

Minutes, City of Southaven, Southaven, Mississippi



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

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval Of Minutes: May 16, 2017
5. Authorization for SPD Application for 2017 COPS Hiring Grant
6. MOA for Northwest Mississippi Crisis Intervention Team
7. SFD Task Force MOU
8. Resolution for Liens for Condemned Lots
9. Resolution Amending Southaven Property Maintenance Code
10. Agreement with GDC, LLC
11. Resolution for Firearms for Retiring Police Officers
12. Declaration of July 3rd as Holiday
13. Resolution for Real Property Tax Exemption for Geodis Logistics, LLC
14. Resolution for Sanitation Assessments
15. Resolution To Clean Private Property
16. Planning Agenda: Item #1 Request by College Road Land Co, LLC to vacate the existing Starlanding PUD on the north side of Starlanding Road, between I-55 and Hwy. 51
Item #2 Application by Johnathan Yates for a Conditional Use Permit to allow a cellular tower at 8245 Getwell Road on the St. Timothy Church site
Item #3 Application by Jon Reeves for subdivision approval of Rasco Hills Sec. "G" on the south side of Stateline Road, east of Horn Lake Road
Item #4 Application by M & R Associates, LLC for subdivision approval of Cherry Hill Phase III on the south side of Rasco Road, east of Swinnea Road
17. Mayor's Report
18. Citizen's Agenda: Graziella Fichthorn
19. Personnel Docket
20. City Attorney's Legal Update
21. Claims Docket
22. Executive Session: Claims/Litigation against City Infrastructure and Parks; potential Sale of City Property; 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.

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MINUTES OF THE REGULAR MEETING OF JUNE 6, 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 6th day of June, 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 May 16, 2017 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously.

AUTHORIZATION FOR SPD APPLICATION FOR 2017 COPS HIRING GRANT

Steve Pirtle, Police Chief, presented this item to the Board.

Chief Pirtle requested authorization to apply for the 2017 Cops hiring Grant. This grant will provide funding to hire six (6) additional Police Officers for a three year period and will pay 75% of each newly hired officer's base salary for the three (3) year period up to \$125,000 per officer, or a total of \$750,000 reimbursement over three years if all six positions are awarded. Chief Pirtle explained that this is a matching grant and the City would be responsible for 25% of the base salary over three (3) years. Alderman Brooks made the motion to authorize Chief Pirtle to apply for the 2017 Cops Hiring Grant. Motion was seconded by Alderman Ferguson.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES

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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 6th day of June, 2017.

A copy of the letter or request is attached to these minutes.

MOA FOR NORTHWEST MISSISSIPPI CRISIS INTERVENTION TEAM

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

Mr. Manley stated that this MOA is between all cities in Desoto County, Desoto County, Region IV Mental Health, Baptist Memorial Hospital – Desoto, and Parkwood Behavioral Health Systems. The purpose of this MOA is to delineate the responsibilities and define the working relationship between the CIT members with respect to the transport, admission, discharge, treatment and referrals of persons in crisis. The intent of this MOA is to maximize interagency cooperation; to formalize the relationships between the CIT members and their respective employees; and to establish a “single point of entry” to provide “psychiatric emergency services,” “triage and referral services” and “comprehensive psychiatric emergency services.” All cities have agreed on the final version. Alderman Payne made the motion to approve the MOA authorize Mayor Musselwhite to sign the agreement. 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 6th day of June, 2017.

A copy of the MOA is attached to these minutes.

SFD TASK FORCE MOU

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

Mr. Manley stated that this MOU sets forth the duties/parameters for the Southaven Fire Department in context of task force with Miss. Homeland Security and MEMA for disaster or emergency declared by the Governor. The SFD has participated with this program in the past, but this will provide an actual agreement for the arrangement. Alderman Hale made the motion to approve the

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MOU and allow Mayor Musselwhite or Chief Thornton to sign the agreement.
Motion was seconded by Alderman Flores.

