

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
May 15, 2018
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation: Brian Henderson, Abundant Life Tabernacle
3. Pledge Of Allegiance
4. Approval of Minutes: May 1, 2018
5. Presentation of Graduation Cords to Mayor's Youth Council
6. Resolution Declaring National Police Week, May 13-19, 2018
7. Hearing for Tax Increment Financing Plan for Silo Square, City of Southaven, Mississippi, May 2018
8. Resolution for Development Agreement
9. Resolution for Unmarked Police Vehicles
10. Resolution for Budget Amendment
11. Resolution for Tax Exemption for Butler Animal Health Supply, LLC DBA: Henry Schein Animal Health
12. Resolution for Amending Transient Vendor Ordinance
13. Resolution for Sanitation Fees
14. Resolution to Clean Private Property
15. Planning Agenda
 - Item #1 - Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the city of Southaven code of ordinances, Title XIII, Chapter 12, Section 13-12(m), Chart 4 Commercial Zone Districts;
 - Item #2 - Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the city of Southaven code of ordinances, Title XIII, Chapter 3, Section 13-3(i);
 - Item #3 - Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the city of Southaven code of ordinances, Title XII, Chapter 4, Section 12-103
16. Mayor's Report
17. Citizen's Agenda: Graziella Fichthorn
18. Personnel Docket
19. City Attorney's Legal Update
20. Claims Docket
21. Executive Session: Claims/Litigation against the City; Leasing of City property; Economic Development (business development within the City)

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 May 15, 2018 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 15th day of May, 2018 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler (By Teleconference)	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 fifty (50) other people were present.

Mayor Musselwhite called the meeting to order. Brian Henderson with Abundant Life Tabernacle 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 May 1, 2018 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

PRESENTATION OF GRADUATION CORDS TO MAYOR'S YOUTH COUNCIL

Mayor Musselwhite presented the following members of the Mayor's Youth Council with Graduation Cords:

Desoto Central High School

Jasia Hodges
Emily Pearson
Micah Taylor
Blake Watson

Southaven High School

Gavin Foust
Nora Chisamore
Tristan Parsons
Tori Jones

RESOLUTION DECLARING NATIONAL POLICE WEEK, MAY 13-19, 2018

Mayor Musselwhite read the following Proclamation and declared May 13-19, 2018 as National Police Week:

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Proclamation for National Police Week 2018

To recognize National Police Week 2018 and to honor the service and sacrifice of those law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

WHEREAS, there are more than 900,000 law enforcement officers serving in communities across the United States, including the dedicated members of the Southaven Police Department;

WHEREAS, there have been 58,627 assaults against law enforcement officers in 2016, resulting in approximately 16,677 injuries;

WHEREAS, since the first recorded death in 1791, more than 20,000 law enforcement officers in the United States have made the ultimate sacrifice and been killed in the line of duty, including one (1) member of the Southaven Police Department;

WHEREAS, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

WHEREAS, 360 new names of fallen heroes are being added to the National Law Enforcement Officers Memorial this spring, including 129 officers killed in 2017 and 231 officers killed in previous years;

WHEREAS, the service and sacrifice of all officers killed in the line of duty will be honored during the National Law Enforcement Officers Memorial Fund's 30th Annual Candlelight Vigil, on the evening of May 13, 2018;

WHEREAS, the Candlelight Vigil is part of National Police Week, which takes place this year on May 13-19; NOTE: Because May 13, 2018 falls on a Sunday, some events will take place before the official dates of police week 2018.

WHEREAS, May 15 is designated as Peace Officers Memorial Day, in honor of all fallen officers and their families and U.S. flags should be flown at half staff;

THEREFORE, BE IT RESOLVED that the City of Southaven formally designates May 13-19, 2018, as Police Week in the City of Southaven, and publicly salutes the service of law enforcement officers in our community and in communities across the nation.

HEARING FOR TAX INCREMENT FINANCING PLAN FOR SILO SQUARE, CITY OF SOUTHAVEN, MISSISSIPPI, MAY 2018

Mayor Musselwhite presented this item to the Board.

Alderman Payne made the motion to close the public meeting and open up the hearing. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

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Mayor Musselwhite announced that the hearing was now open to anyone wishing to speak about the proposed TIF. There were no questions and/or comments from the public or the Board of Alderman.

Alderman Hoots made the motion to close the public hearing and reopen the regular meeting. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

After reopening the regular meeting, the following resolution was considered by the Board of Alderman:

The Mayor reported that pursuant to a resolution of the Mayor and Board of Aldermen (the "Governing Body") of the City of Southaven, Mississippi (the "City") adopted on May 1, 2018, calling for a public hearing to be held at 6:00 P.M. on May 15, 2018, with respect to a *Tax Increment Financing Plan for Silo Square, City of Southaven, Mississippi, April 2018* (the "TIF Plan"), that the City Clerk did cause a notice of the public hearing to be published on May 3, 2018 in *The DeSoto Times-Tribune*, a newspaper having a general circulation in the City, as evidenced by proof of publication attached hereto as Exhibit A and incorporated herein by reference. The public hearing was duly convened. At that time, all present were given an opportunity to present oral or written comments on the TIF Plan. At the conclusion of the public hearing, Alderman Brooks offered and moved the adoption of the following resolution:

A RESOLUTION APPROVING THE ADOPTION AND IMPLEMENTATION OF THE "TAX INCREMENT FINANCING PLAN FOR SILO SQUARE, CITY OF SOUTHAVEN, MISSISSIPPI, APRIL 2018"

WHEREAS, under the power and authority granted by the Laws of the State of Mississippi and particularly under Chapter 45 of Title 21, Mississippi Code of 1972, as amended, (the "TIF Act"), on May 1, 2018, the Governing Body did adopt a certain resolution entitled:

RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO ISSUE TAX INCREMENT FINANCING BONDS OF SAID MUNICIPALITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED FIVE MILLION DOLLARS (\$5,000,000) TO FINANCE THE COST OF INSTALLING AND CONSTRUCTING CERTAIN PUBLIC INFRASTRUCTURE IMPROVEMENTS TO SUPPORT SILO SQUARE, WITHIN SAID CITY, IN ACCORDANCE WITH CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED, AND DETERMINING THAT SILO SQUARE IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING ACCORDING TO SAID ACT; AND THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN FOR SAID PROJECT, AND FOR RELATED PURPOSES

