# MINUTES OF THE REGULAR MEETING OF August 5, 2014 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 Regular Session on the 5th day of August, 2014 at six o'clock (6:00) p.m. at City Hall.

#### Present were:

William Brooks
Kristian Kelly
Shirley Beshears
George Payne
Joel Gallagher
Scott Ferguson
Raymond Flores
Alderman, Ward 5
Alderman, Ward 5
Alderman, Ward 6

Also present were Mayor Musselwhite, Sheila Heath, City Clerk, Andrea Mullen, Assistant City Clerk and Nick Manley, City Attorney. Approximately forty (40) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer, followed by the Pledge of Allegiance led Alderman Ferguson. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of July 15, 2014 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously. Alderman Payne made the motion to approve the minutes of the special meeting of July 21, 2014 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Ferguson. Motion was put to a vote and passed unanimously.

### FIRE DEPARTMENT BUDGET AMENDMENT FOR RADIO PROJECT

Fire Chief, Ron White, presented this item to the Board. Chief White stated that upgrades are being made to the Desoto County E911 Communications Network and that our Fire Department, EMS, Police Department, and Public Utilities all utilize this software. Chief White further stated that our current analog system is not compatible with the new digital system. The new system will require replacement of their existing radio equipment in the Fire Department. Chief White stated that the total cost of the project will be approximately \$350,000 and recommends that it is done in two phases. Chief White requested approval of the first phase for \$314,837.00. Chief White further stated that this project is being initiated by the Desoto County E911 Commission and MS Wireless Communication Commission and stated that it will help improve communications across the state. Alderman Brooks made the motion to approve the budget amendment and Chief White's recommendation. Motion was seconded by Alderman Beshears.

Roll call was as follows:

Alderman Kristian Kelly		voted: YES
Alderman Shirley Beshears	•	voted: YES
Alderman Joel Gallagher		voted: YES
Alderman George Payne		voted: YES
Alderman William Brooks		voted: YES
Alderman Scott Ferguson		voted: YES
Alderman Raymond Flores		voted: YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on this 5th day of August, 2014.

A copy of the Motorola Solutions quote is attached to these minutes.

### **ADOPTION OF 2012 FIRE CODE**

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 5-26, "ADOPTION"

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 5-26, "ADOPTION" ("Ordinances")

Thereupon Alderman Brooks 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 5-26, "ADOPTION"

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, after prior consideration, it is the opinion of the Mayor and Board of Aldermen of the City that the safety and welfare of the City's citizens would be improved by the adoption of the 2012 edition of the International Fire Code; and

WHEREAS, the City desires to amend the Ordinance; and

WHEREAS, the Ordinance, as amended, provides specific guidelines for the governmental authorities, and serves the legitimate City interest; 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 5-26, "ADOPTION" BE AMENDED AS FOLLOWS:

Section 1. The 2012 edition of the International Fire Code, excluding Appendices A and J, are hereby adopted by reference as though fully copied herein. In any circumstance where City policies or ordinances conflict with this adopted Code, the City shall have full discretion as to application and enforcement of either provision.

Section 2. Pursuant to Section 108.1 of the 2012 International Fire Code, The City Board of Aldermen shall serve as the Appeals Board.

Section 3. All prior versions of the Code referenced and adopted herein be, and the same are hereby repealed.

NOW, THEREFORE BE IT ORDERED that the 2012 edition of the International Fire Code, excluding Appendices A and J, shall take one month after passage, and shall supersede any previously adopted codes, until further amended.

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-19-25, provide notice of the adoption of the code in the *Desoto Times* for one (1) time a notice in substantially the following form:

Notice is given that the City of Southaven on the 5<sup>th</sup> day of August adopted 2012 edition of the International Fire Code.

IT IS FURTHER ORDERED that the Codes hereby adopted pursuant to this Ordinance shall be certified to by the mayor and City Clerk, and shall be filed as a permanent record in the office of the clerk.

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

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman George Payne	voted: YES
Alderman William Brooks	voted: YES
Alderman Scott Ferguson	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 5<sup>th</sup> day of August, 2014.

### CITY OF SOUTHAVEN, MISSISSIPPI

BY:	
ATTEST:	DARREN MUSSELWHITE, MAYOR
SHEILA HEATH, CITY CLERK	

### **ADOPTION OF 2012 BUILDING CODE (REVISED)**

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE IV, CHAPTER 2, ARTICLE I, SECTION 4-26, "ADOPTION"

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 IV, CHAPTER 2, ARTICLE I, SECTION 4-26, "ADOPTION" ("Ordinances")

Thereupon Alderman Ferguson 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 IV, CHAPTER 2, ARTICLE I SECTION 4-26, "ADOPTION"

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

WHEREAS, after prior consideration, it is the opinion of the Mayor and Board of Aldermen of the City that the safety and welfare of the City's citizens would be improved by the by adopting the 2012 International Residential Code, 2012 International Building Code, 2012 International Plumbing Code, 2012 International Mechanical Code, 2012 International Fuel Gas Code and 2011 National Electric Code and increasing the permit fees incident to such codes as follows:

- 1. Adopt the 2012 IRC (International Residential Code) omitting all appendices.
- A. Amend the IRC Section R 313.2, adding a note defining one family dwellings to which the automatic fire sprinkler requirement is applicable only to those residences having heated floor areas of 5,000 square feet or larger in finished or un-finished living area.
- 2. Adopt the 2012 IBC (International Building Code), which regulates all other structures, with only Appendix E to be adopted.
- Adopt 2012 IPC (International Plumbing Code) omitting all appendices.
- 4. Adopt 2012 IMC (International Mechanical Code) omitting all appendices.
- 5. Adopt 2012 IFGC (International Fuel Gas Code) omitting all appendices.
- 6. Adopt 2011 NEC (National Electrical Code) with all appendices, but subject to the exclusions currently set forth in the City Ordinances.

7. In the event, the IRC, IBC, IPC, IMC, IFGC or NEC conflict with another Ordinance of the City, the Ordinance of the City shall supersede and shall be enforced and adhered to.

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; 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 IV, CHAPTER 2, ARTICLE I, SECTION 4-26, "ADOPTION" BE AMENDED AS FOLLOWS:

Section 1. The 2012 International Residential Code (omitting all appendices and with Section R 313.2 defining one family dwellings to which the automatic fire sprinkler requirement is applicable only to those residences having heated floor areas of 5,000 square feet or larger in finished or un-finished living area), 2012 International Building Code (with only Appendix E to be adopted and all other appendices for this Code shall be omitted), 2012 International Plumbing Code (omitting all appendices), 2012 International Mechanical Code (omitting all appendices), 2012 International Fuel Gas Code (omitting all appendices), and the 2011 National Electric Code (omitting all appendices) are hereby jointly adopted by reference as though fully copied herein. These adopted documents shall be utilized by the relevant design professionals.

Section 2. All prior versions of the Codes referenced and adopted be, and the same are hereby repealed.

NOW, THEREFORE BE IT ORDERED that the 2012 International Residential Code, 2012 International Building Code, 2012 International Plumbing Code, 2012 International Mechanical Code, 2012 International Fuel Gas Code, and the 2011 National Electric Code, along with specified appendices and special

conditions as set forth above, shall take effect one month after passaged and shall supersede any previously adopted codes, until further amended.

**NOW, THEREFORE BE IT ORDERED** that the City Clerk, pursuant to Miss. Code 21-19-25, provide notice of the adoption of the code in the *Desoto Times* for one (1) time a notice in substantially the following form:

Notice is given that the City of Southaven on the 5th of August adopted 2012 editions of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code and the 2011 National Electrical Code.

IT IS FURTHER ORDERED that the Codes hereby adopted pursuant to this Ordinance shall be certified to by the mayor and City Clerk, and shall be filed as a permanent record in the office of the clerk.

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

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman George Payne	voted: YES
Alderman William Brooks	voted: YES
Alderman Scott Ferguson	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 5<sup>th</sup> day of August, 2014.

### CITY OF SOUTHAVEN, MISSISSIPPI

RREN MUSSELWHITE, MAYOR
-

### ADOPTION OF REVISED BUILDING PERMIT FEE SCHEDULE

### RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN BUILDING PERMIT FEES

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the City of Southaven ("City") Permit Fees.

WHEREAS, pursuant to Miss. Code 21-19-25, the City may adopt building codes, dealing with the general public health, safety or welfare, or a combination of the same and charge fees for permits incident thereto; and

WHEREAS, the City previously adopted building permit fees to help with the costs of ensuring compliance with the building and other relevant codes; and

WHEREAS, after review of the permit fees, the City hereby desires to increase the permit fees in accordance with Exhibit A; and

#### NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1. The building permit fees for the City are hereby adopted as set forth in Exhibit A.
- 2. The Mayor or his designee(s) is authorized to take any and all actions to effectuate the intent of this Resolution.

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

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

	Darren Musselwhite, MAYOR
ATTEST:	

EXHIBIT A

A copy of Exhibit A is attached to these minutes.

# WORK ORDER 2 – CIVIL LINK (AUTHORIZATION FOR CARRIAGE HILLS BIKE / PEDESTRIAN PROJECT)

Whitney Choat-Cook, Planning Director, presented this item to the Board. Mrs. Choat-Cook stated that this work order is for the preliminary engineering design for the Carriage Hills Bicycle and Pedestrian improvements plan. Mrs. Choat-Cook stated that this is a twenty-six (26) week design and phasing plan to work on with MDOT in order to receive the grant funding for construction. Mrs. Choat-Cook stated that the overall service list will cost approximately \$38,500.00. Mrs. Choat-Cook further stated that the work order is in compliance with the general contract the City has entered into with Civil Link. Alderman Kelly made the motion to authorize a contractual agreement for the work authorization. Motion was seconded by Alderman Brooks.

### Roll call was as follows:

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman George Payne	voted: YES
Alderman William Brooks	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on this 5th day of August, 2014.

A copy of the work order is attached to these minutes.

### WORK ORDER 3- CIVIL LINK (SNOWDEN WORK AUTHORIZATION)

Nick Manley, City Attorney, presented this item to the Board. Mr. Manley stated that this work order is for surveying work for the master park plan that is part of the Snowden Grove Expansion. Mr. Manley stated that in order to properly plan for the proposed expansion improvements, a boundary and topographic surveying

and schematic design phase services will need to be completed. The work order has been approved by Civil Link and the cost of the project is \$55,300.00. Alderman Flores made the motion to approve the work order and authorize Mayor to sign. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

A copy of the work order is attached to these minutes.

# TASK ORDER 4 – URBAN ARCH (SNOWDEN GROVE PARK EXPANSION MASTER PLAN UPDATE)

Nick Manley, City Attorney presented this item to the Board. Mr. Manley stated that this task order is for the Snowden Grove Park Expansion Master Plan update and that the cost of the work shall not exceed \$12,000.00. Alderman Brooks made the motion to approve task order 04. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

A copy of the task order is attached to these minutes.

# RESOLUTION ESTABLISHING REVISED POLICY FOR USE OF CITY OWNED FACILITIES

# RESOLUTION OF CITY OF SOUTHAVEN BOARD OF ALDERMAN ESTABLISHING REVISED POLICY FOR USE OF CITY OWNED FACILITIES

WHEREAS, pursuant to Mississippi Code 21-17-5, the City of Southaven ("City") Board of Alderman has the authority to adopt any resolutions with respect to such municipal affairs, property and finances; and

WHEREAS, the City Board desires to establish designated limited forums wherein it will permit the reasonable and limited use of City of Southaven owned buildings and grounds (hereinafter referred to as facilities), by specified and limited persons and entities, for specified and limited purposes; and

WHEREAS, the City of Southaven Board of Alderman desires to exercise its broad discretion to control the rates of the facilities, access to and use of its facilities, which are deemed not to be traditional public forums; and

WHEREAS, it is the intention of the City of Southaven Board of Alderman to allow persons or entities to have the use of identified and available public facilities of the City of Southaven, subject to reasonable restrictions of time, place and the nature of use and other conditions of the revised policy attached hereto as Exhibit A; and

### NOW THEREFORE, be it resolved as follows:

- 1. The City hereby desires to adopt the Policy for City Owned Facilities attached hereto as Exhibit A.
- 2. The Mayor or his designee is authorized to take all actions to effectuate the intent of this Resolution and the Policy for City Owned Facilities attached hereto as Exhibit A.

Following the reading of the foregoing Resolution, Alderman Brooks made the motion and Alderman Flores seconded the motion for its adoption. The

Mayor put the question to a roll call vote, and the result was as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 5<sup>th</sup> day of August, 2014.

Darren Musselwhite, MAYOR

ATTEST:

Sheila Heath, CITY CLERK

A copy of the Facilities Use Policy is attached to these minutes.

# RESOLUTION FOR EXPENSES ELIGIBLE TO BE REIMBURSED PERSUANT TO CHAPTER 933 HOUSE BILL 1618 (1993)

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPROVING EXPENDITURES ELIGIBLE UNDER THE LOCAL AND PRIVATE LEGISLATION, CHAPTER 933 HOUSE BILL 1618 (1993)

WHEREAS, Local and Private Legislation, Chapter 933, House Bill 1618 (1993) ("Legislation") was enacted by the Mississippi State Legislature on April 12, 1993 and allows for a one percent (1%) tourist and convention tax ("Tax") to be levied on the gross income of motels and hotels in the City of Southaven ("City"); and

WHEREAS, the imposition of the Tax is "[f]or the purpose of providing funds for the promotion of tourism and conventions;" and

WHEREAS, the Legislation further provides that the proceeds from this Tax "shall be dedicated solely for the purpose of carrying out programs and activities which are designated by the governing authorities of the city and which are designed to attract conventions and tourists in the City of Southaven, Mississippi;" and

WHEREAS, the City frequently host concerts, City events, regional baseball and softball tournaments, fairs and festivals, and other tourist events at various facilities and locations in the City. Some of these events create circumstances that require extra emergency services and event related personnel services dedicated solely to the tourism event which must be provided by the City; and

WHEREAS, the City incurs substantial costs associated with nonemergency personnel for these events. In addition, these personnel and overtime costs create a significant expense for the City and the City is not able to accurately budget the costs associated with these tourism related events as these events are scheduled after the budget process; and

WHEREAS, the City previously received an Attorney General Opinion which allows for the City use the Tax to fund the overtime costs for the City's emergency personnel and personnel costs, which are directly attributable to the specific tourism related events in the City provided the City Board makes a finding in its minutes (MS AG Op. Manley (June 13, 2014)); and

WHEREAS, in addition, the City previously passed an Ordinance, consistent with the Legislation, which allows for the Board to determine those expenses that attract conventions and tourists in the City; 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 City hereby finds all costs, which shall include all overtime costs for the City's emergency personnel and any personnel costs, which are directly attributable to specific tourism related events, including but not limited to concerts, City sponsored events, fairs and festivals, baseball and softball tournaments, in the City are for the promotion of attracting tourist and funds from the Tax may be used for these expenses.
- 2. The Mayor or his designee is authorized to effectuate the intent of this Resolution.

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

Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Shirley Beshears	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

**RESOLVED AND DONE** this 5th day of August 2014.

	DARREN MUSSELWHITE
	MAYOR
ATTEST:	
CITY CLERK	

# RESOLUTION AMENDEING CODE OF ORDINANCE FOR UNSAFE OPERATION OF MOTOR VEHICLE

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI AMENDING THE SOUTHAVEN CODE OF

ORDINANCES TITLE IX, CHAPTER 5, ARTICLE IV, SECTION 9-332

WHEREAS, Mississippi Code Section 21-37-3 provides the City of Southaven ("City") shall have the power to exercise full jurisdiction in the matter of streets, and

WHEREAS, Mississippi Code Section 21-17-5 provides the City 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; and

WHEREAS, Mississippi Code Section 63-3-209 grants the City the authority to adopt additional traffic regulations which are not in conflict with the provisions the relevant Mississippi laws; and

WHEREAS, the City has experienced issues with motor vehicles and vehicles being operated in an unsafe manner, along with the operation of motor vehicles and vehicles not being properly supervised; and

WHEREAS, based on the City's authority as noted above, the City desires to adopt an Ordinance to address the issues with motor vehicles and vehicles operating in an unsafe manner in the City streets.

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 IX, CHAPTER 5, ARTICLE IV, SECTION 9-332 BE AMENDED AS FOLLOWS:

### TITLE IX, CHAPTER 5, ARTICLE 4 SECTION 9-332

UNSAFE OPERATION OF MOTOR VEHICLE

It shall be unlawful for any person to operate a Motor Vehicle or Vehicle or allow for the operation of a Motor Vehicle or Vehicle in an unsafe, careless, illegal or imprudent manner.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

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

NOW, THEREFORE BE IT ORDERED due to the City's desire and duty to provide and protect the imminent health and safety issues caused by operation of vehicles in an unsafe manner and for the immediate preservation of the public peace of the citizens traveling on City streets and based on the unanimous vote of all members of the governing body, this Ordinance shall be effective immediately.

The foregoing Resolution was made by Alderman Ferguson and seconded by Alderman Beshears and brought to a vote as follows:

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES
Alderman William Brooks	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 5th day of August, 2014.

RV:

CITY OF SOUTHAVEN, MISSISSIPPI

	~ ~ •	<u></u>	
		DARREN MUSSELWHITE, MAYOR	•
ATTEST:			
CITY CLERK		<del></del>	

### RESOLUTION AWARDING BID TO EXCELLANCE, INC.

# RESOLUTION OF CITY OF SOUTHAVEN BOARD OF ALDERMAN AWARDING BID TO EXCELLANCE, INC.

WHEREAS, pursuant to Mississippi Code Section 31-7-13, the City of Southaven ("City") previously advertised for bids for a new Type 1 Ambulance ("Ambulance"); and

WHEREAS, the City's Fire Chief and City Fire Department have reviewed the pricing and bids along with the qualifications, responsibility and other information which is responsive to the Request for Bids to determine which bid is the lowest and best; and

WHEREAS, the City, pursuant to Mississippi Code Section 31-7-13, acknowledges that Excellence, Inc. was the low bid with a bid in the amount of \$164,808.30 base price and no options; and

WHEREAS, the City has the power to waive any informalities in the responses to the bid; and

WHEREAS, the City desires to accept the bid proposal from Excellance, Inc. in the amount of \$164,808.30, without options, as the lowest and best bid proposal to meet the specifications for the Ambulance.