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 6th day of June, 2017.

A copy of the MOU is attached to these minutes.

RESOLUTION FOR LIENS FOR CONDEMNED LOTS

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

Mr. Manley stated that this resolution will allow for liens to be imposed on condemned lots which will be converted to assessments later this year. Mr. Manley explained that the liens will allow for notice in the event the property is purchased before the assessment is filed. After hearing from Mr. Manley, the Board considered the following resolution:

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

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

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

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

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

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

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

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

1. The actual cost of the clean-up of properties listed in Exhibit A be assessed to the property and the same is hereby determined to be as set forth in Exhibit A attached hereto.
2. A penalty in the amount of \$250 per lot per cutting as listed above be, and the same is hereby imposed against each parcel in addition to the actual cost of the property clean-up.
3. The total amount, as set forth above, be, and the same is hereby assessed against each property, to be filed as a lien and if not collected, to be converted as an assessment to be collected by the Tax Collector in the manner used for collection of other municipal taxes and assessments, unless sooner collected through other means.

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

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

RESOLVED AND DONE this 6th day of June, 2017.

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0ADDRESS	PARCEL	# OF MOWI NGS	INVOI CE TOTA LS	FINE TOTA LS	ENROLLM ENT FEE	ASSESSM ENT TOTAL
	10793108000 00713	1	1,021.0 0	250.00	5.00	1,276.00
	10741907001 11000	2	252.00	500.00	10.00	762.00
	10752110000 11500	2	252.00	500.00	10.00	762.00
	10793030000 01500	1	467.00	250.00	5.00	722.00
	10852213000 00200	2	336.00	500.00	10.00	846.00
	10852213000 00300	3	504.00	750.00	15.00	1,269.00
	10852213000 00400	3	504.00	750.00	15.00	1,269.00
	20730808000 01100	2	168.00	500.00	10.00	678.00
	20730808000 00100	2	168.00	500.00	10.00	678.00
	20730808000 00200	2	168.00	500.00	10.00	678.00
	20730808000 01000	2	168.00	500.00	10.00	678.00
	20730808000 01200	2	168.00	500.00	10.00	678.00
	20730808000 01500	2	168.00	500.00	10.00	678.00
	20730808000 02200	2	168.00	500.00	10.00	678.00
	20730808000 02300	2	168.00	500.00	10.00	678.00
	20730808000 02400	2	168.00	500.00	10.00	678.00
	20810111000 01500	1	940.00	250.00	5.00	1,195.00
	20810111000 02700	2	606.00	500.00	10.00	1,116.00
	20810011100 02600	2	606.00	500.00	10.00	1,116.00
	20720426000 00200	2	336.00	500.00	10.00	846.00
	20730807000 04100	2	168.00	500.00	10.00	678.00
	20730808000	2	168.00	500.00	10.00	678.00

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	00800					
8161 BOONEVILLE DR.		1	1,710.00	250.00	5.00	1,965.00
7715 CHARLESTON DR.		2	252.00	500.00	10.00	762.00
526 CHRISTYBROOK CV.		2	252.00	500.00	10.00	762.00
2211 CEDARWOOD CV.		2	168.00	500.00	10.00	678.00
1676 CUSTER DRIVE		2	168.00	500.00	10.00	678.00
1866 FORREST DR.		1	168.00	250.00	5.00	423.00
5888 GARDENWALK		2	168.00	500.00	10.00	678.00
8614 GREENWAY RD.		1	168.00	250.00	5.00	423.00
965 GREAT OAKS DR.		3	252.00	750.00	15.00	1,017.00
861 GREAT OAKS DR.		2	168.00	500.00	10.00	678.00
2507 GREENCLIFF DR.		2	252.00	500.00	10.00	762.00
8131 PINEBROOK DR.		2	384.00	500.00	10.00	894.00
2871 STATELINE RD.		2	336.00	500.00	10.00	846.00
680 THORNWOOD DR.		2	252.00	500.00	10.00	762.00
5820 WESTMINISTER LN.		2	168.00	500.00	10.00	678.00
292 WOODSMOKE DR.		1	168.00	250.00	5.00	423.00