WHEREAS, as directed by the aforesaid resolution and as required by law, a notice of public hearing was published in *The DeSoto Times Tribune*, a newspaper having a general circulation within the City, and was so published in said newspaper on Thursday, May 3, 2018, as evidenced by the publisher's proof of publication of the same heretofore presented to the Governing Body attached hereto as Exhibit A; and

WHEREAS, the notice of public hearing generally described the TIF Plan and further

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called for a public hearing to be held at Southaven City Hall located at the City Board Room, 8710 Northwest Drive, Southaven, Mississippi 38671 at 6:00 p.m., on May 15, 2018, in order for the general public to state or present their views on the TIF Plan; and

WHEREAS, at 6:00 p.m. on May 15, 2018, the public hearing was held and all in attendance were given an opportunity to state or present their oral or written comments on the TIF Plan; and

WHEREAS, pursuant to the Act, the TIF Bonds, if issued, will be secured by a pledge of all the City’s sales tax rebates and increased ad valorem taxes from the TIF District (as defined in the TIF Plan), including personal property located therein, but excluding ad valorem taxes from the single family residential component of the Project (the “Tax Increment”); and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION ONE: That all of the findings of fact made and set forth in the preamble to this resolution shall be and the same are hereby found, declared, and adjudicated to be true and correct.

SECTION TWO: That the Governing Body of the City is now fully authorized and empowered under the provisions of the TIF Act to adopt and implement the TIF Plan attached hereto as Exhibit B and incorporated herein by this reference thereto, and do hereby adopt and approve such plan as presented in order to assist in the development of the project described in the TIF Plan (the “Project”), if all conditions precedent to the issuance of the bonds are satisfied, to issue tax increment financing bonds or notes in an amount not to exceed Five Million Dollars (\$5,000,000) to finance the cost of various public infrastructure improvements in connection with the Project.

SECTION THREE: That the tax increment bonds or notes of the City, if any, shall be issued pursuant to further proceedings of the Governing Body of the City.

Following the reading of the foregoing resolution, Alderman Brooks moved and Alderman Flores seconded the motion for its adoption. The matter was then put to a roll call vote:

Alderman William Brooks	voted YES
Alderwoman Kristian Kelly	voted YES
Alderman Charlie Hoots	voted YES
Alderman George Payne	voted YES
Alderman Joel Gallagher	voted YES
Alderman John David Wheeler	voted RECUSED
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 May 15, 2018.

EXHIBIT A

PROOF OF PUBLICATION OF NOTICE OF PUBLIC HEARING

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EXHIBIT B

TIF PLAN

A copy of the affidavit of publication and TIF Plan are attached to these minutes.

RESOLUTION FOR DEVELOPMENT AGREEMENT

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

This resolution will approve the development agreement between the City and Lifestyle Communities, LLC and authorize Mayor Musselwhite to sign the agreement. The Development Agreement notes that the public funding will be used for public infrastructure. Also, it notes that the developer must do the upgrades as set forth in Ex. A and that the TIF funds will not be used for those items in Ex. A. It also sets forth the obligations of the developer along with the requirements for reimbursement from the TIF proceeds. The following resolution was then considered by the Board of Alderman:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, ADOPTING, APPROVING AND AUTHORIZING THE EXECUTION OF A DEVELOPMENT AND REIMBURSEMENT AGREEMENT IN CONNECTION WITH SILO SQUARE.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Southaven, Mississippi, (the "City"), acting for and on behalf of the City, hereby find, determine and adjudicate as follows:

1. Pursuant to Chapter 45 of Title 21, Mississippi Code of 1972, as amended (the "TIF Act"), the City is authorized to undertake and carry out redevelopment projects, as defined therein, utilizing tax increment financing ("TIF").
2. The Governing Body previously approved a *Tax Increment Financing Redevelopment Plan of 1991, Southaven, Mississippi, As Amended June 1994, Amended and Restated, April 2005*, (the "Redevelopment Plan"), which Redevelopment Plan constitutes a qualified plan under the Act.
3. The Governing Body has also previously adopted the *Tax Increment Financing Plan for the Silo Square, City of Southaven, Mississippi, April 2018* (the "TIF Plan"), pursuant to which Lifestyle Communities, LLC, or its assigns, proposes to construct an approximately 228-acre, mixed-use development to be known as "Silo Square" including hotels, multifamily housing, single family residences, restaurants, a bank, and over 300,000 square feet of commercial space, strategically located between Getwell Road (to the East) and Tchulahoma Road (to the West) in the City (the "Project") as further described in the TIF Plan.
4. Under the TIF Act the Governing Body is authorized and empowered to issue tax increment financing bonds (the "TIF Bonds") for the purpose of helping to pay the costs of certain public infrastructure improvements (the "Infrastructure Improvements") to support and be a part of the Project.

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5. It is necessary and in the best interest of the City that a Development and Reimbursement Agreement (the "Agreement") setting out the conditions and terms under which the TIF Bonds may be issued and providing for the payment thereof be approved and executed by the City and Lifestyle Communities, LLC (the "Developer"), substantially in the form attached hereto as **Exhibit A**. The City is authorized to enter into such Agreement pursuant to the TIF Act.

6. The City reasonably expects that the Developer will incur expenditures for the Infrastructure Improvements prior to the issuance of the TIF Bonds, and that the City should declare its official intent to reimburse such expenditures with the proceeds of the TIF Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. The Governing Body hereby approves and adopts the Agreement in substantially the form attached hereto as **Exhibit A** with such amendments, corrections, additions and deletions as may be agreed upon and approved by its duly authorized officers.

SECTION 2. The Governing Body hereby authorizes the Mayor and the City Clerk to execute and deliver the Agreement for and on behalf of the City with such changes, insertions and omissions as may be approved by such officers, said execution and delivery being conclusive evidence of such approval.

SECTION 3. Pursuant to Section 1.150-2 of the Treasury Regulations (the "Reimbursement Regulations"), the Governing Body hereby declares its official intent to reimburse expenditures made for the Project by the City and the Developer prior to the issuance of the TIF Bonds with proceeds of the TIF Bonds to the extent permitted by the Reimbursement Regulations. The TIF Bonds shall not exceed Five Million Dollars (\$5,000,000).

