

Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
March 21, 2017
6:00 p.m.
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval Of Minutes: March 7, 2017 and March 10, 2017
5. Resolution for 1st Choice Transportation for Vehicle for Hire
6. Resolution For Donation to the DeSoto County Economic Development Council Salute To Industry
7. Professional Service Contract with SPD and HDR Engineering, Inc.
8. Surplus Property – SFD
9. Free Port Warehouse Exemption Resolution for Gaatu, Inc.
10. Resolution for Sanitation Assessment
11. Resolution Authorizing the Cleaning of Private Property and Making Provisions for Collection at 1619 Stateline Road East
12. Resolution To Clean Private Property
13. Planning Agenda: Item #1 Application by Nikita Johnson for a Conditional Use Permit to allow a full service spa and boutique to be located at 8936 Airways Blvd.
14. Mayor's Report
15. Citizen's Agenda: Toney Banks
16. Personnel Docket
17. City Attorney's Legal Update
18. Claims Docket
19. Executive Session: Claim filed against Parks Dept. and Litigation regarding Liens

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

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MINUTES OF THE REGULAR MEETING OF March 21, 2017 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 21st day of March, 2017 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, Pam Pyle, Deputy City Clerk and Nick Manley, City Attorney. Approximately twenty (20) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer, followed by the Pledge of Allegiance led by Alderman Ferguson. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of March 7, 2017 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously. Alderman Payne made the motion to approve the minutes of the Special Called Meeting of March 10, 2017 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.

RESOLUTION FOR 1ST FIRST CHOICE TRANSPORTATION FOR VEHICLE FOR HIRE

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

Mr. Manley stated that 1st Choice Transportation has applied for a vehicle for hire permit from the City. The background check by the SPD and Court has been completed and at this juncture, 1st Choice has been notified regarding additional insurance requirements. The resolution makes the permit contingent upon 1st Choice providing the insurance to the clerk. After hearing from Mr. Manley, the following resolution was considered:

RESOLUTION OF CITY OF SOUTHAVEN BOARD OF ALDERMAN FOR 1ST CHOICE TRANSPORTATION FOR MOTOR VEHICLE FOR HIRE

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WHEREAS, pursuant to Mississippi Code Section 21-27-131, application was made to the City of Southaven ("City") by Billy D. Bridges, on behalf of 1st Choice Transportation for a permit to operate a motor vehicle for hire; and

WHEREAS, the City has reviewed the application of Billy D. Bridges, on behalf of 1st Choice Transportation; and

NOW THEREFORE, be it resolved as follows:

1. The City hereby grants to Billy D. Bridges, on behalf of 1st Choice Transportation, a permit to operate a motor vehicle for hire contingent upon Billy D. Bridges providing the required certificate of insurance to the City Clerk as set forth in Mississippi Code Section 21-27-133.

2. Pursuant to Mississippi Code 21-27-139, Billy D. Bridges shall register the vehicles with the City Clerk in the name of the owner, with the number of motor, and number of license tag for that year. The clerk shall keep said registration in a book kept for that purpose and give a number to such vehicle, which the owner shall cause to be painted or stenciled on two sides of the said vehicle.

3. The Mayor, City Clerk or their designee are authorized to execute any and all documents required in order to effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Flores made the motion 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: 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 21st day of March, 2017.

RESOLUTION FOR DONATION TO THE DESOTO COUNTY ECONOMIC COUNCIL SALUTE TO INDUSTRY

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite stated that this Resolution allows for the donation to the Desoto Economic Council for the Salute to Industry event to sponsor a golf team as they have done in the years past. The Board of Alderman considered the following resolution:

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FOR DONATION TO THE DESOTO COUNTY ECONOMIC DEVELOPMENT COUNCIL SALUTE TO INDUSTRY

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

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

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

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

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

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

Alderman William 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 21st day of March, 2017.

PROFESSIONAL SERVICE CONTRACT WITH SPD AND HDR ENGINEERING, INC.

