

# Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN  
SOUTHAVEN, MISSISSIPPI  
CITY HALL  
September 20 2016  
6:00 p.m.  
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Swearing-In Ronnie Hale, Alderman Ward 2
5. Approval Of Minutes: September 6, 2016
6. Swearing-In Mayor's Youth Council
7. Professional Services Agreement with Rose Kalisak
8. Telepak Ordinance
9. Resolution for Assessments
10. Renewal of Professional Services Contract for Meter Reading
11. Resolution Surplus for Southaven Fire Department
12. Request for Donation of the Southaven Arena by DeSoto Veterans Park for November 17, 2016
13. Resolution Authorizing the Cleaning of Private Property at 1619 Stateline Road and Making Provisions for Collection
14. Resolution Authorizing the Cleaning of Private Property at 1395 Jewel Drive and Making Provisions for Collection
15. Request to Activate the Snowden Grove Pedestrian Project
16. Request to Activate the Nail Road Extension Project
17. Request to Activate the Church Road Resurfacing Project
18. Resolution Granting Authority to Clean Private Property
19. Planning Agenda: Item #1 Application by Heritage Christian Life Center for a Conditional Use Permit to allow a reader board sign at 6100 Elmore Road
20. Mayor's Report
21. Citizen's Agenda: Chuck Thompson, Memphis Economic Liaison, U.S. Department of Veterans Affairs on Veterans Economic Communities Initiative

# Minutes, City of Southaven, Southaven, Mississippi

22. Personnel Docket
23. City Attorney's Legal Update
24. Claims Docket
25. Executive Session: Personnel in SPD & SFD, Claims/Litigation SPD, 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.

# Minutes, City of Southaven, Southaven, Mississippi

## MINUTES OF THE REGULAR MEETING OF SEPTEMBER 20, 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 6<sup>th</sup> day of September, 2016 at six o'clock (6:00) p.m. at City Hall.

**Present were:**

|                |                   |
|----------------|-------------------|
| William Brooks | Alderman At Large |
| Kristian Kelly | Alderman, Ward 1  |
| Ronnie Hale    | Alderman, Ward 2  |
| George Payne   | Alderman, Ward 3  |
| Joel Gallagher | Alderman, Ward 4  |
| Scott Ferguson | Alderman, Ward 5  |
| Raymond Flores | Alderman, Ward 6  |

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk and Nick Manley, City Attorney. Approximately seventy-five (75) other people were present.

### **SWEARING-IN RONNIE HALE, ALDERMAN WARD 2**

Mayor Musselwhite stated that there was a special election for the Alderman Ward 2 seat and that he would like to congratulate Mr. Ronnie Hale on his win. Next, Mayor Musselwhite swore-in Mr. Ronnie Hale.

Mayor Musselwhite called the meeting to order. Chris Shelton 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 September 20, 2016 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

### **SWEARING-IN MAYOR'S YOUTH COUNCIL**

Mayor Musselwhite expressed his appreciation to all of the members of the Mayor's Youth Council for their participation in the MYC program and their desire to be a future leader. Next, Mayor Musselwhite swore-in the following students for 2016 -2017:

#### **Desoto Central High School**

Kaitlyn Forrester  
Emily Pearson  
Blake Watson  
Lauren Weeks  
Steven Zombrit

Minutes, City of Southaven, Southaven, Mississippi

Southaven High School  
Shawn Andrew  
Da'nazjah Dorsey  
Mary Victoria Jones  
Jamie Brown  
Guadalupe Pulido

**PROFESSIONAL SERVICES AGREEMENT WITH ROSE KALISAK**  
Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this is a professional service agreement with Rose Kalisak to oversee and manage the operation of eight (8) softball tournaments at Greenbrook Park. Mr. Manley stated that Ms. Kalisak will be compensated \$40,000.00 to perform these duties. This agreement will be made effective October 1, 2016 and will expire on September 30, 2017. Alderman Brooks made the motion to approve the agreement. Motion was seconded by Alderman Ferguson.

Roll call was as follows:

| ALDERMAN           | VOTED |
|--------------------|-------|
| Alderman Brooks    | YES   |
| Alderman Kelly     | YES   |
| Alderman Hale      | 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 20<sup>th</sup> day of September, 2016.

A copy of the agreement is attached to these minutes.

