces. The main entry road is shown at forty nine (49) feet in

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width. The roundabout is an existing private ingress/egress, which the applicant has shown a public road off of. This PUD allowed for attached age restricted housing which is what the applicant has submitted. Development experience in the attached age restricted housing has shown a better design with this type of layout as opposed to the original square quad plex. This design is very similar to the Villages of Brambles development. The lots are privately owned with a common space for amenities on site. There are a couple of items that need to be clarified to staff: 1. Is there a passive gated access to the site? 2. Lots 43 and 44 are quite larger which leads staff to believe that these may be amenity sites so staff would like clarification; 3. The HOA covenants should be identified and discussed at the commission regarding heated square, dues, etc. 4. It has been an ongoing issue at other age restricted areas in regards to on street parking and guest parking. The applicant should agree to posting the ROW's for no parking to allow emergency vehicles accessibility to the site and the applicant needs to incorporate several parking pads throughout the site to allow guest parking. The submitted application does meet the minimum requirements set forth in the ordinance as well as the PUD text. Staff would like the items above addressed and recommends approval pending those items. Alderman Flores made the motion to approve the application by Southaven Star Landing, 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	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 2nd day of April, 2024.

A copy of the staff report, GIS map, final plat, and covenants is attached and incorporated into these minutes.

Item #2 Application by M&R Associates for subdivision approval of Pinewood North Phase 1 on the south side of Stateline Road, east of Tchulahoma Road

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for Pinewood North Phase 1 on the south side of Stateline Road, east of Tchulahoma Road. This phase consists of 23.86 acres of property with 57 residential lots and 8 common open spaces. The lots range in size from 10,500 sq. ft. to 21,000+ sq. ft. Per the PUD, the larger lots (14,000+ sq. ft.) are set to follow along Stateline

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Road to help transition between the large lots on the north side of the road and the smaller lots on the interior of the development. Additional larger lots are shown along the major collector road on the interior of the site. The medium size lots (12,000 sq. ft.) make up the middle area of the phase while the smaller lots (10,400 sq. ft.) make up the transitional area on the south side and around the commercial area. Common open spaces are shown along the major roadways where the applicant has proposed the required twenty (20) foot streetscape buffer which includes a split rail fence line with stone columns and a template of ornamental trees and shrubs. Additionally, there are COS shown on the north side of the Tchulahoma Road entrance, a 1-acre park area on the interior, a ½ acre open space adjacent to the existing TVA lines and boulevard areas at each entrance. There is also a green path between lots 61 and 63 which gains access to the TVA green area where walking trails are added to the amenities. The area between lots 58 and 59 is where an existing graveyard area is located that is to be protected. The PUD also provides minimum heated square footage for this phase which shows a 2,000 sq. ft. minimum for the Stateline frontage and all of the interior space. A 1,800 sq. ft. minimum is shown along the TVA frontage, around the commercial area and at the Tchulahoma entry point. The proposed layout and square footages are compliant with the approved 2022 PUD text. Staff does see that a condition was requested by the Board that future development in Pinewood should place a general note regarding rental properties on all plats and covenants. The attached covenants do incorporate this requirement; however, the applicant will need to address that comment on the plat prior to recording for this area. Additionally, there has been a list of suggestions provided by the Chief of Police regarding crime prevention for this particular area. A copy of that list along with the responses by both the applicant and staff have been submitted as part of this report. Alderman Wheeler made the motion to approve the application by M&R Associates. 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 2nd day of April, 2024.

A copy of the staff report, GIS map, master plan, and covenants is attached and incorporated into these minutes.

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Item #3 Application by Bhavin Ghodasra for subdivision approval of Airways Hotel Subdivision on the east side of Airways Blvd. north of Nail Road

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for Airways Hotel Subdivision on the east side of Airways Blvd., north of Nail Road. There are two lots shown that have been carved out of a larger parcel of land which is shown to be left out of this application. At present time, lot 1, which consists of 2.97 acres has a hotel under construction with access shown directly off of Airways Blvd. in two locations. Lot 2, which is directly south of lot 1, consists of 2.97 acres. There is an ingress/egress just south of lot 2 shown on this plat which allows for proper access to the remaining parcel behind the lots as well as providing a shared access for future development to the south of these lots. Lot 2 has already submitted and been approved for another hotel site owned by the same proprietor to the north. These lots have cross access with each other. The application submitted has been reviewed on several occasions by staff. There are no ROW improvement or dedications required with this application concerning Airways Blvd. The lots are compliant with the regulations set forth by the code of ordinances. Alderman Jerome made the motion to approve the application by Bhavin Ghodasra. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2nd day of April, 2024.

