MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
August 2, 2016
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval Of Minutes: July 19, 2016
5. Rasco Road MOU and Bid Authorization
6. MEMA Change Order
7. Resolution for Special Election
8. Election Commission Agreement
9. Appointment of Election Commissioner
10. Resolution for Filing Liens
11. Request Board Approval of Supplemental Agreement No. 3 for Elmore Road South and Supplemental Agreement No. 2 for Elmore Road North
12. Resolution Granting Authority To Clean Private Property
13. Planning Agenda
    Item #1 Application by Mary Stoddard for minor subdivision approval of a two lot subdivision on the east side of Getwell Road north of Plum Point Road
    Item #2 Application by Billy Frazier for design review approval of a veterinarian clinic on the northwest corner of Getwell Road and Cherry Place Drive
    Item #3 Application by Laney Funderburk to rezone 280+ acre of property between Tchulahoma Road and Getwell Road south of Stateline Road from agricultural (AG) to planned business park (PBP)
    Item #4 Scriveners error for Belle Pointe Section "D" to change the utility easement along the street frontage on the lots from ten (10) feet to twenty (20) feet
14. Mayor's Report
15. Citizen's Agenda
16. Personnel Docket
17. City Attorney's Legal Update
18. Claims Docket
19. Executive Session: Economic Development

Any citizen wishing to comment on the above items may do so. Items may be added to or omitted from this agenda as needed.

THIS PAGE WAS LEFT BLANK INTENTIONALLY

MINUTES OF THE REGULAR MEETING
OF AUGUST 2, 2016
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 2nd day of August, 2016 at six o'clock (6:00) p.m. at City Hall.

Present were:

Kristian Kelly	Alderman, Ward 1
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
Scott Ferguson	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Absent were:

William Brooks	Alderman At Large

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk and Nick Manley, City Attorney. Approximately fifty (50) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer, followed by the Pledge of Allegiance led by Alderman Ferguson. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of July 19, 2016 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously.

RASCO ROAD MOU AND BID AUTHORIZATION
Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this is a cost share agreement with M&R Associates, LLC for the Rasco Road Extension. The MOU allowed the City to split the cost with M&R Associates, which is required to build a portion of the road pursuant to City ordinances. Mr. Manley stated that the City would be the entity to bid out the project. Before going to bid, M&R will provide to the City an irrevocable line of credit for $209,900.00, which represents their costs for the portion of the project. Mr. Manley stated during the course of the project the City would either invoice M&R Associates over four (4) months for its 25% share or draw down on the irrevocable line of credit for their cost associated with the project. This MOU will allow us to go to bid and once the City receives the last bid, the City will have ninety (90) days to award or the MOU will expire and neither party will have an obligation under it. Mr. Manley added that the City has wanted to complete this project for quite some time from a public safety standpoint. Mayor Musselwhite reminded everyone that this extension will make Rasco Road an east and west corridor that reaches from Getwell to Hwy 51. In addition to public safety, it will also assist with traffic mitigation. Alderman Ferguson made the motion to approve the MOU with M&R Associates, LLC. Motion was seconded by Alderman Gallagher

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August 2016.

Alderman Flores made the motion to advertise for bid. Motion was seconded by Alderman Ferguson.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August, 2016.

A copy of the MOU, plans, and probable cost is attached to these minutes.

<u>MEMA CHANGE ORDER</u>
Mr. Manley stated that this item was approved at a prior meeting and no further action is needed.

It was noted that Alderman Kite resigned her office as Ward 2 alderman effective July 31, 2016. This, due to the timing of the vacancy and pursuant to the applicable Mississippi law, a special election is required. After discussion, the following resolution was considered:

<u>RESOLUTION FOR SPECIAL ELECTION</u>

RESOLUTION DECLARING A VACANCY IN THE OFFICE OF ALDERMAN OF WARD 2 OF THE CITY OF SOUTHAVEN, MISSISSIPPI, AND CALLING A SPECIAL ELECTION TO

FILL SAID VACANCY PURSUANT TO SECTION 23-15-857, MISSISSIPPI CODE OF 1972, AS AMENDED.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "Governing Body" of the "City"), acting for and on behalf of the City, hereby find, determine, adjudicate and order as follows:

1. A vacancy exists in the Office of Alderman of Ward 2 of the City by virtue of the resignation of Alderwoman Shirley Kite effective July 31, 2016.