Following the reading of the foregoing resolution, Alderman Flores moved and Alderman Kelly seconded the motion for its adoption. The matter was then put to a roll call vote:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	RECUSED
Alderman Raymond Flores	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 May 15, 2018.

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EXHIBIT A

DEVELOPMENT AND REIMBURSEMENT AGREEMENT

A copy of the agreement (Exhibit A) is attached to these minutes.

RESOLUTION FOR UNMARKED VEHICLES

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

Miss. Code Section 25-1-87 provides that police may have unmarked vehicles provided that there is a resolution by the board, which finds that the identifying marks would hinder official criminal investigations. Based on this statute, the SPD have put together a list of vehicles, which are unmarked, to include in this resolution. A certified copy of the resolution will be sent to the State Auditor's Office to bring the City into compliance. The Board of Alderman then considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN SETTING FORTH CITY OF SOUTHAVEN POLICE UNMARKED VEHICLES PURSUANT TO MISSISSIPPI CODE SECTION 25-1-87

WHEREAS, pursuant to Mississippi Code Section 21-21-3, the City of Southaven ("City") employs employ, regulates, and supports a sufficient police force; and

WHEREAS, the City's support of the police force includes providing vehicles for use by the police to assist with maintaining order and peace, which, includes, but is not limited to conducting official criminal investigations; and

WHEREAS, it has been recommend to the City Board by the City Police, pursuant to Mississippi Code Section 25-1-87 that certain City Police vehicles, attached hereto as Exhibit A, should be unmarked as identifying marks would hinder official criminal investigations; and

WHEREAS, the City Governing Authorities defer to the City Chief of Police as the chief law enforcement officer of the City and his control over police officers and how investigations will proceed; and

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

1. The City Governing Authorities hereby authorize the use of the unmarked City Police vehicles, attached hereto as Exhibit A, as the identifying marks would hinder official criminal investigations.

2. The Mayor, Police Chief, City Administrator, City Clerk, and/or their designee(s) are authorized to take any and all action to effectuate the intent of this Resolution and the City Clerk shall furnish the State Department of Audit with a certified copy of this Resolution.

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler (By Teleconference)	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE, this 15th day of May, 2018.

A listing of the unmarked Police vehicles are attached to these minutes.

RESOLUTION FOR BUDGET AMENDMENT

Chris Wilson, City Administrator, presented this item to the Board.

Mr. Wilson stated that this budget amendment will reflect a revised revenue/expenditure projection based on actual monies received and projected to receive for the remainder of FY 18. The City has been running above prior estimates in the Tourism and Convention Fund (tax revenues from the existing hotel/motel tax) and this amendment will reflect the revised amount of \$80,000. After hearing from Mr. Wilson, the following resolution was then considered by the Board of Alderman:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN

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OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2018 BUDGET

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the 2018 City Budget.

WHEREAS, pursuant to Miss. Code 21-35-25, the City desires to amend its 2018 budget; and

WHEREAS, the City's actual collections and anticipated revenues will exceed the estimates; thus, the City desires to revise and increase the budget appropriation of such funds as set forth in Exhibit A; and

WHEREAS, the transfer from fund to fund, or from item to item, will not result in the expenditure of any money for a purpose different from that which was budgeted or collected; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Board approves the budget amendment as set forth in Exhibit A and authorizes the Mayor or CAO or their designee to take any and all actions for such amendment.
2. If required, the City is authorized to publish within two (2) weeks of this action in the same manner as the final adopted budget. This publication shall contain a description of the amendment, the amount of money and funds affected, and a detailed statement explaining the need and purpose of the amendment. The vote of each member of the municipality's governing authority on each amendment shall be included in the publication or posted notice.
3. The Mayor or CAO or their designee are authorized to take all actions to further the effectuate the intent of this Resolution.

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler (By Teleconference)	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE, this 15 day of May, 2018.

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RESOLUTION FOR TAX EXEMPTION FOR BUTLER ANIMAL HEALTH SUPPLY, LLC DBA: HENRY SCHEIN ANIMAL HEALTH

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

This resolution will allow for a personal property tax exemption in the amount of \$2,294,040 and real property \$7,892,501. It has been recommended by the Desoto Economic Council and Desoto County, as the entity will provide approximately 26 new jobs with an estimated annual payroll of \$896,498.00. This resolution will authorize Mayor Musselwhite to sign and provide a copy to the MS Department of Revenue for the tax exemption. After hearing from Mr. Manley, the following resolution was then considered by the Board of Alderman:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES TO BUTLER ANIMAL HEALTH SUPPLY, LLC DBA HENRY SCHEIN ANIMAL HEALTH FOR A TEN YEAR PERIOD PURSUANT TO 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, BUTLER ANIMAL HEALTH SUPPLY, LLC DBA HENRY SCHEIN ANIMAL HEALTH ("Henry"), located at 1085 Stateline Road E, Building A, Ste. 103, filed with the City of Southaven ("City") for exemption from ad valorem taxation; and

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

WHEREAS, the City Board finds as a fact that the property described in the aforesaid Application constitutes a new enterprise which was completed on the 1st day of November, 2017 and that Henry is entitled to the exemption sought for a period of ten (10) years for real property in the amount of \$7,892,501.00 and for a period of ten (10) years for personal property in the amount of \$2,294,040.00 beginning on the 1st day of January, 2018, subject to approval and certification by the Mississippi Department of Revenue.

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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 Henry providing approximately 26 new jobs with an estimated annual payroll of \$896,498.00, the application for ad valorem tax exemption for Henry for ten (10) years for its new enterprise for real property in the amount of \$7,892,501.00 and for ten (10) years for personal property in the amount of \$2,294,040.00 beginning the 1st day of January, 2018 on the property described in the Application filed by Henry for tax exemption, be and the same is hereby approved.
2. That Henry is hereby granted a tax exemption on ad valorem taxes, except school district, parks and library taxes and the State mandated County levies, for real property in the amount of \$7,892,501.00 for ten (10) years and personal property in the amount of \$2,294,040.00 for ten (10) years beginning January 1, 2018.
3. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Mississippi Department of Revenue for its approval and certification; and, that upon approval of this Application by the Mississippi Department of Revenue and the issuance of its certificate of approval, the Board of Alderman shall enter a Final Order on its minutes granting the exemption; and said Clerk shall also forward one (1) certified copy to the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the personal property as itemized in the Application has been placed on the appropriate tax roll as "Non-

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Taxable”, except for school district, parks and library taxes and the “mandated levies” for the duration of the exemption period only.