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RESOLUTION AMENDING SOUTHAVEN PROPERTY MAINTENANCE CODE

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

Mr. Manley stated that this amendment will allow for clarity as it relates to the per day penalty (Section 6.4) as it will require that there be a judicial determination of guilt before a fine can be levied (this will also be after the notice by code officer and time to correct). Also, it amends Section 8.1 to clarify that only decisions by Code Enforcement can be appealed to Board of Adjustments and not orders of the Court. Finally, Section 6.3 is amended to provide more clarity for the code official as it relates to their duties, while reserving the City's rights under Miss. Code 21-19-11 (condemned property statute). After hearing from Mr. Manley, the Board considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN PROPERTY MAINTENANCE CODE

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the City of Southaven Property Maintenance Code:

Thereupon Alderman Hale offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN PROPERTY MAINTENANCE CODE

WHEREAS, the Mayor and Board of Alderman of the City have been given the authority pursuant to Miss. Code Section 21-19-11 of the Mississippi Code of 1972, annotated, as amended, to allow for the City to clean private property after due notice is served; and

WHEREAS, pursuant to Miss. Code Section 21-19-25, the City has the authority to adopt codes dealing with general public health, safety or welfare, or a combination of the same, by ordinance, which includes the adoption of a City Property Maintenance Code; and

WHEREAS, on November 3, 2015, the City previously approved the Property Maintenance Code; and

WHEREAS, pursuant to Miss. Code 21-17-5, the governing authorities of the City have the care, management and control of the municipal affairs and its property and finances and have the power to adopt, alter, or modify any orders,

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resolutions or ordinances with respect to such municipal affairs, property and finances;

WHEREAS, pursuant to Miss. Code Sections 21-13-1 and 21-17-5, the City has the authority and power to enforce the penalties as set forth in the City Property Maintenance Code as adopted by the City;

WHEREAS, the City desires to amend the City Property Maintenance Code; and

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

WHEREAS, the amendment to City Property Maintenance Code adopted, via City Ordinance, provides specific guidelines for the governmental authorities, and serves the legitimate City interest; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI THAT THIS RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI SHALL AMEND SECTIONS 6.3, 6.4, and 8.1 OF THE CITY OF SOUTHAVEN PROPERTY MAINTNEANCE CODE AS FOLLOWS:

6.3 Prosecution of violation.

Any person failing to comply with a notice of violation or order served in accordance with Section 7 shall be deemed guilty of a misdemeanor or civil infraction as determined by the City of Southaven and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order to direction made pursuant thereto. Nothing in this section or in this code shall prohibit the City of Southaven from exercising any and all rights and remedies pursuant to Section 21-19-11 Mississippi Code of 1972 and any other applicable sections of the Mississippi Code of 1972.

6.4 Violation penalties.

Any person, individual, corporation, company, partnership, association or any other entity failing to comply with this code or any of the requirements thereof or otherwise violating this code or any of its provisions shall, after a judicial determination of guilt and a reasonable time to correct, which shall not exceed 90 days, pay a fine not exceeding Five Hundred Dollars (\$500), plus court costs.

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Furthermore, each day thereafter that said violation(s) remain uncorrected, with no reasonable effort by the defendant to correct such violation(s), shall constitute a separate offense punishable by a separate fine(s) not exceeding Five Hundred Dollars (\$500) pursuant to Sections 21-13-1 and 21-17-5, Mississippi Code of 1972, or other applicable statutes. The City shall impose for said violation(s) all other penalties and have access to any other remedies available under law to correct the conditions giving rise to the violations of this code.