**TELEPAK ORDINANCE**  
Nick Manley, City Attorney, presented this item to the Board,

Mr., Manley stated that this ordinance is with Telepak and it was introduced at the second meeting in August. Mr. Manley stated that at the last meeting, there were issues to be worked out and the ordinance has remained on file in the City Clerk's office since that time. Mr. Manley stated that this ordinance will allow Telepak (C-Spire) to lay fiber and other telecommunication infrastructure in City right of ways in accordance with the agreement and the City will be compensated as set forth in the agreement. Alderman Payne made the motion to approve the ordinance granting a non-exclusive franchise and right to use and occupy public rights of way to Telepak Networks, Inc. Motion was seconded by Alderman Kelly.

# Minutes, City of Southaven, Southaven, Mississippi

Roll call was as follows:

| ALDERMAN           | VOTED |
|--------------------|-------|
| Alderman Brooks    | YES   |
| Alderman Kelly     | YES   |
| Alderman Hale      | 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 20<sup>th</sup> day of September, 2016.

A copy of the ordinance is attached to these minutes.

## **RESOLUTION FOR ASSESSMENTS**

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

Mr. Manley stated that this Resolution is for the condemnations that liens were previously filed. Those liens now need to be converted to assessments that will be filed with the tax assessor's office within the next few weeks. The liens will be removed from the properties, but this will allow for us to collect on the condemned properties for grass cuttings and tear downs assuming the taxes are paid.

### **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 ASSESSMENT 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

# Minutes, City of Southaven, Southaven, Mississippi

**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 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 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 Brooks and seconded by Alderman Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

|                         |            |
|-------------------------|------------|
| Alderman William Brooks | voted: YES |
| Alderman Ronnie Hale    | voted: YES |
| Alderman Kristian Kelly | voted: YES |
| Alderman George Payne   | voted: YES |
| Alderman Joel Gallagher | voted: YES |
| Alderman Scott Ferguson | voted: YES |
| Alderman Raymond Flores | voted: YES |

# Minutes, City of Southaven, Southaven, Mississippi

**RESOLVED AND DONE** this 20th day of September, 2016.

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

## **RENEWAL OF PROFESSIONAL SERVICES CONTRACT FOR METER READING**

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

Mr. Manley stated that this is a renewal contract with Baker Services for one (1) year for meter reading services. The contract allows for a thirty (30) day termination without cause and will have the same pricing with a 1% CPI increase effective October 1, 2016. Alderman Gallagher made the motion to approve the renewal contract with Baker Services. Motion was seconded by Alderman Kelly.

Roll call was as follows:

| ALDERMAN           | VOTED |
|--------------------|-------|
| Alderman Brooks    | YES   |
| Alderman Kelly     | YES   |
| Alderman Hale      | 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 20<sup>th</sup> day of September, 2016.

A copy of the agreement is attached to these minutes.

## **RESOLUTION SURPLUS FOR SOUTHAVEN FIRE DEPARTMENT**

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

Mr. Manley stated that this resolution is to surplus the 2001 Dodge Pickup that is no longer useful to the Fire Department.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF SOUTHAVEN, MISSISSIPPI  
DECLARING SURPLUS PROPERTY**

# Minutes, City of Southaven, Southaven, Mississippi

**WHEREAS**, the City of Southaven Fire Department is presently in possession of a 2001 Dodge Pickup VIN 1B7HC16Y415166315 ("Vehicle"); and

**WHEREAS**, it has been recommended to the Mayor and Board of Aldermen that the Vehicle 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 the Vehicle 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 Vehicle be hereby declared to be surplus property.
2. The Southaven Fire Chief, City Clerk, or their designee, be, and, if needed, is hereby authorized to take all actions to effectuate the intent of this Resolution.

Motion was made by Alderman Ferguson and seconded by Alderman Hale, for the adoption of the above and foregoing Resolution, and the question being put to a roll call vote, the result was as follows:

|                         |            |
|-------------------------|------------|
| Alderman William Brooks | voted: YES |
| Alderman Kristian Kelly | voted: YES |
| Alderman Ronnie Hale    | 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 20th day of September, 2016.

## **REQUEST FOR DONATION OF THE SOUTHAVEN ARENA BY DESOTO VETERANS PARK FOR NOVEMBER 17, 2016**

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

Mr. Manley stated that this resolution will authorize the donation of the Southaven Arena to the Desoto County Veteran's Park to host a fundraiser to

# Minutes, City of Southaven, Southaven, Mississippi

assist with providing funds for a Veteran's Park at Landers Center and allows for an alcohol variance.