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler (By Teleconference)	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE, this 15 day of May, 2018.

A copy of the application is attached to these minutes.

RESOLUTION FOR AMENDING TRANSIENT VENDOR ORDINANCE
Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley explained that the City Clerk’s office has requested revisions to this ordinance and those revisions were discussed at an ordinance committee meeting. As part of the revisions, if a transient vendor utilizes an actual structure, the structure must be in compliance with the fire and building codes. Also, the ordinance makes clear that the vendors are not able to be in the city right of way or vacant lots. In addition, it requires exempt transient vendors to register with the City. Furthermore, the revision prohibits the transient vendor or transient business from having a connection to or use of property owner’s utilities, or utility poles set temporarily, along with having a generator. Finally, any mobile push cart or mobile food preparation vehicle must have self-contained utilities and shall not use the city’s utilities or private utilities that are not self-contained and integral to the vendor unit. After some discussion among the Board in regards to clarification of the changes, the following resolution was considered by the Board of Alderman:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,
TITLE VIII, CHAPTER 7, SECTION 8-156 – 8-167, “TRANSIENT**

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VENDORS AND BUSINESSES"

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE VIII, CHAPTER 7, SECTION 8-156-8-167, "TRANSIENT VENDORS AND BUSINESSES" ("Ordinances")

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE VIII, CHAPTER 7, SECTION 8-156 – 8-167, "TRANSIENT VENDORS AND BUSINESSES"

WHEREAS, pursuant to Miss. Code 21-17-5, the City governing authorities have the power to adopt any orders, resolutions or ordinances with respect to such municipal affairs, property and finances which are not inconsistent with the Mississippi Constitution of 1890, the Mississippi Code of 1972, or any other statute or law of the State of Mississippi, and shall likewise have the power to alter, modify and repeal such orders, resolutions or ordinances; and

WHEREAS, pursuant to Miss. Code 21-19-35, the City is vested with the power to adopt reasonable ordinances regulating transient vendors; and

WHEREAS, the City has experienced an increase in the number of transient vendors selling food and merchandise on or around the streets in the City, which, as a direct result of this activity, there has been increased traffic congestion, unsanitary conditions, problems with access points in and out of City streets and private business, safety concerns with driver distraction, and litter in the streets; and

WHEREAS, the City is aware of Miss. Code Ann. Section 75-85-1, *et seq.*, which sets forth a licensing scheme for transient vendors; and

WHEREAS, the City does not seek to ban transient business, to prohibit residential solicitations, or to impose fees in excess of those allowed by statute; and

WHEREAS, the City desires to amend the "Transient Vendor and Businesses Ordinance" pursuant to its authority in Miss. Code 21-19-35; and

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WHEREAS, the City desires to ensure that those property owners, who allow transient vendors, do not allow for a transient vendor to have a permanent location, which would extend beyond six (6) months; and

WHEREAS, the City desires to ensure that the City streets are free obstructions and minimize trash and litter throughout the City; and

WHEREAS, the City desires that all transient vendors and transient business are in compliance with the relevant building and fire codes; and

WHEREAS, due to licensing, ensuring compliance of the transient vendor ordinance and statutes, and traffic issues, the City has an interest in knowing which properties transient vendors occupy; and

WHEREAS, the Ordinance, as amended, provides specific guidelines for the governmental authorities and transient vendors, and serves the legitimate City interest; and

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

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE VIII, CHAPTER 7, SECTIONS 8-156-8-167, "TRANSIENT VENDORS AND BUSINESSES" AS FOLLOWS:

CHAPTER 7. - TRANSIENT VENDORS AND BUSINESSES

Sec. 8-156. - Definitions.

As used in this chapter, the following terms shall have the following meanings ascribed to them, unless the context clearly indicates otherwise:

Person means an individual, corporation, association, partnership or other entity.

Transient business means any business conducted for the sale of merchandise or services that is carried on at a City-approved location; motor vehicle or other means of conveyance; railroad car; or real property and such business is for a period of less than six (6) months in each calendar year.

Transient vendor means any person who transacts transient business in this municipality either in one (1) location or by traveling from house to house, street to street

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or place to place. The term includes a vendor who for purposes of carrying on such business travels on foot, hires, leases, uses or occupies any building, structure, motor vehicle or other means of conveyance, railroad car or real property.

Sec. 8-157. - Exemptions.

(a) The provisions of this chapter shall not apply to:

- (1) Wholesale sales to retail merchants by commercial travelers, or agents selling in the usual course of business;
- (2) Wholesale trade shows or conventions;
- (3) Convention center activities conducted for amusement or entertainment;
- (4) Sales made by a seller at residential premises under an invitation issued by the owner or legal occupant of the premises unless the sales are made by a transient vendor or his agent at the premises;
- (5) Garage sales held on property zoned and occupied for residential use when conducted by the owner or legal occupant.
- (6) Sales of agricultural, dairy, poultry, seafood or forest management products or services related to forest management or silvicultural activities, nursery products, foliage plants or ornamental trees, except such products or services sold at retail and not grown or produced within the state of Mississippi;

(b) A transient vendor or transient business not otherwise exempted from this chapter is not exempted from this chapter because of a temporary association with a local dealer, auctioneer, trader, contractor, merchant, civic or nonprofit organization, church or religious organization, or by conducting the transient business in connection with or in the name of any local dealer, auctioneer, trader, contractor, merchant, civic or nonprofit organization, church or religious organization.

Sec. 8-158 – Litter containers for temporary business

Every transient vendor conducting business within the corporate limits of the city shall have access to a permanent commercial dumpster on site.

Cross reference— Garbage, trash and refuse, Tit. VII.

Sec. 8-159. - License required.

- A. A transient vendor or transient business may not transact business in the city unless the transient vendor or transient business and the owner of the merchandise or provider of the services to be offered, if the merchandise is not owned or the services are not provided by the transient vendor or transient business, has secured a license in accordance with this chapter and otherwise complied with this chapter.
- B. Each property zoned Planned Commercial (C-4) or Planned Unit Development (PUD) with underlying C-4 zoning that requests to rent space to transient vending must apply for a Right to Vend permit. This permit shall only be good for six (6) calendar months per year and will run consecutively. Each permit will be reviewed to determine compliance with all bulk regulations that are set forth in the Zoning and Building chapters of the Code of Ordinances. Pending the site complies and has excess parking for such vending, the permit at a cost of \$250.00, shall be granted.