#### **NOW THEREFORE**, be it resolved as follows:

- 1. Pursuant to Mississippi Code 31-7-13 and the bid specifications whereby the City advertised that it would award the contract to the lowest, best and responsible bid, and the recommendation of the City's Fire Chief and City Fire Department, the City hereby accepts the bid proposal from Excellance, Inc. in the amount of \$164,808.30, without options, as the lowest and best bid proposal to meet the specifications for the Ambulance.
- 2. The City hereby waives the informality of Excellance, Inc. not providing duplicate bid documents as the failure to provide the documents did not provide a competitive advantage to Excellance or negate the competitive nature of the bid process.
- 3. Furthermore, as the Mississippi Supreme Court and multiple Attorney General Opinions have noted when this discretion is exercised by a Board in regard to awarding bids, the courts will not interfere. *Parker Bros. v. Crawford*, 219 Miss. 199, 209, 68 So.2d 281 (1953).
- 4. The Mayor or his designee is authorized to execute all documents and purchase orders and other documentation required in order to effectuate the intent of this Resolution.

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

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 5th day of August, 2014.

DARREN MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK

### RESOLUTION TO SURPLUS PROPERTY - IT DEPARTMENT

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE 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.
- 2. The City Clerk, or her designee, is 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 Brooks and seconded by Alderman Beshears. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman	William Brooks	YES
Alderman	Kristian Kelly	YES
Alderman	Shirley Beshears	YES
Alderman	George Payne	YES
Alderman	Joel Gallagher	YES
Alderman	Scott Ferguson	YES
Alderman	Raymond Flores	YES

RESOLVED AND DONE this 5th day of August 2014.

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 5th day of August, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

	DARREN	MUSSELWHITE,	MAYOR
ATTEST:			

A copy of the surplus equipment list is attached to these minutes.

# RESOLUTION GRANTING AUTHORITY 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: 762 Rasco Road, 5659 Lexy Lane, 5641
Casey Lane, 26 Hillbrook Drive, 7793 Charleston Drive, 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, August 5,

2014, 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,

August 5, 2014, 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: 762 Rasco Road, 5659 Lexy Lane, 5641 Casey Lane, 26 Hillbrook Drive, 7793 Charleston Drive 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 Ferguson. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Shirley Beshears	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 5th day of August, 2014.

		CITY OF SOUTHAVEN, MISSISSIPPI
	BY:	
		DARREN MUSSELWHITE MAYOR
ATTEST:		

SHEILA HEATH CITY CLERK

(SEAL)

### **PLANNING AGENDA**

Planning Agenda presented by Mrs. Whitney Choat-Cook, Planning Director

ITEM #1 Application by Dollar General for design review at the corner of Hwy. 51 and First Commercial Drive

Mrs. Choat-Cook stated that this design review is for a new Dollar General store located on the southwest corner of Hwy. 51 and First Commercial Drive. Mrs. Choat-Cook stated that the store will look appealing with archways, stone work, bronze canopies, windows with bronze, and acorn lighting. Alderman Beshears made the motion to approve the application. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

A copy of the staff report, rendering, and landscape plan is attached to these minutes.

ITEM #2 Balloon Events (9160 Millbranch) Conditional Use Permit Hearing

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI REVOKING CONDITIONAL USE PERMIT GRANTED TO BALLOON EVENTS, 9160 MILLBRANCH ROAD, SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on May 19, 2014 for the conditional use permit ("permit") application of Balloon Events; and

WHEREAS, the City's Planning Commission recommended a one year permit and the City Board of Aldermen, pursuant to its discretion as set forth in

the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a), granted the permit for one year on June 17, 2014; and

WHEREAS, the permit for Balloon Events was limited to hosting banquets for children's birthdays, baby showers, small business meetings and small receptions. The permit excluded teenage and adult parties, bachelor parties, family reunions, alcohol and smoking, and loud music; and

WHEREAS, Balloon Events was provided notice on July 24, 2014 by Southaven Police Officer Kern of the hearing conducted on August 5, 2014 and offered the opportunity to address the Board concerning this matter of the revocation of its permit; and

WHEREAS, Balloon Events has violated the permit by allowing for a teenage party, adult party, drug use and alcohol use and sales to occur on July 20 and 21, 2014; and

WHEREAS, "Conditional Use" is defined in the City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) as "a use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;" and

WHEREAS, the City, pursuant to City Code of Ordinances at Title XIII, Chapter 2, Section 13-2(c) has the power to enforce Title XIII of the City Ordinances by instituting appropriate action, including revocation of the permit to prevent illegal acts, conduct or business, such as the permit violations by Balloon Events; and

WHEREAS, pursuant to Mississippi Code Ann. Sections 21-17-5, the City has the authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances; and

WHEREAS, the Laws of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, based on Balloon Events violation of the permit, the conditional nature of the permit, the City's Code of Ordinances and applicable state law, the City hereby desires to revoke the permit issued to Balloon Events; and

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

1. Based on the activities on June 20 and 21 of allowing an adult and teenage party, alcohol consumption, unauthorized sale and

consumption of alcohol, drug use on the premises at 9160 Millbranch Road, Southaven, Mississippi by Balloon Events, the City Board finds that Balloon Events violated its permit.

- 2. The Board finds that the activities, as set forth above, conducted at Balloon Events on June 20 and 21, 2014 violated the "Conditional Use" as set forth in City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) by not promoting, but instead acting in direct contradiction to the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.
- 3. The Board finds that the activities, as set forth above, conducted at Balloon Events on June 20 and 21, 2014 violated the "Conditional Use" as set forth in City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a) by not protecting the City's comprehensive plan and conserving and protecting property and property values in the neighborhood.
- 4. The Board, based on its authority, including, but not limited to City Code of Ordinances at Title XIII, Chapter 2, Section 13-2(c) to grant and revoke conditional use permits and the Boards authority pursuant to Mississippi Code Ann. Sections 21-17-5 for its authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances hereby revokes the conditional use permit granted to Balloon Events.
- 5. The Board's revocation of the permit is based on the hearing conduced on August 5, 2014 where the City Board considered the matter and made findings of fact. The Board notes that the standard of review in zoning cases is whether the action of the board or commission was arbitrary or capricious and whether it was supported by substantial evidence. "Thus, zoning decisions will not be set aside unless clearly shown to be arbitrary, capricious, discriminatory, illegal or without substantial evidentiary basis. There is a presumption of validity of a governing body's enactment or amendment of a zoning ordinance and the burden of proof is on the party asserting invalidity. Where the point at issue is "fairly debatable," the Courts will not disturb the zoning authority's action." Drews v. City of Hattiesburg, 904 So. 2d 138, 140 (Miss. 2005) See also Mayor & Bd. of Aldermen, City of Clinton v. Welch, 888 So. 2d 416, 419 (Miss. 2004) ("[A]ctions of a deliberative body such as the Mayor and Board of Aldermen will not be set aside unless found to be arbitrary and capricious."). The Mississippi Supreme Court has further noted that "unlike decisions to zone or re-zone, which are legislative in nature, decisions on request for special exceptions are adjudicative, and a reviewing court

subjects such decisions to the same standard as is applied to administrative agency adjudicative decisions." Therefore, any appeal of the Board's decision with regard to the revocation of the permit of Balloon Events is subject to the following standard of review: the decision of an administrative agency is not to be disturbed unless the agency order was unsupported by substantial evidence; was arbitrary or capricious; was beyond the agency's scope or powers; or violated the constitutional or statutory rights of the aggrieved party. Mayor & Bd. of Aldermen, City of Town of Prentiss v. Jefferson Davis County, 874 So. 2d 962, 964 (Miss. 2004).

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

Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Shirley Beshears	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

**RESOLVED AND DONE** this 5th day of August 2014.

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 5<sup>th</sup> day of August, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

	RX:_	DARREN MUSSELWHITE, MAYOR
ATTEST:		
CITY CLERK		

A copy of the staff report is attached to these minutes.

#### **MAYOR'S REPORT**

Mayor Musselwhite shared that he received a letter from Congressman Alan Nunnelee confirming that the City had received a \$2,583,566.00 grant from FEMA for the Arena Community Safe Room.

Mayor Musselwhite reported that he signed a work order today to proceed with the Elmore Road Project.

Mayor Musselwhite then reported that our contract with Lehman-Roberts has expired and a Board authorization is needed to acquire bids for the asphalt contract. Alderman Gallagher made the motion to authorize the acquiring of bids. Motion was seconded by Alderman Ferguson.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on this 5th day of August, 2014.

### **CITIZEN'S AGENDA**

Graziella Fichthorn, Southaven Beautification

Ms. Fichthorn commended the Mayor and Board on their efforts for Southaven Beautification and Revitalization and requested clarity on the type of improvements they intend to make. Mayor Musselwhite stated that he met with the Mississippi Development Authority and Main Street Association and asked for their analysis as to what they think can be done to improve the look of the City. Mayor Musselwhite also stated that they are looking into several options at this time and thanked Ms. Fichthorn for coming and sharing some of her ideas and concerns.

### PERSONNEL DOCKET

Personnel
Docket
August 5, 2014

Payroll Additions	Position	Department	Start Date	Rate of Pay
Amy Hammond	Crossing Guard	Police - 211	TBD	\$9.00

Brenda Rogers	Crossing Guard	Police - 211	TBD	\$9.00
Demarcus Hawkins	Laborer	Public Works/Street - 311	Pending	\$11.00
Lisa Randl	Dispatcher I	Police - 211	Pending	\$17.55
Whitney Walley	Patrol Officer II	Police - 211	TBD	\$19.25
Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Malena	Fire/Life Safety		•	<del></del>
Alderman	Educator	No Change	July 28, 2014	\$25.9356
Dennis Scott	P/T Patrol	No Change	July 28, 2014	\$13.00
Mitzi Stewart	Patrol Officer III	P/T Patrol	July 25, 2014	\$13.00
Employee Name	Department	Action Taken	Effective Date	With/Without Pay

Payroll Deletions	Position	Department	Termination Date	Rate of Pay
Dale Bryant	Sergeant	Police - 211	July 15, 2014	\$21.26
Dwight Sykes	Patrol Officer II	Police - 211 Parks and	July 22, 2014	\$19.25
Keegan Jones Stephanie	Seasonal Laborer	Recreation - 411  Parks and	July 28, 2014 August 2,	\$8.00
Snoots	P/T Front Desk	Recreation - 411	2014	\$7.25

Alderman Brooks made the motion to approve the Personnel Docket of August 5, 2014 as presented to this Board. Motion was seconded by Alderman Flores. The motion was put to vote and passed unanimously.

#### CITY ATTORNEY'S LEGAL UPDATE

Mr. Nick Manley, City Attorney presented the City Attorney's Legal Update.

Mr. Manley stated that the City has been approached by Verizon to enter into a contract for the Cell Tower at Greenbrook Water Tower. Mr. Manley further stated that from a legal stand point the lease is acceptable, but from a policy stand point does not allow for the City to have termination rights. Alderman Flores made a motion for discussion. Motion was seconded by Alderman Ferguson. Mr. Manley further stated that the contract by law will expire when a new Board comes into office and that the lease will provide additional revenue for the City in the amount of \$1,000.00 per month. After a lengthy discussion, the Board of Alderman agreed that they would not enter into a contract without having a termination clause.

### **COMMITTEE REPORT**

Mayor Musselwhite stated that the Board is preparing for the 2015 Budget and a proposal from the Finance Committee was made for a potential change in sanitation billing and property tax mileage. Mayor Musselwhite further stated

that although there have not been any decisions made; a board vote is needed in order to advertise for such potential changes. Alderman Flores made the motion to advertise for a potential change in sanitation billing. Motion was seconded by Alderman Gallagher.

#### Roll call was as follows:

ALDERMAN	VOTED	
Alderman Brooks	YES	
Alderman Kelly	YES	
Alderman Beshears	YES	
Alderman Payne	YES	
Alderman Gallagher	YES	
Alderman Ferguson	YES	
Alderman Flores	YES	

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on this 5th day of August, 2014.

A motion was made by Alderman Flores to advertise for a potential property tax mileage increase not to exceed four (4) mills. Motion was seconded by Alderman Gallagher.

#### Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on this 5th day of August, 2014.

#### **CLAIMS DOCKET**

A motion was made by Alderman Payne to approve the Claims Docket of August 5, 2014, including demand checks and payroll in the amount of \$2,659,676.86. Motion was seconded by Alderman Flores.

#### **Excluding voucher numbers:**

223966, 223986, 224014, 224041, 224042, 224043, 224044, 224143, 224240, 224241, 224242, 224245, 224246, 224247, 224252, 224277, 224291, 224307, 224328, 224374, 224426, 224450, 224451, 224491, 224502, 224623, 224655, 224670, 224737, 224747, 224773, 224806, 224807, 224812, 224924, 224964, 225024.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on this 5th day of August, 2014.

#### **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 Brooks to adjourn. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously, August 5, 2014 at 8:30 p.m.

Darre	n Musse	lwhite,	
Mayo	r		
Mayo	r		

Sheila Heath, City Clerk

(Seal)

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Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	YES
Alderman Flores	YES

Mayor Musselwhite called the meeting back to order.

There being no further business to come before the Board of Aldermen, a Motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously, August 5, 2014 at 8:30 p.m.

Darren Musselwhite, Mayor

Sheila Heath, City Clerk

(Seal)

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# Southaven Fire Department

Division of Fire & Emergency Medical Services

Ronald L. White

8710 Northwest Drive, 2nd Floor Southaven, MS 38671 Office: (662) 393-7466 Fax: (662) 280-6521

Roger L. Thornton
Deputy Fire Chief

August 5, 2014

Mayor Darren Musselwhite Board of Aldermen City of Southaven Southaven, Mississippi

Dear Mayor and Board;

The fire department has been aware of ongoing negotiations for some time between Desoto County 911 Commission and the State of Mississippi Wireless Communication Commission to combine the Mississippi Wireless Information Network (MSWIN) and Desoto County E-911 Trunking Radio systems. We have recently been notified that final negotiations are nearing completion and this project is proposed to be in place and operational in mid 2015.

A copy of the memo to our department from our Commissioner Mr. Chris Shelton that represents the City of Southaven on the E911 Commission, explaining the system upgrade has been included with this memo for your review.

Most of the radio equipment currently in use by the department has been in-service for over seventeen years and has reached its maximum service life expectancy and is not capable of being upgraded to function on the new system. All of our existing radios operate in an analog format and this will require the department to purchase new digital capable radios to operate on the new system.

The estimated cost for the entire project for the fire department including equipment and installation should not exceed \$350,000. We are recommending this upgrade be undertaken in two separate phases in order to minimize the impact on the department's budgets for FY14 and FY15.

In anticipation of the transition of the radio system from analog to digital the department, as part of a contingency plan, has postponed spending on several smaller projects slated for the FY 14 Budget year. Although these projects are very important they are of lesser priority and can be undertaken in the FY15 and FY 16 Budget years.

This has allowed funds in several of our FY14 budget categories to be available that can be redirected to our machinery and equipment budget category for phase one of the radio system upgrade, if the budget transfers and equipment purchase are approved by the Mayor and Board of Aldermen. A copy of the budget sheet outlining the requested budget transfers has also been included with this packet for your review and approval.

A price quote for phase one of the new radio equipment has been included with the letter for your review and approval. All pricing is Mississippi State Contract prices therefore the city is not required

to implement the bid process. In addition due to negotiations By the Mississippi Wireless Communication Commission and Desoto County E- 911 Commission some additional discounts below state contract pricing have been applied.

We are respectfully requesting the Mayor and Board of Aldermen approve the requested budget transfers and authorize the purchase of the new radio equipment in the amount of \$314, 837.00 to implement phase one of the radio projected for the Southaven Fire Department.

If the Mayor or any member of the Board of Aldermen have any questions or require any additional information please contact me and it shall be provided.

Respectfully Randel L. White

Ronald L. White

Fire Chief

City of Southaven.

Cc; Mr. Chris Wilson C.A.O.

Mr. Nick Manley City Attorney Mrs. Shelia Heath City Clerk

File

ENCLOSURES: Letter from Desoto County E-911 Commissioner Mr. Chris Shelton

**Budget Sheet of Requested Budget Transfers** 

**Price Quote Motorola Solutions** 



### Information Technology and Emergency Communications Department City of Southaven, MS

\* 8710 Northwest Drive \* Southaven, MS \*38671\* Office (662) 280-6557 \* FAX (662) 280-6559 \*

To: Chief Ron White From: Chris Sheiton Date: July 23, 2014

RE: Purchase of new Fire Department Radios

#### Chief White,

This memo is to summarize our previous conversations about the need to replace the current portable and mobile radios utilized by the SFD. As you are aware, I represent our city as a Commissioner on the Desoto County E911 District Board. In this capacity I was assigned as the Chairman of the Radio Sub-Committee. This committee has been tasked with the oversight and coordination of the county wide Public Safety radio system. This is the system utilized by the Southaven Emergency Communications Center and your department to receive and coordinate all radio communications for calls for service and daily operations. The Radio sub-committee has determined it to be necessary to upgrade the current infrastructure used in this system as it is approximately 18 years old and has reached end of life. The committee has been working with the Mississippi Wireless Communications Commission to procure a new system that directly interfaces with the statewide system implemented by the Wireless Communications Commission. This interface increases both our system resiliency and interoperability with other public safety agencies while providing for a partnership between our board and the state to fund the system. While we are still in the procurement process of the project, our project time line provides for go live of the new system in 2015.

The new infrastructure will be an APCO Project 25 Compliant 800 MHz digital trunked system. Once go live takes place the current system will be removed from service. The majority of mobile and portable radios utilized by the Southaven Fire Department have also reached end of life and will not be capable of utilizing the new infrastructure. Therefore, I strongly encourage you to update all of your current end of life radios to avoid any disruption in the ability to provide essential Fire Suppression and Emergency Medical services. To assist with your cost investment we have negotiated with Motorola for extensive discounted pricing on the APX mobile and portable radios and accessories.

If you have any additional questions or I can be of any further assistance, please let me know.