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

Mr. Manley stated that this contract allows for HDR Engineering to assist the Southaven Police Department with traffic signal issues. HDR made the requested changes to the contract and HDR is only used when contacted by the SPD. Alderman Ferguson made the motion to approve the contract with HDR Engineering, Inc. and allow Chief Pirtle to sign the agreement. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

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A copy of the agreement and scope of services is attached to these minutes.

SURPLUS PROPERTY - SFD

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

Mr. Manley stated that this Resolution will allow for certain self-contained breathing apparatus to be completely discarded as some have no value and cannot be used, some will be transferred to Southaven Police Department, and others to be sold in accordance with MS Code 17-25-25 that allows for the City to advertise for ten (10) days and then take bids. Mr. Manley stated that this will also assist with the purchase of new equipment through the state contract. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

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

WHEREAS, the City of Southaven ("City") Fire Department is presently in possession of certain Self Contained Breathing Apparatus (SCBA), as set forth in Exhibit A, which is no longer useable and needed by the City Fire Department; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the SCBA 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 SCBA, which have no value as set forth in Exhibit A shall be surplus according to Mississippi Code 17-25-25(5); and

WHEREAS, certain SCBA, as set forth in Exhibit A, shall be transferred to the City Police Department; and

WHEREAS, the remaining SCBA, set forth in Exhibit A, shall be surplus pursuant to Mississippi Code 17-25-25(2); and

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

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

1. The SCBA be hereby declared as surplus property pursuant to Mississippi Code 17-25-25(2) and 17-25-25(5).

2. The City Fire Chief, or his designee, is hereby authorized and directed to any and all actions to effectuate the intent of this Resolution.

Motion was made by Alderman Payne and seconded by Alderman Kelly, 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 21st day of March, 2017.

EXHIBIT A

Scott Self Contained Breathing Apparatus	0409045691 FH	AP 50	Out of service - no value
Scott Self Contained Breathing Apparatus	0409045686 FH	AP 50	Out of service - no value
Scott Self Contained Breathing Apparatus	0409045684 FH	AP 50	Out of service - no value
Scott Self Contained Breathing Apparatus	0409045746 FH	AP 50	Out of service - no value
Scott Self Contained Breathing Apparatus	115S084600027 3	AP 75	Donate to SPD
Scott Self Contained Breathing Apparatus	115S084600355 8	AP 75	Donate to SPD
Scott Self Contained Breathing Apparatus	115S084600097 2	AP 75	Donate to SPD
Scott Self Contained Breathing Apparatus	115S084600027 9	AP 75	Donate to SPD
Scott Self Contained Breathing Apparatus	115S084600027 0	AP 75	
Scott Self Contained Breathing Apparatus	115S084600096 4	AP 75	

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Scott Self Contained Breathing Apparatus	115S084600356	AP 75
	3	
Scott Self Contained Breathing Apparatus	115S084600356	AP 75
	7	
Scott Self Contained Breathing Apparatus	115S084600095	AP 75
	8	
Scott Self Contained Breathing Apparatus	115S084600356	AP 75
	1	
Scott Self Contained Breathing Apparatus	115S084600185	AP 75
	3	
Scott Self Contained Breathing Apparatus	115S084600096	AP 75
	5	
Scott Self Contained Breathing Apparatus	115S084600356	AP 75
	8	
Scott Self Contained Breathing Apparatus	115S084600355	AP 75
	7	
Scott Self Contained Breathing Apparatus	115S084600097	AP 75
	5	
Scott Self Contained Breathing Apparatus	115S084600096	AP 75
	3	
Scott Self Contained Breathing Apparatus	115S084600095	AP 75
	6	
Scott Self Contained Breathing Apparatus	115S084600095	AP 75
	1	
Scott Self Contained Breathing Apparatus	115S084600028	AP 75
	1	
Scott Self Contained Breathing Apparatus	115S084600096	AP 75
	8	
Scott Self Contained Breathing Apparatus	115S084600356	AP 75
	2	
Scott Self Contained Breathing Apparatus	115S084600096	AP 75
	7	

FREEPORT WAREHOUSE TAX EXEMPTION RESOLUTION FOR GAATU, INC.