2. The unexpired term of the office of Alderman of Ward 2 of the City is in excess of six (6) months, and it is necessary under the provisions of Section 23-15-857, Mississippi Code of 1972, as amended (the "Act"), to call a special election to fill the vacancy, which election shall be held not less than thirty (30) days nor more than forty-five (45) days from the date of adoption of this Resolution.

3. Under the provisions of the Act notice of such election shall be given by the City Clerk (the "Clerk") by notice published in a newspaper which has a general circulation within the municipality. Said Notice must be published once each week for three (3) successive weeks preceding the date of the election, with the first notice to be published at least thirty (30) days before the date of the election. Under the Act notice is also required to be given by posting a copy of the notice at three (3) public places in the City not less than twenty-one (21) days prior to the date of the election, with one such notice to be posted at the City Hall.

4. A form of the Notice of Special Election is attached hereto as Exhibit "A."

NOW, THEREFORE, BE IT ORDERED BY THE GOVERNING AUTHORITY AS FOLLOWS:

SECTION 1. A special election to fill the vacancy in the office of Alderman of Ward 2 of the City is hereby set for September,13, 2016.

SECTION 2. The Clerk is hereby ordered to give notice of the election in substantially the form attached hereto as Exhibit "A" and in the time and manner set out herein and in the Act.

SECTION 3. The Clerk and the Municipal Election Commissioners are hereby directed to conduct the special election as provided by the applicable laws of the State of Mississippi.

Alderman Ferguson made motion to adopt the foregoing Resolution, and Alderman Payne seconded the motion, and the question being put to a roll call vote, the result was as follows:

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

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the order adopted this the 2nd day of August, 2016.

NOTICE OF SPECIAL ELECTION

FOR ALDERMAN, WARD 2

CITY OF SOUTHAVEN, MISSISSIPPI

NOTICE is hereby given to the qualified electors of Ward 2, City of Southaven, Mississippi, that a special election will be held on **September 13, 2016**, to fill the vacant office of Alderman of Ward 2, City of Southaven, Mississippi, pursuant to Section 23-15-857, Mississippi Code of 1972, as amended.

The election will be held at the following described polling place in Ward 2 of the City of Southaven, Mississippi:

DESOTO COUNTY JUSTICE COURT BUILDING, 8525 HWY 51 North, Southaven, Mississippi

The said polling place will be open from the hour of 7:00 o'clock a.m. until the hour of 7:00 o'clock p.m. on the day of said special election.

All qualified electors of Ward 2, City of Southaven, Mississippi, may vote at said election.

Done by order of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, this the 2nd day of August, 2016.

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

Mr. Manley stated that this agreement is with Barry Chatham in the amount of \$1,475.00 with a run-off, or \$1,000.00 without a run-off to assist the City Clerk's Office with the upcoming Special Election. Alderman Gallagher made the motion to approve the agreement. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August, 2016.

A copy of the agreement is attached to these minutes.

APPOINTMENT OF ELECTION COMMISSIONER

Alderman Ferguson made the motion to appoint Danny Thomas to the election commission. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August 2016.

RESOLUTION FOR FILING LIENS
Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this Resolution would allow for assessments, penalties and liens to be filed.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI ADJUDICATING THE COST OF CLEANING PROPERTY, IMPOSING A PENALTY AND IMPOSING LIEN OF THE SAME AGAINST PROPERTY

WHEREAS, the City of Southaven ("City") has the authority, pursuant to Section 21-19-11 of the Mississippi Code (1972) to clean up property within the City, under circumstances which create a menace to the public health and safety of the community, and

WHEREAS, the Mayor and Board of Aldermen conducted hearings regarding various properties, as set forth in Exhibit A, and determined that the conditions and circumstances of such properties created a menace to the public health and safety of the community, and ordered the clean-up of the properties, and

WHEREAS, pursuant to the authority granted to the City, the Mayor and Board of Aldermen contracted with an outside contractor who has undertaken and completed the clean-up of the properties, and

WHEREAS, the Mayor and Board of Aldermen have heard proof and find as a fact that the actual cost of the clean-up is as attached hereto as Exhibit A, and

WHEREAS, the Mayor and Board of Aldermen are desirous of imposing a penalty of Two Hundred Fifty Dollars and 00/100 ($250.00) per property per cutting, and

WHEREAS, the Mayor and Board of Aldermen deem and resolve that the clean-up cost and penalty shall be collected as a lien against property and if not paid, the lien shall be converted as an assessment against each property, to be collected by the Tax Collector in the manner employed for the collection of all other taxes and assessments of the municipality, unless sooner collected through other means.

