

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
October 3, 2017
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval Of Minutes: September 19, 2017
5. Resolution for Liens for Condemned Properties
6. Resolution Authorizing Liens to Assessments
7. Resolution for Restaurant/Tourism Tax for Parks
8. Resolution for No Protest for Bond Issuance
9. Contract with ETI
10. Work Authorization with Civil Link
11. Authorization for Public Works to purchase equipment from the State Contract and go to bid
12. Surplus Property - SPD
13. Resolution To Clean Private Property
14. Planning Agenda:
 - Item #1: Request for proposals regarding city comprehensive plan
 - Item #2: Application by Mark Utley for minor subdivision approval of the Gill Subdivision North Addition on the east side of Swinnea Road, south of Church Road
 - Item #3: Application by Highland Grove Annex, LLC for subdivision approval revising Highland Grove Sec. "B" lot 124
 - Item #4: Application by Getwell Properties, LLC for subdivision approval revising Deerchase North Commercial Subdivision lot 2
 - Item #5: Application by Focal Pointe Investments for subdivision approval of Pinewood Subdivision Phase 1 on the south side of Stateline Road, west of Getwell Road
15. Mayor's Report
16. Citizen's Agenda: Mark and Shirley Stevens and Graziella Fichthorn
17. Personnel Docket
18. City Attorney's Legal Update
19. Claims Docket
20. Executive Session: Personnel in City Court; Claims/Litigation against City and SPD; Economic Development Relating to Re-locating of Business to city and Leasing of City Property

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 October 3, 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 5th day of October 3, 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
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 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 Payne. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of September 19, 2017 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

RESOLUTION FOR LIENS FOR CONDEMNED PROPERTIES

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

Mr. Manley stated that this resolution will allow for liens to be filed for the costs/penalties associated with the condemned properties. Mayor Musselwhite asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none. The Board of Alderman 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

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property within the City, under circumstances which create a menace to the public health and safety of the community, and

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

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

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

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

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

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

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

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

Alderman William Brooks
Alderman Kristian Kelly

voted: YES
voted: YES

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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 3rd day of October, 2017.

RESOLUTION AUTHORIZING LIENS TO ASSESSMENTS

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

Mr. Manley stated that this resolution will allow for the liens that have been filed for the condemned properties to be converted to assessments and collected as part of the property tax for the property. Typically, on or before December, the liens will be cancelled on the properties and converted to assessments. Mayor Musselwhite asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none. 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 ADJUDICATING THE COST OF CLEANING PROPERTY, IMPOSING A PENALTY AND IMPOSING ASSESSMENT OF THE SAME AGAINST PROPERTY

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

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

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

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

WHEREAS, in order to provide notice of the City's liens on the property, the City Board previously resolved that the costs and penalties for the properties set forth in Exhibit A be collected, via liens; and

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WHEREAS, as part of the liens, the Mayor and Board of Aldermen included a penalty of Two Hundred Fifty Dollars and 00/100 (\$250.00) per property per cutting, and

WHEREAS, the Mayor and Board of Aldermen now deem and resolve that the clean-up cost and penalties previously filed as liens shall be collected as an assessment against each property, to be collected by the Tax Collector in the manner employed for the collection of all other taxes and assessments of the municipality, unless sooner collected through other means.

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

1. The actual cost of the clean-up of properties listed in Exhibit A be converted from a lien and assessed to the property to be collected by the Tax Collector and the same is hereby determined to be as set forth in Exhibit A attached hereto.
2. A penalty in the amount of \$250 per lot per cutting as listed above be, and the same is hereby imposed against each parcel in addition to the actual cost of the property clean-up.
3. The total amount, as set forth above, be, and the same is hereby assessed against each property, to be collected by the Tax Collector in the manner used for collection of other municipal taxes and assessments, unless sooner collected through other means.

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

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
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 3rd day of October, 2017.