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

Mr. Manley stated that this tax exemption will not tax goods in transit and approval was recommended by the Desoto Economic Council. The Board then considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING FREE PORT WAREHOUSE AD VALOREM TAX EXEMPTION TO GAATU, INC. AS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, Gaatu, Inc. ("Gaatu") seeks an exemption from ad valorem taxes at its warehouse operation located at 8835 Commerce Drive, Ste. 103,

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Southaven, Mississippi to the fullest extent permitted by statute on all personal property held in the applicant's finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Gaatu's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

WHEREAS, Gaatu has filed an Application for exemption from free port tax warehouse ad valorem tax exemption; and

WHEREAS, Gaatu has produced written verification and documentation to the City of Southaven Board as to the authenticity and correctness of its Application; and

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

1. That Gaatu ships personal property to a final destination outside the State of Mississippi during the calendar year.
2. That Gaatu is qualified to make application for exemption from Freeport Warehouse Ad Valorem Tax.
3. This Mayor and Board of Alderman of the City of Southaven, Mississippi, acknowledge Gaatu current and potential contribution for jobs within Southaven and to the economic development of Southaven and believe that it should exercise its discretionary authority to exempt from all free port taxes to the full extent permitted by statute all personal property held in Gaatu's free port warehouse and in transit through this State and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Gaatu's finished goods warehouse for storage in transit to a final destination outside the

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State of Mississippi as authorized by Section 27-31-51 et seq. of the Mississippi Code (1972) as amended.

4. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Tax Assessor of DeSoto County, Mississippi.

After a full discussion of this matter, ALDERMAN Flores moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Gallagher. Upon the question being put to a vote, Members of the Board of Aldermen voted 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 21st day of March, 2017.

RESOLUTION FOR SANITATION ASSESSMENT

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

Mr. Manley stated that this resolution allows for a sanitation assessment for unpaid sanitation fees. The Board of Alderman considered the following resolution:

RESOLUTION FOR ASSESSING UNPAID SANITATION FEES

WHEREAS, pursuant to Mississippi Code 21-19-1, the City of Southaven ("City") operates and maintains a garbage and rubbish collection system; and

WHEREAS, pursuant to Mississippi Code 21-19-2 and the City ordinances, the City previously implemented a \$12.00 per month sanitation fee to defray the cost for the operating and maintaining of the garbage and rubbish collection system; and

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WHEREAS, despite correspondence requesting that certain City residents pay the sanitation fee, the Joshua Leggett ("Leggett"), owner of 5704 Westminster Lane, Southaven, Mississippi has failed to pay the sanitation fee; and

WHEREAS, Leggett was provided an opportunity for a hearing at the November 15, 2016 and December 6, 2016 City Board Meetings regarding the delinquent assessments and chose not to attend the hearing; and

WHEREAS, the City desires to collect the sanitation fees and penalties from Leggett in the amount of Seven Hundred Forty Eight Dollars and 33/100 (\$748.33); 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 21-19-2, the City Public Works Director and his staff are authorized to notify the Desoto County Tax Collector of the unpaid sanitation amount of Leggett in the amount of \$748.33. Upon receipt of Leggett's address from the City, the Desoto County Tax Collector shall not issue or renew a motor vehicle road and bridge privilege license for the motor vehicle owned by Leggett, unless such fees and charges, in addition to any other taxes or fees assessed against the motor vehicle, are paid.

2. In lieu of filing the assessments with the Desoto County Tax Collector, the City, pursuant to Mississippi Code 21-19-2, may file a lien on the property offered the sanitation service.

3. The Mayor, City Public Works Director and any of their designees are authorized Brooks moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Kelly. Upon the question being put to a vote, Members of the Board of Aldermen voted 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 21st day of March, 2017.