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

1. The actual cost of the clean-up of properties listed in Exhibit A be assessed to the property and the same is hereby determined to be as set forth in Exhibit A attached hereto.

2. A penalty in the amount of $250 per lot per cutting as listed above be, and the same is hereby imposed against each parcel in addition to the actual cost of the property clean-up.

3. The total amount, as set forth above, be, and the same is hereby assessed against each property, to be filed as a lien and if not collected, to be converted as an assessment to be collected by the Tax Collector in the manner used for collection of other municipal taxes and assessments, unless sooner collected through other means.

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

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

RESOLVED AND DONE this 2nd day of August, 2016.

A list of the street name, parcel id#, and assessment totals is attached to these minutes.

REQUEST BOARD APPROVAL OF SUPPLEMENTAL AGREEMENT NO. 3 FOR ELMORE ROAD SOUTH AND SUPPLEMENTAL AGREEMENT NO. 2 FOR ELMORE ROAD NORTH

Dan Cordell, City consulting engineer, presented these items to the Board.

Supplemental Agreement No.2

Mr. Cordell stated that supplemental agreement No. 2 is for the northern section of Elmore Road for a quantity adjustment for some overruns in the amount of $23,455.98. The amount is within the contingency fees and is not an increase payment for the City. Alderman Flores made the motion to approve supplemental agreement no. 2 and authorized Mayor Musselwhite to sign. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August 2016.

A copy of the agreement is attached to these minutes.

Supplemental Agreement No.3

Mr. Cordell stated that supplemental agreement No. 3 is for the southern section of Elmore Road for a quantity adjustment in the amount of $4,042.04. Alderman Flores made the motion to approve supplemental agreement no. 2 and authorized Mayor Musselwhite to sign. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August 2016.

A copy of the agreement is attached to these minutes.

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board. Mayor Musselwhite then asked for any comments from the public and there was none. The Board then considered the following Resolution to Clean Private Property.

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

WHEREAS, the governing authorities of the City of Southaven, Mississippi, have received numerous complaints regarding the parcel of land located at the following address, to-wit: **8528 Claiborne Cove,** to the effect that the said parcel of land has been neglected whereby **the grass height is in violation and there exist other unsafe conditions** and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on **Tuesday, August 2, 2016**, 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 2, 2016,** 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: **8528 Claiborne Cove,** is deemed in the existing condition to be a menace to the public health and safety of the community.

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

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

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **2nd day of August, 2016.**

PLANNING AGENDA

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

Item #1 Application by Mary Stoddard for minor subdivision approval of a two lot subdivision on the east side of Getwell Road north of Plum Point Road

Mrs. Choat-Cook stated that the applicant is requesting approval for a minor subdivision to be located between Getwell Road and Malone Road, north of Plum Point Drive. The subdivision encompasses 8.37 acres of land with lot one (1) having 3.15 acres and lot 2 having the remaining 5.22 acres. Alderman Ferguson made the motion to approve the subdivision application. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August 2016.

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

Item #2 Application by Billy Frazier for design review approval of a veterinarian clinic on the northwest corner of Getwell Road and Cherry Place Drive

Mrs. Choat-Cook stated that the applicant is requesting design review approval for a 4,135 sq. ft. veterinarian clinic to be located on the west side of Getwell Road, north of Cherry Place Drive in the Cherry Tree Subdivision. Alderman Flores made the motion to approve the design review application. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August 2016.

A copy of the staff report and floor plan and elevations is attached to these minutes.