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- C. Any transient vendor or transient business otherwise exempt from the provisions of this article shall submit a registration application to the City Clerk prior to transacting any business within the City. There shall be no fee for the registration application.

Sec. 8-160. - License application.

- (a) A transient vendor or transient business who desires to transact business within the city shall apply and obtain a license before transacting business. A license issued to a transient vendor or transient business authorizes a transient vendor or transient business to transact business only within the corporate boundaries of the city. The license application shall be filed with the municipal tax collector and must include all of the following:
 - (1) The name and permanent address of the transient vendor or transient business making the application;
 - (2) A statement describing the kind of business to be conducted, the length of time for which the applicant desires to transact business, and the proposed location of the business;
 - (3) The name and permanent address of the applicant's registered agent or office; and
 - (4) Proof that the applicant has acquired all other required city, county and state permits and licenses and proof shall include a state sales tax number;
 - (5) A copy of the Right to Vend Permit from the property owner where the transient vendor is located.
- (b) If the applicant is an association or a corporation, the applicant must also include the names and addresses of the members of the association or the officers of the corporation, and the application must state the date of incorporation and the state in which it was incorporated. If the corporation is a corporation organized under the laws of another state, the applicant must state the date on which the corporation qualified to transact business as a foreign corporation in this state.

Sec. 8-161. - Use of state forms.

The municipal tax collector shall use the uniform forms prepared by the state tax commission for license applications, license certificates, and license renewals for transient vendors or transient business.

Sec. 8-162. - Designated agents of vendor; notifications.

- (a) Each applicant for a transient vendor or transient business license shall designate a registered agent on the license application. The registered agent must be a resident of the City of Southaven and shall be the agent on whom any process, notice or demand required or permitted by law to be served on the licensee may be served. The registered agent must agree in writing to act as agent. The license applicant shall file a copy of the agreement with the license application.
- (b) The municipal tax collector shall maintain an alphabetical list of all transient vendors and transient businesses in the city and the names and addresses of their registered agents.
- (c) If a transient vendor or transient business who does business in the city fails to have or to maintain a registered agent in the city or if the designated registered agent cannot be found at the stated permanent address, the municipal tax collector is the agent of the transient vendor or transient business for the service of process, notices or demands. Service on the tax collector is made by delivering duplicate copies of such process, notice

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or demand to his office. If such a process, notice or demand is served on the municipal tax collector, he shall immediately forward one (1) copy by registered or certified mail to the permanent address of the transient vendor or transient business.

- (d) This section does not limit or otherwise affect the right of any person to serve a process, notice or demand in any other manner authorized by law.

Sec. 8-163. - License fee; bond; operation from conveyance; hours.

- (a) Each applicant for a transient vendor or transient business license shall include a license fee of two hundred fifty dollars (\$250.00) with the application, which fee shall be deposited in the general fund of the city. The applicant shall also execute a cash bond or a surety bond issued by a corporate surety authorized to do business in this state in an amount that is the lesser of either two thousand dollars (\$2,000.00) or five (5) percent of the wholesale value of any merchandise or service to be offered for sale by the applicant. The surety bond shall be issued in favor of the state and shall be conditioned upon payment of:
 - (1) All taxes due from the applicant to the state or to a political subdivision of the state;
 - (2) Any fines assessed against the applicant or the applicant's agent or employees for a violation of this act; and
 - (3) Any judgment rendered against the applicant or the applicant's agents or employees in a cause of action commenced by a purchaser of merchandise or services sold by the applicant.
- (b) The transient vendor or transient business shall maintain the bond during the period that the transient vendor or transient business conducts business in the city and for a period of one (1) year after the termination of the business. After the transient vendor or transient business furnishes satisfactory proof to the municipal tax collector that the transient vendor or transient business has satisfied all claims of purchasers of merchandise from or services offered by the transient vendor or transient business and that all sales taxes and other applicable taxes have been paid, the bond shall be released.
- (c) A transient vendor or transient business shall, prior to any solicitations or conduct of any business, furnish to the city a good and sufficient penal bond in the amount of Two Thousand Dollars (\$2,000.00) conditioned that if such transient vendor or transient business shall comply with all provisions relating to this chapter such obligation shall be void, otherwise to remain in full force and effect.
- (d) All transient business offering merchandise for sale must also meet the following conditions:
 - (1) Be located in zoned Planned Commercial (C-4) or Planned Unit Development (PUD) with C-4 underlying uses.
 - (2) Must be at least twenty (20) feet back from the curb or right-of-way;
 - (3) A minimum of eight (8) off-street parking spaces must be available in addition to the spaces required for any other business on the property;
 - (4) Sanitary toilet facilities must be available, usable and within one hundred fifty (150) feet of the temporary business. Temporary toilet facilities will not be acceptable for compliance. Permanent sanitary facilities must be available at all times including weekends and holiday;
 - (5) If any food or food stuffs is sold or dispensed to the public, the necessary sanitary facilities shall be provided in accordance with requirements of the DeSoto County Health Department.
- (e) The permissible hours of operation for a transient vendor or transient business shall be between the times of thirty (30) minutes after official sunrise and thirty (30) minutes

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before official sunset. These times are as published by the United States Naval Observatory.

- (f) Transient vendors and transient business shall meet applicable building and fire codes and submit to any and all inspections required by the city.
- (g) Transient vendors and transient business are prohibited from selling their products on any public right-of-way and/or vacant lot within the city.
- (h) The transient vendor or transient business shall have no connection to or use of property owner's utilities, nor can a transient vendor or transient business have utility poles set temporarily.
- (i) All transient vendors shall have a generator. Any mobile push cart or mobile food preparation vehicle shall have self-contained utilities and shall not use the city's utilities or private utilities that are not self-contained and integral to the vendor unit.

Sec. 8-164. - License issuance, term, renewal, transfer.

