

Minutes, City of Southaven, Southaven, Mississippi



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

1. **Call To Order**
2. **Invocation**
3. **Pledge Of Allegiance**
4. **Approval of Minutes: June 18, 2024**
5. **Resolution Amending City of Southaven Ordinance Title V, Chapter 2, Section 5-34(b)**
6. **Resolution for Surplus Firearm for Southaven Police Officer Todd Samples**
7. **Approval of Special Event Permit**
8. **Resolution for IT Surplus**
9. **Resolution for SPD Sole Source**
10. **Resolution to Clean Private Property**
11. **Planning Agenda:** **Item #1 Application by MIM Memphis, LLC for design approval for a multi-tenant retail building to be located on the northwest corner of Stateline Road and Bentley Woods Drive in the Highlands West Commercial Subdivision**
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:** **Discussion of litigation and potential litigation as allowed by Mississippi Code Section 25-41-7(b)(4); Economic Development (potential industry/business locating to City); Interdepartmental Personnel with No Action.**

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

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**MINUTES OF THE REGULAR MEETING
OF July 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 July, 2024 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 (Arrived later in the meeting)	Alderman, Ward 4
Raymond Flores	Alderman, Ward 6

Absent were:

John David Wheeler	Alderman, Ward 5
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Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately twenty (20) other people were present. Mayor Musselwhite called for a moment of silence in remembrance of Mike Mullins who served as the Director of Parks and Recreation from 1999-2014. Next, Mayor Musselwhite called the meeting to order. Alderman Flores 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 June 18, 2024 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously.

**RESOLUTION AMENDING CITY OF SOUTHAVEN ORDINANCE TITLE V,
CHAPTER 2, SECTION 5-34(B)**

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

Mr. Manley stated that this amendment to the Ordinance will allow for the entities that purchase a building to have a two (2) year period from the date of purchase to install a fire sprinkler system when required by the fire code due to a change of ownership. As part of the extension, the entity must provide a \$75,000 bond to the City. If the fire protection sprinkler system is not installed within the two (2) years or the bond or letter of credit expires, the City may revoke the certificate of occupancy and/or issue fines in an amount not to exceed \$1,000.00 per day that the violation(s) occur. The revised amendment notes that the ordinance applies due to the "change of use", rather than "change of ownership". After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN

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**OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,
TITLE V, CHAPTER 2, SECTION 5-34(b)**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE V, CHAPTER 2, SECTION 5-34(b)(“Ordinances”)

Thereupon Alderman Flores 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 CODE OF ORDINANCES,
TITLE V, CHAPTER 2, SECTION 5-34(b)**

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

WHEREAS, pursuant to Miss. Code 21-19-21 and Miss. Code 21-19-25, the City may adopt regulations and fire codes or any other codes dealing with general public health, safety or welfare, or a combination of the same; and

WHEREAS, the Ordinance, as amended, provides specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Ordinance amendment allows for the continued use of buildings, which will decrease blight, while balancing the safety requirements of City Ordinances and Codes; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE V, CHAPTER 2, SECTION 5-34(b)BE AMENDED AS FOLLOWS:

Sec. 5-34(b) –Nonconforming Structures

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Where the occupancy classification is designated as Assembly Group A-2 or A-3, Educational Group E or Institutional Group I-1, I-2, I-3 or I-4, the structure shall be brought into compliance with the current adopted building code and fire code. No such nonconforming structure may be enlarged or altered in any way which further affects its nonconformance. However, in the event there is a change of use of a pre-existing structure, which requires the installation of a fire protection sprinkler system, upon providing the City a bond or letter of credit in the amount of Seventy Five Thousand Dollars and 00/100 (\$75,000.00), the existing structure may have the fire protection sprinkler system installed in compliance with the City Code within an amount of time not exceeding two (2) years. In no event shall this sprinkler requirement be extended beyond the initial two (2) years for any reason whatsoever. If the fire protection sprinkler system is not installed within the two (2) years or the bond or letter of credit expires, the City may revoke the certificate of occupancy and/or issue fines in an amount not to exceed \$1,000.00 per day that the violation(s) occur.