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

Mrs. Choat-Cook stated that this is the second official hearing regarding this property and the property owners had until December 31, 2016 to make repairs to the exterior of the home. Although some repairs had been made, they were not sufficient. Mrs. Choat-Cook asked the Board if they wanted to move forward with the condemnation process or allow more time to make additional repairs. Mrs. Choat-Cook stated that they have been working with the property owners since 2010 and have found that they tend to work on it when they are in crunch time, about a week in front of each public hearing. Mrs. Choat-Cook added that she has been when the City for approximately fifteen years and she has never known of anyone living in the home during that time and her recommendation would be to condemn the property. Alderman Kelly stated that he drives by this property twice a day and he has not seen any change, it is unsafe and recommended moving forward with the condemnation process. Mrs. Choat-Cook added that the home does not have any plumbing, wiring, electrical, or flooring and to think that they could get this home into a livable state by July 1, 2017 is not a feasible situation monetarily or from a work standpoint. Mrs. Choat-Cook stated that the people that live next door to this property maintain their homes very well and they need to be taken into account since the home at 1619 Stateline Road East is considered a hazard. Mayor Musselwhite asked if there was anyone in the audience that would like to speak regarding this property and there were none.

The Board of Alderman then considered the following resolution:

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

WHEREAS, pursuant to Miss. Code Ann. Section 21-19-11, the Mayor and Board of Aldermen of the City of Southaven, Mississippi ("City") 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 1619 Stateline Road East ("Property") 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

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WHEREAS, previously on September 20, 2016, a hearing was held whereby Sheila Myles, the individual who receives the tax assessments on the property, appeared before the City Board and Mrs. Myles was afforded an opportunity to remedy the existing issues the Property; and

WHEREAS, Sheila Myles did not make the required improvements to the Property; and

WHEREAS, the City provided separate legal notice for the hearing on March 21, 2017 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, 1619 Stateline Road Drive East be, and the same hereby is declared to be a menace to the public health, welfare, and safety of the community as more fully set forth in Exhibit B, which further documents the hazardous condition of the Property, 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 resolution shall be passed by 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.

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3. The Mayor and Board of Aldermen at said meeting will adopt a resolution determining the 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 Kelly 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: 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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 21st day of March, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the notice to clean private property, notice of public hearing, and photos of the home are attached to these minutes.

RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there was none. 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

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located at the following address, to-wit: **2211 Cedarwood Cove, Parcel ID# 207418160 0010400, Parcel ID# 207418160 0008900, Parcel ID# 207308080 0000100, Parcel ID# 207308080 0000200, Parcel ID# 207308080 0000800, Parcel ID# 207308080 0001000, Parcel ID# 207308080 0001100, Parcel ID# 207308080 0001200, Parcel ID# 207308080 0001500, Parcel ID# 207308080 0002200, Parcel ID# 207308080 0002300, Parcel ID# 207308080 0002400**, 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, March 21, 2017**, 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, March 21, 2017**, 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

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described parcel of land located at: 2211 Cedarwood Cove, Parcel ID# 207418160 0010400, Parcel ID# 207418160 0008900, Parcel ID# 207308080 0000100, Parcel ID# 207308080 0000200, Parcel ID# 207308080 0000800, Parcel ID# 207308080 0001000, Parcel ID# 207308080 0001100, Parcel ID# 207308080 0001200, Parcel ID# 207308080 0001500, Parcel ID# 207308080 0002200, Parcel ID# 207308080 0002300, Parcel ID# 207308080 0002400, 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 Hale. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN

VOTED

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 21st day of March, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

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PLANNING AGENDA:

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

ITEM #1 Application by Nikita Johnson for a Conditional Use Permit to allow a full service spa and boutique to be located at 8936 Airways Blvd.