Respectfully,

Chris Shelton

Mrs Hitts

Director of Information Technology And Emergency Communications

City of Southaven - The Top of Mississippi



### SOLUTIONS

uot Number: QU0000281474

ffective: 22 July 2014

ffective To: 22 September 2014

ill-Th:

ity of Southaven

7101 orthwest Dr.

outha ven, MS 38671

ame Chief Ron White

mai rwhite@southaven.org

: (901)210-9200

ontract Number: MISSISSIPPI MSWIN CONTRACT 3429

reight terms: FOB Destination

Ultimate Destination:

Southaven Fire Department

8710 Northwest Dr.

Southaven, MS 38671

Sales Contact: Rodney Willhite

Email: Rodney.willhite@iciwireless.com

Phone: 9013664412

Payment Terms: Net 30

**MSWINS** 

<u>List Price</u> <u>Discounted Price</u> <u>Extended Price</u> \$205,647.00 \$6,364.00 \$3,954.75

\$5,450.25

\$49,052.25

Qu	ntity	Model Number	Description
	52	H98UCF9PW6AN	APX6000 700/800 MODEL 2.5 PORTABLE
	\$2	QA01648AA	ADD: ADVANCED SYSTEM HARDWARE KEY
	<b>5</b> 2	Q806BM	ADD: ASTRO DIGITAL CAI OPERATION
	\$2	H38BT	ADD: SMARTZONE OPERATION
١	\$2	Q361AR	ADD: P25 9600 BAUD TRUNKING
	<b>\$</b> 2	QA00580AC	ADD: TDMA OPERATION
	<b>\$</b> 2	G996AU	ADD: PROGRAMMING OVER P25 (OTAP)
	\$2	H43BE	ENH: RADIO TRACE/ REMOTE MONITOR
	\$2	Q947BC	ADD: RADIO PACKET DATA
	\$2	QA02006AA	ENH: APX6000XE RUGGED RADIO
	<b>5</b> 2	Q884BC	ENH: 1 YR SfS LITE
	\$2	QA00583AC	ADD: ENABLE BLUETOOTH SOFTWARE
	\$2	QA00782AC	ENH: ENABLE GPS BASIC FUNCTIONALITY
	<b>5</b> 2	H64BD	ADD: APX XE YELLOW HOUSING
	9	H49TGD9PW1AN	APX7000XE DIGITAL PORTABLE RADIO
	9	QA00579AC	ADD: ENABLE DUAL BAND OPERATION
	₽	Q806BP	ADD: ASTRO DIGITAL CAI OPERATION
	9	QA00569AB	ADD: 7/800MHZ PRIMARY BAND
	9	QA00574AC	ADD: VHF SECONDARY BAND
	<b> </b>  9	Q57AK	ENH: 1 YR SFS LITE
	9	H388U	ADD: SMARTZONE OPERATION

\$7,751.00

Q361AS ADD: P25 9600 BAUD TRUNKING

ADD: TDMA OPERATION QA00580AD

ADD: ADVANCED SYSTEM HARDWARE KEY QA01648AA G996AV ADD: PROGRAMMING OVER P25 (OTAP)

Q947BD ADD: RADIO PACKET DATA

QA00583AC ADD: ENABLE BLUETOOTH SOFTWARE QA00782AC ENH: ENABLE GPS BASIC FUNCTIONALITY

H64BD ADD: APX XE YELLOW HOUSING

2	M25URS9PW1AN	APX6500 7/800 MHZ MID POWER MOBILE	\$5,593.00	\$3,680.00	\$84,640.00
ᆲ	G51AU	ENH: SMARTZONE OPERATION APX6500			
绀	QA01648AA	ADD: ADVANCED SYSTEM HARDWARE KEY			
2	G806BE	ENH: ASTRO DIGITAL CAI OP APX			
绀	G442AJ	ADD: 05 CONTROL HEAD			
4	G444AE	ADD: APX CONTROL HEAD SOFTWARE			
4	G66AM	ADD: DASH MOUNT			
2	G996AS	ENH: OVER THE AIR PROVISIONING			
2	W947AT	ADD: RS232 PACKET DATA INTERFACE			
2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2: 2	<b>G1</b> 70AK	ENH: ENH: RADIO TRACE			4
2	G400AY	ENH: 1 YR SFS LITE			
2	G361AH	ADD: P25 TRUNKING SOFTWARE		-	
2	GA00580AA	ADD: TDMA OPERATION			
2	W20CA	ADD: KEYPAD MIC GCAI			
2	B18CR	ADD: AUXILARY SPKR 7.5 WATT	,		
2	W484AF	ALT: ANT 3DB GAIN 762-870MHZ			
8	*W635AH	APX ADDITIONAL DESOTO DISCOUNT	(\$500.00)	(\$500.00)	(\$42,000.00)
6	**QA00782AC	ENH: ENABLE GPS BASIC FUNCTIONALITY	(\$35.00)	(\$35.00)	(\$2,135.00)
6	**QA00583AC	ADD: ENABLE BLUETOOTH SOFTWARE	(\$52.50)	(\$52.50)	(\$3,202.50)
إر			4440.00	ć440.00	Å7 250 00
6	NNTN8092A	FM APPROVED 2000 NIMAH BATTERY(EXTRA)	\$140.00	\$119.00	\$7,259.00
ľ	WPLN7080	IMPRES SINGLE UNIT CHARGER	\$125.00	\$106.25	\$1,275.00
_1	NNTN7073	IMPRES MULTI UNIT DISPLAY CHARGER	\$1,350.00	\$1,147.50	\$6,885.00
5	PMMN4069	REMOTE SPEAKER MIC NOISE CANCELING	\$110.00	\$93.50	\$0.00
1	NNTN8203ATLW	XE MIC	\$335.00	\$284.75	\$2,847.50
1	PMLN5275B	DUAL MUFF HEADSET	\$485.00	\$412.25	\$3,710.25
4	RLN6434	TRAVEL CHARGER	\$110.00	\$85.85	\$858.50
- 1	I		1		

QUOTE TOTAL

\$314,837.00

THIS QUOTE IS BASED ON THE FOLLOWING:

1 This que ation is provided to you for information purposes only and is not intended to be an offer or a binding proposai.

If you wis to purchase the quoted products, Motorola Solutions, inc. ("Motorola") will be pleased to provide you with our standard terms and conditions of sale (which will include the capitalized provisions below), or alternatively, receive your purchase order which will be

Thank you for your consideration of Motorola products.

- 2 Quotes are exclusive of all installation and programming charges (unless expressly stated) and all applicable taxes.
- 3 Purchaser will be responsible for shipping costs, which will be added to the invoice.
- 4 Prices q oted are valid for thirty(30) days from the date of this quote.
- 5 Unless of herwise stated, payment will be due within thirty days after invoice. Invoicing will occur concurrently with shipping.

MOTORO A DISCLAIMS ALL OTHER WARRANTIES WITH RESPECT TO THE ORDERED PRODUCTS, EXPRESS OR

IMPLIED I CLUDING THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE.

MOTORO A'S TOTAL UABILITY ARISING FROM THE ORDERED PRODUCTS WILL BE LIMITED TO THE PURCHASE

PRICE OF THE PRODUCTS WITH RESPECT TO WHICH LOSSES OR DAMAGES ARE CLAIMED. IN NO EVENT WILL

MOTORO A BE LIABLE FOR INCIDENTAL OR CONSEQUENTIAL DAMAGES.

<sup>\*</sup>APX ADDITIONAL DESOTO DISCOUNT IN ADDITION TO MSWINS CONTRACT

<sup>\*\*</sup>Q3 A DITIONAL OPTIONS PROMO DISCOUNT GOOD UNTILISEPTEMBER 30, 2014 PROGRAMMING AND INSTALLATION NOT INCLUDED MSWIN CONTRACT 3429

### Requested Budget Transfers

From Budget Category	Amount Transferred To	Machinery & Equipment 290- 630400
297-630600 Vehicles	-\$165,000	\$165,000
290-622100 Professional Services	-\$50,000	\$50,000
290-626900 Training	-\$25,000	\$25,000
290-611000 Materials	-\$25,000	\$25,000
290-612200 Main Equip& Building	-\$25,000	\$25,000
Total Transferred	-\$290,000	\$290,000

### 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 5-26, "ADOPTION"

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 5-26, "ADOPTION" ("Ordinances")

Thereupon Alderman Brooks 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 5-26, "ADOPTION"

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, after prior consideration, it is the opinion of the Mayor and Board of Aldermen of the City that the safety and welfare of the City's citizens would be improved by the adoption of the 2012 edition of the International Fire Code; and

WHEREAS, the City desires to amend the Ordinance; and

WHEREAS, the Ordinance, as amended, provides specific guidelines for the governmental authorities, and serves the legitimate City interest; 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 5-26, "ADOPTION" BE AMENDED AS FOLLOWS:

Section 1. The 2012 edition of the International Fire Code, excluding Appendices A and J, are hereby adopted by reference as though fully copied herein. In any circumstance where City policies or ordinances conflict with this adopted Code, the City shall have full discretion as to application and enforcement of either provision.

Section 2. Pursuant to Section 108.1 of the 2012 International Fire Code, The City Board of Aldermen shall serve as the Appeals Board.

Section 3. All prior versions of the Code referenced and adopted herein be, and the same are hereby repealed.

NOW, THEREFORE BE IT ORDERED that the 2012 edition of the International Fire Code, excluding Appendices A and J, shall take one month after passage, and shall supersede any previously adopted codes, until further amended.

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-19-25, provide notice of the adoption of the code in the *Desoto Times* for one (1) time a notice in substantially the following form:

Notice is given that the City of Southaven on the 5<sup>th</sup> day of August adopted 2012 edition of the International Fire Code.

IT IS FURTHER ORDERED that the Codes hereby adopted pursuant to this Ordinance shall be certified to by the mayor and City Clerk, and shall be filed as a permanent record in the office of the clerk.

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

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman George Payne	voted: YES
Alderman William Brooks	voted: YES
Alderman Scott Ferguson	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 5<sup>th</sup> day of August, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

RV.

DARREN MUSSELWHITE, MAYOR

ATTEST.

SHEILA HEATH, CITY CLERK

# Southaven Fire Department

Division of Fire & Emergency Medical Services

Ronald L. White

8710 Northwest Drive, 2nd Floor Southaven, MS 38671

Office: (662) 393-7466 Fax: (662) 280-6521

Roger L. Thornton
Deputy Fire Chief

August 5, 2014

Mayor Darren Musselwhite Board of Aldermen City of Southaven

Dear Mayor and Board,

Upon completion of our review and open meetings with the design and construction trades in our community the fire department is respectfully requesting the attached resolution with amendments adopting the 2012 Edition of the International Fire Code be considered for adoption by the City of Southaven.

The amendments being recommended are minor and basically exclude Appendix A which establishes qualifications for persons serving on the Board of Appeals and adjustments. This appendix sets requirements for Fire Protection Engineers, Environmental Engineers and other design professionals to voluntarily serve on this board. In our opinion filling these positions would be extremely difficult therefore we have recommended the Mayor and Board of Aldermen serve in this capacity.

In the past there have been very few appeals filed therefore we would not anticipate the Mayor and Board being unduly burdened with this process.

The second amendment eliminates appendix to fithe code which establishes the requirement for special signage to be placed on certain buildings. The state currently has a similar program in place and our department utilizes its prefire planning data base to address this issue.

If you have any specific questions or require any additional information please do not hesitate to contact me.

Respectfully

Ronald L. White

Fire Chief City of Southaven

Cc; Mr. Chris Wilson C.A.O. Mr. Nick Manley City Attorney Mrs. Shelia Heath City Clerk File

Ponald L. white

Attachment: Resolution Adopting 20112 Edition of International Fire Code

# RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE IV, CHAPTER 2, ARTICLE I, SECTION 4-26, "ADOPTION"

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 IV, CHAPTER 2, ARTICLE I, SECTION 4-26, "ADOPTION" ("Ordinances")

Thereupon Alderman Ferguson 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 IV, CHAPTER 2, ARTICLE I SECTION 4-26, "ADOPTION"

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

WHEREAS, after prior consideration, it is the opinion of the Mayor and Board of Aldermen of the City that the safety and welfare of the City's citizens would be improved by the by adopting the 2012 International Residential Code, 2012 International Building Code, 2012 International Plumbing Code, 2012 International Mechanical Code, 2012 International Fuel Gas Code and 2011 National Electric Code and increasing the permit fees incident to such codes as follows:

- 1. Adopt the 2012 IRC (International Residential Code) omitting all appendices.
- A. Amend the IRC Section R 313.2, adding a note defining one family dwellings to which the automatic fire sprinkler requirement is applicable only to those residences having heated floor areas of 5,000 square feet or larger in finished or un-finished living area.

- 2. Adopt the 2012 IBC (International Building Code), which regulates all other structures, with only Appendix E to be adopted.
- 3. Adopt 2012 IPC (International Plumbing Code) omitting all appendices.
- 4. Adopt 2012 IMC (International Mechanical Code) omitting all appendices.
- 5. Adopt 2012 IFGC (International Fuel Gas Code) omitting all appendices.
- 6. Adopt 2011 NEC (National Electrical Code) with all appendices, but subject to the exclusions currently set forth in the City Ordinances.
- 7. In the event, the IRC, IBC, IPC, IMC, IFGC or NEC conflict with another Ordinance of the City, the Ordinance of the City shall supersede and shall be enforced and adhered to.

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; 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 IV, CHAPTER 2, ARTICLE I, SECTION 4-26, "ADOPTION" BE AMENDED AS FOLLOWS:

Section 1. The 2012 International Residential Code (omitting all appendices and with Section R 313.2 defining one family dwellings to which the automatic fire sprinkler requirement is applicable only to those residences having heated floor areas of 5,000 square feet or larger in finished or un-finished living area), 2012 International Building Code (with only Appendix E to be adopted and all other appendices for this Code shall be omitted), 2012 International Plumbing Code (omitting all appendices), 2012 International Mechanical Code (omitting all appendices), 2012 International Fuel Gas Code (omitting all appendices), and the 2011 National Electric Code

(omitting all appendices) are hereby jointly adopted by reference as though fully copied herein. These adopted documents shall be utilized by the relevant design professionals.

Section 2. All prior versions of the Codes referenced and adopted be, and the same are hereby repealed.

NOW, THEREFORE BE IT ORDERED that the 2012 International Residential Code, 2012 International Building Code, 2012 International Plumbing Code, 2012 International Mechanical Code, 2012 International Fuel Gas Code, and the 2011 National Electric Code, along with specified appendices and special conditions as set forth above, shall take effect one month after passaged and shall supersede any previously adopted codes, until further amended.

NOW, THEREFORE BE IT ORDERED that the City Clerk, pursuant to Miss. Code 21-19-25, provide notice of the adoption of the code in the *Desoto Times* for one (1) time a notice in substantially the following form:

Notice is given that the City of Southaven on the 5th of August adopted 2012 editions of the International Building Code, International Residential Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code and the 2011 National Electrical Code.

IT IS FURTHER ORDERED that the Codes hereby adopted pursuant to this Ordinance shall be certified to by the mayor and City Clerk, and shall be filed as a permanent record in the office of the clerk.

REMAINDER OF PAGE LEFT BLANK

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

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman George Payne	voted: YES
Alderman William Brooks	voted: YES
Alderman Scott Ferguson	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 5<sup>th</sup> day of August, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

BY:

DARREN MUSSELWHITE, MAYOR

ATTEST

SHEILA HEATH, CITY CLERK

### RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN BUILDING PERMIT FEES

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the City of Southaven ("City") Permit Fees.

WHEREAS, pursuant to Miss. Code 21-19-25, the City may adopt building codes, dealing with the general public health, safety or welfare, or a combination of the same and charge fees for permits incident thereto; and

WHEREAS, the City previously adopted building permit fees to help with the costs of ensuring compliance with the building and other relevant codes; and

WHEREAS, after review of the permit fees, the City hereby desires to increase the permit fees in accordance with Exhibit A; and

### NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

- 1. The building permit fees for the City are hereby adopted as set forth in Exhibit A.
- 2. The Mayor or his designee(s) is authorized to take any and all actions to effectuate the intent of this Resolution.

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

Alderman William Brooks voted: YES

Alderman Kristian Kelly voted: YES

Alderman Shirley Beshears voted: YES

Alderman George Payne voted: YES

Alderman Joel Gallagher voted: YES

Alderman Scott Ferguson

voted: YES

Alderman Raymond Flores

voted: YES

RESOLVED AND DONE, this 5th day of August, 2014.

Darren Musselwhite, MAYOR

ATTEST:

Sheila Heath, CITY CLERK

### EXHIBIT A

Building Permit	Fees	
RESIDENTIAL		
New (all sq. ft. under roof)	\$50.00 sq. ft.	
Additions (carports, garages, living areas)	\$50.00 sq. ft.	
Enclosing (carports, garages, patios, decks,	\$37.50 sq. ft. (\$38.00 requested by staff to keep	
porches)	round numbers)	
Accessory buildings (storage, covered deck,	\$37.50 sq. ft. (\$38.00 requested by staff to keep	
detached garages/shops)	round numbers)	
Structural renovations/bonus rooms	\$25.00 sq. ft.	
COMMERCIAL/INDUSTRIAL		
New (all sq. ft. under roof)	\$75.00 sq. ft.	
Warehouse space (only)	\$37.50 sq. ft. (\$38.00 requested by staff to keep	
	round numbers)	
Additions/Enclosures/Accessory Bldgs.	\$75.00 sq. ft.	
Structural Renovations	\$18.75 sq. ft. (\$20.00 requested by staff to keep	
	round numbers.)	
Canopy Areas	\$50.00 sq. ft.	
*Building Dept. Plan Review (1/2 fee)		
*Fire Dept. Plan Review (1/2 fee)		
OTHERS		
Temporary Trailers		
- Construction Office/Residential	\$50.00 sq. ft.	
<ul> <li>Construction Office/Commercial-Industrial</li> </ul>	\$75.00 sq. ft.	
- Real Estate Sales Office- Residential	\$75.00 sq. ft.	
<ul> <li>Real Estate Sales Office- Commercial- Industrial</li> </ul>	\$75.00 sq. ft.	
Temporary Tents		
- Up to 1,600 sq. ft. (per tent)	\$43.75 (\$45.00 requested by staff to keep round numbers)	
- Up to 4,000 sq. ft. (per tent)	\$62.50 (\$65.00 requested by staff to keep rour numbers)	
- Greater than 4,000 sq. ft. (per tent)	\$93.75 (\$95.00 requested by staff to keep round numbers)	
MOVING BUILDINGS		
Residential (each)	\$250.00	
Commercial/Industrial	\$250.00	
Drive through permit	\$62.50 (\$65.00 requested by staff to keep round numbers)	
DEMOLITION OF BUILDINGS		
Residential (each)	\$375.00	
Commercial/Industrial	\$750.00	
FENCES		
Residential	\$43.75 (\$45.00 requested by staff to keep round numbers)	

Commercial/Industrial (walls & subdivision fences	\$62.50 (\$65.00 requested by staff to keep round numbers)
SWIMMING POOLS/SPAS	
Public	\$375.00
Private	\$125.00
Pool heaters	\$31.25 (\$35.00 requested by staff to keep round numbers)
Brick tie inspection fee	\$31.25 (\$35.00 requested by staff to keep round numbers)
Re-inspection fee	\$125.00
VALUATION SCHEDULE OF PERMIT FEES	
Total Valuation Range	
\$1000-\$50,000	\$20.00* for the 1 <sup>st</sup> \$1,000 plus \$7.00* for each
	additional thousand or fraction thereof.
\$50,001-\$100,000	\$325.00 for the 1 <sup>st</sup> \$1,000 plus \$5.00 for each
	additional thousand or fraction thereof.
\$100,001-\$500,000	\$575.00 for 1 <sup>st</sup> \$100,000 plus \$4.00* for each
,	additional thousand or fraction thereof
\$500,001-\$1,000,000	\$2075.00 for 1 <sup>st</sup> \$500,000 plus \$3.00* for each
	additional thousand or fraction thereof
\$1,000,001-\$5,000,000	\$3,325 for 1st \$1,000,000 plus \$2.00* for each
	additional thousand or fraction thereof
\$5,000,001 and UP	\$10,825 for 1 <sup>st</sup> \$5,000,000 plus \$2.00* for each
	additional thousand or fraction thereof
*Numbers have been rounded up for easier	
calculations	

#### **WORK AUTHORIZATION NO. 002**

# PRELIMINARY ENGINEERING DESIGN PHASE SERVICES CARRIAGE HILLS BICYCLE & PEDESTRIAN IMPROVEMENTS MDOT LPA PROJECT NO. STP-0499-00(003)LPA \ 106853-701000

In accordance with the General Professional Services Master Agreement between the City of Southaven (City) and Civil Link, LLC (CL) with the effective date of June 13, 2014, this Work Authorization (WA2) describes the services, schedule and payment conditions related to the Preliminary Engineering services provided by CL for the Project described as Carriage Hills Bicycle & Pedestrian Improvements.