## **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FOR LEASE DONATION OF SOUTHAVEN ARENA TO THE DESOTO COUNTY VETERANS PARK AND VARIANCE FROM RENTAL POLICY FOR FUNDRAISER ON NOVEMBER 17, 2016**

**WHEREAS**, the City of Southaven ("City") pursuant to Mississippi Code Sections 21-17-1(3)(b)(ii), 21-19-55 and 21-19-65 desires to donate the Southaven Arena ("Arena") to the Desoto County Veterans Park ("Veterans") on November 17, 2016; and

**WHEREAS**, the City has control of the municipal property at the Arena and has the authority under the City's Rental Policy to donate use of the Arena to the Veterans as the Veterans will use the Arena to host a fundraiser which will assist with providing funds for establishing a veterans park at the Landers Center in Southaven as such park will feature memorials for all the veterans from all American wars and conflicts, which advances the moral interest of the City; and

**WHEREAS**, the City finds that Veteran's mission and purpose for this specific fundraiser at the Arena on November 17, 2016 is consistent with the mandates of Mississippi Code Section 21-17-1(3)(b)(ii) and 21-19-65 and allows the Veterans to utilize property via an in-kind donation of the lease from the City; and

**WHEREAS**, the City finds that the Veterans has the funds and will raise additional funds at the fundraiser that will match or exceed the in-kind donation of the Arena provided by the City pursuant to Mississippi Code Section 21-19-65; and

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

**SECTION 1.** Pursuant to Mississippi Code Sections 21-17-1(3)(b)(ii) and 21-19-65, the Governing Body of the City hereby donates the Arena to the Veterans on November 17, 2016 to assist with the fundraiser, which fundraiser will increase the current funds and raise funds which match the in-kind donation of the City, and to assist the efforts of the fundraiser to establish a veterans park at the Landers Center in Southaven an such park will feature memorials for all the veterans from all American wars and conflicts for the advancement of the moral interest of the City.

**SECTION 2.** The City hereby grants the Veterans a variance from the City Rental Policy and allows alcohol to be served at the event on November 17, 2016 and to work with the City Police and Parks to coordinate security in accordance with the City Facilities Use Policy.

**SECTION 3.** On behalf of the City, the Mayor or his designee is directed to take all actions to effectuate this Resolution.

# Minutes, City of Southaven, Southaven, Mississippi

Following the reading of the foregoing resolution, Alderman Payne made the motion to adopt the Resolution and Alderman Gallagher 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: RECUSED |
| Alderman Ronnie Hale    | voted: YES     |
| Alderman Kristian Kelly | 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 20th day of September, 2016.

## **RESOLUTION AUTHORIZING THE CLEANING OF PRIVATE PROPERTY AT 1619 STATELINE ROAD AND MAKING PROVISIONS FOR COLLECTION**

Mrs. Choat-Cook, Planning Director, presented this item to the Board.

Mrs. Choat-Cook stated that this property is one of the proposed teardowns. The property owners were notified of the hearing via Federal Express. The first notification was sent out in 2010 based on complaints from the neighbors. Mrs. Choat-Cook stated that they are aware that the property owners are in receipt of the notification and are present at the meeting to speak on their behalf. Mrs. Choat-Cook stated that she has submitted pictures of the dilapidated building. Mrs. Choat-Cook stated that when the property owners were first notified in 2010 to clean up the property, they repaired the steps and replaced some wood on the side of the home. Mrs. Choat-Cook stated that they have watched the property since that time and notified the property owners in 2015 that there had not been any additional repairs to the property since 2010. The Planning and Development Department has received several complaints from the neighbors requesting for some type of action to be done. Mrs. Choat-Cook, the City Fire Marshal, and Code Enforcement have inspected the building and have determined that it is not a livable situation. Mrs. Choat-Cook stated that they are requesting to have the building tore down by the City or property owners. Mrs. Sheila Myles, property owner, stated that she was working on the property in 2010, but was told by the Planning Department that she could not do any additional repairs and was asked by the Police Department to leave. Mayor Musselwhite asked Mrs. Choat-Cook if there would ever be a reason to stop a property owner from making repairs to their home during the condemnation process. Mrs. Choat-Cook stated that there would not be a reason and that she was on site for the majority of the time and never saw the police incident that the property owner has described. Mayor Musselwhite explained to Mrs. Myles that the reason that they are at this meeting under these circumstances is because of the condition of the property. Mrs. Myles assured Mayor Musselwhite and the Board of Alderman that she and her husband are currently working on the property. Mrs. Choat-Cook stated that the pictures presented at this meeting are from last week and the reason they are here is because of the concern of the neighbors. Mayor Musselwhite explained that the

# Minutes, City of Southaven, Southaven, Mississippi

Board of Alderman have to make a decision and respect the interest of the surrounding property owners and even though this house has tremendous significance to the family, it cannot remain in the same condition.