RESOLUTION FOR RESTAURANT / TOURISM TAX FOR PARKS

Mayor Musselwhite stated that the city needs to give a resolution to the State House of Representatives to present for a possible reinstatement of the tourism tax in the upcoming 2018 session. Mayor Musselwhite explained that what has been discussed is potentially an eight (8) year extension or a resolution that simply

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brings back a new vote and starts over with no repeal date. Mayor Musselwhite stated that in the last session, it became very clear than that many of our legislators around the state refused to approve the tax either with a referendum or with an extension because of the fact that four of our own legislators voted no to others throughout the state that offered a new referendum and we suffered because of that.

Alderman Gallagher expressed that this has been voted on two times by the people of Southaven and did not see a reason to vote on it again. Alderman Gallagher stated that the people have spoken numerous times and thinks that they have given their opinion.

Mayor Musselwhite stated that there is a percentage of people in the city that oppose this tax and voted no to it both times. Mayor Musselwhite stated that it appears to him that they didn't like the result of the vote and that doesn't mean that you can keep requesting a new vote and he would agree with Alderman Gallagher that it is apparent that in both elections the majority of the people in the city approved the tax because they see the value and a new referendum as an unnecessary expense.

Alderman Payne stated that if the state legislature wants the city to have another referendum vote, then he is all for it, but thinks that the first attempt should be to ask to institute the tax again. Alderman Payne stated that it has obviously been detrimental to the city and noted that another referendum would put the city another year behind.

Mayor Musselwhite stated that the Mississippi Department of Revenue (MDOR) does not break down what part is from restaurant, but that they do know that approximately 85% of that is due to the restaurant tax. The total amount was 1.9 million and 85% would be around \$1.6 million that the city lost for one year.

Alderman Kelly stated that in his opinion, because the tax went away, they would be asking for a tax increase and he personally would like to have a referendum for the citizens to vote on it again and it can then be put to rest.

Mayor Musselwhite explained that he has been given information that a lot of the legislators now understand that when you have a short term repeal date, it limits the city's use of the revenue for a bond. The message is finally circulating throughout the state that a longer time extension is a much better option for the cities.

Mayor Musselwhite explained that the two potential resolutions that they did have an eight (8) year extension date or one with a new vote without a repeal date. Mayor Musselwhite stated that contrary to the inaccurate information that circulated when this issue became so highly politicized earlier, eight years of revenue completes all that they need to do. Mayor Musselwhite stated that there were ridiculous comments made that the tax was indefinite or that there was no responsibility with the spending which was all false. There has always been a

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plan, that this Board has the right to determine the budget on how the money is spent. Mayor Musselwhite added that the eight (8) year extension was enough to complete everything in the plan.

Alderman Payne explained that the three (3) year repealer was in place to hold the Board accountable for how they were spending the money and that if they were not spending it correctly then legislators would not lobby for them to use the tax.

Mayor Musselwhite stated that it was also explained to the Desoto County House of Representatives that the repeal date was not meant to be taken literally. Mayor Musselwhite stated that the revenue that the tax generated did not come close to the projects planned. The repeal date was supposed to be used as a checks and balances.

Alderman Hale expressed that his opinion is that he does not have a problem with a referendum, but he also understands the advantages that it gives to the city in project oriented direction. Alderman Hale stated that it made sense to fund the projects that they know they are going to do and to take it away causes a domino effect that not only hurt the City of Southaven but other municipalities as well.

Mayor Musselwhite responded that it is a fact that the tourism revenue by law and must be spent on park recreation or tourism and cannot be used for any other issue or expense. Mayor Musselwhite stated that now that the revenue is gone, it has forced the Parks Department to compete with other projects in the City. Mayor Musselwhite stated that there are some people that take an anti- tax mentality that think that every tax is bad and it is killing economic development. Mayor Musselwhite explained that there are roads falling apart throughout the state, education is not being funded properly and there are some that want to focus on Southaven's restaurant tourism tax.

Alderman Gallagher asked how this request will be any different. Alderman Gallagher explained that last year the Board requested to extend the tax and were denied, then asked for a reverse referendum and were again denied, and last asked for a referendum and it was denied as well.

