

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
July 18, 2017
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval Of Minutes: July 5, 2017 and July 6, 2017
5. National Kids' Month Proclamation
6. Ward 5 Planning Commissioner Appointment
7. Resolution for Surplus Property – ITEC Dept.
8. Authorization for City Parks Department to Seek Bids for all-wheel drive skid steer with attachments
9. Authorization to Advertise for City Budget Hearing
10. Renewal of Comcast Franchise Agreement
11. Resolution for Deputy Court Clerks
12. Contract with DeafConnect
13. Contract Change Order#2 Tri-Firma Term Contract for Public Works and Utilities Construction Project
14. Resolution To Clean Private Property
15. Planning Agenda:
 - Item #1 Application by Houleye Guisse for a conditional use permit to allow a hair braiding facility to be located at 8024 Hwy. 51 North.
 - Item #2 Application by Verizon Wireless for a conditional use permit to allow a cellular tower to be located at 3510 Stateline Road.
 - Item #3 Application by Laney Funderburk to amend the Pinewood Planned Unit Development on the south side of Stateline Road between Tchulahoma Road and Getwell Road
 - Item #4 Application by the City of Southaven to amend the comprehensive plan for the Getwell Road area south of Goodman Road to Nail Road.
16. Mayor's Report
17. Citizen's Agenda
 - Rebecca Treadway, The Arc Northwest Mississippi
 - Denise Tucker
18. Personnel Docket

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19. City Attorney’s Legal Update

20. Claims Docket

21. Executive Session: Claims/Litigation for Police and Infrastructure, Leasing/Acquisition of
Property and 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 JULY 18, 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 18th day of July, 2017 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1 (BY TELECONFERENCE)
Ronnie Hale	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler	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 thirty (30) 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 Payne. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of July 5, 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 July 6, 2017 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

NATIONAL KIDS MONTH PROCLAMATION

Mayor Musselwhite proclaimed the month of August as National Kids' Month and then read the following Proclamation:



*Office of the Mayor
Southaven, Mississippi*

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PROCLAMATION

WHEREAS, we can no longer take for granted the belief that our children will have a substantially improved quality of life than that of their parents. Parents and schools can no longer be the sole motivators in the quality and outcome our children's lives; and

WHEREAS, we as a community, and as a nation, must provide additional opportunities and guidance for the growth and development of our children by providing them with events, workshops, seminars, meetings, activities and programs regarding these issues.

WHEREAS, the time has come when the youth themselves must rise up and take the initiative to learn, develop and act on the issues that are critical to their health and wellbeing. While we must actively work to ensure our youth has the tools they need to succeed, they must proactively use these tools. While we afford them the opportunities for growth and development, they must furnish the motivation.

WHEREAS, when the youth of this country stands up and uses these programs and demonstrates their willingness to learn, to accept responsibility, and to apply what they have learned - we, in turn, must then acknowledge and applaud them for their efforts.

WHEREAS, by working in concert — youth, parents, schools, non-profit organizations, businesses and agencies — we can tackle and overcome many of the challenging issues that threaten the health and well-being of our youth and our nation for the benefit of all Americans for decades to come.

WHEREAS, I call upon educators, experts, industry leaders and activists across the Nation to provide our youth with information on health, nutrition, fitness, financial literacy and planning, communication, and life skills, and I encourage all Americans to take a proactive role in strengthening of America through the youth of our country.

NOW, THEREFORE, I, Darren Musselwhite, by the authority vested in me as Mayor of the City of Southaven, Mississippi, do hereby proclaim the month of August as:

NATIONAL KIDS' MONTH

in our city from the elected officials of the City of Southaven, Mississippi.

*In witness whereof I have hereunto set
my hand and caused this seal to be*

affixed this the 18th day of July, 2017

WARD 5 PLANNING COMMISSIONER APPOINTMENT

Alderman Wheeler made the motion to appoint Kevin Leeke to the Southaven Planning Commission and Board of Adjustment for Ward 5. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN

VOTED

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Alderman Brooks	YES
Alderman Kelly	YES (BY TELECONFERENCE)
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of July, 2017.

RESOLUTION FOR SURPLUS PROPERTY – ITEC DEPARTMENT

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

Mr. Manley stated that this Resolution, along with exhibit, provide the authority to surplus certain equipment for the City IT Department. 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 Information Technology Department is presently in possession of a variety of property attached hereto as Exhibit A, which is outdated, not useful or cost effective due to the storage and maintenance costs; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the property as set forth in Exhibit A be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and removed from the fixed assets inventory; and

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

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

1. The property listed in Exhibit A be hereby declared as surplus property due to the fact that the property is outdated, not useful or cost effective due to the storage and maintenance costs and has no value to the City.