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

Item #4 Application by Johnny Coleman Builders, Inc. for subdivision approval of Central Gardens, Parcel 1, Phase 1 Revision of lot 1 on the north side of Rasco Road, east of Airways Blvd.

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval to revise Central Gardens Parcel 1 Phase 1 on the north side of Rasco Road, west of Greenbrook Pkwy. At present time, lot 1 is recorded with 27,161 sq. ft. of space and is located at the far northeast corner of the residential site. The applicant is requesting to further subdivide this lot to allow for the residential lot to encompass 0.40 acres and the remainder be designated as

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common open space which would encompass 0.22 acres and provide better buffer to the adjacent property. Alderman Kelly made the motion to approve the application by Johnny Coleman Builders, Inc. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2nd day of April, 2024.

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

Item #5 Application by Lou Sobh Honda for design review approval of a Kia auto dealership on the south side of Goodman Road, east of Elmore Road

Mrs. Choat-Cook stated that the applicant is requesting design review approval for Kia Southaven on the south side of Goodman Road, east of Elmore Road. Building elevations and a landscaping plan were submitted. Mrs. Choat-Cook stated that while the building design is agreeable to staff and has a modern element appeal to it, the materials shown do not meet the minimums needed. The city does not allow for EIFS to carry 100% of the façade. The applicant will need to adjust the wainscot area of the entire building to show a masonry material which can be the textured block or a nichihia board that may play into the modern design. The planting schedule provided does have several compliant minimum sizes identified. The applicant should fix the material schedule to fit the minimums per city code for all materials which states shade trees at 3-3.5” caliper, ornamentals at 2.5” caliper or a minimum of 8-10’ in height, shrubs with a minimum of 5 gallon planting size and all additional materials with a one gallon minimum. As with all new developments, decorative lighting is required so the applicant needs to incorporate the acorn lighting (or alternative approved by staff) to the streetscape design along Goodman Road. As for the interior lighting, it has always been a concern of staff about the bleed off lighting so staff remains persistent with this and will want total confirmation from the applicant that the lighting will not affect the adjacent residential areas in any way. It should also be noted again that overhead speaker system was not approved for this site due to its location so staff wants to reiterate that in this report as

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well. Alderman Flores made the motion to approve the application by Lou Sobh Honda. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2nd day of April, 2024.

A copy of the staff report, building elevations, and landscaping plan is attached and incorporated into these minutes.

MAYOR'S REPORT

Sanitation Contract Update

Mayor Musselwhite stated that on February 2 the sanitation contract was awarded to WastePro. The contract is almost to the point of being finalized, but there are three items that needed discussion:

1. WastePro is requesting the option to petition the City for a rate change for hardships. For example, the landfill location. Mayor Musselwhite stated that WastePro knew about the landfill location change prior to bidding and as a result does not consider this request a hardship.
2. It was stated that it may be June before recycling service would start. Mayor Musselwhite expressed that this was unacceptable and the date would have to be May 13, leaving no gap in service.
3. Term of the award. Originally, the Board stated they wanted a two (2) year contract with four (4) one (1) year extensions. WastePro had two (2) year contract with eight (8) one (1) year extensions in their contract. After much discussion, the Board agreed to two (2) year contract with eight (8) one (1) year extensions.

Mr. Manley stated that he would take the changes made by the City back to WastePro and if in agreement, will bring a contract back at the next meeting for approval.

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Capital Improvements Plan

Mayor Musselwhite presented the following long term capital improvements plan. It was noted that the documents presented below are working documents only.



2024 CAPITAL IMPROVEMENT PLAN/FUND BALANCE ANALYSIS

Funds Available	Cash	Debt/Other
FY '22 Unassigned Fund Balance (9/30/22 Audit)	\$11,357,800	
FY '23 Projected Surplus (Unaudited)	\$1,098,068	
Total Unassigned Fund Balance	\$12,455,868	
Fund Balance Minimum (12% of \$68,831,000 General Fund)	\$8,259,720	
Excess Surplus	\$4,196,148	
Capital Improvements		
Getwell South Widening Project (City Share)		\$2,639,387
Memphis/HLCISD Sewer Solution		\$3,000,000
Autumn Woods Drainage Project		\$2,150,000
Carriage Hills Estates Drainage Project		\$500,000
Rasco/Greenbrook Pkwy Traffic Signal		\$275,000
Airways/Guthrie Traffic Signal		\$275,000
Stateline/Swinnea Traffic Signal		\$300,000
Church/Tchulahoma Traffic Signal		\$300,000
New Police Station (East Precinct), \$3,135,000 Total Cost		\$1,500,000
Snowden Lane Widening Project (May to Goodman), \$2,689,967 Total Cost		\$1,344,983
Nail Road Extension (Getwell to Tchulahoma), \$6,881,500 Total Cost		\$3,440,750
Church/Swinnea Intersection Widening		\$325,000
Star Landing/Swinnea Site Correction		\$425,000
Star Landing/Swinnea Traffic Signal & Widening		\$375,000
Main Street Median/Lighting Project (Pending Grant Application)		\$3,000,000
		\$7,410,733
Remaining Fund Balance Surplus	\$4,196,148	
ADJUSTED UNASSIGNED FUND BALANCE	\$12,455,868	