Mayor Musselwhite suggested that the property owners provide a written detail explanation of the repairs they plan to do and a time line of when those repairs are going to be completed at the next board meeting on October 4, 2016. Mrs. Choat-Cook stated that she would recommend a walk through with the Chief Building Inspector so that he can give a proper assessment of the repairs needed to bring the house back into compliance with the code. Mrs. Choat-Cook stated that she would coordinate with the building department to get an inspection scheduled. Mrs. Myles stated that she was dedicated to making the repairs needed and would bring back a time line to the Board. Alderman Kelly made the motion to authorize the Planning Director to work with Mrs. Myles to come up with a timeline to be presented to the Board. Motion was seconded by Alderman Hale.

Roll call was as follows:

| ALDERMAN           | VOTED |
|--------------------|-------|
| Alderman Brooks    | YES   |
| Alderman Kelly     | YES   |
| Alderman Hale      | 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 20<sup>th</sup> day of September, 2016.

## **RESOLUTION AUTHORIZING THE CLEANING OF PRIVATE PROPERTY AT 1395 JEWEL DRIVE AND MAKING PROVISIONS FOR COLLECTION**

Mrs. Choat-Cook, Planning Director, presented this item the Board.

Mrs. Choat-Cook stated that this property was significantly burned in 2013. Proper notice has been served to the property owner and the family's attorney has confirmed notice. Mrs. Choat-Cook stated that all legal procedures have been followed and it is her recommendation to tear down the home. Mr. Manley stated that the property owner's attorney stated that they would not be at the board meeting and are not able to repair the home.

After discussion among the Board, the following resolution was considered:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SOUTHAVEN, MISSISSIPPI  
AUTHORIZING THE CLEANING OF PRIVATE  
PROPERTY AND MAKING PROVISION FOR COLLECTION**

# Minutes, City of Southaven, Southaven, Mississippi

**WHEREAS**, pursuant to Miss. Code Ann. Section 21-19-11, the Mayor and Board of Aldermen of the City of Southaven, Mississippi are authorized and empowered on their own motion to clean private property which is in a condition to be a menace to the public health, safety and welfare of the community, and

**WHEREAS**, it has been brought to the attention of the Mayor and Board of Aldermen that certain property owned by and located at 1395 Jewel Drive is in such a state of uncleanness and dilapidation so as to constitute a menace to the public health and safety, in violation of State Law and local Ordinance, and

**WHEREAS**, legal notice was provided as set forth in Exhibit A; and

**WHEREAS**, to-date no action has been taken to bring the property into compliance with applicable health and safety standards, and

**WHEREAS**, the Mayor and Board of Aldermen are convinced that the condition of said property is such as to be a menace to the public health and safety of the community and that the property should be cleaned, and

**WHEREAS**, attached hereto as Collective Exhibit "B" are various pictures documenting the deteriorated and hazardous condition of the home, 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, 1395 Jewel Drive be, and the same hereby is declared to be a menace to the public health and safety, and the same shall be addressed by removing the structure by City crews, or an outside contractor, at the choice of the City. If addressed by outside contractor, City will follow the mandates as set forth in Mississippi Code 31-7-13.
2. Upon completion of activities related to the abatement of the menace/nuisance, a hearing shall be scheduled before the Mayor and Board of Aldermen to determine the actual cost incurred by the City resulting from the cleaning and removal of hazardous substances associated with this property.
3. The Mayor and Board of Aldermen at said meeting will adopt a resolution determining the

# Minutes, City of Southaven, Southaven, Mississippi

amount of the actual cost incurred and considering the imposition of a penalty not to exceed fifty per cent (50%) of such actual cost, or the imposition of a penalty of One Thousand Five Hundred and 00/100 Dollars (\$1,500.00), whichever is greater, and shall determine the appropriate method for collecting same against the property identified herein.