Mayor Musselwhite stated that the State House of Representatives, in their own words, voted no to all because there was not any support from our own representatives as they didn't support taxes throughout the state. Mayor Musselwhite stated that it is his opinion, just from reading between the lines on what he has been told, is they realized after the fact, that it made no sense to hurt the third largest city in the state when they are doing extensions for other cities throughout the state. Mayor Musselwhite expressed that no one has used this tax more effectively than the City of Southaven and that our Parks Department program is respected throughout the south eastern part of the United States. Mayor Musselwhite stated that the other representatives throughout the state realized that it was not fair to the City of Southaven and some actually apologized and indicated that they did not want to hurt the City, but had no choice since our own representatives would not support bills throughout the state. Mayor

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Musselwhite expressed that if the Board wants to have another referendum, then he is okay with doing that, but thinks that it is an unnecessary expense and will get the same result.

Alderman Wheeler stated that he agreed with the eight (8) year extension and feels the quicker the better. Alderman Wheeler stated that as a business owner in Desoto County of a restaurant, he never had any problems with a customer complaining about the 1% tourism tax. Most of the people paying the 1% are from out of town coming to ball games or concerts.

Alderman Flores stated that since the last referendum, there are new voters and some have come and gone and this is a new tax of an old tax and he could see where a new referendum would work. Alderman Flores stated that he did not want the expense of a referendum but people should have their say. Alderman Flores stated that overall his preference is to ask for an extension.

Alderman Payne stated that when it was voted on and passed before, it did not have a repealer on it as that was done on the floor when it passed.

Mayor Musselwhite stated that Representatives Criswell, Hopkins, Henley, and Eubanks voted no to others that had a referendum and that several of those people told him they would approve anything that the people voted for. Mayor Musselwhite stated that he asked why they voted no to other tourism taxes that had a new referendum and they responded that it was the people's choice to decide. Mayor Musselwhite stated that this caused a lot of hostility toward Desoto County in general and to remember that we were not the only ones, as Horn Lake lost theirs as well.

Alderman Gallagher added that several of those legislators told them that they never voted no to a referendum, but their voter record was not consistent with that.

Mayor Musselwhite stated that the City of Horn Lake had to adjust millage rates and that when you put a city in that situation, you are really killing one tax to pay another. Mayor Musselwhite added that you're not solving a tax burden, you are shifting it.

Mayor Musselwhite thanked the Board for their discussion and it was agreed that the Board would have a resolution to pass at the November 7, 2017 meeting.

RESOLUTION FOR NO PROTEST FOR BOND ISSUANCE

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

Mr. Manley stated that this resolution notes that there was no protest filed against the issuance of the bond in accordance with the Mississippi law. Also, it notes that the City's Intent Resolution was advertised and it authorizes the issuance of bonds in an amount not to exceed \$6 million dollars. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

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RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION ADOPTED ON THE 5TH DAY OF SEPTEMBER, 2017, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO SUFFICIENT PROTEST DESCRIBED IN SAID RESOLUTION HAS BEEN FILED BY THE QUALIFIED ELECTORS; AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "**Governing Body**" of the "**City**"), does hereby find, determine, adjudicate, and declare as follows:

1. Heretofore, on the 5th day of September, 2017, the Governing Body adopted a certain resolution entitled "**RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY, ISSUE A GENERAL OBLIGATION BOND OF THE CITY FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK OR ENTER INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK, ALL IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000) TO RAISE MONEY FOR THE PURPOSE (I) CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR; (II) ERECTING, REPAIRING, IMPROVING, ADORNING, EQUIPPING AND FURNISHING MUNICIPAL BUILDINGS, AUDITORIUMS, COMMUNITY CENTERS, GYMNASIUMS AND ATHLETIC STADIUMS, PREPARING AND EQUIPPING ATHLETIC FIELDS, AND PURCHASING BUILDINGS AND LAND THEREFOR; AND FOR ERECTING, EQUIPPING AND FURNISHING OF BUILDINGS TO BE USED AS A MUNICIPAL OR CIVICS ARTS CENTER; (III) PURCHASING LAND FOR PARKS, CEMETERIES AND PUBLIC PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF SWIMMING POOLS AND OTHER RECREATIONAL FACILITIES; (IV) PURCHASING FIRE FIGHTING EQUIPMENT AND APPARATUS, AND PROVIDING HOUSING FOR SAME, AND PURCHASING LAND THEREFOR; (V) ERECTING OR PURCHASING WATERWORKS, GAS, ELECTRIC AND OTHER PUBLIC UTILITY PLANTS OR DISTRIBUTION SYSTEMS OR FRANCHISES, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VI) ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VII) PROTECTING A MUNICIPALITY, ITS STREETS AND SIDEWALKS FROM OVERFLOW, CAVING BANKS AND OTHER LIKE DANGERS; (VIII) CONSTRUCTING BRIDGES AND CULVERTS; (IX) PURCHASING MACHINERY AND EQUIPMENT, INCLUDING MOTOR VEHICLES WEIGHING NOT LESS THAN TWELVE THOUSAND (12,000) POUNDS, WHICH HAVE AN EXPECTED USEFUL LIFE IN EXCESS OF TEN (10) YEARS WHICH EXPECTED USEFUL LIFE SHALL EXCEED THE LIFE OF THE BONDS FINANCING SUCH PURCHASE; AND (X) FOR OTHER AUTHORIZED PURPOSES UNDER MISSISSIPPI CODE**

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ANN. SECTIONS 21-33-301 ET SEQ., AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, INCLUDING PAYING FOR THE COST OF SUCH BORROWING; DIRECTING THE PUBLICATION OF A NOTICE OF SUCH INTENTION; AND FOR RELATED PURPOSES" (the "**Intent Resolution**") wherein the Governing Body found, determined and adjudicated that (a) it is necessary to provide financing for the costs of the Project (as defined herein) (i) through the issuance of general obligation bonds of the City, in one or more series (the "**Bonds**"), (ii) through the issuance of a general obligation bond of the City, in one or more series, to be sold to the Mississippi Development Bank (the "**Bank**") (the "**City Bond**"), and/or (iii) by entering into a loan with the Bank to borrow money from the Bank in a total principal amount not to exceed Six Million Dollars (\$6,000,000) (the "**Loan**"), (b) declared its intention to issue the Bonds, City Bond, and/or Loan, and (c) fixed 6:00 o'clock p.m. on October 3, 2017, as the date and hour on which it proposed to direct the issuance of the Bonds, City Bond, and/or Loan, on or prior to which date and hour any protest to be made against the issuance of the Bonds, City Bond, and/or Loan was required to be filed.

2. As required by law and as directed by the Intent Resolution, the Intent Resolution was published once a week for at least three (3) consecutive weeks in the *DeSoto Times-Tribune*, a newspaper published in and having general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, the first publication having been made not less than twenty-one (21) days prior to the date fixed herein for the issuance of the Bonds and/or the City Bond and/or the authorization of the Loan, and the last publication shall not be made more than seven (7) days prior to said date, said notice having been published in said newspaper on September 7, 14, 21 and 28, 2017, as evidenced by the publisher's affidavit heretofore presented and attached hereto as **EXHIBIT A**.

3. On or prior to the hour of 6:00 o'clock p.m. on October 3, 2017, no written protest against the issuance of the Bonds and/or the City Bond and/or the authorization of the Loan has been filed with the City Clerk of the City; and, therefore, the Governing Body does hereby find, determine and adjudicate that no protest against the issuance of the Bonds and/or the City Bond and/or the authorization of the Loan has been duly filed.

4. The Governing Body is now authorized and empowered by the provisions of Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended (the "**City Bond Act**") and Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended (the "**Bank Act**" and together with the City Bond Act, the "**Act**"), and other applicable laws of the State of Mississippi, to issue the Bonds and/or the City Bond and/or the authorization of the Loan, in one or more series, in a total aggregate principal amount of not to exceed Six Million Dollars (\$6,000,000) without any election on the question of the issuance thereof.