NOW, THEREFORE BE IT ORDERED pursuant to Miss. Code 21-13-11, the City shall provide notice of this Ordinance in the *Desoto Times-Tribune*.

NOW, THEREFORE BE IT ORDERED that the Mayor, City Clerk, and/or City Fire Chief are authorized to take any and all action to effectuate the intent of this Ordinance Resolution.

NOW, THEREFORE BE IT ORDERED that the foregoing Ordinance Amendment shall go in effect one month from passage.

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

Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman Joel Gallagher	voted: ABSENT
Alderman George Payne	voted: YES
Alderman William Jerome	voted: YES
Alderman John Wheeler	voted: ABSENT
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 2nd day of July, 2024.

CITY OF SOUTHAVEN, MISSISSIPPI

RESOLUTION FOR SURPLUS FIREARM FOR SOUTHAVEN POLICE OFFICER TODD SAMPLES

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

Mr. Manley stated that this resolution will surplus Officer Samples' firearm to him based on his retirement in the PERS system. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

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**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI
PRESENTING SOUTHAVEN POLICE OFFICER TODD SAMPLES
HIS SERVICE WEAPON IN RECOGNITION OF HIS RETIREMENT**

WHEREAS, the City of Southaven Police Department hereby desires to honor Southaven Police Officer Todd Samples by presenting to him his service firearm, Glock, model 45 9MM, Serial # BVYF872 ("Weapon"); and

WHEREAS, Officer Samples is retiring under the state retirement system, and

WHEREAS, in accordance with Mississippi Code Section 45-9-131, it has been recommended to the Mayor and Board of Aldermen that this Weapon be sold to Officer Samples for one dollar in recognition of his retirement and service to the City of Southaven, and

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Weapon as described above be provided to Officer Samples; 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 Weapon be provided to Officer Samples.
- 2. The Mayor and Police Chief are hereby authorized to take all actions to effectuate the intent of this Resolution.

Motion was made by Alderman Payne and seconded by Alderman Hoots, for the Resolution, and the question being put to a vote:

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

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

APPROVAL OF SPECIAL EVENT PERMIT

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

Mr. Manley stated that this special event permit application has been approved by the SPD and SFD and is for Community Outreach at 1287 Main Street by Burning Bush Church on July 13. The event will consist of providing hamburgers and hotdogs for ministry purposes. Alderman Hoots made the motion to approve the event application. Motion was seconded by Alderman Flores.

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Roll call was as follows:

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

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

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

RESOLUTION FOR IT SURPLUS

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

Mr. Manley stated that this resolution will surplus items in the IT Department as allowed by Miss. Code 17-25-25. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**RESOLUTION OF CITY OF SOUTHAVEN, MISSISSIPPI
DECLARING SURPLUS PROPERTY**

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

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

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

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

1. The property listed in Exhibit A be hereby declared as surplus property due to the fact that the property is outdated, not useful or cost effective due to the storage and maintenance costs and has no value to the City.

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2. The City Clerk, IT Director, or their designee, are hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the property in Exhibit A.

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

Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman Joel Gallagher	voted: ABSENT
Alderman George Payne	voted: YES
Alderman William Jerome	voted: YES
Alderman John Wheeler	voted: ABSENT
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 2nd day of July, 2024.

CITY OF SOUTHAVEN, MISSISSIPPI

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

RESOLUTION FOR SPD SOLE SOURCE

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

Mr. Manley stated that this sole source resolution is for the Shield 15 speed/data collector sign and is built by All Traffic Solutions. It is the only data collector that the SPD has been able to locate that has remote real time access to the data from a computer as well as the detailed reports that can be printed from the data that is collected. This particular sign has two lithium batteries that power the unit for 7 to 14 days where the others only have batteries that last a few days. This sign also displays the speed for every passing vehicle and alerts the driver with a flashing strobe when a pre-programmed speed has been reached. This sign is a great tool for SPD to warn the public of the speed of their vehicle as they pass the sign, as well as collecting data so that we can send officers for enforcement at specific times of the day instead of wasting valuable man power to monitor the area all day. The cost for the purchase is \$5,494.20. 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 AUTHORIZING SINGLE SOURCE ITEM PURCHASE