8.1 Application for appeal.

Any person directly affected by notice issued by a code official under this code shall have the right to appeal to the Board of Adjustments, provided that a written application for appeal is filed with the code official within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

NOW, THEREFORE BE IT ORDERED that the amendments to the City Property Maintenance Code as set forth above in this Resolution shall take effect one month after passage.

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

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

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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 6th day of June, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

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AGREEMENT WITH GDC, LLC

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

It was noted that the City will receive the full amount owed to it from GDC, LLC resulting from the water damage to the Southaven Police Department. Mr. Manley stated that this will authorize Chris Wilson to sign a release for the full amount of funds owed to the City by Murphy and Sons Insurance Company for water damage during repairs at the Southaven Police Department. Alderman Flores made the motion to authorize Chris Wilson to sign the agreement. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

RESOLUTION FOR FIREARMS FOR RETIRING POLICE OFFICERS

Nick Manley, City Attorney, presented these items to the Board.

Mr. Manley stated that the following four (4) resolutions will allow for the service weapon to be provided to the retiring police officers. The Board of Alderman then considered the following four (4) resolutions:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI PRESENTING SERGEANT GASTON McCORMICK HIS SERVICE WEAPON IN RECOGNITION OF HIS RETIREMENT

WHEREAS, the City of Southaven Police Department hereby desires to honor Sergeant Gaston McCormick by presenting to him his service firearm, a Glock model 43, 9mm handgun, serial number ABSX 741 ("Weapon"), and

WHEREAS, Gaston McCormick is retiring under a state retirement system; and

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

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Weapon as described above be provided to Sergeant Gaston McCormick.

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

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1. The Weapon be provided to Sergeant Gaston McCormick.
2. The Mayor and Chief are hereby authorized to take all actions to effectuate the intent of this Resolution.

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

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
Alderman William Brooks	voted: YES

RESOLVED AND DONE, this 6th day of June, 2017.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI
PRESENTING SERGEANT JOE McPHERSON
HIS SERVICE WEAPON IN RECOGNITION OF HIS RETIREMENT**

WHEREAS, the City of Southaven Police Department hereby desires to honor Sergeant Joe McPherson by presenting to him his service firearm, a Glock model 43, 9mm handgun, serial number ABSX 740 (Weapon"), and

WHEREAS, Joe McPherson is retiring under a state retirement system, and

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

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WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Weapon as described above be provided to Sergeant Joe McPherson.

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

1. The Weapon be provided to Sergeant Joe McPherson.
2. The Mayor and Chief are hereby authorized to take all actions to effectuate the intent of this Resolution.

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

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
Alderman William Brooks	voted: YES

RESOLVED AND DONE, this 6th day of June, 2017.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI PRESENTING SERGEANT GARY PRUITT HIS SERVICE WEAPON IN RECOGNITION OF HIS RETIREMENT

WHEREAS, the City of Southaven Police Department hereby desires to honor Sergeant Gary Pruitt by presenting to him his service firearm, a Glock model 43, 9mm handgun, serial number ABSX 719 (Weapon"), and

WHEREAS, Gary Pruitt is retiring under a state retirement system, and

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

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Weapon as described above be provided to Sergeant Gary Pruitt.

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

1. The Weapon be provided to Sergeant Gary Pruitt.
2. The Mayor and Chief are hereby authorized to take all actions to effectuate the intent of this Resolution.

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

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
Alderman William Brooks	voted: YES

RESOLVED AND DONE, this 6th day of June, 2017.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI
PRESENTING LIEUTENANT TIM WOOD
HIS SERVICE WEAPON IN RECOGNITION OF HIS RETIREMENT**

WHEREAS, the City of Southaven Police Department hereby desires to honor Lieutenant Tim Wood by

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presenting to him his service firearm, Glock model 43, 9mm handgun, serial number ABSX 754 ("Weapon"), and

WHEREAS, Tim Wood is retiring under a state retirement system; and

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

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Weapon as described above be provided to Lieutenant Tim Wood.