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

|                         |            |
|-------------------------|------------|
| Alderman William Brooks | voted: YES |
| Alderman Ronnie Hale    | voted: YES |
| Alderman Kristian Kelly | voted: YES |
| Alderman George Payne   | voted: YES |
| Alderman Joel Gallagher | 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 20th day of September, 2016.

## CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the public notice, Fed Ex receipt of notice, and pictures of the home is attached to these minutes.

### **REQUEST TO ACTIVATE THE SNOWDEN GROVE PEDESTRIAN PROJECT**

Mayor Musselwhite explained that this project will provide sidewalks throughout Snowden Park using Metropolitan Planning Organization (MPO) funds. Once the project is activated, the design process can begin. Mrs. Choat-Cook stated that the project will take you through the ballfields with a cut through treed area from Snowden Lane in between the two complexes and carry down May Blvd. Mrs. Choat-Cook stated that the overall design has not been finalized, but some of the sidewalks will be wider to where they may be able to use bike and pedestrian trails together and some will be standard sidewalks. Alderman Flores made the motion to activate the project. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

### **REQUEST TO ACTIVATE THE NAIL ROAD EXTENSION PROJECT**

Mrs. Choat-Cook stated that this project will connect Elmore Road to Swinnea Road. Mayor Musselwhite added that this project will assist with public safety and allow fire station #3 on Elmore Road to have access to residential areas

# Minutes, City of Southaven, Southaven, Mississippi

without having to use Goodman Road or Church Road. Mayor Musselwhite explained that there are some environmental issues since it is located in a swampy area and the State of Mississippi has specific requirements when interrupting wildlife. Alderman Flores made the motion to activate the project. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

## **REQUEST TO ACTIVATE THE CHURCH ROAD RESURFACING PROJECT**

Mayor Musselwhite stated that this project is the area between Highway 51 and I-55. Mayor Musselwhite explained that MPO has certain funds that are designated for resurfacing and the City was able to apply for this funding. Alderman Payne made the motion to activate the project. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

## **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.

Mrs. Choat-Cook explained that one of the parcels listed is Southaven Towne Center Parcels that are along the backside of Walmart next to Sportsman's Warehouse. Mrs. Choat-Cook stated that the developer refuses to maintain these parcels and the City has been in heavy discussions with them since the beginning of July. Mrs. Choat-Cook stated that she has received different answers from them, but has seen some work since they were notified that these parcels were turned into condemnation. Mrs. Choat-Cook stated that they are going to monitor the work, but wants the option to clean it if there is not any additional progress.

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: **2647 Mariah Lane, 4393 Citation Drive, 1719 George Place, 8131 Oakbrook Drive, Parcel ID# 107930300 0001500, Parcel ID# 108736100 0001700, Parcel ID# 108736000 0000100**, 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, September**

# Minutes, City of Southaven, Southaven, Mississippi

20, 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 uncleanness as to be a menace to the public health and safety of the community.

**WHEREAS**, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on **Tuesday, September 20, 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: **2647 Mariah Lane, 4393 Citation Drive, 1719 George Place, 8131 Oakbrook Drive, Parcel ID# 107930300 0001500, Parcel ID# 108736100 0001700, Parcel ID# 108736000 0000100**, 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 Brooks and seconded by Alderman Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

## **ALDERMAN**

Alderman William Brooks  
Alderman Ronnie Hale  
Alderman Kristian Kelly  
Alderman George Payne  
Alderman Joel Gallagher  
Alderman Scott Ferguson  
Alderman Raymond Flores

## **VOTED**

voted: YES  
voted: YES  
voted: YES  
voted: YES  
voted: YES  
voted: YES  
voted: ABSENT

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **20<sup>th</sup> day of September, 2016**.

## **CITY OF SOUTHAVEN, MISSISSIPPI**

### **PLANNING AGENDA**

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

Item #1 Application by Heritage Christian Life Center for a conditional use permit to allow a reader board sign at 6100 Elmore Road.

Mrs. Choat-Cook stated the applicant is requesting approval for a conditional use permit to replace their existing sign with a brick based monument sign with a reader board. Mrs. Choat-Cook stated that they are in compliance and the sign would be a great improvement from their existing sign. Alderman Payne made

# Minutes, City of Southaven, Southaven, Mississippi

the motion to approve the conditional use permit. Motion was seconded by Alderman Ferguson.