WHEREAS, the City of Southaven Police Department ("City Police") has determined that it needs the a data collector the provide real time access to the City Police consisting of detailed reports, which can be printed from the data;

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WHEREAS, the City Police have identified the Shield 15 speed/data collector sign, which is built by All Traffic Solutions, and is the only data collector that the City Police are able to identify that has remote real time access to the data from a computer as well as the detailed reports that can be printed from the data that is collected; and

WHEREAS, All Traffic Solutions, Inc. is the sole provider for the Shield 15 speed/data collector sign and has a patent for the web-based data reporting which allows users to access data collected remotely and generate reports, along with the exclusivity including wireless communication capability as a standard feature in all equipment as further set forth in Exhibit A; and

WHEREAS, in addition, the Shield 15 has two lithium batteries that power the unit for 7 to 14 days where the others only have batteries that last a few days and the sign also displays the speed for every passing vehicle and alerts the driver with a flashing strobe when a pre-programmed speed has been reached; and

WHEREAS, the Shield 15 allows for the City Police to warn the public of the speed of their vehicle as they pass the sign, as well as collecting data so that the City Police can send officers for enforcement at specific times of the day instead of wasting valuable man power to monitor the area all day; and

WHEREAS, based on the need by the City Police of the Shield 15 and All Traffic Solutions being the only entity to provide such equipment as set forth in Exhibit A, the City of Southaven Board hereby approves the single source purchase of the kits from Pinnacle pursuant to Mississippi Code 31-7-13(m)(viii); and

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

1. Pursuant to Mississippi Code 31-7-13(m)(viii), the City Police Department is authorized to purchase the Shield 15 in the amount as set forth in Exhibit B on a single-source basis.
2. The Mayor, City Police Chief or their designee(s) are authorized to spend funds, including seized funds and take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Hoots made the motion and Alderman Jerome

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

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

A copy of the sole source letter and quote are 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.

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

7145 Timber Trail Lane
7085 Pecan Lane W
1805 Steeplechase Cove
5632 Kayla Dr.
1122 Warwick Place
375 Bainbridge Place
357 Goodman Rd. W
609 Clarington Dr.
680 Thornwood Place
55 Stateline Rd.
5724 Kayla 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, **July 2, 2024**

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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, **July 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 ADDRESS

7145 Timber Trail Lane
7085 Pecan Lane W
1805 Steeplechase Cove
5632 Kayla Dr.
1122 Warwick Place
375 Bainbridge Place
357 Goodman Rd. W
609 Clarington Dr.
680 Thornwood Place
55 Stateline Rd.
5724 Kayla Dr.
PARCEL# 10788281300019100

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:

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **2nd day of July 2024**.

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PLANNING AGENDA

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

Item #1 Application by MIM Memphis, LLC for design approval for a multi-tenant retail building to be located on the northwest corner of Stateline Road and Bentley Woods Drive in the Highlands West Commercial Subdivision

Mrs. Choat-Cook stated that the applicant is requesting design review approval for a three bay retail building on the northwest corner of Stateline Road and Bentley Woods Drive. Building elevations and landscaping were submitted. Mrs. Choat-Cook stated that staff is agreeable to the material base for the site but would like to see two separate brick materials that contrast well with each other so that the building does not seem so monotonous. It would be suggested that the center area of the frontage take on a lighter brick to further show the separation of tenant spaces and then carry that brick around the remaining sides as a wainscot design. The design package is not clear on the dumpster enclosure so it should be said that three sides of the dumpster area must be screened with matching brick of the building to comply. This enclosure must be one (1) foot above the height of the actual dumpster. The hipped roof and shingles meet the requirements for residential commercial and staff appreciates the breakup of the roof line with the storefronts. The landscape material list is acceptable; however, the sizes need to be adjusted to meet the minimums. Shade trees must be 3-3.5” caliper, ornamentals must be 2-2.5” caliper OR 8-10’ min height depending on the species. The shrubs proposed at 5 to 7 gallons are acceptable. Staff would like to see some seasonal beds placed at the entry points on each side and would also like to see some planting beds incorporated around the building perimeter to soften the hardscape. As with all new commercial, decorative lighting is required on site. Since this is a residential design, the acorn lighting is suggested and should be placed on each side of both entry points for a total of four (4) lights. Additional decorative wall mounted lights should be submitted and placed on each side of the three storefronts to further accent the building. Staff has no further comments and recommends approval with the stated revisions. Alderman Hoots made the motion to approve the application by MIM Memphis, LLC. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