Item #3 Application by Laney Funderburk to rezone 280+ acre of property between Tchulahoma Road and Getwell Road south of Stateline Road from agricultural (AG) to planned business park (PBP)

Mrs. Choat-Cook stated that there has been a lot of discussion, has gone before the Planning Commission and a town hall meeting was held regarding this project. Mrs. Choat-Cook stated that this is the Pinewood Development and this property is approximately 280 acres located on the south side of Stateline Road between Tchulahoma and Getwell Road. In 2005, the comprehensive plan was amended to allow mixed use development in this area opposed to large lot residential. Mrs. Choat-Cook stated that they had an application come in that requested to use hard corners for commercial, bringing some office and then on the interior provide a planned business park. At the first Town Hall meeting, there was obviously a lot of opposition mainly due to the warehousing, so other alternatives were brought into play. This shifted the planned business park towards the interior, provided an area of common open space on the south side by Ainsley Park, which were existing hardwoods and pines that brought a buffer yard along Stateline Road so people in the Valley Grove area were not staring at retail.

Further through the discussions, the applicant came back before the Planning Commission and adjusted the Planned Business Park more towards the interior and brought the parking into the TVA line that is going diagonal and instead of having retail and office space along Stateline Road in front of Valley Grove , proposed a church and an assisted living facility. Mrs. Choat-Cook stated that for obvious reasons, there are some concerned citizens, mainly with a Planned Business Park. Mrs. Choat-Cook further stated that they had some concerns on the north side about being right up on the road against commercial property. The residents did not want to sit out on their front porches and look at it. In the end, the Planning Commission voted to recommend the denial of the rezoning based on the cons outweighing the pros as is further detailed in the report attached and incorporated in these minutes. Mrs. Choat-Cook stated that in lieu of a full denial, they have asked to propose something different, which would take the entire planned business park out and leave the church, assisted living, office and commercial.

David Baker with Fisher Arnold, 9180 Crestwyn Hills Drive, Memphis, TN 38125 approached the Board. Mr. Baker stated that there was some rejection recommended by the Planning Commission and the owner, Mr. Funderburk, would like to get some type of activity happening on the site. They have had a lot of interest during this process for the retail especially at the Stateline Road and Getwell Road corner. Mr. Baker stated that they would appreciate the opportunity to move forward with that while we visit other opportunities for the interior portion of the site.

Alderman Flores asked what exactly Mr. Baker was requesting at this meeting. Mr. Baker stated that they would like to have commercial and office on the Getwell and Tchulahoma side. Mr. Baker then presented a copy of the revised site plan to the Board of Alderman.

Mrs. Choat-Cook stated that any form of approval at this meeting will require rezoning and at this point, it is one large parcel of agricultural use property. Mrs. Choat-Cook stated that if the decision were to go with just the hard corners and the office areas, then it would need to be rezoned to C1 or C4 office. Mrs. Choat-Cook suggested doing a blanket commercial zoning. The original staff report will itemize out some of the things that the citizens would like to remove from that so in light of doing a straight C4 zoning, that would probably just take those sections and do small PUD's on them with itemized uses, which would still be a rezoning application.

Mr. Manley stated that his concern would be that there has not been a hearing on commercial rezoning and had concerns that the Board of Alderman would be the first Board to hear it.

Mr. Baker stated that the Planning Commission did hear the site plan and the main objection was the business park. Mr. Manley added that if there were not any action presented for that specific alternative to be a C1 or C4 zone, his concern was regarding the hearing the rezoning of an item that was not officially reviewed by the Planning Commission and has not been adequately reviewed by the Board of ALderman.

Mrs. Choat-Cook stated that she would caution doing a straight zoning, but would still do a mixed-use development because there are commercial uses, assisted living uses, and church uses in what is being newly proposed. Mrs. Choat-Cook stated that they worked the commercial areas off a master list of C4 uses, but because it was a PUD, you can take out the uses that you do not want and add uses you do want. It was tweaked into a PUD form for the commercial corners either way. This alternative was not brought in front of the Planning Commission.

Mr. Baker stated that what they are looking at is still a PUD with the planned business portion removed. Mr. Manley again stated that he was not sure if this Board could take action on something that may or may not have been presented to the Planning Commission. Mrs. Choat-Cook stated that the misconception is that this is all a conceptual design that had sections of uses all through it. The final alternative presented to the Planning Commission that was voted down, still involved a business park, did not remove the retail area along Stateline and put in an assisted living and church area. There was some maneuvering of the building, but essentially the overall plan was denied at the Planning Commission primarily based on the warehousing. It was asked by the Planning Commission if the applicant would remove the warehousing for approval. At that time, that discussion had not taken place with the property owner and Mr. Baker was not prepared to make that agreement with the Planning Commission. As a result, the Planning Commission voted unanimously to deny.