Mrs. Choat-Cook stated that this applicant is requesting a conditional use permit for a full service spa. Per the ordinance, full service spa establishments must be no closer than 1/2 mile from an existing establishment. Mrs. Choat-Cook stated that staff did a window survey to determine distance compliance and there are no full service spas within a one (1) mile radius of this site. The applicant has met the requirements for a conditional use; therefore, staff recommends approval of a one (1) year permit with a four (4) year extension to be renewed annually. After hearing from Mrs. Choat-Cook, the Board considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE PERMIT GRANTED TO NIKITA JOHNSON FOR NOUVEAU BOUTIQUE AND BEAUTY BAR AT 8936 AIRWAYS BLVD, SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on February 27, 2017, for the conditional use permit ("permit") application of Nikita Johnson on behalf of Nouveau Boutique and Beauty Bar to be located at 8396 Airways Blvd, Southaven, Mississippi for a conditional use permit for a full service spa and boutique; 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 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, 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

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WHEREAS, based on findings of the City Planning Commission at the hearing and City Code of Ordinances and findings as further set forth in Exhibit A to this Resolution, the City's Planning Commission made a recommendation, subject to the City Board's revocation, for a one (1) year permit with up to four (4), one year extensions to be renewed annually at the discretion of 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); and

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

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to Nikita Johnson on behalf of Nouveau Boutique and Beauty Bar for a full service spa and boutique for one (1) year with up to four (4), one year extensions to be renewed annually at the discretion of the City Board of Aldermen.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

Following the reading of this Resolution, it was introduced by Alderman Kelly and seconded by Alderman 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 Ronnie Hale	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE this 21st day of March, 2017.

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 21st day of March, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the staff report and conditional use application is attached to these minutes.

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MAYOR'S REPORT

Penny For Your Parks Update

Mayor Musselwhite stated that the Penny for Your Parks Bill was approved out of the committee today in the State House of Representatives and will go for a full house vote tomorrow morning.

State Auditor's Office Update – Former Mayor Greg Davis

Mayor Musselwhite stated that the State Auditor's Office sent a check to the City in the amount of \$60,344.09. This check represents funds recovered from the former Mayor, Greg Davis, for embezzlement. Mayor Musselwhite stated that it is important for the City to see closure and restore faith and trust in the City government. Mayor Musselwhite added that the City received the money from a fidelity bond and those funds will go back into the General Fund.

Municipal Court Update

Mayor Musselwhite stated that recently, a Monday Court was added and as a result are seeing a reduction in jail fees. Mayor Musselwhite stated that he would like to commend Thomas Mastin and his staff for a job well done with the Surrender Safe Program.

Pavement Schedule Update

Mayor Musselwhite stated that it is time to start paving streets again. The weather is going to get warm enough to get hot asphalt. Mayor Musselwhite explained that they will start on the formal street improvement schedule in the Cherry Tree Subdivision area. There are some streets that are in loss condition which is considered the worse condition. Mayor Musselwhite stated that Rasco Road between Airways and Swinnea will be next. They will need to reevaluate the list due to the horrific conditions of the streets. Mayor Musselwhite explained that this Board and Administration has one of the most aggressive infrastructure improvement plans in the history of our City. Mayor Musselwhite stated that he will be asking for a budget amendment in the near future to add \$350,000 to this year's budget to improve street conditions.

Getwell Road and College Road Traffic Light

Mayor Musselwhite stated that they have discussed the Getwell Road and College light for a few years now and have done a couple traffic studies in that area. Mayor Musselwhite explained that there is a horrendous problem in the mornings with all of the school traffic on Getwell. Those neighboring have a lot of difficulty getting onto Getwell from Dicken's Place and some of the other areas because of the north and south traffic on Getwell. Mayor Musselwhite stated that they halted on the light a few years ago when they did the first traffic study because they were concerned that it would cause more stacking up on Getwell and complicate the problem. Mayor Musselwhite explained that this problem will eventually be resolved with the Getwell south widening project which will make the stretch from Church to Starlanding five lanes. Mayor Musselwhite stated that they reevaluated and believe that they can install a light there and use caution with the timing on east and west College Road. Mayor Musselwhite stated that the light will be installed within the next 60-90 days.

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Tennis Expansion Update

Mayor Musselwhite stated that the tennis expansion has been a big part of what has been done with the enhancement and expansion funds over the last three (3) years. Mayor Musselwhite stated that the expansion will be completed within 6-8 weeks. Mayor Musselwhite explained that they have done their homework in finding a new tennis director in which the City has never had before. Mayor Musselwhite made a recommendation to hire Michael Johnson listed on the Personnel Docket as the Tennis Director.