#### **GENERAL**

The Carriage Hills Bicycle & Pedestrian Improvements (hereafter, "Project") is proposed to be completed utilizing local funding along with MDOT LPA funds appropriated via Federal Highway Administration (FHWA) to be obligated for the construction phase activities pending completion of the Preliminary Engineering services to be completed solely by the City of Southaven (hereafter, "Owner"). The Project shall be administered according to the Local Public Agency (LPA) guidelines as set forth by the Mississippi Department of Transportation (MDOT).

The Project includes the addition of proposed bicycle and pedestrian related improvements for approximately 1.5 - 2.0 miles along existing City streets within the Carriage Hills residential subdivision. The existing residential streets include Farmington Drive, Claiborne Drive, Canterbury Drive and Chesterfield Drive. The Project will include the addition of concrete sidewalks along the proposed corridor and traffic striping improvements to add bike lanes to the existing streets within the defined Project limits. In addition, striping and traffic signal improvements at the Rasco Road / Canterbury Driver intersection and the Rasco Road / Chesterfield Drive intersection will be included in the Project. CL will provide Preliminary Engineering Design services for the Project in accordance with the Scope of Services included herein.

### **SCHEDULE:**

The Project schedule to complete the services described herein shall include the following:

MDOT Coordination & LPA Approvals	2 weeks
Topographic Survey	4 weeks
Preliminary Design for Field Review (approx. 30%)	4 weeks
MDOT Field Review Coordination & Completion	3 weeks
Preliminary Design for Field Review (approx. 90%)	4 weeks
MDOT Office Review Coordination & Completion	3 weeks
Final LPA Coordination and PS&E Submittal	3 weeks
MDOT Approval & Obligation	3 weeks
TOTAL	26 weeks

#### **PAYMENT CONDITIONS:**

CL shall provide the services described herein for WA2 for a Total Fixed Fee of \$38,500.00. Payment shall be made in accordance the terms set forth in the referenced Professional Services Master Agreement.

#### OWNERSHIP:

The Contract Documents, including the advertisement, bid documents, contracting sections, technical specifications, project drawings, etc., shall be the property of the Owner. Copies of the referenced data shall be provided to MDOT as required to meet LPA requirements and shall also be maintained by CL for project records.

### **SCOPE OF SERVICES:**

#### 1.0 TOPOGRAPHIC SURVEY

- 1.1 Establish "on site" Horizontal and Vertical control upon NAD83 and NAVD 88, in which all surveying tasks performed under this contract shall be based upon.
- 1.2 Establish two (2) vertical benchmarks to be used for future construction.
- 1.3 Perform topographic survey as required to locate existing infrastructure and related improvements that may impact or be impacted by the proposed improvements.
- 1.4 Perform topographic survey along with full cross sections at all existing street intersections, proposed roadway crossings, proposed connection points, etc. in order to identify existing grading, drainage and other utilities within these areas.
- 1.5 Topographic survey to include all improvements within survey limits including street pavement, drives, ditches, all above ground utilities and visible signs of underground utilities.
- 1.6 The location of underground utilities (gas, water, telephone, fiber optic, sewer services, etc.), shall be located based upon markings provided by the Mississippi One Call System, and any construction or as-built drawings obtained the City of Southaven and/or utility companies. In that these utilities locations are based, at least in part, on information from others, Civil Link cannot and does not warrant their completeness or accuracy.

### 2.0 EXISTING STREET RIGHT-OF-WAY/PROPERTY SURVEY

- 2.1 Limited courthouse research shall be performed in order to obtain the current deeds, subdivision plats and apparent easements for the properties along the streets where survey will be performed. (This does not include a complete Title Abstract or Title Report)
- 2.2 Perform the necessary field survey to locate and determine the existing street right-of-ways and the adjacent property lines.
- 2.3 Prepare a drawing delineating the existing street right-of-way / existing property lines with an overlay of the topographic survey to enable the engineering design of the proposed improvements.

### 3.0 RIGHT OF WAY ACQUISITION SURVEY

3.1 Survey services related to the production of plats, legal descriptions, etc. or other services related to the acquisition of easements or other rights-of-way are not proposed for this Project and, thus, are not included as part of the scope of services as defined herein. All related improvements are proposed to be completed within existing rights-of-way as defined by the City.

#### 4.0 ENGINEERING DESIGN PHASE

- 4.1 Compile and review any available existing data (i.e. utility plans, transportation plans, utility as-builts, etc.) that may be pertinent to the design of the proposed improvements or that may impact the design of such improvements.
- 4.2 Confer with the necessary entities to establish project guidelines, constraints, etc and incorporate same into the review and assessment of related design regulations (City, MDOT, etc.) to establish design criteria for the proposed improvements.
- 4.3 Utilize existing utility data, established design criteria and project requirements, along with the collected topographic survey data, in order to establish and complete project drawings for the proposed sidewalk, striping and signalization improvements.
- 4.4 Incorporate comments, revisions, etc. from the City based on the review of the layout of the proposed improvements.
- 4.5 Attend, as a representative of the City, an on-site field review meeting and an office review meeting with MDOT and other required personnel in order to meet LPA project requirements and obtain comments from City and MDOT personnel prior to final submission of the contact documents.
- 4.6 Produce final Project Drawings and Technical Specifications in accordance with City and other applicable governing agencies (MDOT, etc.) for the proposed improvements and submit to the City and MDOT for final review and approval.
- 4.7 Develop an Opinion of Probable Construction cost based on the proposed construction items, materials, quantities and corresponding unit prices and submit to the City for review and approval. The unit prices used to determine the probable construction costs will be based on prices recently submitted for similar projects and construction activities within the area as available. The unit prices may not reflect the actual cost for materials and construction activities at the time that bids are prepared for the Project due to the various factors that affect such prices.
- 4.8 CL shall prepare and ENV-160 and representative site improvements plan to be submitted to obtain a Categorical Exclusion (CE) approval by MDOT for the Project. Given the nature of the pedestrian related improvements being completed on existing ROW, additional environmental services should not be required and, thus, are not included in the Preliminary Engineering scope of services.
- 4.9 CL shall coordinate with the City and MDOT in order to meet the necessary guidelines and regulations in order to facilitate final approval by MDOT in order to have the LPA funds obligated for the construction phase of the Project. Upon approval by MDOT, authority to advertise for construction phase services shall be granted by MDOT and the Construction Phase services for the Project shall be initiated.
- 4.10 The engineering design phase only includes services for proposed improvements located within the Project area as defined within this Agreement. This Agreement does not include services for associated infrastructure improvements outside of the Project area. In addition, this Agreement includes professional services that are required for the water system improvements described herein. Services required/directed by the City outside of the project area and/or

outside of the scope of services included in the Agreement shall be considered Additional Services.

#### 5.0 ADDITIONAL SERVICES

- 5.1 Should the Project require services related to the permitting, design, survey, geotechnical, environmental, bidding/contracting and/or construction engineering of the Project, or services related to other potential requirements that may affect the Project, which are not included within the scope of this Agreement, Additional Services may be provided to the City as necessary and as directed by the City to facilitate the progress of the Project.
- 5.2 The Project area is defined within the Agreement and services defined herein are for the proposed bicycle and pedestrian improvements within the limits of the Project area. Services related to other infrastructure or improvements located outside of the Project area shall be considered Additional Services.
- 5.3 Right-of-way (R)OW) acquisition services, including boundary survey, preparation of maps and deeds, attendance and preparation by a registered professional for a condemnation or other court proceedings relating to ROW acquisition, etc. are not covered under this Agreement and shall be considered as Additional Services if deemed necessary.
- 5.4 Permitting/approval efforts beyond the approvals from MDOT required under the LPA guidelines are not included within this Agreement and shall be considered Additional Services.
- 5.5 The scope, schedule, and compensation method for Additional Services shall be negotiated between the City and CL at the time such services may be required and shall only be performed by CL at the written request and approval of the City.

TERMS AND CONDITIONS. The terms and conditions of the Agreement referenced above shall apply to this Work Authorization, except as expressly modified herein.

ACCEPTANCE of the terms of this Work Authorization is acknowledged by the following signatures of the Authorized Representatives.

Lower Mississippi Lower Members	La Colons
Signature	Signature
Darren Musselwhite, Mayor Typed Name/Title	Dan Cordell, Principal Typed Name/Title
8-6-14	7/25/14
Date of Signature	Date of Signature

#### WORK AUTHORIZATION NO. 003

# BOUNDARY AND TOPOGRAPHIC SURVEY AND SCHEMATIC PHASE SERVICES 87 ACRE SNOWDEN PARK EXPANSION

In accordance with the Professional Services Master Agreement between the City of Southaven (Owner) and Civil Link, LLC (CL) with the effective date of June 17, 2014 this Work Authorization (WA3) describes the services and payment conditions related to the boundary and topographic surveying and schematic design services provided by CL for the Project described as the 87 ACRE SNOWDEN PARK EXPANSION.

#### GENERAL

The 87Acre Snowden Park Expansion (hereafter, "Project") is in the planning and schematic phase and is ultimately proposed to be completed utilizing local funds appropriated for this Project pending final design and funding availability. In order to properly plan and layout the proposed expansion improvements, boundary and topographic surveying and schematic design phase services will be completed for the City of Southaven (hereafter, "Owner").

The Project includes an overall schematic layout on the entire 87 acre expansion site area north of the existing Snowden Grove Park and Recreation area with connections to Freeman Lane, Pine Tar Alley, Sunset Lane, and a new connection to Snowden Lane. The Project is planned to accommodate approximately 4 new tennis courts around the existing tennis center, 4 new 200' fields, 4 new 300' fields, 7 new full size soccer fields, and all the related appurtenances. The Project is planned to be broken into 2 phases with the first and most immediate phase being related to the 14 acre improvements around the existing tennis center and the second phase being related to the remaining 73 acres. CL will provide boundary and topographic surveying and schematic design services for the Project in accordance with the Scope of Services included herein.

### SCHEDULE:

The Project time necessary to complete each service from the date of this Work Authorization is as follows:

14 Acre Boundary & Topographic Survey (Tennis Center)	3 weeks
87 Acre Schematic Design	6 weeks
73 Acre Boundary & Topographic Survey	9 weeks

### PAYMENT CONDITIONS:

CL shall provide the services described herein for WA3 for the Fixed Fees listed below. Payment shall be made in accordance the terms set forth in the referenced Professional Services Master Agreement.

14 Acre Boundary & Topographic Survey (Tennis Center)	\$ 6,800.00
87 Acre Schematic Design	\$ 12,500.00
73 Acre Boundary & Topographic Survey	<u>\$ 36,000.00</u>
ጥብፕልን	\$ 55 300 00

### SCOPE OF SERVICES:

### 1.0 BOUNDARY AND TOPOGRAPHIC SURVEY

1.1 Conduct a property boundary survey in accordance with the State of Mississippi's minimum standards for a Class B survey and provide the appropriate survey plat and description.

- 1.2 Establish "on site" Horizontal and Vertical control upon NAD83 and NAVD 88, in which all surveying tasks performed under this contract shall be based upon.
- 1.3 Establish two (2) vertical benchmarks to be used for future reference.
- 1.4 Perform topographic survey as required to locate existing infrastructure and related improvements that may impact or be impacted by the proposed improvements.
- 1.5 Perform topographic survey at all existing street intersections, proposed roadway crossings, proposed connection points, etc. in order to identify existing grading, drainage and other utilities within these areas.
- 1.6 Topographic survey to include all improvements within survey limits including street pavement, drives, ditches, all above ground utilities and visible signs of underground utilities.
- 1.7 Produce an electronic topographic map with 1' contours for use in developing future design and construction plans.
- 1.8 The location of underground utilities (gas, water, telephone, fiber optic, sewer services, etc.), shall be located based upon markings provided by the Mississippi One Call System, and any construction or as-built drawings obtained the City of Southaven and/or utility companies. In that these utilities locations are based, at least in part, on information from others, Civil Link cannot and does not warrant their completeness or accuracy.

### 2.0 SCHEMATIC DESIGN PHASE

- 2.1 Compile and review any available existing data (i.e. project drawings, geotechnical investigations/reports, utility plans, transportation plans, site plans, etc.) that may be pertinent to establishing the scope of work to be completed for the Project.
- 2.2 Confer with the City's Architect and/or representatives to establish project guidelines, constraints, etc..
- 2.3 Create and modify a preliminary layout drawing to typical standard design requirements of the Project, in plan view, in order to represent the horizontal layout and limits of the proposed improvements for the Project.
- 2.4 Incorporate and utilize the existing City wide 1' contour data with the preliminary layout drawing to develop a preliminary grading and drainage plan of the entire Project area. The preliminary grading and drainage plan is to be used to determine property needs if any, to better quantify the constructability of the proposed improvements, drainage improvement needs, and to better quantify and estimate the overall expansion costs.
- 2.5 Develop an estimate of probable project costs based on the proposed construction items, materials, quantities, related unit prices and project services required to complete the construction phase activities. The unit prices used to determine the probable construction costs will be based on prices recently submitted for similar projects and construction activities within the area as available. The unit prices may not reflect the actual cost for materials and construction activities at the time that bids are prepared for the Project due to the various factors that affect such prices. Accordingly, CL is not responsible for any differentials in actual cost from cost estimates.

2.6 CL will prepare a Scope of Work Proposal Document, including a defined scope of work to be completed during the construction phase of the project, bid proposal documents and technical specifications in accordance with the latest edition of the Mississippi Standard Specifications for Road and Bridge Construction.

### 3.0 EXCLUDED SERVICES

3.1 Permitting, geotechnical investigations or evaluations, construction design, bidding, construction engineering, environmental assessments, tree surveying, right of way or easement descriptions or acquisitions, or contract document and specifications development.

TERMS AND CONDITIONS. The terms and conditions of the Agreement referenced above shall apply to this Work Authorization, except as expressly modified herein.

ACCEPTANCE of the terms of this Work Authorization is acknowledged by the following signatures of the Authorized Representatives.

CITY OF SOUTHAVEN, MISSISSIPPI  Signature	Lan Corly
·	Siguature
Darren Musselwhite, Mayor	Dan Cordell, Principal
Typed Name/Title	Typed Name/Title
S-7-14  Date of Signature	7/28/14 Date of Signature
~	· · · · · · · · · · · · · · · · · · ·



# task order 04

To:

Mike Mullins, Park Director

City of Southaven

From:

Brian Bullard, AiA, Principal UrbanARCH Associates

CC:

Email copy to: Wes Brown

Date: 07

07-17-2014

ŘΘ:

UA/Southaven Parks Agreement - Task Order 04

(Snowden Grove Park Expansion - Master Plan Update)

This Task Order 04 establishes a project-specific task for the updating of the Master Plan Concept for Snowden Grove Park Complex Expansion (approximately 87 acros). Updating the Master Plan is essential to determine if space is available for desired Tennis Facility Expansion as well as to further investigate the feasibility and constructability of the plan itself. UrbanARCH will update the planning of the expansion area to include expanded tennis and re-align roadway access and other features of the master plan that result in the shifting of the concept to accommodate the larger tennis function. Other Master Plan changes can be accomplished at this time as may be desired by the City. UrbanARCH will consult with City Civil Engineering Consultant to vet the conceptual plan from a civil construction standpoint for concept grading and drainage assistance. Upon completion of the planning phase, UrbanARCH will provide new color version of Master Plan to the City for its use and record.

The cost of this work has been estimated using the compensation rates in our umbrella contract with the City, dated 1.7.2014. Therefore, this work effort shall not exceed \$12,000 in fees, not inclusive of reimbursable expenses.

Authorization:

Name

Ale

Date

498 South Main

Memphis, Tennessee 38103

901-578-7173 phone / 901-578-3223 fax

# RESOLUTION OF CITY OF SOUTHAVEN BOARD OF ALDERMAN ESTABLISHING REVISED POLICY FOR USE OF CITY OWNED FACILITIES

WHEREAS, pursuant to Mississippi Code 21-17-5, the City of Southaven ("City") Board of Alderman has the authority to adopt any resolutions with respect to such municipal affairs, property and finances; and

WHEREAS, the City Board desires to establish designated limited forums wherein it will permit the reasonable and limited use of City of Southaven owned buildings and grounds (hereinafter referred to as facilities), by specified and limited persons and entities, for specified and limited purposes; and

WHEREAS, the City of Southaven Board of Alderman desires to exercise its broad discretion to control the rates of the facilities, access to and use of its facilities, which are deemed not to be traditional public forums; and

WHEREAS, it is the intention of the City of Southaven Board of Alderman to allow persons or entities to have the use of identified and available public facilities of the City of Southaven, subject to reasonable restrictions of time, place and the nature of use and other conditions of the revised policy attached hereto as Exhibit A; and

### NOW THEREFORE, be it resolved as follows:

- 1. The City hereby desires to adopt the Policy for City Owned Facilities attached hereto as Exhibit A.
- 2. The Mayor or his designee is authorized to take all actions to effectuate the intent of this Resolution and the Policy for City Owned Facilities attached hereto as Exhibit A.