Roll call was as follows:

| ALDERMAN                | VOTED         |
|-------------------------|---------------|
| Alderman William Brooks | voted: YES    |
| Alderman Ronnie Hale    | voted: YES    |
| Alderman Kristian Kelly | voted: YES    |
| Alderman George Payne   | voted: YES    |
| Alderman Joel Gallagher | voted: YES    |
| Alderman Scott Ferguson | voted: YES    |
| Alderman Raymond Flores | voted: ABSENT |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20<sup>th</sup> day of September, 2016.

A copy of the staff report, design review application, landscape plan, vicinity map, and preliminary drawings is attached to these minutes.

## MAYOR'S REPORT

### Fortenberry & Ballard – Professional Services Agreement

Chris Wilson, City Administrator, explained that this is a professional services agreement with Fortenberry & Ballard, PC to perform the FY2016 audit. Mr. Wilson stated that they performed the FY2015 audit. The cost to perform this audit is \$37, 500. Alderman Payne made the motion to approve the professional service agreement. Motion was seconded by Alderman Brooks.

Roll call was as follows:

| ALDERMAN                | VOTED         |
|-------------------------|---------------|
| Alderman William Brooks | voted: YES    |
| Alderman Ronnie Hale    | voted: YES    |
| Alderman Kristian Kelly | voted: YES    |
| Alderman George Payne   | voted: YES    |
| Alderman Joel Gallagher | voted: YES    |
| Alderman Scott Ferguson | voted: YES    |
| Alderman Raymond Flores | voted: ABSENT |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 20<sup>th</sup> day of September, 2016.

A copy of the agreement is attached to these minutes.

### City Hall – Security Changes

Mayor Musselwhite stated that they are making some security changes due to a few incidents that occurred in City Hall. Those changes will include hiring a full-time officer to monitor City Hall and restrictions of access to the main entrance

# Minutes, City of Southaven, Southaven, Mississippi

and the Utilities Department entrance. Mayor Musselwhite stated that moving forward City Hall would be a government facility only.

## Park Expansion List

Mayor Musselwhite stated that we recently opened bids for the tennis expansion. Mayor Musselwhite explained that the City has not ever done something this large before and we are relying on advice from many others. The bids for the expansion came in higher than originally expected at \$1.7 million. Mayor Musselwhite stated that it was realized after receiving the bids that there is going to be more work than originally thought in order to leave enough room for parking on the east side. This additional work consists of clearing of land, removal of trees, and making sure that there is proper drainage. Additionally, with the general economy changing in the construction industry, more work has driven up the cost. Mayor Musselwhite stated that the Penny for Your Parks Tourism Tax is funding this project, but they have to be conscious of the fact that in 2017 the tourism tax has to be extended. Mayor Musselwhite stated that to be safe they are only counting on nine (9) months of the money for worst-case scenario in case the City is not able to get the tourism tax extended. Mayor Musselwhite stated that he does not think that this is something to be delayed and that it may be that the next project on the list is bumped to the next year. Additionally, there are a few pending City transactions that could make a difference, but they are not sure when those are going to close. Mayor Musselwhite stated that he would discuss further with the Board between now and the October 4 board meeting.

## Rasco Road Extension

Mayor Musselwhite stated that this project will connect Rasco Road from Hwy 51 to Getwell Road. This is a city-funded project that is tremendously needed to assist with public safety. Mayor Musselwhite stated that the projected construction date is December 1, 2016 and the projected completion date is July 1, 2017.

## CITIZEN'S AGENDA

Chuck Thompson, Memphis Economic Liaison, U.S. Department of Veterans Affairs on Veterans Economic Communities Initiative

Mr. Thompson stated that he is a federal contractor in a pilot program called Veterans Economic Community Initiative. The initiative is to improve economic outcomes for Veterans. Mr. Thompson stated that one of the hardest times for these people in the military is when they are released from the military because they go from receiving a check to not receiving one at all. Mr. Thompson stated that he would like to see the City of Southaven become a Veteran friendly employer and would like to speak with the City further. Alderman Brooks told Mr. Thompson that he was a Veteran and he could reach out to him to discuss further. Mayor Musselwhite and the Board thanked Mr. Thompson for his time.