5. The amount of the Bonds and/or the City Bond and/or the authorization of the Loan so proposed to be issued, when added to the outstanding indebtedness of the City, will not exceed any constitutional or statutory limitation of indebtedness.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

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SECTION 1. That the Governing Body is now authorized and empowered by the Act to issue the Bonds and/or the City Bond and/or the authorization of the Loan, in one or more series, all in the maximum principal amount of not to exceed Six Million Dollars (\$6,000,000) for the purpose set forth therein, including, but not limited to, (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning, equipping and furnishing municipal buildings, auditoriums, community centers, gymnasiums and athletic stadiums, preparing and equipping athletic fields, and purchasing buildings and land therefor; and for erecting, equipping and furnishing of buildings to be used as a municipal or civics arts center; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act, including paying for the cost of such borrowing (the "**Project**").

SECTION 2. The Bonds and/or the City Bond and/or the authorization of the Loan shall be issued and offered for sale in accordance with the further orders and directions of this Governing Body.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Board Member Flores, seconded by Board Member Gallagher and was adopted by the following roll call vote, to wit:

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

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 3rd day of October, 2017.

EXHIBIT A PROOF OF PUBLICATION

A copy of the Proof of Publication is attached to these minutes.

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CONTRACT WITH ETI

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

Mr. Manley stated that this is an engineering agreement with ETI on the Lateral D FEMA revisions. The amount is included in City's drainage improvements list for 2018.

Dan Cordell, City Consulting Engineer, stated that this is the cleanup work for all of the development along Lateral D when they opened up Plum Point Road and did improvements and all retention related to it. Mr. Cordell stated that they are in the process of finishing the 1 year warranty period. Mr. Cordell stated that ETI was the original firm that put all of the calculations together for the developer and went through the City, Drainage District, and City of Horn Lake over the impacts of Horn Lake Creek. Mr. Cordell stated that they have changed the flood plain in that area with this work, but FEMA does not update their maps very often and this area is not scheduled for a map revision for another 5-6 years. Mr. Cordell stated that many of the residents are still paying for flood insurance even though improvements were made to the flood plain in that area due to the maps having old data. This will allow ETI to add to their data process in a FEMA format that would allow us to get a Letter of Map Revision (LOMR) which will then reflect improvement to the drainage in that area and hopefully relieve several of those residents from having to pay flood insurance. Mr. Cordell explained that there are some expenses that the City will have to pay that was budgeted in the storm water improvement plan for this year for actual processing fees for map production and release. The City's cost related to this will be \$32K to ETI and then additional direct fees to FEMA at approximately \$10,700.00. Mr. Cordell added that they were simply providing FEMA with the latest information so that the mortgage companies, insurance providers, and residents could make decisions regarding flood insurance. Alderman Flores made the motion to approve the contract and authorize Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 3rd day of October, 2017.

A copy of the contract is attached to these minutes.

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WORK AUTHORIZATION WITH CIVIL LINK

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

Mr. Cordell stated that this is work authorization for Civil Link for the four (4) signals in the signal modernization plan along Hwy 51. This will cover the design permitting, bidding, and construction administration inspection on the four (4) signals at an hourly rate not to exceed \$180,000 with a 2.6 labor markup. Alderman Flores made the motion to approve the work authorization and 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 Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 3rd day of October, 2017.

A copy of the contract is attached to these minutes.

AUTHORIZATION FOR PUBLIC WORKS TO PURCHASE EQUIPMENT FROM THE STATE CONTRACT AND GO TO BID

Public Works Request to Purchase Equipment

Bradley Wallace, Public Works Director, requested to purchase the following equipment for the in-house maintenance of city right-of-ways:

- Kubota Tractor – 4 units – \$65,105.00 each
- Kubota Loader / Bucket & Grill – 2 units - \$7,811.00 each
- Land Pride Mower decks – 4 units - \$13,250.00 each
- Kubota zero turn mower – 1 unit - \$12,107.00 each

Public Works Request to Bid

Mr. Wallace requested to go to bid for the following equipment for the in-house maintenance of city right-of-ways:

- Mini-trac unit
- Skid steer unit

Both purchase and bid equipment requests were approved in the FY18 Budget.