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

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 5<sup>th</sup> day of August, 2014.

ATTEST ATTEST

Darren Musselwhite, MAYOR

Sheila Heath, CITY CLERK

# POLICY OF CITY OF SOUTHAVEN BOARD OF ALDERMAN FOR USE OF CITY OWNED FACILITIES

- 1. The City of Southaven Board of Alderman adopted this policy to govern the use of public facilities owned, leased, or otherwise occupied exclusively or managed by City, by individuals and groups, wishing to use such facilities. However, due to the restraints imposed upon City of Southaven for the orderly administration of its functions and due to the limited availability of City facilities for public use, such public use of City owned facilities will be limited to the reasonable time, place and use restrictions set forth herein.
- 2. The City of Southaven Mayor, City of Southaven Parks Department and City Administrator shall be responsible for implementing this policy.
- 3. This policy shall not be applicable to the following: the private offices and work space of City employees, City officials, and City officers which may be located within City facilities. So as to protect the integrity, convenience and administration of City activities, such areas of the City facilities are not to be permitted for private use at any time.
- 4. The restrictions, procedures and permitting required of this policy shall not be applicable to the following:
  - A. City agencies or departments, or committees formed by the City or by any of its officers, agents or employees for the purposes of carrying out the City's work;
  - B. Groups or individuals invited by the City to meet on City property for purposes associated with the governance of City of Southaven;
  - C. City of Southaven entities using City facilities for the purposes of public hearings, meetings with constituents and for the execution of government programs.
  - D. Charitable Entities or School Sponsored Activities or Events which receive Board approval.

### 5. Permission Required:

- A. Permission is required to be received from the City before City facilities may be used by any persons in accordance with this policy. The City of Southaven shall have the authority to grant or deny exceptions to this policy, which exceptions are permitted by the laws of the State of Mississippi and the United States of America, and to grant or deny permission for use of City facilities if this policy does not address the requested use.
- B. Application for permission for use of City facilities must be made to the City of Southaven City Clerk's Office, 8710 Northwest Drive, Southaven, MS, 38671 or the City of Southaven Parks Department. The City of Southaven City Clerk or City of Southaven Parks Department shall supply and provide to applicants the appropriate forms for making a request for the use of City facilities. At a minimum, all applications must state the name and address of the applicant; the date, the time and the site requested for usage; the expected length of the use; the set up and equipment required for the usage; the nature and purpose of the usage; and the number of people expected to attend the proposed

activity. The City of Southaven City Clerk or City of Southaven Parks Department may require such additional information which is deemed necessary and appropriate.

- C. All applicants shall agree to accept responsibility for any damages caused by the usage to the facilities and all costs of clean-up of the facilities after the usage is completed.
- D. All applications for use of City facilities must be made not less than two (2) weeks before the proposed use. Any application not expressly accepted or rejected by the City of Southaven within two (2) weeks of the date the application is submitted, or within forty-eight (48) hours of the time of the scheduled use, whichever is later, shall be deemed rejected and use of the facility shall not be permitted. Permission for use will be granted on a first come first serve basis.
- E. A fee and deposit shall be charged for the use of City facilities as set forth in Exhibit A. If any provision of this policy is violated, the user of the facility shall forfeit the deposit provided to the City as set forth in Exhibit A. The City shall have no obligation to provide an accounting to the user for any deposit forfeited due to the user's violation of the policy.

#### 6. Limitation on Use:

- A. No group permitted by this policy to use City facilities will be granted permission to use City facilities more frequently than twelve (12) times in any one calendar year unless otherwise specifically approved by the City of Southaven Board of Alderman.
- B. City facilities may not be used for any commercial purposes or private fund raisers unless expressly approved in writing by the Board of Aldermen. No one granted permission to use City of Southaven facilities pursuant to this policy may charge any admission fees, conduct any public sales, take up any collections of money, or conduct any fund raising, unless expressly authorized in writing by the Board of Alderman. For the purposes of this section, charitable purposes shall include, but not be limited to, fund raising activities for public service entities such as, but not limited to: fire protection districts, volunteer fire departments and emergency medical service providers. Notwithstanding the foregoing, with approval of the Board of Alderman, persons using City of Southaven facilities may have vendors present provided all monies collected by the vendors are solely for the vendors and are not paid to the person making use of the City facilities.

### 7. Facilities Available:

A. Any permission for use of City facilities is limited to those rooms, buildings, lands or other locations specifically identified by the City of Southaven in response to an application submitted pursuant to this policy. Once permission is granted for use of a City of Southaven facility, such permission shall not be deemed to extend to any other group or individual other than the applicant, nor to any other room, buildings, lands or City facility, except as identified in the approval for use granted by the City of Southaven, and any restrooms, stairwells and entrance ways which must be traversed to gain access to the facility approved for usage.

- B. Notwithstanding the grant of permission for use of City facilities, no activities will infringe upon the ability of staff, officers and other City of Southaven entities and organizations to access the facility permitted for use.
- C. No signs will be permitted for posting on the City facility for use in advertising the authorized meeting absent written approval by the City of Southaven's Board of Alderman. If the use of advertising signage is approved, all signs will be limited to the design and size approved by the City and be limited to showing the name of the group approved for the use of the City facility. All signs that are placed on or within the City of Southaven facility must be in place no sooner than two (2) hours prior to the scheduled start of the meeting and must be removed immediately upon the conclusion of the meeting. No other signs, emblems, or symbols may be erected on the City facilities by any group or individual.
- D. The availability of the Snowden House shall be subject to the Agreement between the City and Green Machine.

### 8. Revocation of Use:

- A. Any permission granted for use of any City facility pursuant to this policy may be revoked up to twenty-four (24) hours prior to the scheduled start of the event when required to allow for the usage of City facility by any City of Southaven agencies, departments or committees for the purpose of carrying out the City's work.
- B. No use of any City facility will be permitted which inhibits the regular uninterrupted use of any City facility by the City or those identified under paragraph (4) entitled "Exemptions."
- C. The City of Southaven may deny the use of any City facility to any group, person or entity which has, at any time prior to any requested use, been responsible for, or caused any damages to City property through or because of any acts of vandalism, violence, rowdiness, failure to clean up facilities after prior usage, whether such damage had been caused by group, individual, any member(s) of the group or any invitees of the group.
- D. Any permission granted under this policy for the use of City facilities may be withdrawn by the City of Southaven in the event the City government is closed because of inclement weather or other declared emergency.

### 9. Liability:

Any group using any City facility pursuant to this policy shall release and indemnify the City from any and all liability for negligence for any damages caused to the user, or its property, during the time of the use. Further, such applicant using City facilities shall guarantee and hold the City harmless from any liability to third parties for injury caused by the group or any persons or groups invited to attend the meeting or session conducted by the group on or within City facilities. The applicant shall be liable to City of Southaven for any and all damages to City property or injuries to City employees, officers or agents which may be caused by the applicant or any of the applicant's officers, agents, employees, persons attending the applicant's event or applicant's invitees, whether or not such damage is the result of negligence, intentional acts or accident. Applicant agrees to sign all other documents which effectuate the purpose of this Paragraph 9.

### 10. Use Requirements and Restrictions:

- A. The person who has been granted permission to use City facilities is responsible for setting up the City facility as required for its intended usage, and for providing any required chairs, supplemental items such as easels, bulletin boards and other equipment. The user shall be responsible for returning any City of Southaven furniture or fixtures found on or within the City facility so used to its original configuration and condition after the conclusion of the meeting or other usage. The use of any electrical equipment of City of Southaven shall be subject to the approval of the City of Southaven.
- B. The authorized user shall be responsible for clean-up of the facility following the conclusion of the permitted usage of the City of Southaven facility. All trash must be removed from the premises at the user's expense. Any custodial service required as a result of the number of persons attending the user's event must be provided for and paid for by the user. Any actual costs incurred by City of Southaven to clean up the City facilities as result of the user's failure to do so, shall be charged to the user and the user accepts the responsibility to reimburse City of Southaven for all such costs and expenses.
- C. No alcoholic beverages shall be served upon, consumed upon or brought on to City facilities without the prior expressed written consent of the City of Southaven Board of Alderman. Further, smoking is prohibited in all City buildings at all times. All persons are forbidden from bringing onto City facilities any weapons, reproductions of weapons, and any item capable of being conceived as a weapon, except for those carried by official law enforcement officers while on duty. Any exceptions to this exclusion must be obtained from the City of Southaven Board of Alderman. Any violation of this paragraph shall result in automatic and immediate expulsion from the City's facilities and the user shall not be entitled to any refund for rent resulting from the loss of the time for use of the facility for violating this paragraph. In addition, user shall automatically forfeit its deposit for violation of this paragraph.
- D. The authorized user shall be responsible for providing any security which the City feels is required. If user does provide security or is required to provide security, user shall provide the names of the personnel providing security to the Chief of Police for approval by the City. The City of Southaven may provide or require any additional security which it deems is necessary and appropriate for its own purposes for protecting City facilities. If alcohol is approved by the City Board, security shall be required subject to the City's Police Chief's approval.
- E. No events, functions or activities occurring on City facilities may violate City, State or Federal laws, ordinances or regulations.
- F. Users shall refrain from any use of City facilities which is reasonably likely to be found offensive to the public or to owners or users of adjoining premises or which would be deemed to create nuisance or is likely to damage the City facilities.
- G. User shall vacate the leased premises by 11:59 p.m. of the day for the rental unless an exception is granted by the City Board.

#### 11. Equal Access:

- A. This policy shall apply to all groups and individuals applying for use of City facilities for the purposes permitted herein. No group or individual shall be excluded from equal access to City facilities because of or as a result of race, sex, religious or political persuasions, the content of permissible speech intended on or within the City facility, or because of the political aims expressed by the user or any of the user's members.
- B. This policy shall not be implemented in such a way as to impose a restriction on expressive content of the speech permitted herein.
- C. Any authorization for use of City facilities permitted in accordance with this policy shall not be considered as an endorsement or approval by City of Southaven of the activity, user or any other organization or the purposes they represent.

### 12. Miscellaneous:

- A. If any provision of this policy is ruled illegal, unconstitutional or otherwise unenforceable by a Court of competent jurisdictions, the remaining provisions shall continue in full force and effect.
- B. Any other Orders or directives of the City of Southaven, Mississippi, which are conflicting or inconsistent with this policy are hereby repealed to the extent of any inconsistencies or conflicts.
- C. User may be required to execute a lease in addition to the acknowledgement of this policy.
- D. Application for Facilities must be made within 12 months of the date requested. There shall be no future year obligations.
- E. The Parks Department shall have the discretion to manage the set up and break down days or time period for each event.

REMAINDER OF PAGE LEFT BLANK

I acknowledge and accept the terms of this agresponsibility for damage to City property and und cost to repair any damage that may occur during property is as follows:	lerstand that I may be billed additionally for the
Date Time Place -	
Building -	
Name & Address Describe Event	
Signature of Responsible Party/s	
Print Name	
Address	
Phone #	
·	<del></del>

#### EXHIBIT A

	Deposit	Rent
Greenbrook Lake Pavilion	\$75.00	\$150.00 per day
Tennis Center	\$375.00	\$750.00 per day
Performing Arts Center*	\$375.00	\$750.00 per day
Southaven Arena	\$1,250.00	\$2,500.00 per day
Snowden House	\$625.00	\$1,250.00 per day
Snowden Pavilion	\$125.00	\$250.00 per day

<sup>\*</sup>The gymnasium located in the Performing Arts Center will not be available to lease.

- \*\*Pursuant to Mississippi Code 21-17-1(3)(b)(ii) and Mississippi Code Section 21-19-65 and based on a Board Resolution, a Non-Profit Civic or Eleemosynary Corporations existing under the laws of Mississippi and granted tax exempt status by the Internal Revenue Service may pay 50% of the rental rate as set forth in this Exhibit A and shall not be required to provide a deposit.
- \*\*\*Pursuant to Mississippi Code 21-17-1(3)(b)(ii) and Mississippi Code Section 21-19-65 and based on a Board Resolution, a Non-Profit Civic or Eleemosynary Corporations existing under the laws of Mississippi, located in Southaven, Mississippi or such entity hosting an event for the benefit of Southaven charity and granted tax exempt status by the Internal Revenue Service may receive a donation of the rental facilities as set forth in this Exhibit A and shall not be required to provide a deposit.
- \*\*\*\*Pursuant to Mississippi Code 21-19-44, City of Southaven development organizations and designated Main Street programs and based on Board Resolution may receive a donation of the rental facilities as set forth in this Exhibit A and shall not be required to provide a deposit.
- \*\*\*\*\*Nothing in this Policy shall prohibit the Board from granting variances via a Board vote and entry in the minutes.

### RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPROVING EXPENDITURES ELIGIBLE UNDER THE LOCAL AND PRIVATE LEGISLATION, CHAPTER 933 HOUSE BILL 1618 (1993)

WHEREAS, Local and Private Legislation, Chapter 933, House Bill 1618 (1993) ("Legislation") was enacted by the Mississippi State Legislature on April 12, 1993 and allows for a one percent (1%) tourist and convention tax ("Tax") to be levied on the gross income of motels and hotels in the City of Southaven ("City"); and

WHEREAS, the imposition of the Tax is "[f]or the purpose of providing funds for the premotion of tourism and conventions;" and

WHEREAS, the Legislation further provides that the proceeds from this Tax "shall be dedicated solely for the purpose of carrying out programs and activities which are designated by the governing authorities of the city and which are designed to attract conventions and tourists in the City of Southaven, Mississippi;" and

WHEREAS, the City frequently host concerts, City events, regional baseball and softball tournaments, fairs and festivals, and other tourist events at various facilities and locations in the City. Some of these events create circumstances that require extra emergency services and event related personnel services dedicated solely to the tourism event which must be provided by the City; and

WHEREAS, the City incurs substantial costs associated with non-emergency personnel for these events. In addition, these personnel and overtime costs create a significant expense for the City and the City is not able to accurately budget the costs associated with these tourism related events as these events are scheduled after the budget process; and

WHEREAS, the City previously received an Attorney General Opinion which allows for the City use the Tax to fund the overtime costs for the City's emergency personnel and personnel costs, which are directly attributable to the specific tourism related events in the City provided the City Board makes a finding in its minutes (MS AG Op. Manley (June 13, 2014)); and

WHEREAS, in addition, the City previously passed an Ordinance, consistent with the Legislation, which allows for the Board to determine those expenses that attract conventions and tourists in the City; 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 City hereby finds all costs, which shall include all overtime costs for the City's emergency personnel and any personnel costs, which are directly attributable to specific tourism related events, including but not limited to concerts, City sponsored events, fairs and festivals, baseball and softball tournaments, in the City are for the promotion of attracting tourist and funds from the Tax may be used for these expenses.

2. The Mayor or his designee is authorized to effectuate the intent of this Resolution.

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

Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Shirley Beshears	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE this

day of few

2014.

DARREN MUSSELWHITE, MAYOR

ATTEST.

CITY CLERK

### RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI AMENDING THE SOUTHAVEN CODE OF ORDINANCES TITLE IX, CHAPTER 5, ARTICLE IV, SECTION 9-332

WHEREAS, Mississippi Code Section 21-37-3 provides the City of Southaven ("City") shall have the power to exercise full jurisdiction in the matter of streets, and

WHEREAS, Mississippi Code Section 21-17-5 provides the City 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; and

WHEREAS, Mississippi Code Section 63-3-209 grants the City the authority to adopt additional traffic regulations which are not in conflict with the provisions the relevant Mississippi laws; and

WHEREAS, the City has experienced issues with motor vehicles and vehicles being operated in an unsafe manner, along with the operation of motor vehicles and vehicles not being properly supervised; and

WHEREAS, based on the City's authority as noted above, the City desires to adopt an Ordinance to address the issues with motor vehicles and vehicles operating in an unsafe manner in the City streets.

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 IX, CHAPTER 5, ARTICLE IV, SECTION 9-332 BE AMENDED AS FOLLOWS:

### TITLE IX, CHAPTER 5, ARTICLE 4 SECTION 9-332

### **UNSAFE OPERATION OF MOTOR VEHICLE**

It shall be unlawful for any person to operate a Motor Vehicle or Vehicle or allow for the operation of a Motor Vehicle or Vehicle in an unsafe, careless, illegal or imprudent manner.

That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

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

NOW, THEREFORE BE IT ORDERED due to the City's desire and duty to provide and protect the imminent health and safety issues caused by operation of vehicles in an unsafe manner and for the immediate preservation of the public peace of the citizens traveling on City streets and based on the unanimous vote of all members of the governing body, this Ordinance shall be effective immediately.

The foregoing Resolution was made by Alderman Ferguson and seconded by Alderman Beshears and brought to a vote as follows:

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES
Alderman William Brooks	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 5th day of August, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

BY:

DARREN MUSSELWHITE, MAYOR

/ /

CITY CLERK

# RESOLUTION OF CITY OF SOUTHAVEN BOARD OF ALDERMAN AWARDING BID TO EXCELLANCE, INC.

WHEREAS, pursuant to Mississippi Code Section 31-7-13, the City of Southaven ("City") previously advertised for bids for a new Type 1 Ambulance ("Ambulance"); and

WHEREAS, the City's Fire Chief and City Fire Department have reviewed the pricing and bids along with the qualifications, responsibility and other information which is responsive to the Request for Bids to determine which bid is the lowest and best; and

WHEREAS, the City, pursuant to Mississippi Code Section 31-7-13, acknowledges that Excellance, Inc. was the low bid with a bid in the amount of \$164,808.30 base price and no options; and

WHEREAS, the City has the power to waive any informalities in the responses to the bid; and

WHEREAS, the City desires to accept the bid proposal from Excellance, Inc. in the amount of \$164,808.30, without options, as the lowest and best bid proposal to meet the specifications for the Ambulance.