- (a) The municipal tax collector shall issue a transient vendor or transient business license under this chapter only if all requirements of this chapter have been met. The license is not transferable and is valid only within the territorial limits of the city and shall remain at the same location as stated on the original application. A license expires ninety (90) days after the day of issuance.
- (b) A license may be renewed for the location listed on the original application on payment of a twenty-five-dollar renewal fee and filing for renewal with the municipal tax collector before the expiration date of the current license.
- (c) A license may only be renewed one (1) time per calendar year for a period not to exceed ninety (90) days. A license shall be renewed before the expiration of the original license and the renewal license will be good for ninety (90) additional consecutive days. After expiration of the license, the transient vendor must vacate the City of Southaven limits until the start of a new calendar year. At the start of the new calendar year, a transient vendor may reapply for a license and shall be allowed one (1) renewal. No transient vendor license will exceed one hundred eighty (180) days of any calendar year.

Sec. 8-165. - Posting of credentials; records of sales.

While transacting his business, a transient vendor shall post in a prominent place, so that they may clearly be seen by purchasers of the merchandise or services which he is offering:

- (1) His state sales tax number;
- (2) His transient vendor license number; and
- (3) A statement that he is required to give purchasers, at the time of payment, receipts for purchases that include sales tax.

The postings required in this section shall be written in bold, legible letters and numbers not less than one (1) inch in height. The transient vendor shall keep a running total of his sales.

Sec. 8-166. - Penalty.

Any person who knowingly or intentionally operates a transient business without a valid license as provided by this chapter or who knowingly or intentionally advertises, offers for sale, or sells any merchandise or services in violation of this chapter shall, upon conviction, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) or be imprisoned in the DeSoto County jail not more than six (6) months, or be both fined and imprisoned. Such person may also be proceeded against by suit, and the municipal tax collector may seize and sell any property of the person liable for the tax

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and penalty in the same manner as property of taxpayers delinquent for the payment of ad valorem taxes due on personal property may be distrained and sold.

Sec. 8-167. - Exceptions.

Exceptions to this chapter are as follows:

- (1) Civic and nonprofit organizations, churches and religious organizations wishing to conduct a carnival, general sale, fair, auction, bazaar or other fundraising activity may apply to the mayor and board of aldermen for a reduction or waiver of all fees and surety bonds. The mayor and board of aldermen may reduce or waive the application fee and/or the surety bonds required if they are reasonably convinced that the substantial majority of funds raised by the proposed activity will be used for charitable purposes or promotion of the public good within the community.
- (2) Any applicant may apply to the mayor and board of aldermen for a waiver of the stated hours of operation imposed by this chapter. Such waiver may be granted with other time limitations imposed if the application can show that this exception will cause no harm to the peace and welfare of the city.

NOW, THEREFORE BE IT ORDERED that the amendment to the Ordinance shall take one month after passage.

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

NOW, THEREFORE BE IT ORDERED that the Mayor, City Clerk, and City Planning Director or any of their designees are authorized to take all actions, including the revision and administrative forms and procedures to effectuate the intent of this Resolution

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler (By Teleconference)	YES
Alderman Raymond Flores	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 15 day of May, 2018.

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A copy of the proof of publication is attached to these minutes.

RESOLUTION FOR SANITATION FEES

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

Mr. Manley stated that this resolution will allow for the City to collect unpaid sanitation fees either through a lien or through an assessment on the individual's car tag. The following resolution was then considered by the Board of Alderman:

RESOLUTION FOR ASSESSING UNPAID SANITATION FEES

WHEREAS, the City of Southaven ("City") operates and maintains a garbage and rubbish collection system; and

WHEREAS, the City previously implemented a \$12.00 per month sanitation fee to defray the cost for the operating and maintaining of the garbage and rubbish collection system; and

WHEREAS, despite correspondence requesting that the City residents pay the sanitation fee and providing the residents the opportunity to address the City Board at the March 20, 2018 and April 3, 2018 City meeting, the residents listed at the properties on Exhibit A have failed to pay the sanitation fee; and

WHEREAS, the individuals were provided an opportunity for a hearing at the City Board Meetings regarding the delinquent assessments and chose not to attend the hearing; and

WHEREAS, the City desires to collect the sanitation fees from the individuals and in the amount as set forth in Exhibit A; and

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

1. Pursuant to Mississippi Code Section 21-19-2, the City Public Works Director and his staff are authorized to notify the Desoto County Tax Collector of the unpaid fees for those residents as set forth in Exhibit A. Upon receipt of the residents and addresses as set forth in Exhibit A from the City, the Desoto County Tax Collector shall not issue or renew a motor vehicle road and bridge privilege license for the motor vehicle owned by those individuals, unless such fees or charges, in addition to any other taxes or fees assessed against the motor vehicle, are paid.

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

3. The Mayor, City Public Works Director and any of their designees are authorized to take any and all action to effectuate the intent of this Resolution.

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler (By Teleconference)	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE, this 15th day of May, 2018.

A listing of the unpaid fees with the resident name and address 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 FOR ASSESSING UNPAID SANITATION FEES

WHEREAS, the City of Southaven (“City”) operates and maintains a garbage and rubbish collection system; and

WHEREAS, the City previously implemented a \$12.00 per month sanitation fee to defray the cost for the operating and maintaining of the garbage and rubbish collection system; and

WHEREAS, despite correspondence requesting that the City residents pay the sanitation fee and providing the residents the opportunity to address the City

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Board at the March 20, 2018 and April 3, 2018 City meeting, the residents listed at the properties on Exhibit A have failed to pay the sanitation fee; and

WHEREAS, the individuals were provided an opportunity for a hearing at the City Board Meetings regarding the delinquent assessments and chose not to attend the hearing; and

WHEREAS, the City desires to collect the sanitation fees from the individuals and in the amount as set forth in Exhibit A; and

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

1. Pursuant to Mississippi Code Section 21-19-2, the City Public Works Director and his staff are authorized to notify the Desoto County Tax Collector of the unpaid fees for those residents as set forth in Exhibit A. Upon receipt of the residents and addresses as set forth in Exhibit A from the City, the Desoto County Tax Collector shall not issue or renew a motor vehicle road and bridge privilege license for the motor vehicle owned by those individuals, unless such fees or charges, in addition to any other taxes or fees assessed against the motor vehicle, are paid.

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

3. The Mayor, City Public Works Director and any of their designees are authorized to take any and all action to effectuate the intent of this Resolution.

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler (By Teleconference)	YES
Alderman Raymond Flores	YES
RESOLVED AND DONE, this 15 th day of May, 2018.	