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2. The City Clerk, IT Director, or their designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the property in Exhibit A.

Following the reading of this Resolution, it was introduced by Alderman Flores and seconded by Alderman Payne. 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 (BY TELECONFERENCE)
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	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 18th day of July, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

A letter of request to surplus along with a list of items is attached to these minutes.

AUTHORIZATION FOR CITY PARKS DEPARTMENT TO SEEK BIDS FOR ALL-WHEEL DRIVE SKID STEER WITH ATTACHMENTS

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

Mr. Manley stated that this request will allow for the Parks Department to seek bids for a skid steer with attachments. After bids are received, they will come back before the Board of Alderman with a recommendation of the lowest and best bid. Alderman Flores made the motion to authorize the Parks Department to seek bids. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

AUTHORIZATION TO ADVERTISE FOR CITY BUDGET HEARING

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

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Mr. Manley stated that this budget hearing is scheduled for the August 15th board meeting with final adoption at the September 5th meeting. The hearing is different from the budget workshop scheduled on August 8th. The advertisement will run on August 1, 8, 15, 22, and 29 and has to be done in 18 pt. font in non-legal section and it will be advertised in the *Commercial Appeal and Desoto Times*. This will provide notice 2 weeks before the hearing and 2 weeks before the adoption and also provide notice for the "weeks preceding" so that it complies with the statutes. The statutes create issues as Miss. Code Sections 27-39-203 and 21-35-5 do not seem to be consistent, which creates a convoluted situation. With this background, the motion will allow the clerk's office to advertise the budget hearing and adoption of budget. Alderman Hale made the motion to authorize advertisement for a city budget hearing and adoption of budget. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

A copy of the bid advertisement is attached to these minutes.

RENEWAL OF COMCAST FRANCHISE AGREEMENT

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

Mr. Manley stated that this agreement will renew the Comcast Franchise Agreement for an additional 15 years. Mr. Manley stated that he and Comcast have gone back and forth over several months regarding certain aspects of the agreement. Comcast will continue to pay the same percentage amount to the City and will be responsible for the cost of removing lines for road projects, if the road project is not solely for beautification. Also, in the event that the City annexes areas or approves underground utilities for a subdivision, the City will provide Comcast notice of those addresses before it receives franchise fees. At this juncture, the City will not approve the agreement as Miss. Code 21-13-3 requires it to be on file for 2 weeks for review before approval. This agreement will be available for review in the City Clerk's Office.

A copy of the agreement is attached to these minutes.

RESOLUTION FOR DEPUTY COURT CLERKS

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

Mr. Manley explained that at the last meeting, the Board authorized for the City Court Judges to appoint Deputy Court Clerks. Those appointments have been made and need to be entered into the minutes. 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 FOR DEPUTY COURT CLERKS

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 21-23-11 previously authorized the City Judges to appoint City Deputy Court Clerks; and

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WHEREAS, those appointments were made; and

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

1. Those individuals included in Exhibit A, which is attached hereto and incorporated herein, are City Deputy Court Clerks as appointed pursuant to Mississippi Code 21-23-11.

Motion was made by Alderman Gallagher and seconded by Alderman Brooks, and the question being put to a roll call vote, the result was as follows:

ALDERMAN	VOTED
Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES (BY TELECONFERENCE)
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 18th day of July, 2017.

A list of the individuals appointed is attached to these minutes.

CONTRACT WITH DEAFCONNECT

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

Mr. Manley stated that this contract with DeafConnect is with the City Court for DeafConnect to provide people to interpret/assist with individuals at City Court that are hearing impaired. Mr. Manley stated that he requested the change as it relates to time to pay and DeafConnect made the change. Alderman Brooks made the motion to approve the contract and authorize City Court Clerk, Thomas Mastin to sign the agreement. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES (BY TELECONFERENCE)
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES

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Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of July, 2017.

A copy of the contract is attached to these minutes.

CONTRACT CHANGE ORDER #2 TRI-FIRMA TERM CONTRACT FOR PUBLIC WORKS AND UTILITIES CONSTRUCTION PROJECT

Dan Cordell, City Consulting Engineer, presented this item to the Board.