# Minutes, City of Southaven, Southaven, Mississippi

## PERSONNEL DOCKET

### Personnel Docket

September 20, 2016

| Payroll Additions | Position     | Department | Start Date | Rate of Pay |
|-------------------|--------------|------------|------------|-------------|
| Ryan Payne        | Dispatcher I | ITEC       | TBD        | \$18.08     |
| Lynda Townsend    | Dispatcher I | ITEC       | TBD        | \$18.08     |
| OPEN              | SPRAY TECH   | SPRAY TECH | TBD        | \$ 21.63    |

  

| Payroll Adjustments | Previous Classification     | New Classification          | Effective Date | Proposed Rate of<br>Proposed Rate of<br>Pay |
|---------------------|-----------------------------|-----------------------------|----------------|---------------------------------------------|
| Debbie Bounds       | ASST CITY PLANNER           | ASST CITY PLANNER           | 10/1/2016      | \$ 24.04                                    |
| Lyndsey Brown       | ADMIN ASST                  | ADMIN ASST                  | 10/1/2016      | \$ 15.00                                    |
| James Gentry        | CHIEF BUILDING OFFICIAL     | CHIEF BUILDING OFFICIAL     | 10/1/2016      | \$ 34.62                                    |
| POSITION            | INSPECTOR                   | INSPECTOR                   | 10/1/2016      | \$ 19.00                                    |
| Jean Vowell         | OFFICE MANAGER              | OFFICE MANAGER              | 10/1/2016      | \$ 24.04                                    |
| Deb Rosenberg       | DISPATCH SUPERVISOR         | DISPATCH SUPERVISOR         | 10/1/2016      | \$ 25.00                                    |
| Melitta Duncan      | ADMIN ASST                  | IT Tech 1                   | 10/1/2016      | \$ 22.00                                    |
| POSITION            | DISPATCHER SHIFT SUPERVISOR | DISPATCHER SHIFT SUPERVISOR | 10/1/2016      | \$ 22.75                                    |
| POSITION            | IT ADMIN                    | IT ADMIN                    | 10/1/2016      | \$ 27.75                                    |
| POSITION            | IT TECH 2                   | IT TECH 2                   | 10/1/2016      | \$ 25.00                                    |
| POSITION            | IT TECH 1                   | IT TECH 1                   | 10/1/2016      | \$ 22.00                                    |
| POSITION            | Captain Fire Department     | Captain Fire Department     | 10/1/2016      | \$ 21.25                                    |
| POSITION            | Lt Fire Department          | Lt Fire Department          | 10/1/2016      | \$ 18.98                                    |
| POSITION            | Driver Fire Department      | Driver Fire Department      | 10/1/2016      | \$ 16.71                                    |
| POSITION            | City Clerk-Clerk            | City Clerk-Clerk            | 10/1/2016      | \$ 15.00                                    |
| Pam Pyle            | Deputy Clerk                | Deputy Clerk                | 10/1/2016      | \$ 20.03                                    |
| FALKNER             | SUPERVISOR PARKS            | SUPERVISOR PARKS            | 10/1/2016      | \$ 16.29                                    |
| COLE                | SUPERVISOR PARKS            | SUPERVISOR PARKS            | 10/1/2016      | \$ 15.86                                    |
| WILLIS              | SUPERVISOR PARKS            | SUPERVISOR PARKS            | 10/1/2016      | \$ 14.84                                    |
| YOUNG               | SUPERVISOR PARKS            | SUPERVISOR PARKS            | 10/1/2016      | \$ 14.84                                    |
| JONES               | SUPERVISOR PARKS            | SUPERVISOR PARKS            | 10/1/2016      | \$ 14.86                                    |
| HYDE                | SUPERVISOR PARKS            | SUPERVISOR PARKS            | 10/1/2016      | \$ 14.70                                    |
| GREGG               | LEAD MAN PARKS              | LEAD MAN PARKS              | 10/1/2016      | \$ 13.13                                    |
| ROBINSON            | LABORER, PARKS              | LABORER, PARKS              | 10/1/2016      | \$ 12.78                                    |
| CRAWFORD            | LABORER PARKS               | LABORER PARKS               | 10/1/2016      | \$ 12.72                                    |