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

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

MAYOR’S REPORT

Annual Fireworks Celebration

Mayor Musselwhite announced that the City will have a July 4 firework celebration and the Bank Plus Amphitheater with gates opening at 5pm.

PERSONNEL DOCKET

Personnel Docket				
July 2, 2024				
New Hire	Department	Position Title	Start Date	Rate of Pay
Lauren Perrigo	Police	Policer Officer 1	7/8/2024	\$25.99
Hunter Roberts	Police	Policer Officer 1	7/15/2024	\$25.99
Kasey Royster	Police	Policer Officer 4	7/15/2024	\$30.13
Jacquez Hardy	Fire	Firefighter II	TBD	\$18.48
Promotions	Current Position Title	New Position Title	Effective Date	Rate of Pay
Jordan Campbell	Fire Fighter 3	Driver/Operator	7/12/2024	\$20.56
Evan Foresman	Driver/Paramedic	Lieutenant	7/12/2024	\$23.36
Thomas Brown	Police Officer 1	Police Officer 2	7/2/2024	\$27.05
Andrew Parry	Police Officer 1	Police Officer 2	7/2/2024	\$27.05
Coty Barker	Police Officer 2	Police Officer 3	07/02/2024	\$28.11
Alicia Ferguson	Deputy Clerk	Certified Deputy Clerk	7/1/2024	\$22.67
Stipend	Department	Stipend	Effective Date	Stipend Rate Annually
Jacquez Hardy	Fire	HazMat	TBD	\$600.00
Jacob Mynatt	Fire	Advanced EMT	6/29/2024	\$1,200.00
Oath of Office				
LaTonya Oliver				
Kyler Pleasant				
Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Erin Hill	Police	Police Officer 4	7/5/2024	\$30.13
Tarah Crum	Police	Lieutenant	8/11/2024	\$33.95
Shavonda Leslie	Emergency Communication	Dispatch 1	6/21/2024	\$22.32
Shakorie Norwood	Emergency Communication	Dispatch 1	6/24/2024	\$22.32
Daniel Michael	Fire	Lieutenant	7/8/2024	\$23.36
Todd Samples	Police	Police Officer 4	6/30/2024	\$30.13
Andrew Byrd	Fire	Fire Fighter 2	7/2/2024	\$18.48

Alderman Payne made the motion to approve the Personnel Docket of July 2, 2024 as presented to this Board. 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	ABSENT
Alderman Wheeler	ABSENT
Alderman Flores	YES

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 2nd day of July, 2024.
Alderman Gallagher joined the meeting.

CITY ATTORNEY’S LEGAL UPDATE

Winkal Holdings LLC Contract

After noting the prior authorization provided by the City Board for the contract, Nick Manley entered the contract for the purchase by the City of the property located at 8912 Northwest Drive in the amount of \$1,053,571.50. The contract is attached to these minutes and fully incorporated herein.

Resolution Lien Assessments

Nick Manley discussed the need to authorize liens and/or assessments to be filed by the City for those properties which were cut and/or cleaned in accordance with Miss. Code 21-19-11. After discussion, the following resolution was considered:

**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

WHEREAS, the City Governing Authorities previously adopted, via resolution, the cost and penalties charged by the City for the clean-up of properties; and

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

- 1. The fees, costs, and penalties listed in Exhibit A be assessed to the property.
- 2. 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.
- 3. 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 Kelly and seconded by Alderman Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