Mr. Cordell stated that this change order is for an extension to renew the term contract with Tri-Firma to assist in Public Works and Utilities construction projects and be on call for emergency use. This request extends the contract for one (1) year. The original bid contract was for one (1) year with the option to renew for four (4) years and this is the second extension to the contract. Mr. Cordell requested an extension for one (1) year and per contract, a consumer price index increase of 1.8% on all unit costs.. Alderman Payne made the motion to approve the one (1) year extension with the 1.8% index increase and authorized Mayor Musselwhite to sign the change order. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN

VOTED

Alderman Brooks

YES

Alderman Kelly

YES (BY TELECONFERENCE)

Alderman Hale

YES

Alderman Payne

YES

Alderman Gallagher

YES

Alderman Wheeler

YES

Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of July, 2017.

A copy of the change order is 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

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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: PARCEL ID 2074181600003800,
PARCEL ID 2074181600005900,
PARCEL ID 2074181600005900, PARCEL ID 2074181600005800, 2814
RUSSUM DR, 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 is in a state of uncleanliness** 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 July
18, 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 uncleanliness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on **Tuesday, July 18, 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

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land located at PARCEL ID 2074181600003800, PARCEL ID 2074181600005900,

PARCEL ID 2074181600005900, PARCEL ID 2074181600005800, 2814

RUSSUM DR, is deemed in the existing condition to be a menace to the public health and safety of the community.

BE IT FURTHER RESOLVED that pursuant to Mississippi Code 21-19-11, 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 grass and weeds; filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Mississippi Code Section 21-39-21, and other debris; and draining cesspools and standing water therefrom.

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

ALDERMAN

VOTED

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES (BY TELECONFERENCE)
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 18th day of July, 2017.

PLANNING AGENDA:

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

Item #1 – Application by Houleye Guisse for a conditional use permit to allow a hair braiding facility to be located at 8024 Highway 51 North

Mrs. Choat Cook stated that this application is a conditional use permit for a hair braiding establishment at 8024 Highway 51. The building is an existing multi-tenant building on the northeast corner of Highway 51 and Rasco Road. The only amenities on site will be the hair braiding itself. Per city ordinance, this type of use can be no closer than a ½ mile radius from an existing establishment. A window survey has been done and it does comply. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI
GRANTING CONDITIONAL USE PERMIT TO HOULEYE
GUISSE FOR HAIR BRAIDING ESTABLISHMENT ON
NORTHEAST CORNER OF HIGHWAY 51, SOUTHAVEN,
MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on June 26, 2017 for the conditional use permit ("permit") application of Houleye Guisse for a hair braiding establishment; 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

WHEREAS, based on findings of the City Planning Commission findings as further set forth in Exhibit A to this Resolution, the City's Planning Commission recommends, subject to the City Board's revocation, a one (1) year conditional use permit with a four (4) year extension 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

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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. Subject to the Board's revocation for violation of the conditional use permit or ordinances, the City Board hereby grants Houleye Guisse a conditional use permit for a hair braiding establishment for one (1) year with a four (4) year extension 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

Payne 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 (BY TELECONFERENCE)
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE this 18th day of July, 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 18th day of July, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

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

Item #2 – Application by Verizon Wireless for a conditional use permit to allow a cellular tower to be located at 3510 Stateline Road

Mrs. Choat-Cook stated that this applicant is requesting a conditional use permit for a 165 foot monopole to be located at 3510 Stateline Road. This parcel of land is zoned agricultural and has no exiting structures on site. It is located on the north side of Stateline Road east of Horn Lake Road. Per requirements, they have

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to have a structural design to break into three (3) portions in order to be within its fall zone. It is required to have three (3) co-location spots so that two (2) alternate users can be on the site. They have proposed a 20' ingress/egress to gain access to the site and have an eight (8) foot chain link fence with three (3) strand barb wires along the top. There is no lighting proposed with this site. They have been asked to increase the screening capability with evergreens. Normally, chain linked fencing with barb wire is not allowed, but it is located in an agricultural zone and on a vacant portion of the property. Mrs. Choat-Cook stated that if it ever gets to the point that it builds out, they will have them alter the fence line to a more aesthetic view. Requirements have been met, the Planning Commission voted in favor of, and staff recommends approval. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE PERMIT TO VERIZON WIRELESS FOR MONOPOLE AT 3510 STATELINE ROAD, SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on June 26, 2017 for the conditional use permit ("permit") application of Verizon Wireless for 165' monopole at 3510 Stateline Road; 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