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Alderman Gallagher made the motion to approve the state contract equipment purchase request and authorize going to bid for the additional equipment needed that was not under state contract. 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 Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 3rd day of October, 2017.

A copy of the letter of request to purchase and bid equipment is attached to these minutes.

RESOLUTION TO SURPLUS PROPERTY – SPD

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

Mr. Manley stated that this resolution will authorize the Police Department to surplus vehicles that are no longer needed in service. The Board of Alderman considered the following resolution:

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

WHEREAS, the City of Southaven ("City") Police Department is presently in possession of certain surplus vehicles as set forth in Exhibit A (collectively "the Property"); and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the Property be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, as the Property has no value to the City and its citizens due to the fact that they are not mechanically sound, and the Property removed from the fixed assets inventory; and

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

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

1. The Property be hereby declared as surplus property.

2. The City Police Chief, or his designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the Property.

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

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

RESOLVED AND DONE, this 3rd day of October, 2017.

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: **7698 DEERFIELD CV, 1744 NORTHFIELD DR, 55 STATELINE RD, PARCEL 208112040 0000300, PARCEL 208112040 0000200, PARCEL 107834000 0001805, PARCEL 107834000 0001800, PARCEL 207515000 0000302** to the effect that the said

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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 **October 3, 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, October 3, 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: **7698 DEERFIELD CV, 1744 NORTHFIELD DR, 55 STATELINE RD, PARCEL 208112040 0000300, PARCEL 208112040 0000200, PARCEL 107834000 0001805, PARCEL 107834000 0001800, PARCEL 207515000 0000302** 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 Kelly. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN

VOTED

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman 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 **3 day of October, 2017**.

CITY OF SOUTHAVEN, MISSISSIPPI

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PLANNING AGENDA:

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

Item #1 Request for proposals regarding city comprehensive plan

Mrs. Choat-Cook stated that this request will allow to RFP for consultant services for a comprehensive plan that was approved through the budget for FY18. Mrs. Choat-Cook explained that this request is for an overall guideline tool for development for community facilities, future land use development, and a transportation plan. It is required by state statute to have a comprehensive plan in place and the city is currently working under a 2020 plan that has an expiration date coming up soon. Mrs. Choat-Cook stated that the current plan is very outdated. Nick Manley, City Attorney, added that a final contract will come back before the Board for approval. Mrs. Choat-Cook stated that the submittal deadline is November 1, 2017, interviews if needed, consultant selection by November 15, 2017 and a final contract award in front of the Board on December 19, 2017 with a start date of January 1, 2018. Mayor Musselwhite stated that he and Mrs. Choat-Cook will be heavily involved with these consultants and asked that the Board share their input, thoughts and visions about different things in the city so that he can pass them on and try to incorporate them into the comprehensive plan. Mayor Musselwhite stated that this is a twenty (20) year plan and planning is one of the most important things that you can do for your city's future. Alderman Flores made the motion to approve the RFP for consultant services. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

A copy of the RFP is attached to these minutes.

Item #2: Application by Mark Utley for minor subdivision approval of the Gill Subdivision North Addition on the east side of Swinnea Road, south of Church Road

Mrs. Choat-Cook stated that this is an application request to subdivide 4.76 acres of property zoned agricultural on the east side of Swinnea Road, south of Church Road, into three (3) lots. The ordinance states that under low density residential areas zoned agricultural, the applicant can submit for minor subdivision if they have a minimum of a one (1) acre lot and does not exceed the three (3) lots total. Mrs. Choat-Cook stated that this request does meet the criteria, they all have access to Swinnea Road therefore no ingress/egress and is compliant with subdivision regulations and recommends approval. Alderman Gallagher made the motion to approve the application by Mark Utley. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

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A copy of the staff report, drawing and vicinity map is attached to these minutes.