City of Southaven
Debt Service Analysis
4/1/2024

Total General \$ 34,417,000
Obligation bonds

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	FY24	FY25	FY26	FY27	FY28
Current Debt Service	6,392,215	5,212,030	4,277,998	3,486,694	3,500,264
Estimated new \$8M	-	975,000	975,000	975,000	975,000
Total Debt Service	6,392,215	6,187,030	5,252,998	4,461,694	4,475,264

There was discussion about how to fund the following critical projects:

New Police Station (East Precinct), \$3,135,000 Total Cost	\$1,500,000
Snowden Lane Widening Project (May to Goodman), \$2,689,967	\$1,344,983
Nail Road Extension (Getwell to Tchulahoma), \$6,881,500 Total	\$3,440,750
Church/Swinnea Intersection Widening	\$325,000
Star Landing/Swinnea Site Correction	\$425,000
Star Landing/Swinnea Traffic Signal & Widening	\$375,000

Mayor Musselwhite made the recommendation to do a GO Bond for these projects and stated that he will request approval at the next board meeting to start the process. No action was taken at this meeting.

PERSONNEL DOCKET

Personnel Docket	April 2, 2024			
New Hire	Department	Position Title	Start Date	Rate of Pay
Zalen Bradford	Fire	Fire Fighter II	TBD	\$18.48
Stephen Thomas	Police	Policer Officer 3	4/8/2024	\$28.11
Justin Turner	Police	Policer Officer 2	4/8/2024	\$27.05
Gabriel Lowry	Parks	Laborer	TBD	\$15.91
Stipend	Department	Stipend	Effective Date	Stipend Rate
Simon Ridgeway	Fire	EMT	3/26/2024	\$600.00
Oath of Office				
Planning/Code Enforcement				
Victor Byrd				
Eddie Coleman				
Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Kelly Dodson	Emergency Communications	Dispatch I	3/20/2024	\$22.32
Melitta Duncan	Information Technology	IS Project Manager	4/19/2024	\$29.22
Colin Berryhill	Police	Patrol Officer 4	3/28/2024	\$30.13
Parks Tournaments				
New Hires	Position Title	Start Date	Rate of Pay	
Josie Finch	Concessions	4/5/2024	\$9.50	
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Aydan Ward	Concessions Supervisor	Concessions Supervisor 2	4/5/2024	\$12.50
Resignations/Terminations	Current Position Title	Effective Date	Rate of Pay	
Nicholas Courson	Concessions 2	4/3/2024	\$10.25	
Michael Hankins	Head Supervisor	4/3/2024	\$11.25	
Andrew P. Joe	Grounds Crew	3/24/2024	\$9.50	
Connor W. Pope	Grounds Crew	3/24/2024	\$9.50	
James Waldrip	Concessions 3	4/3/2024	\$11.00	

Alderman Payne made the motion to approve the Personnel Docket of April 2, 2024 as presented to this Board. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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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 2nd day of April, 2024.

CITY ATTORNEY’S LEGAL UPDATE

Mr. Manley presented the I-55 widening Utility Relocation Right of Way Acquisition Agreement with Civil Link to the Board. He noted that this Agreement is for the acquiring of right of way for the utility re-location for the widening of I55 and is estimated to be around \$310,500.00, which includes appraisal/review appraisal, title work, and engineering time for the acquisitions. The costs to the City are reimbursable on an 80/20 basis and the contract is the same one used for the Getwell Road ROW Acquisition. After the report and discussion, a motion was made by Alderman Wheeler to approve the Agreement for the Mayor and LPA signature and authorize title work to be ordered for the parcels needed. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

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

Nick Manley presented the Comcast Agreement Internet Agreement to the Board for the future Southaven East Police Precinct. He noted that the Agreement is for wi-fi service and is for 36 months and is for \$905 per month and wi-fi is needed for the operations at the precinct. After the report and discussion, a motion was made by Alderman Payne to approve the Agreement for Michael Norris to sign the contract. Motion was seconded by Alderman Hoots. Motion was put to vote and passed unanimously.