WHEREAS, based on findings of the City Planning Commission findings as further set forth in Exhibit A to this Resolution, the City's Planning Commission contingently recommends, subject to all requirements and other information being provided to the City Planning Staff as set forth in Exhibit A and further subject to the City Board's revocation, a one (1) year conditional use permit with a four (4) year extension 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

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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. Subject to the Board's revocation for violation of the conditional use permit or ordinances and further subject to all requirements and other information being provided to the City Planning Staff as set forth in Exhibit A, the City Board hereby grants Verizon Wireless a conditional use permit for a 165' monopole for one (1) year with a four (4) year extension 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 Hale and seconded by Alderman Brooks. 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 (BY TELECONFERENCE)
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE this 18th day of July, 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 18th day of July, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the staff report, letter of support, survey, and zoning drawings is attached to these minutes.

Item #3 – Application by Laney Funderburk to amend the Pinewood Planned Unit Development on the south side of Stateline Road between Tchulahoma Road and Getwell Road

Mrs. Choat-Cook stated that this applicant is requesting to amend an existing planned unit development that consists of 280 acres between Tchulahoma and Getwell Road on the south side of Stateline Road. Mrs. Choat-Cook explained that recently this came before the Board of Alderman and was originally proposed

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warehouse on the interior and commercial office on the exterior. It was approved with commercial and office uses, but the warehousing was removed and left agricultural. Mrs. Choat-Cook stated that the applicant has now come back and asked to utilize the interior of the site for residential medium density with some common open spaces. Mrs. Choat-Cook explained that a comparative analysis was done to determine the minimums for this site and both Ansley Park and Summit Park (Rutland Pointe) were approved and built out as R-10 overlays which allowed for a minimum lot size of 9,060 sq. ft. and is less than the mandatory minimum proposed. Mrs. Choat-Cook explained that there was opposition from those in the audience, but had reached a compromise with the density and access points. Also, the applicant was asked to put major entrances with masonry materials and flowers on all three sides, increase square footage to 1,800. Once these changes were made, the audience was appeased. The Planning Commission agreed to the amended changes and voted unanimously in favor of. Mrs. Choat-Cook stated that once approved, she will have the applicant amend the PUD text book that will stay on file with the City along with the staff report and amended changes to include a side load two car garage, 6:12 roof pitch, protection for the cemetery, perimeter decorative fence around the entire area with either brick or stone, columns, and open entrances identifying where the community starts. Mrs. Choat-Cook explained that they will write medium density residential in the PUD text amending the use with the details of the requirements in the text. The applicant was asked to take the L-shaped strip of commercial back to office and keep the corner because they did not want it facing Summerwood Subdivision. Mrs. Choat-Cook explained that a PUD text gives the City the right to regulate and when the house plans are submitted, they will check the design square footage, roof pitch, and it will then be signed off on and sent to the building department. Alderman Wheeler made the motion to amend the PUD text and map to reflect residential in the area of agricultural to include all amended changes. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

A copy of the staff report, June 26, 2017 Board of Adjustment minutes, outline plan, amendment application, outline plan conditions, concept plan, and PUD text are attached to these minutes and incorporated herein.

Item #4 – Application by the City of Southaven to amend the comprehensive plan for the Getwell Road area south of Goodman Road to Nail Road

Mrs. Choat-Cook stated that the Office and Planning & Development is requesting to amend the comprehensive plan map. The specific areas consist of the square mile bordered by Goodman Road (north), Getwell Road ((east), Nail Road (south), and Tchulahoma Road (west); the east side of Getwell Road south of Goodman and the intersection areas at Nail Road and Getwell Road. Per the existing plan, these areas have been designated as low density residential, straight commercial, medium density, and park. Mrs. Choat-Cook explained that the city is requesting to revise the map and allow for these areas to be designated in the future land use plan as mixed use development. Mrs. Choat-Cook then stated that Mr. Jerry Artibulary was present at the meeting and would like to come before the board to speak on the amendment to the comprehensive use plan. Alderman Payne made the motion to allow Mr. Artibulary to come forward and address the

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Board regarding the matter. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

Mr. Artibulary explained that he lives on Foxdale Loop behind the Mesquite Chophouse and asked if there were any plans to change the parcel at the corner of Nail Road and Old Getwell Road. Mayor Musselwhite explained that with the demand at Nail and Getwell there is a possibility of future development. Mayor Musselwhite explained that the City shares his concerns and will be conscience of that type of development that will go in at that location. Mr. Artibulary thanked Mayor Musselwhite for his honesty. As part of the hearing for the amendment to the comprehensive plan, Mayor Musselwhite asked if there were any other people in the audience that would like to speak and there were none.