Mr. Manley stated that the Board's options would be to uphold the Planning Commission recommendation, overturn the Planning Commission, or table for further review based on the recent changes presented.

Mrs. Choat-Cook stated that if those were the options, she would rather table it than deny. Mayor Musselwhite stated that if you table it, you are not telling the property owner if it has been approved or not and would not have closure to their original proposal.

Mr. Baker stated that he would prefer their proposal be remanded back to the Planning Commission with new information than a total rejection.

Mrs. Choat-Cook stated that tabling the proposal would be a quicker option opposed to starting the process over again, that would take at least another three (3) month process. Mr. Baker stated that the owner would like to get some type of activity on the site. They have been working on this project for almost a year; have attended all meetings and felt as if the major objection was the planned business park portion.

Alderman Ferguson made the motion to deny the application. Motion was seconded by Alderman Kelly.

Mr. Manley stated if voted to deny, then the owner will have to resubmit as a new project and will start the entire process over again. Mr. Baker then requested that the Board table this item.

After hearing from the Board of Alderman, Mayor Musselwhite, Whitney Choat-Cook, Nick Manley and David Baker, Alderman Ferguson made the motion to rescind his motion to deny Item 3 on the Planning Agenda. Motion was seconded by Alderman Kelly.

Mayor Musselwhite stated that before they table this item, a person from the audience would like to speak.

Mr. Joe Baker, a resident in Ainsley Park subdivision, approached the Board with his concerns regarding proper notice for a Public Hearing and decreasing property values. Mr. Baker thanked the Mayor Musselwhite and the Board of Alderman for listening to his concerns.

Mayor Musselwhite stated that it seems clear to him, to be fair to the Board, property owner, residents, and allow time for Mr. Manley to do some research, to table this item for further review of the submitted plans.

Alderman Gallagher made the motion to table Item #3 on the Planning Agenda. Motion was seconded by Alderman Ferguson.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August 2016.

A copy of the staff report, PUD application, right-of-way deed, outline plan conditions, images, zoning exhibit rendering, existing conditions rendering, outline plan rendering, concept plan rendering, and outline plan conditions is attached to these minutes.

Item #4 Scriveners error for Belle Pointe Section “D” to change the utility easement along the street frontage on the lots from ten (10) feet to twenty (20) feet

Mrs. Choat-Cook stated that Belle Pointe Section “D” in the general notes requires a ten (10) foot utility easement along all of the street frontages along those lots. In the development phase, they found that they need to increase that to twenty (20_ feet and need a scriveners error recommendation so that it can be changed in the Chancery Clerk’s office. Alderman Flores made the motion to approve item #4 on the Planning Agenda. Motion was seconded by Alderman Ferguson.

Roll call was as follows:

ALDERMAN	VOTED

Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August, 2016.

A copy of the final plat is attached to these minutes.

MAYOR'S REPORT

Traffic Construction
Mayor Musselwhite stated that he understood that many have concerns with the traffic construction at Goodman and Getwell with school starting. Mayor Musselwhite stated that it was obviously going to be difficult, but an MDOT engineer will be on site monitoring the signals to make it as efficient as possible. Mayor Musselwhite clarified that this project is part of the ITIS project. This intelligent transportation system is being set up where the signals throughout Goodman Road from Olive Branch to Walls can communicate, which will help the traffic move efficiently east and west. Mayor Musselwhite stated that one of the most common causes of wrecks is when a person has to stop and look back, and they get rear-ended and that is the main reason to eliminate the yield lane. With this lane removed, there will be a right lane to go straight or turn right, but you face the intersection instead of having to look back. Mayor Musselwhite explained that the intersections are not being narrowed and lanes are not being reduced. Even though it appears to be narrow, there is design to add two left turn lanes, which is going to help the traffic flow at Goodman and Getwell. Until then, it is going to take four (4) or five (5) more weeks before they are complete, but the traffic situation will be tremendously better at Goodman and Getwell, and Goodman and Tchulahoma.

Tennis Expansion
Mayor Musselwhite stated that the Board recently approved a design for the new Tennis Expansion under the Parks Improvement Plan. The design is now complete and it will add eight (8) outdoor tennis courts in the current location at the Southaven Tennis Center. Mayor Musselwhite explained that bids for the project will be opened on September 9, then the board will be asked to approve the bid on September 20 with construction starting sometime in October. Mayor Musselwhite stated that the plan is to have this project completed in April 2017.