# Minutes, City of Southaven, Southaven, Mississippi

|                |                          |                          |            |          |
|----------------|--------------------------|--------------------------|------------|----------|
| MAXWELL        | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 12.60 |
| WILLIE JOHNSON | LEAD MAN PARKS           | LEAD MAN PARKS           | 10/1/2016  | \$ 14.70 |
| E THOMPSON     | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 12.60 |
| MORGAN         | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 11.55 |
| JONES          | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 11.55 |
| FIELDS         | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 11.55 |
| BROKAW         | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 11.55 |
| BELTON         | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 11.55 |
| CRYER          | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 11.55 |
| JOHNSON G      | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 11.55 |
| ALEXANDER      | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 12.08 |
| PIKE           | LABORER PARKS            | LABORER PARKS            | 10/1/2016  | \$ 13.67 |
| MORRIS         | LABORER PARKS            | GOLF LEADMAN             | 9/21/2016  | \$ 13.50 |
| LOCKE          | LABORER PARKS            | GOLF LEADMAN             | 9/21/2016  | \$ 13.50 |
| Angela Moore   | Administrative Assistant | Administrative Assistant | 9/12/2016  | \$ 13.00 |
| Coleman        | Operator 3               | Operator 3               | 10/1/2016  | \$ 16.50 |
| Gills          | Operator                 | Operator                 | 10/1/2016  | \$ 15.03 |
| Yates          | Animal Control Officer   | Animal Control Officer   | 10/1/2016  | \$ 12.76 |
| Quarles        | Animal Control Officer   | Animal Control Officer   | 10/1/2016  | \$ 12.25 |
| Austin         | Operator/Traffic         | Operator/Traffic         | 10/1/2016  | \$ 20.50 |
| Dustin Ford    | FF3                      | Training Officer         | 10/10/2016 | \$ 26.71 |
| Randy Murry    | NEW HIRE                 | Paramedic                | TBD        | \$ 17.51 |
| Tim Allred     | Captain                  | Major                    | TBD        | \$ 30.00 |
| Holly Roberts  | NEW HIRE                 | Deputy Clerk             | TBD        | \$ 16.00 |

| Payroll Deletion |                        | Classification | Effective Date |         |
|------------------|------------------------|----------------|----------------|---------|
| Arsenio Hardrick | FF2/Paramedic          | Paramedic      | 10/9/2016      | \$15.50 |
| Nicholas Lawson  | Tournament Concessions | Parks          | 9/18/2016      | \$7.25  |

Alderman Brooks made the motion to approve the Personnel Docket of September 20, 2016 as presented to this Board. Motion was seconded by Alderman Payne. The motion was put to vote and passed unanimously.

## CITY ATTORNEY'S LEGAL UPDATE

No Legal Update

# Minutes, City of Southaven, Southaven, Mississippi

## CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of September 20, 2016, including demand checks in the amount of \$1,626,349.64. Motion was seconded by Alderman Ferguson.

### **Excluding voucher numbers:**

267056, 267058, 267061, 267168, 267182, 267205, 267210, 267213, 267214, 267258, 267261, 267277, 267338, 267392, 267437, 267471, 267492, 267518, 267520, 267629, 267805, 267808, 267820, 267822, 267824

Roll call was as follows:

| <b>ALDERMAN</b>         | <b>VOTED</b>  |
|-------------------------|---------------|
| Alderman William Brooks | voted: YES    |
| Alderman Ronnie Hale    | voted: YES    |
| Alderman Kristian Kelly | voted: YES    |
| Alderman George Payne   | voted: YES    |
| Alderman Joel Gallagher | voted: YES    |
| Alderman Scott Ferguson | voted: YES    |
| Alderman Raymond Flores | voted: ABSENT |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 20<sup>th</sup> day of September, 2016.

A motion was made by Alderman Payne to approve the Special Claims Docket of September 20, 2016 in the amount of \$3,423.69. Motion was seconded by Alderman Kelly.

Roll call was as follows:

| <b>ALDERMAN</b>    | <b>VOTED</b> |
|--------------------|--------------|
| Alderman Brooks    | YES          |
| Alderman Kelly     | YES          |
| Alderman Payne     | YES          |
| Alderman Gallagher | YES          |
| Alderman Ferguson  | RECUSED      |
| Alderman Flores    | ABSENT       |

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 20th day of September, 2016.

Alderman Ferguson then returned to the room.

# Minutes, City of Southaven, Southaven, Mississippi

## 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 Hale to adjourn. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously, September 20, 2016 at 8:45 p.m.

\_\_\_\_\_  
Darren Musselwhite,  
Mayor

\_\_\_\_\_  
Andrea Mullen,  
City Clerk

(Seal)

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