After hearing from Mrs. Choat-Cook and Mr. Artibulary, the Board considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI ADPOTING AMENDMENTS TO COMPREHENSIVE PLAN FOR SOUTHAVEN, MISSISSIPPI

WHEREAS, Mississippi Code Section 17-1-9 states that “[z]oning regulations shall be made in accordance with a comprehensive plan, and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements”; and

WHEREAS, Mississippi Code Section 17-1-1 defines the term “comprehensive plan” as “a statement of public policy for the physical development of the entire municipality...adopted by resolution of the governing body, consisting of the following elements at a minimum: (1) goals and objectives for the long range (twenty to twenty-five years) development of the...municipality...;(2) a land use plan...; (3) a transportation plan...; and (4) a community facilities plan...; and

WHEREAS, the City of Southaven (“City”) pursuant to Mississippi Code 17-1-11, adopted the City of Southaven Comprehensive Plan (“Plan”) in 2002; and

WHEREAS, an amendment to the Plan has been proposed; and

WHEREAS, on July 17, 2017, the City Planning Commission held a duly noticed public hearing to consider the amendment to the Plan; and

WHEREAS, on July 18, 2017, the City Mayor and Board of Aldermen held a duly noticed public hearing to consider the amendment to the Plan as recommended by the City Planning Commission; and

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WHEREAS, the public was given the opportunity to speak regarding the amendment; and

WHEREAS, based on review of the amendment to the Plan and the goals of the City, along with the City's policy for the physical development of the City in the context of the amendment to the Plan and the City's desire to correct conflicting provisions, the City hereby incorporates the findings as set forth in Exhibit A regarding amending of the plan to allow for mixed use development in the specific areas as set further set forth in detail 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. Based on the aforementioned, review of the Plan, along with the City Mayor and Board's goals and policy for the physical development of the City as further set forth in detail in Exhibit A and to correct the conflicting provisions of the Plan as further set forth in detail in Exhibit A, the Amended Plan, attached hereto as Exhibit A, is hereby adopted and approved by the City.
2. A copy of the Amended Plan, which includes the amendments, shall be available for public inspection at the City Clerk's Office during normal business hours.
3. The Mayor, Planning Director, or their designees are authorized to take any and all action to effectuate the intent of this Resolution.
4. Exhibit A is fully incorporated and included as part of this Resolution and the City Minutes of July 18, 2017.

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

Alderman William Brooks	YES
Alderman Kristian Kelly	YES (By Teleconference)
Alderman Ronnie Hale	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE this 18th day of July, 2017.

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Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 18th day of July, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the comprehensive plan amendment is attached to these minutes.

MAYOR'S REPORT

Dizzy Dean World Series

Mayor Musselwhite stated that the Dizzy Dean World Series is going on right now with teams from all over the southeast. Mayor Musselwhite explained that the City of Southaven hosts all age groups in both baseball and girls softball and encouraged everyone to go and see some of the games.

Intelligent Transportation System - MDOT

Mayor Musselwhite stated that all of the cities in Desoto County pooled their MPO money, combined with MDOT, to improve traffic congestion on Goodman Road that included synchronization of the lights from Horn Lake, through Southaven, and into Olive Branch and for reader boards on Interstate 55. Mayor Musselwhite explained that the reader boards will give alerts on accidents so people can seek alternate routes. Mayor Musselwhite reported that the interstate will be shut down on the next two Sundays for the reader boards to be installed.

CITIZEN'S AGENDA - REBECCA TREADWAY, THE ARC OF MISSISSIPPI AND DENISE TUCKER

Rebecca Treadway- The Arc of Mississippi

Ms. Treadway explained that her organization is an advocate for individuals of all ages with intellectual and developmental disabilities and their families. Ms. Treadway stated that they actively work to educate the community about the people they serve and encourage service providers to establish programs, events, and services in Northwest Mississippi that will contribute to the quality of life for the special needs community. Ms. Treadway thanked the Board for allowing her to share information about her organization.

Denise Tucker – Ms. Tucker did not attend this meeting.

Mary Greenwell.