### NOW THEREFORE, be it resolved as follows:

- 1. Pursuant to Mississippi Code 31-7-13 and the bid specifications whereby the City advertised that it would award the contract to the lowest, best and responsible bid, and the recommendation of the City's Fire Chief and City Fire Department, the City hereby accepts the bid proposal from Excellance, Inc. in the amount of \$164,808.30, without options, as the lowest and best bid proposal to meet the specifications for the Ambulance.
- 2. The City hereby waives the informality of Excellance, Inc. not providing duplicate bid documents as the failure to provide the documents did not provide a competitive advantage to Excellance or negate the competitive nature of the bid process.
- 3. Furthermore, as the Mississippi Supreme Court and multiple Attorney General Opinions have noted when this discretion is exercised by a Board in regard to awarding bids, the courts will not interfere. *Parker Bros. v. Crawford*, 219 Miss. 199, 209, 68 So.2d 281 (1953).
- 4. The Mayor or his designee is authorized to execute all documents and purchase orders and other documentation required in order to effectuate the intent of this Resolution.

REMAINDER OF PAGE LEFT BLANK

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

DARREN MUSSELWHITE, MAYOR

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 5th day of August, 2014.

ATTEST AND 15

CITY CLERK

# Southaven Fire Department

### Division of Fire & Emergency Medical Services

Ronald L. White

8710 Northwest Drive, 2nd Floor Southaven, MS 38671 Office: (662) 393-7466 Fax: (662) 280-6521

Roger L. Thornton
Deputy Fire Chief

August 5, 2014 Mayor Darren Musseiwhite Board of Aldermen City of Southaven

Dear Mayor and Board of Aldermen,

On May 20, 2014 the Board of Aldermen authorized the fire department to advertize for competitive bids for the purchase of a new Type I ambulance. The city clerk advertized as required by state purchasing regulations and received two sealed bids from dealers.

The first sealed bid was received from Excellance INC. located in Madison Alabama in the amount of \$164,808.30 <u>base bid price with no options</u>. The bidder did take two exceptions to the specifications which were considered acceptable.

The second sealed bid was received from Emergency Equipment Professionals located in Horn Lake Mississippi, for a Braun Model Ambulance, in the amount of \$173,701.00 base bid price with no options. The dealer also offered exceptions to the specifications.

After review of the bid proposals it is my recommendation the Mayor and Board of Aldermen except the bid proposal from Excellance INC. in the amount of \$164,808.30, without options, as the lowest and best bid proposal to meet the specifications for a new Type I Ambulance.

If approved by the mayor and board the delivery of the new ambulance would be within 90 to 120 days from receipt of the vehicle chassis by the manufacture which will result in payment for the vehicle being due in the FY15 Budget.

I am respectfully requesting this matter be added to the meeting agenda for your consideration. The city attorney Mr. Nick Manley has recommended if the purchase of the ambulance is approved by the Mayor and Board it be done in the form of a resolution a copy of which has been attached.

Respectfully Panalel & Wellite

Ronald L. White

Fire Chief

City of Southaven

Cc; Mr. Chris Wilson C.A.O

Mrs. Shelia Heath City Clerk

Mr. Nick Manley City Attorney

Fiie

Attachment: Bid Award Resolution

# RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE 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.
- 2. The City Clerk, or her designee, is 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 Brooks and seconded by Alderman Beshears. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman	William Brooks	YES
Alderman	Kristian Kelly	YES
Alderman	Shirley Beshears	YES
Alderman	George Payne	YES
Alderman	Joel Gallagher	YES

Alderman Scott Ferguson

YES

Alderman Raymond Flores

YES

RESOLVED AND DONE this 5th day of August 2014.

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 5th day of August, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

BY:

DARREN MUSSELWHITE, MAYOR

CITY CLERK



# CITY OF SOUTHAVEN

At the "Top" of Mississippi

Office of Information Technology and Emergency Communications

July 23, 2014

Mayor Musselwhite/Board of Aldermen,

Attached is a list of items that have reached end of life and are no longer of use. I respectfully request permission to dispose of them as appropriate and in accordance with state law, and remove the items from fixed assets inventory.

Respectfully,

Chris Shelton

Information Technology and Emergency Communications Director

ocation of item	description (include model)	serial number	asset #
ire	Dell Power Connect 2024	FOF8331	
Court	Speko DVR 16TS\750	DU841758	
ирфт	Infinova DVR V3010/16L-4000	73812089	
/lar Little @ PD	HP color laserjet printer CP 2025	CNB5204155	
lay i @ utilities	22" westinghouse monitor	C71502298	
Γ Storage	Dell Optiplex 745	HCXLVC1	
「St∋rage	Dell Optiplex 755	3S50TF1	
r Storage	Delf Optiplex 745	5BBSBC1	3232
Storage	Dell Optiplex 760	F7HKCK1	
Storage	Dell Optiplex 745	J8NL9C1	
Storage	Compag Presario 56010V	MXP41502B9	
Storage	Dell Optiplex 745	11H3VC1	
Storage	Dell Optiplex 745	H2DVPC1	3316
Storage	Dell Optiplex 745	3DXLVC1	
Storage	Dell Optiplex 170L	6KZ2Y61	
Storage	Compag EVO D300s	U213KGLZA513	
Storage	Compaq EVO D310m	V246LB4ZA244	
Storage	HP laserjet CM2320NF	CNHC82D0KR	
Storage	HP laserjet CM2320NF	CNF9B54NW4	
Storage	IBM Thinkpad A31	99-TBRTV	
Storage	IBM Thinkpad A31	99-TBRRF	
Storage	IBM Thinkpad A31	78-RXTXH	
Storage	IBM Thinkpad A31	99-TBRMB	
Storage	IBM Thinkpad A31	99-TBRTK	
Storage	IBM Thinkpad A31	78-VPRKX	
Storage	IBM Thinkpad A31	99-TBRVB	
Storage	IBM Thinkpad A31	78-RXTRA	
Storage	0292-Royal 5020 Typewriter		0294
Storage	0236-HP Deskjet 812C Printer	CN9CD1P2FR	

location of item	description (include model)	serial number	asset #
IT Storage	HP Thin Client	4Cl9251218	
IT Storage	HP Thin Client	4CI92512ZK	
IT Storage	HP Thin Client	4Cl92512W7	
IT Sto age	Sonicwall Pro 300	4010145561	1076
IT Storage	Sonicwall Pro 3060	0006B10E4788	
IT Storage	Deli Power Connect 3424	H8PBGB1	
IT Storage	Dell Power Connect 3024	2YR2F11	
IT Storage	Dell Power Connect 3024	H8Y2911	
IT Storage	Dell Power Connect 3448P	FUK7SB1	
IT Storage	Dell Power Connect 3448P	6UK7SB1	
IT Storage	Dell Power Connect 2724	BQ32381	
IT Storage	Dell Power Connect 3324	2LFHY21	
IT Storage	Cisco 1700 Model 1760	1PM3H00DRA	
!T Storage	HP Server	D320KJN2H154	
IT Storage	HP Server Proliant DL380	D320KJN2H155	
IT Storage	Dell Power Vault 2205	2PJ6Q31	
IT Storege	Dell Power Vault 2205	8PV1N31	
IT Storege	Dell Power Edge 2500	FCC5211	
IT Storege	HP Office Jet Pro L7590	MY86G2318G	
IT Storage	Deli Power Edge 2600	7JM2M51	
IT Storage	Dell Inspiron 8600	8YLSH41	
IT Storage	Toshiba Satellite	5A246703W	
IT Storage	IBM Thinkpad A31	78-VPRGB	
IT Storage	IBM Thinkpad A31	99-TBRTX	
IT Storage	IBM Thinkpad A31	99-TBRKX	
IT Storage	IBM Thinkpad A31	99-TBRMP	
IT Storage	IBM Thinkpad A31	99-TBRTM	

ation of item	description (include model)	serial number	asset #
	IBM Thinkpad A31	99-TBRRC	
	IBM Thinkpad A31	99-TBRTT	
<u> </u>	IBM Thinkpad A31	99-TBRVF	
<u> </u>	IBM Thinkpad A31	78-RXVLF	
<u> </u>	IBM Thinkpad A31	99-TBRTL	
	IBM Thinkpad A31	78-RXTMY	
	(BM Thinkpad A31	99-TBRTR	
ļ <u>-</u>	IBM Thinkpad A31	99-TBRVVH	
	iBM Thinkpad A31	78-RXTTK	
	IBM Thinkpad A31	99-TBRVĠ	
	IBM Thinkpad A31	99-TBRPC	
	iBM Thinkpad A31	78-RXVAN	
	iBM Thinkpad A31	99-TBRNK	
	IBM Thinkpad A31	99-TBRTZ	
	IBM Thinkpad A31	29-TBRVK	
	IBM Thinkpad A31	78-RXTNA	
	iBM Thinkpad A31	99-TBRNM	
	HP OJ 6500 Printer	MY98P460D2	
	HP ∐ 1320 Printer	CNFC561330	
	HP LI 4200N Printer		238
	HP ⊔ M1522nf Printer	CNG8B45ICR	
	HP OJ J5780 Printer	CN74CC114N	
	HP OJ 6310 Printer	CN71NCG161	
· · · · · · · · · · · · · · · · · · ·	HP DJ 3050A Printer	CN17D481DC	
	HP DJ 5740 Printer	MY49E1325P	
	HP U M1522nt Printer	CNG89B517R	
· ·	HP 🗆 1300n Printer	CNBJK35658	

tion of item	description (include model)	serial number	asset #
_	Epson Receipt Printer	2VG0040564	
	Epson Receipt Printer	2VG0041834	19
	Signature Device	ST-SFM (B55575)	
	Tropos 4210	33448	
	Cannon Image Class D780	JHH23619	
	IBM Thinkpad	99-TBRVL	1
	ATEN KVM PC	A17AQ378ABR0143	
	Compaq Armada E500 PC	3J12FFD2F00E	
	Dell Optiplex 745 PC	HGPPLC1	
	HP Pavilion 510c PC	MX205A2269	159
	HP Vectra PC	VS13456730	106
	Compaq Desk pro	6809BK52P225	
	IBM Thinkpad A31	99-TBRNR	
	IBM Thinkpad A31	78-RXTNW	
	IBM Thinkpad A31	78-VPRGP	
<u> </u>	Motorola ML900	343HGY1026	
	IBM Thinkpad A31	99-TBRNW	
	IBM Thinkpad A31	99-TBRPP	:
	IBM Thinkpad A31	78-VPRMB	
	IBM Thinkpad A31	99-TBRNF	
	IBM Thinkpad A31	78-VPRDX	
	IBM Thinkpad A31	78-VPRMD	
	IBM Thinkpad A31	99-TBRTH	
	IBM Thinkpad A31	99-TBRVC	
<u> </u>	IBM Thinkpad A31	99-TBRVA	
	Dell Optiplex 745 PC	FDBSBC1	3233
	Dell Optiplex 755	DW5LXH1	4080

ocation of item	description (include model)	serial number	asset #
	IBM Thinkpad A31	99-TBRNN	
	Dell Optiplex 755	DWCL3G1	372
<u> </u>	Dell Optiplex 755	GCWYLG1	
	Dell Optiplex 755	BX5LXH1	408
_	HP Thin Client	4CI92512PL	
	HP Thin Client	4Cl92512V7	
	HP Thin Client	4CI92512PT	
	HP G752	CNF02445WQ	
	HP Pavilion G6	5CG1252H8P	
	HP Pavilion dv7	CND84341DF	
	Compaq Presario F500	CNF286F9Y	
	Dell Optiplex 210L	GHN43B1	
	Compaq EVO	V308LB424250	
	Hot Point	E10B6E8201160050	_
	Colubris Multiservice Controller	W032-00001	
<u> </u>	Dell	42S5T61	
<u> </u>	HP Compaq	MXL43805J6	
_	Dell Latitude D620	7VNXPC1	
	Dell Latitude D620	75DF301	
<u> </u>	Dell Latitude D620	5LYJPC1	
<del>-  </del>	Dell Latitude D620	1JC11D1	_
<u> </u>	Dell Latitude D620	1M6MMC1	
<b>_</b>	Power Edge 2400	66Z1G01	
<b></b>	Dell Latitude D630	3VFDHHA	3941
	HP Color LJ CP2025	CNGS310684	
<u> </u>	HP LJ 13200	CNRC67ACMK	
	Epson M115A	JAXF000105	
	HP ⊔ 1320nw	CNGC5460F4	1



# CITY OF SOUTHAVEN

At the "Top" of Mississippi

Office of Information Technology and Emergency Communications

July 23, 2014

Mayor Musselwhite/Board of Aldermen,

Attached is a list of items that have reached end of life and are no longer of use. I respectfully request permission to dispose of them as appropriate and in accordance with state law, and remove the items from fixed assets inventory.

Respectfully,

Chris Shelton

Information Technology and Emergency Communications Director

cation of item	description (include model)	serial number	asset #
-е	Dell Power Connect 2024	FOF8331	
ıurt	Speko DVR 16TS\750	DU841758	
ро	Infinova DVR V3010/16L-4000	73812089	
ark Little @ PD	HP color laserjet printer CP 2025	CN85204155	
y H @ utilities	22" westinghouse monitor	C71502298	
Storage	Dell Optiplex 745	HCXLVC1	
Storage	Dell Optiplex 755	3S50TF1	
Storage	Dell Optipiex 745	5BBSBC1	3232
Storage	Dell Optiplex 760	F7HKCK1	
Storage	Dell Optiplex 745	J8NL9C1	
Storage	Compaq Presario 56010V	MXP41502B9	
Storage	Dell Optiplex 745	11H3VC1	_
Storage	Dell Optiplex 745	H2DVPC1	3316
Storage	Dell Optiplex 745	3DXLVC1	
Storage	Dell Optiplex 170L	6KZ2Y61	
Storage	Compaq EVO D300s	U213KGLZA513	
Storage	Compaq EVO D310m	V246LB4ZA244	
Storage	HP laseriet CM2320NF	CNHC82D0KR	
Storage	HP laserjet CM2320NF	CNF9B54NW4	
Storage	IBM Thinkpad A31	99-TBRTV	
Storage	IBM Thinkpad A31	99-TBRRF	
Storage	IBM Thinkpad A31	78-RXTXH	
itorage	IBM Thinkpad A31	99-TBRMB	
itorage	IBM Thinkpad A31	99-TBRTK	
Storage	IBM Thinkpad A31	78-VPRKX	
Storage	IBM Thinkpad A31	99-TBRVB	
itorage	IBM Thinkpad A31	78-RXTRA	
itorage	0292-Royal 5020 Typewriter		0294
itorage	0236-HP Deskjet 812C Printer	CN9CD1P2FR	

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IT Storage	HP Thin Ciient	4CI9251218	
IT Storage	HP Thin Client	4CI92512ZK	
IT Storage	HP Thin Client	4Cl92512W7	
IT Storage	Sonicwall Pro 300	4010145561	107
IT Storage	Sonicwall Pro 3060	0006B10E4788	
T Storage	Dell Power Connect 3424	H8PBGB1	,
T Storage	Dell Power Connect 3024	2YR2F11	
T Storage	Dell Power Connect 3024	H8Y2911	
T Storage	Dell Power Connect 3448P	FUK7SB1	
T Storage	Dell Power Connect 3448P	6UK7SB1	
T Storage	Dell Power Connect 2724	BQ32381	
T Storage	Dell Power Connect 3324	2LFHY21	
Γ Storage	Cisco 1700 Model 1760	1PM3H00DRA	
T Storage	HP Server	D320KJN2H154	
l Storage	HP Server Proliant DL380	D320KJN2H155	
「Storage	Dell Power Vault 2205	2PJ6Q31	
Storage	Dell Power Vault 2205	8PV1N31	
Storage	Dell Power Edge 2500	FCC5211	
Storage	HP Office Jet Pro L7590	MY86G2318G	
Storage	Dell Power Edge 2600	7JM2M51	
Storage	Dell Inspiron 8600	8YLSH41	
Storage	Toshiba Satellite	5A246703W	
Storage	IBM Thinkpad A31	78-VPRGB	
Storage	iBM Thinkpad A31	99-TBRTX	
Storage	IBM Thinkpad A31	99-TBRKX	
Storage	IBM Thinkpad A31	99-TBRMP	
Storage	IBM Thinkpad A31	99-TBRTM	:

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<u> </u>	IBM Thinkpad A31	99-TBRRC	
<u> </u>	IBM Thinkpad A31	99-TBRTT	
<u> </u>	IBM Thinkpad A31	99-TBRVF	
	IBM Thinkpad A31	78-RXVLF	
<u> </u>	IBM Thinkpad A31	99-TBRTL	
	IBM Thinkpad A31	78-RXTMY	
<u> </u>	IBM Thinkpad A31	99-TBRTR	
	IBM Thinkpad A31	99-TBRVVH	
<u></u>	IBM Thinkpad A31	78-RXTTK	
	IBM Thinkpad A31	99-TBRVG	_
	IBM Thinkpad A31	99-TBRPC	
	IBM Thinkpad A31	78-RXVAN	
	IBM Thinkpad A31	99-TBRNK	
<u></u>	IBM Thinkpad A31	99-TBRTZ	
	IBM Thinkpad A31	99-TBRVK	
	IBM Thinkpad A31	78-RXTNA	
<u> </u>	IBM Thinkpad A31	99-TBRNM	
<u> </u>	HP OJ 6500 Printer	MY98P460D2	
	HP ∐ 1320 Printer	CNFC561330	
	HP U 4200N Printer		23:
·	HP LJ M1522nf Printer	CNG8B45ICR	
	HP OJ J5780 Printer	CN74CC114N	
:	HP OJ 6310 Printer	CN71NCG161	
	HP DJ 3050A Printer	CN17D481DC	
	HP DJ 5740 Printer	MY49E1325P	
	HP ⊔ M1522nf Printer	CNG89B517R	
	HP ⊔ 1300n Printer	CNBJK35668	

ocation of item	description (include model)	serial number	asset #
	Epson Receipt Printer	2VG0040564	
	Epson Receipt Printer	2VG0041834	
	Signature Device	ST-SFM (855575)	<u> </u>
	Tropos 4210	33448	
	Cannon Image Class D780	JHH23619	
	IBM Thinkpad	99-TBRVL	·
	ATEN KVM PC	A17AQ378ABR0143	
	Compaq Armada E500 PC	3J12FFD2F00E	
	Dell Optiplex 745 PC	HGPPLC1	
	HP Pavilion 510c PC	MX205A2269	159
	HP Vectra PC	VS13456730	106
	Compaq Desk pro	6809BK52P225	
	IBM Thinkpad A31	99-TBRNR	
	IBM Thinkpad A31	78-RXTNW	
	IBM Thinkpad A31	78-VPRGP	
	Motorola ML900	343HGY1026	
	IBM Thinkpad A31	99-TBRNW	
	IBM Thinkpad A31	99-TBRPP	
	IBM Thinkpad A31	78-VPRMB	
	IBM Thinkpad A31	99-TBRNF	
	IBM Thinkpad A31	78-VPRDX	
	IBM Thinkpad A31	78-VPRMD	
	IBM Thinkpad A31	99-TBRTH	
	IBM Thinkpad A31	99-TBRVC	
	IBM Thinkpad A31	99-TBRVA	
	Dell Optiplex 745 PC	FDBSBC1	323:
	Dell Optiplex 755	DW5LXH1	4080

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	Dell Optiplex 755	DWCL3G1	372
	Dell Optiplex 755	GCWYLG1	
	Dell Optiplex 755	BX5LXH1	408
	HP Thin Client	4Cl92512PL	
	HP Thin Client	4Cl92512V7	
	HP Thin Client	4Cl92512PT	
	HP G752	CNF02445WQ	
	HP Pavilion G6	5CG12 <b>52</b> H8P	
	HP Pavilion dv7	CND84341DF	
	Compaq Presario F500	CNF286F9Y	
	Dell Optiplex 210L	GHN43B1	
	Compaq EVO	V308LB424250	
	Hot Point	E10B6E8201160050	
	Colubris Multiservice Controller	W032-00001	
	Dell	42S5T61	
	HP Compaq	MXL43805J6	
	Dell Latitude D620	7VNXPC1	
	Dell Latitude D620	75DF301	
	Dell Latitude D620	5LYJPC1	
	Dell Latitude D620	1JC11D1	
	Dell Latitude D620	1М6ММС1	
	Power Edge 2400	66Z1G01	
	Deil Latitude D630	3VFDHHA	3942
	HP Color LJ CP2025	CNGS310684	
	HP ⊔ 13200	CNRC67ACMK	
	Epson M115A	JAXF000105	
	HP LJ 1320nw	CNGC5460F4	

### 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: 762 Rasco Road, 5659 Lexy Lane, 5641 Casey Lane, 26 Hillbrook Drive, 7793 Charleston Drive, 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, August 5, 2014, 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, August 5, 2014, 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: 762 Rasco Road, 5659 Lexy Lane, 5641 Casey Lane, 26 Hillbrook Drive, 7793 Charleston Drive 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 Ferguson. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Shirley Beshears	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 5th day of August, 2014.