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PLANNING AGENDA:

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

Item #1 Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the city of Southaven code of ordinances, Title XIII, Chapter 12, Section 13-12(m), Chart 4 Commercial Zone Districts;

Mrs. Choat-Cook stated that this is an amendment to the Title XIII, Chapter 12 Section 13-12(m) that proposes to further regulate and place more controls on convenience stores. Mrs. Choat-Cook stated that there is a lot of traffic generated by a convenience store and they are coming into areas of the City that do not have access to a street or in the middle of intersections without a light. Mrs. Choat-Cook stated that this has become problematic from a traffic and congestion standpoint. The proposal will leave them in the zones that they are allowed in already, but put them under a conditional use and have contingencies in footnote #48 in the ordinance, which states that they are limited to sites that are on hard corners, should be a lighted intersection, and have a maximum of two stores per intersection. All applicants will be required to come before the Board of Alderman for a final determination and will require a public hearing. As of right now, it is a site plan application only and they can go anywhere it is commercial zoned. 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 TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 12, SECTION 13-12(m), CHART 4 COMMERCIAL ZONE DISTRICTS

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE XIII, CHAPTER 12, SECTION 13-12(m) CHART 4 COMMERCIAL ZONE DISTRICTS, ("Ordinances")

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 12, SECTION 13-12(m), CHART 4 COMMERCIAL ZONE DISTRICTS

WHEREAS, pursuant to Miss. Code 17-1-3, the City is vested with authority of regulatory controls over zoning and land uses, and may do all things,

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consistent with the laws of the state, which they deem necessary to protect the health and welfare of the residents; and

WHEREAS, pursuant to Miss. Code Section 17-1-9, the City's regulation as set forth in this Resolution and amended ordinance is 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; and

WHEREAS, traffic control is necessary to ensure safety of the City's citizens and others when traveling in commercially zoned areas; and

WHEREAS, the City currently adheres and enforces regulations that allow for the review and recommendations of proposed land uses by the Planning and Development Department; and

WHEREAS, the City desires to amend the Ordinances to require a conditional use process for convenience stores to determine appropriate location and to further monitor traffic control in the proposed areas to lessen congestion in the streets and prevent overcrowding of land; and

WHEREAS, in addition, the requiring of a conditional use process for convenience stores will help to avoid undue concentration of population along with preventing other dangers from panic in the event of an emergency in populous area; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF

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SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 12,
SECTION 13-12(m), CHART 4 COMMERCIAL ZONE DISTRICTS as follows:

Chart 4. Commercial Zone Districts Legend

Zoning District	O	RO	C-1	C-3	C-4	PBP	M-1	M-2	PUD
Convenience food store			C	C	C		C	C	C
Gas pumps as an accessory to convenience store				C	C		C	C	C

Footnote #48 Convenience stores shall be reviewed under conditional use conditions which will include but no be limited to a requirement that the site is considered a hard corner, at a lighted intersection and there will be a maximum number of two (2) stores per intersection.

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

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	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 15th day of May, 2018.

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Item #2 Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the city of Southaven code of ordinances, Title XIII, Chapter 3, Section 13-3(i);

Mrs. Choat-Cook stated that that this ordinance amendment is simply offering the public an itemized list of all applications and permitting processes and their costs. This will add a fee chart for clarification to the zoning and subdivision regulations. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

WHEREAS, pursuant to Miss. Code 17-1-3 the City is vested with authority of regulatory controls over zoning and land uses, and may do all things, consistent with the laws of the state, which they deem necessary to protect the health and welfare of the residents; and

WHEREAS, the City may charge fees that are calculated to cover the administrative costs of the city department charged with overseeing and administering the activities associated with the review of plans; and

WHEREAS, the fees charged are calculated to cover the administrative costs of the city department charged with overseeing and administering the activities associated with the review of plans; and

WHEREAS, the City currently adheres and enforces regulations that allow for the receipt of fees by the Planning and Development Department; and

WHEREAS, the City desires to amend the Ordinances to provide specific guidance for permit and development fees; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF

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SOUTHAVEN CODE OF ORDINANCES, TITLE XIII, CHAPTER 3, SECTION 13-3(i) as follows:

Planning and Development Fee Schedule:

Site Plan	\$150.00
Major Subdivision	\$200.00+\$5.00 per lot
Minor Subdivision	\$30.00 per lot
Subdivision Plat Recording	\$34.00 (city) \$14.00+\$1.00 per lot (county)
Conditional Use	\$200.00
Design Review	\$150.00
Rezoning	Agricultural- \$250.00 Single Family Residential- \$250.00 for 5 acres or less. \$50.00 for each additional acre not to exceed \$4,000.00 Multi-Family Residential, Commercial or Industrial- \$500.00 for 5 acres or less. \$50.00 for each additional acre not to exceed \$4,000.00
Planned Unit Development	\$500.00 for 5 acres or less. \$50.00 for each additional acre not to exceed \$4,000.00
Amendment to Planned Unit Development	\$500.00 for 5 acres or less. \$50.00 for each additional acre not to exceed \$4,000.00
Amendment to Comprehensive Plan	Low and Medium Density Residential- \$250.00 for 5 acres or less. \$50.00 for each additional acre or portion thereof All other districts- \$500.00 for 5 acres or less. \$50.00 for each additional acre or portion thereof
Variance	Residential- \$50.00 All other zoning districts- \$500.00
Banner Permit	\$10.00
Storm Water Permit	\$100.00 per acre
Development/Land Disturbance Permit	\$100.00 per site

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

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

ALDERMAN

Alderman William Brooks
Alderman Kristian Kelly

VOTED

YES
YES

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Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	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 15th day of May, 2018.