Ms. Greenwell did not request to be placed on the Citizen's Agenda, but asked if she could speak to the Board. Alderman Payne made the motion to allow Ms.

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Greenwell to come forward. Motion was seconded by Alderman Gallagher. Motion was out to vote and passed unanimously.

Ms. Greenwell expressed concerns about the walking trail being uneven at Saucier Park and stated that she would like to see a track at Central Park that is handicap accessible. Mayor Musselwhite stated that they will look into the possibility of a track and will review the condition of the trails. Alderman Gallagher commented that this is exactly why the city needed to get Penny for Your Parks back, so that they could afford these types of upgrades. Mayor Musselwhite thanked Ms. Greenwell for coming forward and asked that she leave her contact information to follow up with her.

PERSONNEL DOCKET

Personnel Docket

July 18, 2017

Payroll Additions

Name	Position	Department	Start Date	Rate of Pay
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*pending successful completion of pre-emp screenings

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
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Terminations/Resignations

Name	Department	Position	Termination Date	Rate of Pay
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Personnel Docket July 18, 2017
City of Southaven Parks Department

Part Time
2017

New Hires

Payroll Additions	Position	Department	Start Date	Rate of Pay
Kaleb R. West	412 Concessions	Parks	07/18/2017	\$7.25

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Adjustment	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
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Terminations		Termination Date
Micah Lowe	412 Gates	07/05/2017
Carmen Reed	412 Gates	07/05/2017

Alderman Brooks made the motion to approve the Personnel Docket of July 18, 2017 as presented to this Board. Motion was seconded by Alderman Payne. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

Park's Department Vehicle

Mr. Manley requested authorization to surplus a 2005 Ford F250 VIN # XL1FTSX205ED90604 for the Parks Department due to a tree falling on it. Alderman Flores made the motion to authorize the surplus of the truck. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

Reverse Auctions Update

Mr. Manley explained that there is a new law that will go into effect that requires reverse auctions for commodity bids. It was questionable whether or not it applies to local entities. Desoto County asked for an opinion from the Attorney General and he gave the opinion that it does apply to local entities as it relates to reverse auctions when you do commodities bids. Mr. Manley stated that the County is going to ask for reconsideration with official questions and the City of Southaven along with other cities are going to sign on to request that it not apply to local entities.

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Butler Snow Contract Correction

Mr. Manley stated that at the last Board Meeting the Board approved a resolution to appoint Butler Snow Law Firm as the City Attorney and their name is now Butler Snow, LLP and approval is needed for the Mayor to sign. Alderman Flores made the motion to authorize Mayor Musselwhite to sign a contract with Butler Snow, LLP. Motion was seconded by Alderman Hale.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES (BY TELECONFERENCE)
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of July, 2017.

A copy of the contract is attached to these minutes.

Central Park Appraisal

Mr. Manley stated that they are in the process of getting appraisals of the parcels for the walking trail from Central Park to Snowden Park and needs authorization to proceed. Alderman Flores made the motion to authorize getting the appraisals, and/or establish values for the properties, and authorize Mayor Musselwhite to sign contracts for appraisals. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES (BY TELECONFERENCE)
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of July, 2017.

CLAIMS DOCKET

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A motion was made by Alderman Payne to approve the Claims Docket of July 18, 2017 in the amount of \$2,703,455.36. Motion was seconded by Alderman Wheeler.

Excluding voucher numbers:

284304, 284342, 284347, 284354, 284369, 284374, 284377, 284423, 284469, 284471, 284534, 284574, 284575, 284576, 284577, 284578, 284579, 284580, 284581, 284582, 284583, 284584, 284585, 284586, 284587, 284588, 284589, 284590, 284591, 284592, 284593, 284594, 284595, 284596, 284597, 284598, 284599, 284600, 284601, 284602, 284616, 284617, 284837, 284841, 284980, 284981, 285005

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES (BY TELECONFERENCE)
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	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 18th day of July, 2017.

Alderman Flores recused himself and left the room.

A motion was made by Alderman Payne to approve the Special Claims Docket of July 18, 2017 in the amount of \$1,729.00. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES (BY TELECONFERENCE)
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	RECUSED

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 18th day of July, 2017.

Alderman Flores then returned to the room.

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EXECUTIVE SESSION

Executive Session Minutes are maintained in the City Clerk's Office.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Wheeler. Motion was put to a vote and passed unanimously, July 18, 2017 at 8:13 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk

(Seal)