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

1. The Weapon be provided to Lieutenant Tim Wood.
2. The Mayor and Chief are hereby authorized to take all actions to effectuate the intent of this Resolution.

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

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
Alderman William Brooks	voted: YES

RESOLVED AND DONE, this 6th day of June, 2017.

DECLARATION OF JULY 3rd AS A HOLIDAY

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

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Mr. Manley stated that Governor Bryant has given the authority to declare July 3rd a holiday. This will allow for it to be reflected in the City's minutes. Alderman Flores made the motion to declare July 3rd as a holiday in the City of Southaven. 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 6th day of June, 2017.

RESOLUTION FOR REAL PROPERTY TAX EXEMPTION FOR GEODIS LOGISTICS, LLC

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

Mr. Manley stated that this exemption allows for a \$40 million dollar property tax exemption for 10 years. Geodis's application states that it will create 65 new jobs with an estimated annual payroll larger than \$1.5 million. 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, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A TEN YEAR PERIOD TO GEODIS LOGISTICS, LLC PURSUANT TO 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, GEODIS LOGISTICS, LLC ("Geodis") filed with the City of Southaven ("City") for exemption from ad valorem taxation; and

WHEREAS, Geodis has produced written verification and documentation to the City as to the authenticity and correctness of its Application in regard to the true value of the prayed for exemption and the completion date of said new enterprise; and

WHEREAS, the City Board finds as a fact that the property described in the aforesaid Application constitutes a new enterprise which was completed on

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the 15th day of July, 2016 and that Geodis is entitled to the exemption sought for a period of ten (10) years for real property in the amount of \$40,000,000.00 beginning on the 1st day of January, 2017, subject to approval and certification by the Mississippi Department of Revenue.

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

1. Based on Geodis providing approximately 65 new jobs with an estimated annual payroll greater than \$1,600,000.00, the application for ad valorem tax exemption for Geodis for ten (10) years for its new enterprise for real property in the amount of \$40,000,000.00 beginning the 1st day of January, 2017 on the property described in the Application filed by Geodis for tax exemption, be and the same is hereby approved for a period of ten (10) years.
2. That Geodis is hereby granted a tax exemption on ad valorem taxes, except school district, parks and library taxes and the State mandated County levies, for real property in the amount of \$40,000,000.00 for ten (10) years beginning January 1, 2017.
3. 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 Mississippi Department of Revenue for its approval and certification; and, that upon approval of this Application by the Mississippi Department of Revenue and the issuance of its certificate of approval, the Board of Alderman shall enter a Final Order on its minutes granting the exemption; and said Clerk shall also forward one (1) certified copy to

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the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the property as itemized in the Application has been placed on the appropriate tax roll as "Non-Taxable", except for school district, parks and library taxes and the "mandated levies" for the duration of the exemption period only.

After a full discussion of this matter, Alderman Flores moved that the foregoing Resolution be adopted. The motion was seconded by Alderman Brooks. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

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

RESOLVED AND DONE, this 6th day of June, 2017.

RESOLUTION FOR SANITATION ASSESSMENTS

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 residents listed at the properties on Exhibit A have failed to pay the sanitation fee; and

WHEREAS, the individuals for the properties in Exhibit A were provided correspondence for an opportunity for a hearing City Board Meetings regarding the delinquent assessments and chose not to attend the hearing; and

WHEREAS, the City desires to collect the sanitation fees from the individuals and in the amount as set forth in Exhibit A; 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 fees for those residents as set forth in Exhibit A. Upon receipt of the residents and addresses as set forth in Exhibit A 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 those individuals, unless such fees or 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 to take any and all action to effectuate the intent of this Resolution.

After a full discussion of this matter, ALDERMAN Flores moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Hale. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

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

RESOLVED AND DONE, this 6th day of June, 2017.

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A list of addresses with unpaid sanitation fees is attached.