- Item #3: Application by Highland Grove Annex, LLC for subdivision approval revising Highland Grove Sec. "B" lot 124

Mrs. Choat-Cook stated that this request is to revise Highland Grove, Section B, specifically lot 124. It encompasses 3.08 acres with two (2) lots, one on the north end and the other on the south end where the builder and the developer determined that area was essentially out of both the flood way and flood plain. They are requesting to take those two areas and turn them into buildable lots. The request is to take lot 124 and separate it out to 124 A, B, and C. Mrs. Choat-Cook stated that both A and C are both buildable lots that will comply with the PUD regulations and still leaves lot 124 B with the excess which is 2.39 acres that still complies with the 20% PUD requirements. Alderman Flores made the motion to approve the application by Highland Grove Annex, LLC. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

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

- Item #4: Application by Getwell Properties, LLC for subdivision approval revising Deerchase North Commercial Subdivision lot 2

Mrs. Choat-Cook stated that this request is to revise an existing lot 2 in the Deerchase North Commercial Subdivision on the west side of Getwell Road, south of Nail Road. The applicant is requesting to subdivide lot 2 into 2B with 0.54 acres and lot 2C with 0.53 acre. There is an existing structure on the south lot. Mrs. Choat-Cook stated that she has asked that they revise it to 2A and 2B since there is not a lot 2A and 2B. This request complies with the PUD regulations and there is a 30 foot buffer line and a fence line between them and the homes behind it in the Deerchase Subdivision. This is a recorded lot and the applicant is only asking to further subdivide it down so the individual offices can be purchased. This request is compliant with the rest of the subdivision regulations and approval is recommended. Alderman Flores made the motion to approve the application by Getwell Properties, LLC. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

A copy of the staff report and vicinity map is attached to these minutes.

- Item #5: Application by Focal Pointe Investments for subdivision approval of Pinewood Subdivision Phase 1 on the south side of Stateline Road, west of Getwell Road

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Mrs. Choat-Cook stated that this item was pulled off of the Planning Commission agenda due to some problems with the application. Therefore, this was not discussed at this meeting.

MAYOR'S REPORT

County Hazardous Waste Day

Mayor Musselwhite announced that on Saturday, October 7 there will be a County Hazardous Waste Day at the Landers Center from 8 a.m. to 12 p.m.

Church Road & Starlanding Road Project

Mayor Musselwhite stated that work crews started the patching on Starlanding Road and work will begin on Church Road in the very near future.

Governmental Finance Award

Mayor Musselwhite stated that the City recently received the second consecutive Certificate of Achievement for Excellence in Financial Reporting by the Government Finance Officers Association (GFOA) of the United States and Canada for our comprehensive annual financial report (CAFR) for fiscal year 2016 which ended September 30, 2016. The City received the same award for fiscal year 2015. This certificate is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. There are over 89,000 local governments/districts in the U.S. and less than 5% receive this prestigious award annually. Transparency and excellent financial reporting are a standard and priority with the City of Southaven and I am proud to acknowledge the outstanding efforts of Edi McIlwain, Director of Finance, Tish Cox, Comptroller, and Chris Wilson, City Administrator. This award speaks highly of these talented people in our Finance Department and is important to the citizens of our city because it exemplifies the highest measure of financial integrity in our operations.

Revitalization and Beautification

Mayor Musselwhite stated that signs were purchased last year to add decorative signage throughout the City. The signs have been stored at the Public Works in order to do some research to determine if the weight was appropriate for the mast arms. As they were being installed, they realized that the brackets did not function properly so this caused another delay. Mayor Musselwhite stated that they are currently installing black and white decorative signs with the City logo on them and they will be installed on all of the mast arms throughout the City. Mayor Musselwhite added that this is a small piece to making our City more attractive.

CITIZEN'S AGENDA

Mark and Shirley Stevens and Graziella Fichthorn

Mark and Shirley Stevens were not present at this meeting.