CITIZEN'S AGENDA: TONEY BANKS

Mr. Banks stated that he had a Spring Bling 2017 dance scheduled at the Arena for March 10, 2017. Mr. Banks stated that he felt that had everything in order and did all that was required of him. Mr. Banks stated that the dance was cancelled by the Mayor and Police Chief the day before the dance because they were concerned about Memphis kids coming to the dance. Mr. Banks stated that by cancelling the day before, he was out \$6,300.00 and thinks that the City of Southaven should reimburse that money. Mr. Banks stated that he is seeking a refund and is requesting for the dance to continue. Mayor Musselwhite stated that he disagreed with Mr. Banks and expressed that this issue had nothing to do with a Memphis City limit thing. Mayor Musselwhite explained that the fact that it is crossing the state line into Memphis is not the major issue and that the issue whether or not intended, Mr. Banks misrepresented on the initial application about the number of kids that were coming. Mayor Musselwhite stated that citizens expressed concerns when a flyer surfaced that indicated that it was being distributed throughout the Memphis Metro. Mayor Musselwhite stated that the policy also specifically states that no event occurs without the final approval of the Police Chief and that policy is in place for public safety. Mayor Musselwhite stated that we do not need to have an event if the Police Chief is not comfortable with the number of people attending. Mayor Musselwhite expressed that he was very sorry that Mr. Banks was out \$6,300.00, but he had a responsibility as well. Mayor Musselwhite stated that whether intentional or not the facts were misrepresented on the initial application and it is his recommendation to the Board is that the City of Southaven did not owe Mr. Banks any money. Mayor Musselwhite stated that Mr. Banks could file a formal claim against the City on the amount that he feels that he lost and the Board of Alderman can make a decision whether to reimburse him or not.

PERSONNEL DOCKET

Personnel Docket

March 21, 2017

<u>Payroll Additions</u>	<u>Position</u>	<u>Department</u>	<u>Start Date</u>	<u>Rate of Pay</u>
Carden, Angela D.	P-1	Police	TBD	\$16.42
	Animal Control			
Cook, Samuel J.	Officer	Animal Control	TBD	\$11.50
Horton, Clinton				
G. *	P-2	Police	TBD	\$19.25

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Johnson, Michael*	Tennis Director	Parks	04/03/2017	\$38.46
Benson, Evelene*	Dispatcher	ITEC	TBD	\$18.08
Boisseau, Gary *	Dispatcher	ITEC	TBD	\$18.08

*pending successful completion of pre-emp screenings

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Dalton O'Neal	Public Works - Laborer	Public Works - Operator	04/03/2017	\$15.00
Nathan Ryan	P-2	P-3	04/02/2017	\$21.10

Terminations/ Resignations Name	Department	Position	Termination Date	Rate of Pay
Crites, Callie	Fire Dept.	EMT/Paramedic	03/23/2017	\$17.51
Cavallo, Jacob	Fire Dept.	FF2	11/13/2016	\$14.82
Jenkins, Diane	Fire Dept.	Paramedic	04/17/2017	\$17.51
Anderson, Chris	Public Works	Laborer	03/20/2017	\$11.50
Stepp, John	Public Works	Laborer	03/17/2017	\$15.00

Alderman Brooks made the motion to approve the Personnel Docket of March 21, 2017 as presented to this Board. Motion was seconded by Alderman Hale. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

Service Master Contract

Mr. Manley stated that this contract will allow for mold remediation at the Southaven Police Department. The total contract amount for this service is \$17,376.41. Service Master has agreed to all contract changes. Alderman Gallagher made the motion to approve the contract with Service Master and authorize Chief Pirtle to sign the agreement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the contract is attached to these minutes.

Assessment Refund

Mr. Manley explained that an assessment was filed on the property located at 8462 Charleston after the property closed in the amount of \$1,356.00. The lien was filed under the old name and the tax assessors roles had not been updated and

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this could not have been prevented. The assessment has already been paid and a refund needs to be issued. Alderman Flores made the motion to approve the refund in the amount of \$1,356.00. Motion was seconded by Alderman Hales. Motion was put to vote and passed unanimously.