DARREN MUSSELWHITE MAYOR

ATTEST:

CITY CLERK

# City of Southaven Office of Planning and Development Site Plan Staff Report



Date of Hearing:	July 28, 2014
Public Hearing Body:	Planning Board Commission
Applicant	Dollar General - Mike Rozier; Ben Smith 10474 Highway 82 Carrollton, MS 38917 662-393-3347
Total Acreage:	2.01 acres
Existing Zone:	Planned Commercial (C-4)
Location of Site Plan Application:	West side of Hwy 51, South side of First Commercial Drive North
Comprehensive Plan Designation:	Commercial District

### Staff Comments:

The applicant is requesting site plan approval for a 9,100 sq. ft retail building to be located on 2.01 acres of property on the west side of Hwy. 51 and south of First Commercial Drive. The following design criteria has been submitted by the applicant:

### **Building Elevations:**

The applicant is proposing a mixture of materials for the building including stacked stone, brick and EFIS. The wainscot area, which is shown as the bottom four (4) feet and is constructed of stacked stone in "Pecan" tan. This stacked stone is also utilized along both side walls (north and south elevations) to enhance the arched wall areas as well as the front entry point for the pilaster columns. Above the wainscot the applicant is showing brick in "St. Augustine" red, which is separated from the stone via a decorative band in the darker tan. The brick stops short of the roof line where the applicant brings in the EFIS in two shades of tan. Additionally the arched areas show a tan EFIS on the interior of the stone arches. The roofline varies in height to give further dimension to the building. The applicant is showing faux windows on three sides of the building which are proposed as bronze shutters to match the bronze awning over the main entry door. The applicant has also proposed decorative wall mounted light fixtures on all four sides of the building along with painted decorative bollards in the front.

There is no dumpster design submitted by the applicant.

Staff does not seen an identified area for HVAC and transformer equipment on site.

City of Southaven, City Hall – Executive Board Room – 8710 Northwest Drive – Southaven, MS 38671

### Landscape:

The applicant is proposing a mixture of material and species on site including:

- -Shade trees- Drake Elm, Autumn Blaze Maple, Nutal! Oak all at 3.5" caliper
- Ornamental trees- Natchez Crapemyrtle, Lil Gem and Sweetbay Magnolia all shown as 15 gallon; Leyland Cypress and Blue Italian Cypress both shown as 7 gallon.

There are several types of shrubs proposed all designed with a minimum 3 gallon planting size. Additional plantings include daylilies and variegated grasses with 1 gallon planting sizes. The applicant is showing a large meandering planting bed along Hwy. 51 which wraps the parking lot perimeter on the south side and ends where the parking stalls end. This planting bed also wraps the parking lot on the north side and stops at the proposed sidewalk along the front of the building. There are additional planting beds shown on both sides of the access point on First Commerical Drive, around the perimeter of the dumpster pad, and three areas along the building perimeter. There is a line of evergreen Leyland Cypress on the west side, which will separate the access isle from the remaining property that the applicant has shown as "seeded" for grass only.

There are no identified decorative light poles submitted with the plan.

### Staff Recommendations:

Staff has worked with the applicant on the elevations prior to this submittal. The applicant has more than complied with the architectural design requested and therefore staff has no comments on the building design or materials. Staff would like clarification on the HVAC and transformer equipment area. If the applicant is proposing ground mounted equipment in the rear of the building, then the applicant will need to agree to masonry material screening matching the building a minimum of one (1) foot above the equipment. If the equipment is proposed as roof mounted, then the applicant will need to supply staff with a line of sight schematic to ensure the raised parapet roof line is sufficient to hide the equipment. As stated above, there is no dumpster design submitted with the plans so staff would like to remind the applicant that the dumpster will need to be constructed of masonry material that matches the building. The enclosure will need to be constructed at least one (1) foot higher than the dumpster itself so that it is 100% screened from view. The gate may be constructed of metal and/or treated wood. In terms of landscaping, the applicant will need to address the following items:

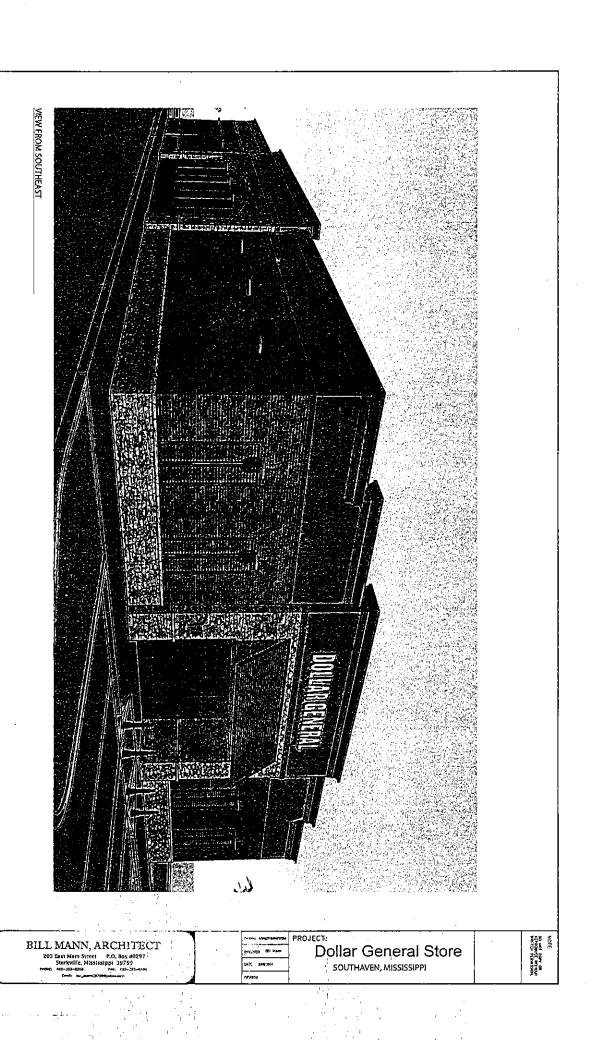
- Relocate the maples along the front to somewhere else on the site so they won't conflict with the overhead power lines. If detention is not determined to be required, then the applicant should relocate to this area. In replacement of two of the maples, place a group of three (3) crape myrtles in the middle area situated on Hwy. 51. The third maple should be relocated to the south side of the entrance on Hwy. 51 in the planting bed.
- Along the north side of the building, the applicant should place two groups of three
   Sweetbay Magnolias between the planting beds.
- The shrubs around the dumpster should have a 4-5' mature height minimum.
- The applicant will need to supply staff with an irrigation plan
- Crape myrtles will be well formed 3 cane minimums of 10-12' in height, all evergreens

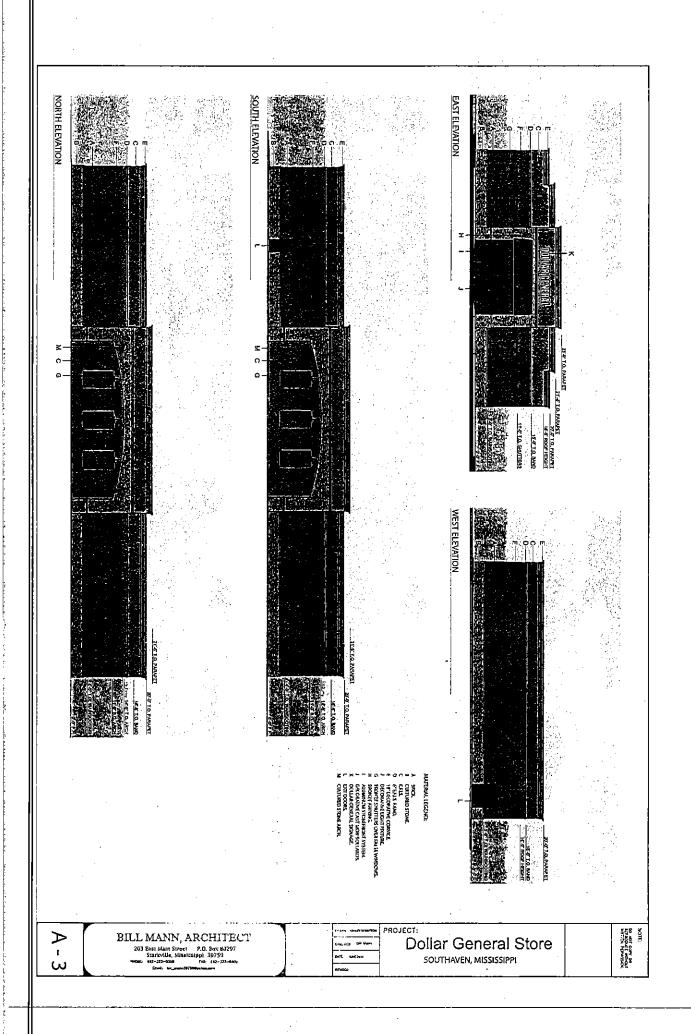
City of Southaven, City Hall – Executive Board Room – 8710 Northwest Drive – Southaven, MS 38671

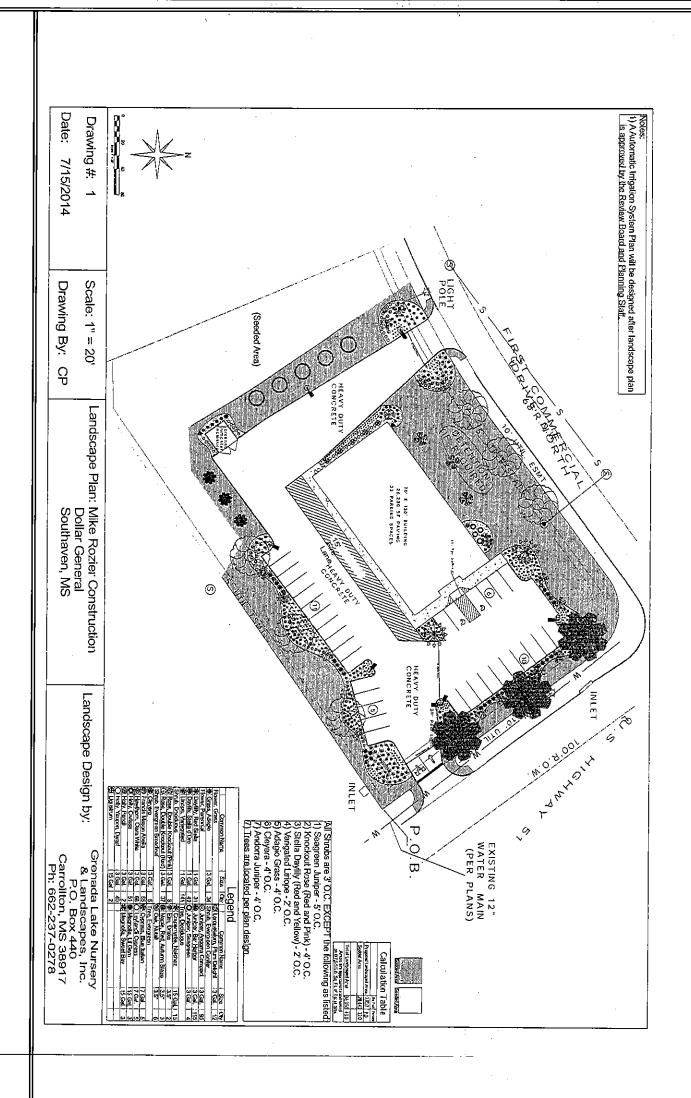
- will be adjusted to 2.5" caliper, Sweetbays will be 10-12' in height, all shrubs shown as 3 gallon will be 18" minimum height.
- The applicant has been given typical design specs for decorative light poles. Staff will require four (4) for the site. Three of the poles will be spaced along Hwy. 51 and the fourth should be situated on First Commercial Drive.

Staff has no further comments and recommends approval with the above stated revisions.

City of Southaven, City Hall – Executive Board Room – 8710 Northwest Drive – Southaven, MS 38671







### RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI REVOKING CONDITIONAL USE PERMIT GRANTED TO BALLOON EVENTS, 9160 MILLBRANCH ROAD, SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on May 19, 2014 for the conditional use permit ("permit") application of Balloon Events; and

WHEREAS, the City's Planning Commission recommended a one year permit and the City Board of Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a), granted the permit for one year on June 17, 2014; and

WHEREAS, the permit for Balloon Events was limited to hosting banquets for children's birthdays, baby showers, small business meetings and small receptions. The permit excluded teenage and adult parties, bachelor parties, family reunions, alcohol and smoking, and loud music; and

WHEREAS, Balloon Events was provided notice on July 24, 2014 by Southaven Police Officer Kern of the hearing conducted on August 5, 2014 and offered the opportunity to address the Board concerning this matter of the revocation of its permit; and

WHEREAS, Balloon Events has violated the permit by allowing for a teenage party, adult party, drug use and alcohol use and sales to occur on July 20 and 21, 2014; and

WHEREAS, "Conditional Use" is defined in the City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) as "a use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;" and

WHEREAS, the City, pursuant to City Code of Ordinances at Title XIII, Chapter 2, Section 13-2(c) has the power to enforce Title XIII of the City Ordinances by instituting appropriate action, including revocation of the permit to prevent illegal acts, conduct or business, such as the permit violations by Balloon Events; and

WHEREAS, pursuant to Mississippi Code Ann. Sections 21-17-5, the City has the authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances; and

WHEREAS, the Laws of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, based on Balloon Events violation of the permit, the conditional nature of the permit, the City's Code of Ordinances and applicable state law, the City hereby desires to revoke the permit issued to Balloon Events; and

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

- 1. Based on the activities on June 20 and 21 of allowing an adult and teenage party, alcohol consumption, unauthorized sale and consumption of alcohol, drug use on the premises at 9160 Millbranch Road, Southaven, Mississippi by Balloon Events, the City Board finds that Balloon Events violated its permit.
- 2. The Board finds that the activities, as set forth above, conducted at Balloon Events on June 20 and 21, 2014 violated the "Conditional Use" as set forth in City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) by not promoting, but instead acting in direct contradiction to the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare of the City.
- 3. The Board finds that the activities, as set forth above, conducted at Balloon Events on June 20 and 21, 2014 violated the "Conditional Use" as set forth in City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a) by not protecting the City's comprehensive plan and conserving and protecting property and property values in the neighborhood.
- 4. The Board, based on its authority, including, but not limited to City Code of Ordinances at Title XIII, Chapter 2, Section 13-2(c) to grant and revoke conditional use permits and the Boards authority pursuant to Mississippi Code Ann. Sections 21-17-5 for its authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances hereby revokes the conditional use permit granted to Balloon Events.
- 5. The Board's revocation of the permit is based on the hearing conduced on August 5, 2014 where the City Board considered the matter and made findings of fact. The Board notes that the standard of review in zoning cases is whether the action of the board or commission was arbitrary or capricious and whether it was supported by substantial evidence. "Thus, zoning decisions will not be set aside unless clearly shown to be arbitrary, capricious, discriminatory, illegal or without substantial evidentiary basis. There is a presumption of validity of a governing body's enactment or amendment of a zoning ordinance and the burden of proof is on the party asserting invalidity. Where the point

at issue is "fairly debatable," the Courts will not disturb the zoning authority's action." Drews v. City of Hattiesburg, 904 So. 2d 138, 140 (Miss. 2005) See also Mayor & Bd. of Aldermen, City of Clinton v. Welch, 888 So. 2d 416, 419 (Miss. 2004) ("[A]ctions of a deliberative body such as the Mayor and Board of Aldermen will not be set aside unless found to be arbitrary and capricious."). The Mississippi Supreme Court has further noted that "unlike decisions to zone or re-zone, which are legislative in nature, decisions on request for special exceptions are adjudicative, and a reviewing court subjects such decisions to the same standard as is applied to administrative agency adjudicative decisions." Therefore, any appeal of the Board's decision with regard to the revocation of the permit of Balloon Events is subject to the following standard of review: the decision of an administrative agency is not to be disturbed unless the agency order was unsupported by substantial evidence; was arbitrary or capricious; was beyond the agency's scope or powers; or violated the constitutional or statutory rights of the aggrieved party. Mayor & Bd. of Aldermen, City of Town of Prentiss v. Jefferson Davis County, 874 So. 2d 962, 964 (Miss. 2004).