Pine Tar Road Alley Road Extension
Mayor Musselwhite stated that the Pine Tar Ally Road Extension that connects the Tennis Center to Snowden Grove Park will now be considered an entrance into Snowden Grove Park on the east side, off of Malone Road. The new complex will be called the Snowden Grove Tennis Complex.

Budget

Mayor Musselwhite explained that budget decisions are coming up and there will be a budget hearing at the next board meeting on August 16, 2016.

CITIZEN'S AGENDA

No Citizen's Agenda

PERSONNEL DOCKET

Personnel Docket

August 2, 2016

Payroll Additions	Position	Department	Start Date	Rate of Pay

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Matt Defore	Patrol Officer 2	Patrol Officer 3	8/08/2016	$21.10
Adam Ridinger	Firefighter 2	Firefighter 2-EMT-B	8/14/2016	$14.82+ EMT-B

Payroll Deletions	Position	Department	Termination Date	Rate of Pay

Terminations / Resignations

Name	Department	Position	Termination Date	Rate of Pay
Mickey Clark	Utility Billing	Billing Clerk	7/29/2016	$12.75

Parks Department

New Hires

Name	Department	Position	Rate of Pay	Start Date
Brad Lloyd	411	Front desk	$7.25	8/3/2016
Joanna Doebler	411	Front desk	$7.25	8/3/2016

Alderman Payne made the motion to approve the Personnel Docket of August 2, 2016 as presented to this Board. Motion was seconded by Alderman Gallagher. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

Nick Manley noted that Deputy Clerks needed to be appointed for training purposes. After discussion and recommendation from the City Clerk's office, the following Resolution was considered:

Resolution Appointing Deputy Clerks

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPOINTING DEPUTY CLERKS

WHEREAS, the City of Southaven ("City") desires to serve its citizens by providing continuing education for its employees as it relates to certain City functions and laws; and

WHEREAS, the City has provided the funding for certain employees to apply and procure the requirements needed to obtain the Certified Municipal Clerk designation; and

WHEREAS, in addition to the application and training for the Certified Municipal Clerk designation, an individual must be appointed as a City Deputy Clerk; and

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

1. Pursuant to Mississippi Code Section 21-15-23, the following individuals shall be appointed Deputy Clerks:

   Ashley Ford
   Janice McRee
   Elissa Prewitt
   Pam Pyle
   Sonya Pride-Ware

2. The Mayor, City Clerk, and/or CAO are authorized to take any and all action to effectuate the intent of this Resolution and administer the oath to each individual and surety shall be posted for each person in an amount no less than $50,000.00.

Following the reading of the foregoing Resolution, Alderman Kelly 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: ABSENT
Alderman Joel Gallagher	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Raymond Flores	voted: YES
Alderman George Payne	voted: YES
Alderman Scott Ferguson	voted: YES

RESOLVED AND DONE, this 2nd day of August, 2016.

Assessment Refund

Mr. Manley stated that this request is for a refund of assessments at 7989 Malone Road. Mr. Manley stated that Michelle Carter purchased this property after assessments were levied. Mr. Manley added that there were liens on the property that will be deducted from the assessment refund and the amount due to Ms. Carter is $1,122.00. Alderman Gallagher made the motion to approve the assessment refund in the amount of $1,122.00. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of August 2, 2016, including demand checks and payroll in the amount of $2,331,198.90. Motion was seconded by Alderman Flores.

Excluding voucher numbers:
264467, 264474, 264485, 264492, 264553, 264561, 264566, 264605, 264618, 264621, 264631,264642, 264646, 264650, 264651, 264664, 264665, 264668, 264671, 264719, 264722, 264729, 264734, 264744, 264755, 264766, 264782, 264841, 264861, 264881, 264894, 264898, 264913,264925, 264984, 265034, 265062, 265065, 265073, 265078, 265085, 265090, 265109

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	ABSENT
Alderman Kelly	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 the 2nd day of August, 2016.

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 Payne to adjourn. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously, August 2, 2016 at 8:14 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

THIS PAGE WAS LEFT BLANK INTENTIONALLY