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 located at the following address, to-wit:

- 4527 Aberton Drive
- 8206 Cedarbrook Drive
- Parcel ID # 108624000 0001500
- Parcel ID # 108624000 0001600
- Parcel ID # 107419140 0000600
- Parcel ID # 107419020 0005000
- 8747 Millbranch Road
- 983 Boulder Cove
- Parcel ID # 107419030 0023400
- 37 Stonebrook Cove
- 8411 Old Forge Road
- 2066 Brookhaven Drive
- 2092 Ashland Drive
- 9122 Benley Woods Drive
- 1785 Colonial Hills Drive
- 1734 Brookhaven Drive
- 3862 Courtyard Drive
- Parcel ID # 207418040 0001000
- 5332 Woodchase Drive
- 5630 Lexy Lane

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

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of a hearing before the Mayor and Board of Aldermen on **Tuesday, June 6, 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, June 6, 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 described parcel of land located at:

- 4527 Aberton Drive
- 8206 Cedarbrook Drive
- Parcel ID # 108624000 0001500
- Parcel ID # 108624000 0001600
- Parcel ID # 107419140 0000600
- Parcel ID # 107419020 0005000
- 8747 Millbranch Road
- 983 Boulder Cove
- Parcel ID # 107419030 0023400
- 37 Stonebrook Cove
- 8411 Old Forge Road
- 2066 Brookhaven Drive
- 2092 Ashland Drive
- 9122 Benley Woods Drive
- 1785 Colonial Hills Drive
- 1734 Brookhaven Drive
- 3862 Courtyard Drive
- Parcel ID # 207418040 0001000
- 5332 Woodchase Drive
- 5630 Lexy Lane

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 Kelly. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN

VOTED

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 6th day of June, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

PLANNING AGENDA:

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

- Item #1 Request by College Road Land Co, LLC to vacate the existing Starlanding PUD on the north side of Starlanding Road, between I-55 and Hwy. 51

Mrs. Choat-Cook stated that this request is from College Land Company, LLC to vacate the existing PUD on the property. Mrs. Choat-Cook stated that our ordinance, Section 13-12M states that either governing authority or the private property owner has the right to vacate and go back to the original zoning if they see an error or think there have been changes. Mrs. Choat-Cook explained that there has not been any dirt turned on this property. This is 152.96 acres on the north side of Starlanding Road between Hwy 51 and Hwy 55. Mrs. Choat-Cook stated that this is no longer conducive to residential and staff agrees with the request to vacate. Once there is another planned design, it will be brought back to the Board of Alderman. Alderman Brooks made the motion to vacate the PUD. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

A copy of the outline/phasing plan is attached to these minutes.

- Item #2 Application by Johnathan Yates for a Conditional Use Permit to allow a cellular tower at 8245 Getwell Road on the St. Timothy Church site

Mrs. Choat-Cook stated that this application request is for a conditional use permit for a 150' monopole tower to be located at St. Timothy's Episcopal Church, 8245 Getwell Road. The request is to go on the back side of the property, approximately 80 feet off of Rasco Road into the inside of their property lines. They had originally submitted some landscape and chain link fence with barbed wire. Mrs. Choat-Cook stated that she asked that they revise it to a site proof 6 foot fence with greenery around it. Mrs. Choat-Cook stated that the

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Planning Commission thought that the monopole would be the best option for this area. This is a blackout area for a lot of cell phone coverages and they have agreed and placed the three areas for co-locations for other cell phone companies to be able to use the same tower. It is compliant with the requirements, structural breaks are in place and it has been designed by a structural engineer. Alderman Ferguson made the motion to approve the conditional use permit for the standard monopole with the recommended changes of the Planning Department to the fence and landscaping. 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 6th day of June, 2017.

A copy of the staff report, location map, location photos, site plan, fence details, landscaping plan, and tower elevation and antenna layout is attached to these minutes.