Cancellation of Sanitation Penalties

Mr. Manley explained that the landlord that owns properties at 1028 WE Ross Parkway and 5614 Donald Drive was assessed penalties on sanitation fees. The landlord did not receive notice of these assessments. Although the landlord is still responsible for the sanitation fees as the properties were provided sanitation service, there are potential issues with the late penalties as it relates to the notice that the landlord received for the opportunity to make a timely payment.

Alderman Flores made the motion to remove the penalty amounts of \$146.42 and \$4.80. 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 March 21, 2017 in the amount of \$ 1,170,039.52. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

276659, 276691, 276826, 276867, 276923, 276975, 277038, 277043, 277044, 277049, 277053, 277054, 277070, 277087, 277179, 277203

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 and approved for payment on the 21st day of March, 2017.

EXECUTIVE SESSION:

A motion was made by Alderman Gallagher to move for a closed determination of the issue on whether or not to declare an Executive Session. Motion was put to vote and passed unanimously. Alderman Flores made the motion to go into Executive Session for the purpose of discussing a claim filed against the Parks Department, litigation regarding liens, and Parks Personnel. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

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At this time, Ms. Sheila Myles, who was not present during the actual hearing conducted earlier in the meeting for the property at 1619 Stateline Road East, approached the Board and asked to re-open the meeting to discuss her property located at 1619 Stateline Road East.

Alderman Gallagher made the motion to re-open the public meeting to hear from Mrs. Myles. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

Ms. Myles asked the Board of Alderman for additional time to work on her property located at 1619 Stateline Road East. Mr. Manley explained that the hearing had already taken place, but the Board has agreed to hear Mrs. Myles speak. Mrs. Myles stated that the Board made the decision of what needed to be done at a prior meeting and she did not agree with their decision because she wasn't given the opportunity to speak. Mayor Musselwhite stated that in the meeting in September 2016 it was made clear that Mrs. Myles was given extra time to make repairs and that she was given the opportunity to speak for a very long time. It was very clear that when everyone left that meeting, the decision that night in September was not to condemn the property located at 1619 Stateline Road East. Mayor Musselwhite stated that at that time the decision was going to be to condemn the property at the September 2016 meeting, but after hearing from Mrs. Myles, the Board of Alderman agreed to not condemn the property with the contingency that Mrs. Myles would immediately start doing repairs and they agreed to give her until December 31, 2016 to complete the exterior repairs. Mayor Musselwhite explained that the fact that Mrs. Myles didn't speak at the October 2016 meeting was irrelevant.

Mrs. Myles explained that she and her husband had been ill and there had been several deaths in her family, but they were doing the best they could do on one income.

Alderman Gallagher stated that he certainly had compassion for her, but this issue had been going on since 2010. Alderman Gallagher stated that Mrs. Myles has been given additional time to make repairs each time that she has asked for it and at some point you have to say enough is enough.

Mayor Musselwhite stated that they had looked at pictures and the home did not look much different.

Alderman Kelly stated that he drives by the home twice a day and as an adult there needs to be communication that had not happened. Alderman Kelly expressed to Mrs. Myles that they had no idea that she was having family issues. Alderman Kelly also stated that the improvements have not been sufficient in order for them to believe that things are going to get done.

Mayor Musselwhite asked the board if there was a motion to resend the previous motion to condemn the property at 1619 Stateline Road East and there was none.

After hearing from Ms. Myles, a motion was made by Alderman Gallagher to move for a closed determination of the issue on whether or not to declare an

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Executive Session. Motion was put to vote and passed unanimously. Alderman Gallagher made the motion to go into Executive Session for the purpose of discussing a claim filed against the Parks Department, litigation regarding liens, and Parks Personnel. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

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 Brooks. Motion was put to a vote and passed unanimously, March 21, 2017 at 7:42 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk

(Seal)