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

Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Shirley Beshears	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE this 5th day of August 2014.

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 5<sup>th</sup> day of August, 2014.

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 5<sup>th</sup> day of August, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

PV.

DARREN MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK



# City of Southaven Office of Planning and Development Conditional Permit Use Staff Report

City of Southaven City Hall Executive Board Room 8710 Northwest Drive

· · · · · · · · · · · · · · · · · · ·	8/10 Northwest Drive
Date of Hearing:	May 19, 2014
Public Hearing Body:	Planning Commission
Applicant	Julia Graves/Balloon Events 9160 Millbranch Road 662-298-6542
Location	9061 Millbranch Road
Total Acreage	NA
Existing Zoning:	General Commercial (C-3)
Location of Conditional Use application:	North of Stateline Road on the east side of Millbranch.
Dagwinson - 4. C. CVID	

### Requirements for CUP:

Per section Chapter 6, Sec. 13-12(m) Party/receptions halls shall be allowed by conditional use permit in C-3 zones with stipulations concerning Footnotes: 39 and 47. Footnote 39: Lounges, bars, taverns and similar establishments allowed in C-3 and C-4 districts of the City shall not be permitted in the Hwy. 51 and Main Street district as defined in this title. Footnote: 47: Party and reception halls refers to a permanent building utilized for special events including but not limited to wedding receptions and birthday parties.

Comprehensive Plan Designation: NA

### **Staff Comments:**

The applicant is proposed a banquet/reception hall at 9160 Millbranch Road in an existing multi-tenant building. Per the application, the total square footage is 1,100 sq. ft. with 225 of that sq. ft. is incorporated into storage for the site. The banquet facility will utilize 875 sq. ft. Per building and fire code there are two classifications that this type of

establishment can fall under. The application states that the capacity for this particular site will max out at 49 people, which will allow it to be approved in this existing building. Additionally, the applicant has provided the necessary details about what types of banquets will be held here which would include kid's birthdays, baby showers, small business meetings and small receptions. There will be no teenage or adult parties, bachelor parties or family reunions. There will also be no alcohol or smoking on the premises. The site does have 35 parking stalls that are shared with the adjacent businesses and has an existing rear exit door for emergency access.

### Staff Recommendation:

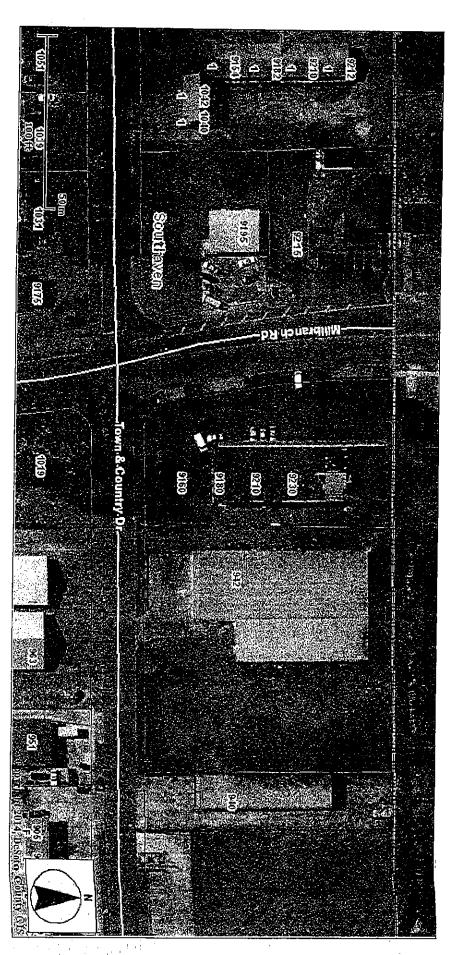
Pending the applicant can comply with the >50 people on site at any one time and maintains the no alcohol stipulation, staff recommends approval of a one (1) year conditional use permit with a four (4) year extension to be renewed annually pending compliance with the set forth requirements.

Planning Commission Recommendation:

Motion made by: Seconded by:

# CITY OF SOUTHAVEN CONDITIONAL USE APPLICATION

	), it is requested that the property located in		
Southaven, Mississippi described as follows:			
Location, size and address if possible: 9160 Millbraneh Rd.,			
Zoned <u>C-3</u> be considered for a Conditional Use in the Southaven Zoning Regulations for			
the following reasons: This location will be used to hanguet hall trents. Maj in	Small, cremeinan and		
OWNER	APPLICANT		
Name: Prain Pracer Has	Name: Julia Graves/Ballom Brids Address: 9160 Millbranch Rd		
Address: 187 Sterteline Rd E			
Phone: 42-393-2255	Phone: 662-298-6542		
THE APPLICATION SHALL BE ACCOOMPANIED BY:			
Planning Department. The law requires 15 days notice in the newspaper, therefore working day of the month. The meeting 3. Two (2) copies each collated shall in ipeq. etc.)  4. Application fee of \$200.00.  5. Site posting of the subject property as descriptions.	the Commission to hold a Public Hearing, giving one, the application must be submitted by the first will be the last Monday of the month.  be submitted and a digital copy (PDF, dwg, escribed on the following pages.		
*NOTE: IN SUPPORT OF THIS APPLICATION, YOU MUST SHOW IN DETAIL, THAT THE			
FOLLOWING WILL BE COMPLIED WITH:  a. Does not substantially increase	•		
b Does not substantially increase t	ire nazaros.		
c. Does not adversely affect the ch d. Does not adversely affect the ge	aracter of the heighborhood.		
e Does not overtax public utilities of	or community facilities.		
f. Does not conflict with the Compr	ehensive Plan.		
THIS APPLICATION MUST BE COMPLETED FOR PERSON OF THE PROPERTY	O AND ALL INFORMATION PROVIDED WHEN RESENTATION TO THE COMMISSION.		
Signature of applicant	05/01/14 Date		

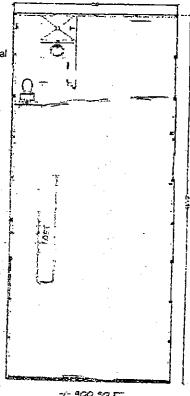


# 9160 Millbranch

Location: 9160 Millbranch Rd, Southaven, Ms 38671

Terry's Home and Commercial Improvement 662-469-7197

This Building has a total amount of 1,100 sq feet 225 sq ft is located in the back storage area. This actual seating area is 875 sq ft. A 10 ft long reception counter will be built on the left side 3 1/2 ft away from the wall. Once the counter/reception desk is installed the actual sq ft will be 700 sq ft. Before installation actual capacity was 67 people. After installation capcity is now 49 people.



### **BUSINESS DETAILS**

BALLOON EVENTS IS A BUSINESS THAT SPECIALIZE IN VERY SMALL EVENTS SUCH AS KIDS BIRTHDAY PARTY'S RANGING FROM AGES 1-7. WE ALSO WILL HOST BABY SHOWER EVENTS FOR NEW MOMS THAT NEED A PLACE TO HAVE THEIR BABY SHOWER. THE SPACE WILL ALSO BE USED FOR BUSINESS MEETINGS, SMALL RECEPTIONS. WE WILL ALSO HAVE AN ON SITE STAFF AT EVERY EVENT. BALLOON EVENTS WILL NOT BE USED FOR ANY TEENAGE OR ADULT PARTY'S, BACHELOR PARTY'S OR FAMILY REUNIONS. THERE IS ABSOLUTLEY NO SMOKING, DRINKING, OR LOUD MUSIC ALLOWED ON THE PREMISES. WE ALSO DECORATE OUTSIDE EVENTS THAT ARE NOT HELD AT THE LOCATION ALONE WITH RENTING OUT INFLATABLE MOON WALKS AND WATER SLIDES. OUR BUSINESS IS VERY HELPFUL TO A LOT OF PEOPLE BECAUSE WE BRING THE FUN TO THEIR EVENT AND WE ARE VERY PROFESSIONAL WITH OUR SERVICES.

THANK YOU

Balloon Events

### **BUSINESS COMPLIANCE**

TO WHOM THIS MAY CONCERN,
THIS BUSINESS DOES NOT SUBSTANTIALLY INCREASE TRAFFIC
HAZARDS OR CONGESTION, DOES NOT SUBSTANTIALLY
INCREASE FIRE HAZARDS, DOES NOT ADVERSELY AFFECT THE
CHARACTER OF THE NEIGHBORHOOD, DOES NOT ADVERSELY
AFFECT GENERAL WELFARE OF THE CITY, DOES NOT OVERTAX
PUBLIC UTILITIES OR COMMUNITY FACILITIES, AND DOES NOT
CONFLICT WITH THE COMPREHENSIVE PLAN.

THANK YOU

Balloon Events

CITY OF SOUTHAVEN PUBLIC NOTICE

# ONING HEARING

City Hall 8710 Northwest Drive Southaven MS 38671

ANNIFIG COMMISSION: 6:00p.m. May 19, 2014

ARD DF ALDERMEN: 6:00p.m. June 17, 2014

UEST: (Conditional Use

ATION: 9160 Millbranch

PPLICANT: Balloon Events

10NE NUMBER: 662-470-5664

Case File Available at City of Southaven 662-393-0111

pating Daile: May 4, 2014

Penalty for removing or defacing sign prior to date of last hearing

CITY OF SOUTHAVEN PUBLIC NOTICE

City Hall 8710 Northwest Drive Southaven, MS 38671

NG COMMISSION: 6.00pm May 19, 2

CIF ALDERMEN: 6:00p.m. June 17, 20

Conditional Use

I: 9160 Millbranch

CAINT: Balloon Events

E NUMBER: 662-470-5664

se File Available at City of Southa

Date: May a 2014

ity for removing or detacing sign prior to date of last he

AFFIDAVIT OF POSTING
PROJECT NAME Bulloon FIRM'S
LOCATION 9160 Millbranch Rd
SITE POSTING DATE MAY 4, 2014
APPLICANT NAME: SOIG GOOVES
In order to provide adequate notice to interested parties, the APPLICANT for shall erect, not less than fifteen calendar days prior to the date of public hearing, notice of the date, time and place of each public hearing and a summary of the request. Such notice will be clearly legible and wherever possible, placed adjacent to the right-of-way of a public street or road. IT SHALL BE THE RESPONSIBILITY OF THE APPLICANT TO ERECT AND TO MAINT THE NOTICE ON THE SUBJECT PROPERTY until final disposition of the case. The Planning Director shall determine the number of location of notices.
I confirm that the site has been posted as indicated by the Planning Director for the case as listed above. Polaroid pictures of site posting have been submitted.  Applicant Signature  Date
This instrument was acknowledge before me this day of 1/24 by
in witness whereof I hereunto set my hard and official seal.
NOTARY PUBLIC
My commission expires 100.18,2016
Return completed, notarized affidavit AND pictures to the Office of Planning and Development <u>AT LEAST 15 DAYS PRIOR TO PLANNING COMMISSION HEARING.</u>
Office of Planning and Development 8710 Northwest Dr. Southaven, MS 38671

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GRIFFITH TOWNING LLC STANDERS TOWN STANDARD TO THE	PROPERTY MAINTENANCE	N FIELD	0. 22/294 5899 COV DEALS SURPLUS YEARS EQUIPMENT 22/42/41	1950/2011 0 122/2011 6639 GGV DEALS CREDIT CREDIT 150/2011 (10 122/2011 6639 GGV DEALS SURPLUS YESHCLES 222/201	GISSON PROPARE: PROPAREZINOMOCH 12,19204 GOODYEAR TIRE TREESENTE 22,19204	S GENTRY GLASS 3000/WHICHIELD 271000 IS BROOK IS	21917 GENERAL DYNAMICS LORDAN CONES SMUTHTON TRAINING \$556.00	16 FT TRAILER/TIRE BLOWOUT \$103.85 - 2003 FORD TK BRAKE REPAIR \$284.85	GAPIGS CHAD & NICOLE SPORTS REFUND	<u>invoice Description</u> TRUCK #3 NOZZLE REPAIRS		GERESTADI (191945-12049) Sept. MAN BUTEROY HAVE A MANAGEMENT SEPTEMBER OF MANAGEMENT SEPTEMBER SEPTEMBER OF MANAGEMENT SEPTEMBER S	2687/86074 19945 22470	3376 MAE PD 3416.53	1995   22481   1995   254734   1995   19	9912/452/07 H. 119941 22/4655 966 ENTEROY CHERRY WILLY PK FLOOD LIGHTS 12 38, 13 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	DITEREOT CONTACTOR LINEAR STATE STAT	1865 ENTERGY EXCEPTIBLION FROM 173.09  986 ENTERGY EXCEPTIBLION FROM 173.09	ENTERGY COMA SPONDEN UN 1257/67 ENTERGY 6277/A SNOWDEN UN 1257/67	6208 SNOWDEN LN	SOS ENTERCY 1922 SYMPHEARD 11 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	7635 TCHULAHOMA	Involce Description 7360 US HIGHWAY \$1 N
* Seo.00	\$165.00 ***   \$165.00 ***   \$24,500.00	\$1,505.00	\$2,162.17 \$2,434.44	\$225.07	\$2,19204	\$5,800.00	UNING \$556.00	\$103.85-70 \$284.85	\$45.00	Invoice Amni \$56226	Page 23 of 45 .	100 100 100 100 100 100 100 100 100 100	\$608.04 \$608.04	\$6.494.0e	\$5,912.73	154 Table 538, 15 of Table 15	\$950.14.	\$67.77 \$75.09	\$257.67	\$77.52	\$7.40	\$10.54	invoice Amnt \$6.65
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HILL'S PET NUTRITION	HILL'S PET NUTRITION	HERO GEAR	HERIVANDO REDI MIX	HERNANDO REDI MIX	HERNANDO REDI MIX	HENDON MEDIA GROUP	HO SUPPLY WATERWORK - 2/	HARDINS SYSCO	HARDIN'S SYSCO	# Vendor Name HANSON PIPE & PRECA		GAWDESELSERVICE :	G & W DIESEL SERVICE	ONANS TANANS TO SELECT TO	FUELWAN TO STATE OF THE FUEL WANTED	S-FRST REGIONAL USRAS	FIRST EFFECTS SOUND	FEDEX ( E.S. S.	EXCELSCREENPRINTING /	EXCEL SCREENPRINTING -	ENTERGY ST. SALES ST. SALE	ENTERGY (***)	Checks Vouchers Vendors Vendor Name 119945 224580 966 ENTERGY
3.0 (1) (1) (1) (1) (1) (1) (1) (1) (1) (1)	2186665 1 0 22476 12713 HILL'S PET NUTRITION FEED \$186.07 1 22186676 0 224745 12713 HILL'S PET NUTRITION FEED \$180.33	ing 22467 1618 HEROGEN	1993 HERWAYDO REDI MICH. MATERIALS STOLOGO STO	667 TO CO. ST. COMPT. 1919 SHERWIND REDILIK DELEGIANS ON STATE STA	8816 1 20400 13380 HERMANDOREDIAD 2000 CAREFOLLIF S183.5	1003 22441 2267 HENRY SCIENTING LEDICAL SUPPLIES \$1,0522	0 22444 11916 HO GUPPIY WATERHOOK PRY DAKS 100 100 1190 HE WITLAND PUMP REPITA STEWNESS PUMP \$107.10	dorifo(16 0 2247/4 3389 HARDING SYSCO FOXOFOR RESELL (CANCESSIONS 33,8318)	2015 22(10) 338 HARDINGSTROO BISOTIG SOCIAL	Invoke Description Long street and symbola road		11918 1975 (0.577) 224410 (1.560 GK WIDESEL SERVICE) 1971 HOUMIRO TOUS 40 1981 1981 1981 2000	CO. 224407 CGO GAWDIESEL SERVICE HOUMATIO HADDE KIT \$541.57	84493 0 24497 650 GLOSUPPLY CO MATERIAL FOR SHOP \$500,00	0. 22410 1699 FIGURAN PREFORSO 15179/24	0 22450 1922 FRET REGIONAL DIRAN POEL CARDS STRATT  O 22461 6916 FUEL MAN FUEL CARDS STRATT	0 22431 2271 FRISTERFICTS SOUND SOUND EFFECTS THIS THAT 44,500.00	0 22450 1137 FEDEX E SHIPPING CHOS. FOR INVESTIGATION \$1366	1959/ O. 22451 S883 EXCELEGREENPAITING WRISTELVIOS S1,140.00 S885 EXCELEGREENPAITING SMALL POLITS S3.02 S4.00 S4.0	23000 23433 8888 DICEL SCREDPRINTING MARRIERED WRIST DAVIDS S375.00	22497 1990 EVEROY (257) MAIERULS 22194	1894/02/007(4 기18945 22/41/6 66 ENERGY SKOWDEN BALLFREID RD \$2,733,44	Invoice Destribilion 62776 SHOWDEN LN
\$159.68	\$166.07	\$136.01	\$327.50 \$100.00	\$142.50 \$142.50	\$168.75	\$1,825.22	\$129.40 \$107.10	\$ \$3,631.88 \$ \$3,933.81	\$29.28 \$804.35	<u>Invoke Amri</u> \$3,200,00	Page 24 of 46	\$1,250,00	\$611.67 00.00	\$200,00	\$6,784,97 \$8,197.24	\$134.77	54,500.00	¥ \$43.96	51,140.00 53.62	. 52,20 5375,00	\$2,011.60 \$3,011.60	\$2,733.44	<u> </u>

		ZAMENISTE         ZERINGT & VERNOUT NATING         INVOICE LESCRIBURD         Invoice Annot         Invoice 8           224816         224816         438700         HARTIN MACHINE HYORKS         FLORE FRANCE TOULER         \$1,985,00         198230           224816         13970         HART LOAN         LINE DANCE RISTRUCTOR         \$120,00         199180           224804         232         MATHESON & ASSOCILIC         ALARM SERVICES FOR FRIESTIVITOR         \$600,00         199190
2.24626	1891   1	dot.#         Vendor_Name         Invoice Description         Invoice Date           METER SERVICE AND SU         HYDRANT REPURS         \$662.00           METER SERVICE AND SU         HAHTD EXT         \$589.00           METER SERVICE AND SU         HATERIAL FOR SHOP         \$1,550.00

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