Item #3 Application by Jon Reeves for subdivision approval of Rasco Hills Sec. "G" on the south side of Stateline Road, east of Horn Lake Road

Mrs. Choat-Cook stated that this request is for subdivision approval for Rasco Hills Section G located on the south side of Stateline Road, east of Horn Lake Road. This is an extension from the existing Section E as a step out from the existing roadways. Additionally, this was an overall PUD with minimum lot sizes and heated square footages. Mrs. Choat-Cook stated that this request is compliant with the PUD text and approval is recommended with no changes. Alderman Hale made the motion to approve the subdivision application. Motion was seconded by Alderman Payne.

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

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 6th day of June, 2017.

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

Item #4 Application by M & R Associates, LLC for subdivision approval of Cherry Hill Phase III on the south side of Rasco Road, east of Swinnea Road

Mrs. Choat-Cook stated that this request is for subdivision approval for Cherry Hill Phase 3 on the south side of Rasco Road, east of Swinnea. The overall PUD was approved in 2006. It has 25 lots on 5.42 acres with some open space that incorporates a decorative fence, landscape, and side walk areas, all of which are the responsibility of the home owners association. Mrs. Choat-Cook stated that since Rasco Road has been built, there are not any improvements that need to be done to the major arterials. Mrs. Choat-Cook stated that this request is compliant with the text that was approved in 2003 and approval is recommended. Alderman Ferguson made the motion to approve the subdivision application. Motion was seconded by Alderman Payne.

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 6th day of June, 2017.

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

MAYOR'S REPORT

Organizational Change Update

Mayor Musselwhite explained that code enforcement falls under the Planning and Development Department that is overseen by Whitney Choat-Cook, but in order to free her up to be able to spend more time on Planning and Development it will take a load off of her to have a qualified supervisor over code enforcement.

Mayor Musselwhite stated that it was no secret that over the past four years, the Board has taken steps to improve the quality of our neighborhoods and to make the code enforcement division more effective. Mayor Musselwhite explained that they have done that by adding three new code enforcement officers in 2014 and to further improve and make us more efficient, a recommendation was made to have a code enforcement officer supervisor. Mayor Musselwhite stated that they have a person that has done an incredible job not only in code enforcement, but also cross trained and handles a lot of building issues as well. Additionally, this

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person has a large amount of management experience with a prior career and is definitely the right person for the job. Mayor Musselwhite stated that a decision was made to move Harold Mears to be the code enforcement supervisor and that he is very proud of Harold for all that he has done for the City.

Mayor and Board of Alderman Swearing In

Mayor Musselwhite expressed that something so simple is actually very complicated with the way the days fall with the new swearing in of the Mayor and Board of Alderman. Mayor Musselwhite explained that by law, the Mayor and Board have to be sworn in by July 3rd, which is falling in the middle of the July 4th holiday. Mayor Musselwhite stated that he had already made the decision that he wanted to be sworn in on June 27. Initially, it was discussed of possibly doing a swearing in of the Board of Alderman on July 5, but they will not be able to since it has to be done before July 3rd. Mayor Musselwhite suggested to the Board that they all get sworn in together on June 27 and asked that they make a quick decision so that they can plan the ceremony.

CITIZEN'S AGENDA – GRAZIELLA FICHTHORN

Mrs. Fichthorn expressed concerns regarding a property owner/builder keeping his word to replace trees that he removed several years ago and requested information regarding where the water flow went in the subdivision. Mrs. Choat-Cook explained that the property owner is not required to replace the trees since they were on his private property, but has agreed to replace them once the road is complete. Mayor Musselwhite stated that Mrs. Choat-Cook will follow up with the property owner and verify that the trees were on his property and that he will replace them in the appropriate time. Next, Mayor Musselwhite asked Dan Cordell, City Consulting Engineer, to address Ms. Fichthorn's drainage question. Mr. Cordell explained that they have checked the ridge line that goes to her subdivision and Section D of Brambles drains toward that direction, but they will have to pull the construction plans to know exactly where all of the drainage goes. Mr. Cordell stated that they are in the process of that and will give her a number of the impact of flow. Mayor Musselwhite asked Mr. Cordell if it was say to say that we are not going to allow a development that puts more water upon her subdivision that puts her property in jeopardy. Mr. Cordell stated that was correct.