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

Nick Manley gave an update on the Crime Lab Interlocal with Desoto County and Cities in Desoto County. He noted that previously the interlocal was presented that each entity would equally split the costs; however, after review by smaller cities, the proposed allocation of costs will be based on the amount the lab is used by each entity on a rolling three (3) year basis. Mr. Manley stated that the interlocal is not ready for presentation so this report is just an update.

UTILITY BILL ADJUSTMENT DOCKET

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UTILITIES BILL LEAK ADJUSTMENT DOCKET 04/02/2024					
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.					
1	RESIDENT	MARCUS POWELL	7972	NATHAN SAWYER	(95.10) HOT WATER HEATER LEAK
2	COMMERCIAL	SYED HOSSAIN	4032	STATELINE RD W	(2006.20) PIPE BURST
3	RESIDENT	THYDA BRISTER	1592	MADISON CV WEST	(257.40) TOILET LEAK
4	RESIDENT	ALMETA JONES	9076	PIMLICO DR	(40.95) TOILET LEAK
5	RESIDENT	NOJEEB ONI	7184	STONEGATE BLVD	(175.50) LEAK UNDER SLAB
6	RESIDENT	KERMIT EDDY	3241	DEVONSHIRE CV S	(210.60) LEAK ON COLD WATER SUPPLY LINE
7	RESIDENT	CHRIS STOKES	2618	PYRAMID DR	(353.82) TOILET LEAKS
8	RESIDENT	CLAYTON BRIDGEFORTH	2825	CHURCH RD	(819.00) TOILET LEAKS
9	RESIDENT	VICKI WOODS	760	WHITEHALL PL	(169.65) TOILET LEAK
10	RESIDENT	STEPHANIE THOMPSON	7616	MILLBRIDGE DR	(388.31) LEAK ON SERVICE LINE
11	RESIDENT	LAKISHA FRAZIER	4798	THORNBERRY CV	(228.15) TOILET LEAK
12	RESIDENT	DEBORAH WOODS	5820	ALEXANDRIA LN	(99.45) TOILET LEAK
13	RESIDENT	JANET MOTE	930	CLOVERLEAF	(52.65) TOILET LEAK
14	RESIDENT	ROBERT HURT	7427	WHITE ASH DR	(52.65) LEAK ON SERVICE LINE
15	RESIDENT	TRACY GALLAGHER	910	LONG ST	(432.90) REPAIRED SERVICE LINE AND OUTSIDE FAUCET
16	RESIDENT	CHRISTIAN STEWART	1480	WINDY LN	(245.70) LEAK ON SERVICE LINE
17	RESIDENT	CURTIS MCCOMB	2970	DICKENS PLACE DR	(210.60) TOILET LEAK
18	RESIDENT	CARMEN HICKS	4663	GOLDEN WEST CV	(269.10) LEAK BEHIND WALL
19	RESIDENT	KERMIT EDDY	3241	DEVONSHIRE CV S	(210.60) LEAK ON COLD SUPPLY LINE
20	RESIDENT	KENNEDY JACKSON	8055	ASHBROOK	(264.51) TOILET LEAK
21	RESIDENT	KAVARICAN MCCURRY	5745	BEDFORD LOOP W	(374.40) TOILET LEAK
22	RESIDENT	HOMA ROBERTS	5245	WINDY RIDGE	(208.08) LEAK ON SERVICE LINE
23	RESIDENT	PAUL WILLIAMS	5961	SWEET FLAG LOOP W	(210.60) TOILET LEAK
24	RESIDENT	GERALD LEWIS	7891	BRENTWOOD	(134.55) LEAK BEHIND WALL
25	RESIDENT	BENNIE ABRAM	5220	ELMORE RD	(40.95) TOILET LEAK
TOTAL				(7491.42)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of April 2, 2024 in the amount of \$7,491.42. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2nd day of April, 2024.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of April 2, 2024 in the amount of \$2,907.560.71. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

416827, 417049, 417050, 417057, 417336, 417634, 417693, 417910

Roll call was as follows:

ALDERMAN	VOTED
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Minutes, City of Southaven, Southaven, Mississippi

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 2nd day of April, 2024.

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 Payne. Motion was put to a vote and passed unanimously April 2, 2024 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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