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

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

EXHIBIT A				
Address	Cuttings	Penalty	Enrollment & Release	Total
1352 Carriage View Lane	1	250.00	8.00	258.00
2060 Goodman Rd E	1	550.00	8.00	508.00
3182 Summerhill Dr	1	500.00	8.00	508.00
7903 Nature Walk Dr.	1	250.00	8.00	258.00
1354 Main St.	1	250.00	8.00	258.00
1676 Custer Dr.	1	250.00	8.00	258.00
7766 Charleston Dr.	1	250.00	8.00	258.00
2211 Cedarwood Cove	1	250.00	8.00	258.00
1676 Custer Dr.	1	250.00	8.00	258.00
8903 Mary Frances	1	250.00	8.00	258.00
526 Christybrook Cove	1	250.00	8.00	258.00
7885 Hwy 51	1	250.00	8.00	258.00
8923 Mary Frances Dr.	1	250.00	8.00	258.00
8911 Mary Frances Dr.	1	250.00	8.00	258.00
1422 Town & Country	1	250.00	8.00	258.00
PARCEL# 1078270000002300	1	550.00	8.00	558.00
PARCEL# 1079321500000200	1	550.00	8.00	558.00
PARCEL# 1086240000000500	1	550.00	8.00	558.00
PARCEL# 10793108000000708	1	550.00	8.00	558.00

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PARCEL# 1084170600000100	1	250.00	8.00	258.00
PARCEL# 1084200400000100	1	550.00	8.00	558.00
PARCEL# 1079310800000716	1	650.00	8.00	658.00
PARCEL# 1079310800000715	1	500.00	8.00	508.00
PARCEL# 1074190701110600	1	250.00	8.00	258.00
PARCEL# 1074190700110700	1	250.00	8.00	258.00
PARCEL# 1074190700110800	1	250.00	8.00	258.00
PARCEL# 1074190700110900	1	250.00	8.00	258.00
PARCEL# 1074190700111000	1	250.00	8.00	258.00
PARCEL# 1087260000000603	1	250.00	8.00	258.00
PARCEL# 1078282000000400	1	250.00	8.00	258.00
PARCEL# 079310800000717	1	500.00	8.00	508.00

Kroger National Opioid Settlement

Nick Manley explained to the Board that the State of Mississippi is participating in the national opioid settlement with Kroger. The City has previously entered into these settlements to receive funds from the settlement as funds as are allotted to the City to assist with EMS/Opioid Programs. In order to participate, authority is needed from the Board to authorize signature of the settlement. Since Andrea Glaude will be reviewing the receipt and management of the funds, she can be the one to sign on behalf of the City. After discussion, a motion was made by Alderman Flores to authorize Andrea Glaude to sign the participation and settlement fund for the Kroger settlement. The 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	ABSENT
Alderman Flores	YES

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

Redistricting Contract with Dale K. Thompson Circuit Clerk

Nick Manley presented the agreement with the Desoto County Circuit Clerk which authorizes payment in the amount of \$1,000 to the Circuit Clerk for modifications associated with redistricting. A motion was made by Alderman Hoots to authorize Mayor Musselwhite to sign the contract with the Circuit Clerk. The motion was seconded by Alderman Jerome.

Roll call was as follows:

Minutes, City of Southaven, Southaven, Mississippi

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

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

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

UTILITY BILL ADJUSTMENT DOCKET

UTILITIES BILL LEAK ADJUSTMENT DOCKET 07/02/2024						
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.						
1	RESIDENTIAL	SARAH MIMS	870	WATERFORD PL	(23.68)	POOL ADJUSTMENT
2	RESIDENTIAL	KATHY SMITH	7820	BRENTWOOD	(157.95)	TOILET LEAK
3	RESIDENTIAL	MICHAEL ROBERTSON	7420	OVERLOOK	(40.95)	TOILET LEAK
4	RESIDENTIAL	TERRA MILLER	503	SOUTHWICK	(85.84)	POOL ADJUSTMENT
5	RESIDENTIAL	MITCHELL BASCOM	1938	GIBBS CV	(234.00)	SERVICE LINE LEAK
6	RESIDENTIAL	DANA MOORE	3056	CENTRAL PKWY	(380.25)	TOILET LEAK
7	RESIDENTIAL	YOKO WILKINS	1753	SPRINGFIELD	(162.66)	TOILET LEAK
8	RESIDENTIAL	HOWARD GLENN	2304	COLLEGE RD	(239.85)	2 TOILET LEAKS
9	RESIDENTIAL	JEREMIAH SOOKRAJ	7185	LYNNEASE DR	(292.50)	SERVICE LINE LEAK
10	RESIDENTIAL	PARKER HODGES	8256	FARMINGTON W	(82.88)	POOL ADJUSTMENT
11	RESIDENTIAL	DON EVANS	7176	ARCASTLE LOOP	(23.68)	POOL ADJUSTMENT
12	RESIDENTIAL	CHARLTON CROCKER	3345	MAPLE HOLLOW CV	(100.64)	POOL ADJUSTMENT
13	RESIDENTIAL	JOSEPH POULIN	8795	CHESTERFIELD DR	(59.20)	POOL ADJUSTMENT
14	RESIDENTIAL	REPULT JAMES	671	CAPEWOOD	(11.84)	POOL ADJUSTMENT
15	RESIDENTIAL	NIRALI PATEL	2116	HEMINGWAY	(17.76)	POOL ADJUSTMENT
16	RESIDENTIAL	CAROLYN BRIGHT	3668	ANISTON	(133.20)	POOL ADJUSTMENT
17	RESIDENTIAL	MIKE PRESCOTT	6816	HUNTERS GLEN	(44.40)	POOL ADJUSTMENT
18	RESIDENTIAL	LARRY WALSTON	1060	PARKVIEW CR S	(14.80)	POOL ADJUSTMENT
19	RESIDENTIAL	MIA HARVEY	3405	WOLF CREEK PL	(204.75)	2 TOILET LEAKS
20	RESIDENTIAL	JAIME WRIGHT	2782	TOWER CV	(20.72)	POOL ADJUSTMENT
21	RESIDENTIAL	JEFF BROOKS	4873	JESSICA	(88.80)	POOL ADJUSTMENT
22	RESIDENTIAL	JAY BARZON	1170	CLAIBORNE DR	(35.52)	POOL ADJUSTMENT
23	RESIDENTIAL	MILTON HARRIS	3575	PLUM POINT DR	(97.68)	POOL ADJUSTMENT
24	RESIDENTIAL	HOLLIDAY KRYSTLE	1901	MARCIA LOUISE	(35.52)	POOL ADJUSTMENT
25	RESIDENTIAL	MICHELLE FURNISH	442	CAROL ANN CV	(70.20)	SERVICE LINE LEAK
26	RESIDENTIAL	HIRAM JOHNSON	7546	WINNERS DR W	(182.15)	2 TOILET LEAKS
27	RESIDENTIAL	DENISE HILL	5185	BENT RD	(65.12)	POOL ADJUSTMENT
27	RESIDENTIAL	REDMOND ARBERY	5695	NICHOLS DR	(38.48)	POOL ADJUSTMENT
28	RESIDENTIAL	REYES PAUL	8424	PINNACLE DR	(38.48)	POOL ADJUSTMENT
29	RESIDENTIAL	JONATHAN CARTER	4131	BRAMBLECREST	(32.56)	POOL ADJUSTMENT
30	RESIDENTIAL	CASEY TAYLOR	1997	NOTTAWAY	(71.04)	POOL ADJUSTMENT
31	RESIDENTIAL	BURRELL MINH	4893	BRIARTON DR	(88.80)	POOL ADJUSTMENT
TOTAL					(3175.90)	

Alderman Payne made the motion to approve the Utility Bill Adjustment Docket of July 2, 2024 in the amount of \$3,175.90. Motion was seconded by Alderman Gallagher.

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	ABSENT
Alderman Flores	YES

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

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of July 2, 2024 in the amount of \$1,572,084.39. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

423163, 423252, 423282, 423375, 423397, 423420, 423465

Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	ABSENT
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 July, 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 Wheeler to adjourn. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously July 2, 2024 at 7:15 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)