PERSONNEL DOCKET

Personnel Docket

June 6, 2017

Payroll Additions	Position	Department	Start Date	Rate of Pay
Derrick Clay**	Paramedic	Fire	TBD	\$17.51
Hollie A. Williams*	Paramedic	Fire	TBD	\$17.51

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*pending successful completion of
pre-emp screenings

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Jeremy Bond	P-3	P-4	06/12/2017	\$21.90
Harold Mears	Building Inspector	Code Enforcement Manager	5/30/2017	\$21.00
Chris Rainbolt	P-3	P-4	06/12/2017	\$21.90

Terminations / Resignations	Department	Position	Termination Date	Rate of Pay
Name				
Riley C. Cornelius	Fire	Fire Fighter	05/24/2017	\$15.12
Edward T. James	Building	Code Enforcement Officer	05/30/2017	\$17.00
Nektarious Papadimitriou	Fire	Paramedic	05/22/2017	\$17.51

Personnel Docket June 6, 2017

Part Time

City of Southaven Parks Department

2017

New Hires

Payroll Additions	Position	Department	Start Date	Rate of Pay
Wesley C. Caldwell	412 Grounds	Parks	06/07/2017	\$7.25
Dylan A.Ceide	412 Gates	Parks	06/07/2017	\$7.50
John R. Crowell	412 Grounds	Parks	06/07/2017	\$7.25
Christopher G. Davis	412 Grounds	Parks	06/07/2017	\$7.25
Johnny L. Faulkner	411 Seasonal	Parks	06/07/2017	\$8.00
Miranda E. Hall	412 Concessions	Parks	06/07/2017	\$7.25
Matthew D. Jolly	412 Grounds	Parks	06/07/2017	\$7.25
Maggie T. Kyle	412 Concessions	Parks	06/07/2017	\$7.25
Michael Kingsley	411 Seasonal	Parks	06/07/2017	\$8.00
Hawkins S. Logan	411 Golf	Parks	06/07/2017	\$7.25
Latalo J. Newson	411 Seasonal	Parks	06/07/2017	\$8.00
Kelsey Rich	412 Gates	Parks	06/07/2017	\$7.50

Adjustment	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
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Terminations	Termination Date
Loren Cowart	412 Concessions 06/07/2017
Jonathan Craft	412 Gates 05/16/2017
Blake Hittlet	412 Concessions 06/07/2017

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Michelle Landaverde	412 Gates	05/29/2017
Tyler Morris	411 Seasonal	05/16/2017
Tanner Robbins	412 Seasonal	05/16/2017
Natalee Williams	412 Concessions	06/07/2017

Alderman Brooks made the motion to approve the Personnel Docket of June 6, 2017 as presented to this Board. Motion was seconded by Alderman Gallagher. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

Assessment Refund – 1091 Frederick Drive

Mr. Manley presented a claim for refund of assessment to an unsuspecting 3rd party purchaser of property in the amount of \$1,356.00. Alderman Ferguson made the motion to authorize the refund and to proceed to collect from the previous property owners. Motion was seconded by Alderman Gallagher.

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 6th day of June, 2017.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of June 6, 2017 in the amount of \$2,912,765.41 . Motion was seconded by Alderman Flores.

Excluding voucher numbers:

281223, 281297, 281395, 281397, 281398, 281415, 281446, 281465, 281466, 281503, 281611, 281721, 281843, 281844, 281924, 282142, 282146, 282202, 282443, 282447

Roll call was as follows:

ALDERMAN	VOTED
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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 6th day of June, 2017.

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 Flores to adjourn. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously, June 6, 2017 at 7:05 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk

(Seal)

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