Graziella Fichthorn

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Mrs. Fichthorn expressed concerns to the Mayor and Board of Alderman about the trees and drainage in her subdivision. Mrs. Choat-Cook explained that the developer is waiting until the month of November to plant trees. Mrs. Choat-Cook further explained that they would not be able to plant hardwoods because they will root underneath the road and will have to look at other species of trees. Mr. Cordell stated that he has reviewed the drainage flow in her area and offered to meet with Mrs. Fichthorn to further explain. Mayor Musselwhite asked Mrs. Fichthorn if she would schedule a meeting with them to review the maps. Mrs. Fichthorn did not show any interest in meeting.

PERSONNEL DOCKET

Personnel Docket

October 3, 2017

Payroll Additions

Name	Position	Department	Start Date	Rate of Pay
Richard Leathers	Laborer	Public Works	TBD	\$12.00

*pending successful completion
of pre-emp screenings

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Public Works				
Reginald D. Coleman	Street Operator 3	Operator II - Public Works	10/3/2017	\$17.50
James L. Gills	Street Operator 3	Laborer III	10/3/2017	\$15.50
Thaddeus Hawkins	Street Laborer 3	Laborer II	10/3/2017	\$12.50
Charles Keel	Street Operator 1	Operator II	10/3/2017	\$16.50
Jessie Langaber	Street Laborer 1	Laborer II	10/3/2017	\$12.50
Willie McCoy	Street Auto Mechanic 1	Lead Mechanic	10/3/2017	\$19.00
Kedrin Williams	Street Laborer 3	Laborer II	10/03/2017	\$12.50

Terminations/Resignations

Name	Department	Position	Termination Date	Rate of Pay
Zachary Durden	Police	Patrol Officer II	10/09/2017	\$19.83
Brannon K. Rushing	Police	Lieutenant	09/25/2017	\$25.80

Personnel Docket October 3,
2017

Part Time/Seasonal

City of Southaven Parks Department

2017

New Hires

Payroll Additions	Position	Department	Start Date	Rate of Pay
Ashley Bartley	PT Front Desk	Parks	10/04/2017	\$7.25

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Jacob Swindle PT Turf Tech Parks 10/04/2017 \$7.25

Adjustment	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
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Terminations	Termination Date
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Alderman Brooks made the motion to approve the Personnel Docket of October 3, 2017 as presented to this Board. Motion was seconded by Alderman Wheeler. The motion was put to vote and passed unanimously.

CITY ATTORNEY’S LEGAL UPDATE

Starlanding MOU with Desoto County

Mr. Manley stated that at the last board meeting, the Board of Alderman authorized Mayor Musselwhite to sign the MOU with the County for the Starlanding Road project. Mr. Manley stated that the County has also approved the MOU to cooperatively fund the Starlanding Road project which will provide a new asphalt overlay, new striping, and new shoulders east-west from Getwell road to the Southaven city limits west of Highway 51. The County has agreed to pay \$500,000 toward the project.

A copy of the MOU is attached to these minutes.

Professional Services Agreement

Mr. Manley requested authorization for Parks Director, Wes Brown, to sign a professional services agreement with Cristian Serrano as an independent contractor to assist with tennis lessons and all future agreements as they are needed with the Parks Department. Alderman Brooks made the motion to authorize Wes Brown to sign the professional services agreement with Cristian Serrano and future professional service agreements for independent contractors as needed for tennis lessons. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

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

Desoto County Board of Education – SRO

Mr. Manley stated that this is a standard annual agreement with the Desoto County Board of Education that will allow for the City of Southaven to receive \$12,000 toward the salary of a School Resource Officer (SRO). Alderman Flores made the motion to approve the agreement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

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

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CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of October 3, 2017 in the amount of \$2,081,328.88. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

288619, 288754, 288936, 289161, 289415

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
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 3rd day of October, 2017.

EXECUTIVE SESSION

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

A motion was made by Alderman Brooks to end executive session and re-open the meeting. The motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

A motion was made by Alderman Payne to authorize Butler Snow to represent the city in the Marhe/Bowden mediation and attend the mediation. 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 Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 3rd day of October, 2017.

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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 Wheeler. Motion was put to a vote and passed unanimously, October 3, 2017 at 8:45 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)