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Item #3 Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the city of Southaven code of ordinances, Title XII, Chapter 4, Section 12-103

Mrs. Choat-Cook stated that the City references sidewalks in both the zoning and subdivision ordinance regulations. The zoning ordinance amended the sidewalk requirements, which were previously ADA compliant that required two sides on major roads, one side on residential and none in coves. Mrs. Choat-Cook explained that they changed that section of the ordinance for zoning to require both sides of the street unless it is a major arterial road. This ordinance amendment is to provide consistency between subdivision regulations and the zoning ordinance. The subdivision regulations is a completely different section of our code that is still ADA compliant on one side and this change will correct it to reflect the dual side walk requirements into the subdivision regulations. 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 TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XII, CHAPTER 4, SECTION 12-103

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE XII, CHAPTER 4, SECTION 12-103, ("Ordinances")

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XII, CHAPTER 4, SECTION 12-103

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WHEREAS, pursuant to Miss. Code 17-1-3, the City is vested with authority of regulatory controls over zoning and land uses, and may do all things, consistent with the laws of the state, which they deem necessary to protect the health and welfare of the residents; and

WHEREAS, pursuant to Miss. Code Section 17-1-9, the City's regulation as set forth in this Resolution and amended ordinance is 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; and

WHEREAS, pursuant to Miss. Code 17-1-23, the City, has a the right to regulate subdivisions and before allowing dedication, may impose such terms as may be deemed necessary to make the provisions of Mississippi Code Sections 17-1-1 through 17-1-27, inclusive, effective, and the City may receive easements in the land affected whereby such sections may be made effective; and

WHEREAS, the City currently adheres and enforces regulations that allow for the review and approval of proposed sidewalk locations and design by the Planning and Development Department; and

WHEREAS, the Ordinances, as amended, provide consistency with the existing ordinances regarding sidewalks throughout the City, and

WHEREAS, the City has an interest and duty to ensure consistency among all its ordinances and regulation; and

WHEREAS, the amendment to the ordinance as set forth in this Resolution will lessen congestion in the streets by providing sidewalks on both sides for pedestrians; and

WHEREAS, the amendment to the ordinance as set forth in this Resolution will allow for pedestrians to have more access to streets by providing sidewalks on both sides, which will provide for more safety for walking pedestrians; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest; and

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WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance; and

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT BY RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XII, CHAPTER 4, SECTION 12-103 as follows:

Sec. 12-103 Sidewalks
Concrete sidewalks not less than five (5) feet wide and four (4) inches in depth shall be constructed along both sides of all urban arterial and collector streets with a minimum of one (1) foot grassed or landscaped median area between the sidewalk and the curb and with curbs and gutters in accordance with applicable standard specifications of the city. Sidewalks shall be constructed along each side of every local street shown on the plat with the exception of cul-de-sac, where sidewalks are not required.

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

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	
YES	
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	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 15th day of May, 2018.

CITY OF SOUTHAVEN, MISSISSIPPI

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MAYOR'S REPORT

Public Works Update

Mayor Musselwhite explained that the Public Works Department is short five (5) personnel and asked for patience until those positions are completely filled. Mayor Musselwhite stated that when the City made the decision to take on right of way maintenance, that also came with hiring additional personnel. Unfortunately, the Public Works department is still five short and are behind as they are still handling street repair in addition to the right of way maintenance. Mayor Musselwhite stated that they anticipate having all ten positions filled within the next 30 days.

Sales Tax Update

Mayor Musselwhite stated that the last sales tax report received was for \$1,369,521.00 for the month of December during the shopping season and is the highest sales tax ever recorded in Southaven. Mayor Musselwhite explained that to put that into perspective, the money the city received in May is actually for March, which was \$1,271,000.00 and puts us at \$350,000 higher than the budget projection.

Snowden Pedestrian Project

Mayor Musselwhite reported that the City received a letter giving the authority to move forward and approve an engineering firm for the CE&I for the Snowden Pedestrian Project. Alderman Flores made the motion to designate Civil Link as the official engineering firm to do the CE&I for the Snowden Grove Pedestrian Project. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously with Alderman Wheeler being absent.

Bid for Intersection Modernization

Mayor Musselwhite stated that in the Capital Improvement Plan that was adopted in October 2017, they included intersection modernization for the Custer, Rasco, Brookhaven and Highway 51 intersections to replace the old span wire, and add new mast arms, as well as make the signals more conducive to technology now. The new signals will dress up the original part of Southaven and show a commitment to invest in the original part of the city. Mayor Musselwhite explained that with Highway 51 being a state highway, the City had to go through a process with MDOT to make sure they approved of the upgrades in which they have done. Alderman Hoots made the motion to authorize advertising for bids for the intersection modernization projects. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

CITIZEN'S AGENDA

Graziella Fichthorn

Mrs. Fichthorn expressed concerns with the planting of trees promised by the builder, drainage issues in her subdivision, and potholes on Henry Lane. Mayor Musselwhite and Dan Cordell offered to meet with Mrs. Fichthorn in regards to the drainage in her subdivision and she was not receptive. Mayor Musselwhite

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stated that he would look into the street issues and Mrs. Choat-Cook explained that the builder has indicated that he will plant trees when the roads are finished.

Allen Schaffer

Dr. Schaffer expressed concerns with not having a proper place on his property to place a dumpster. Dr. Schaffer explained that he had the dumpster on the property behind his building, but he no longer has access as the property belongs to someone else and they do not wish for the container to be on their property. Dr. Schaffer requested a variance to place the container on the front side of his building where it is not visible to the street. Mayor Musselwhite stated that they could look into the matter and possibly grant a hard ship. Mayor Musselwhite asked Dr. Schaffer to start a variance application with the Planning Department.

Ben Woodson

Mr. Woodson expressed concerns with needing the drains cleaned out at 7605 Davis Parkway and to spray for mosquitos where the water is setting up on his property. Mayor Musselwhite stated that he would have someone look into the matter for him and address his concerns.

PERSONNEL DOCKET

Personnel Docket

May 15, 2018

Payroll Additions	Department	Position Title	Start Date	Rate of Pay
Letitia D. Brown	Court	Deputy Court Clerk	5/16/2018	\$15.00
Matthew W. Chambers *	Utility	Service Technician	TBD	\$12.00
Michael G. Young *	Fire	Fire Fighter II	TBD	\$15.57

*pending 1 pre-emp screening

** pending 2 pre-emp screenings

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Willie Davis III	P-2	P-4	05/10/2018	\$22.86
Michael House	Fire Fighter II	Paramedic Parks	04/27/2018	\$16.25
Corey Jones	Parks Supervisor	Supervisor/Operator	05/16/2018	\$17.00
Mikeal Pannell	Fire Fighter II Seasonal Grounds	Fire Figher III	04/14/2018	\$15.87
Kayliv Parquet	Crew	Laborer	05/16/2018	\$11.50
Nicholas Walsh	P-2	P-4	05/10/2018	\$22.86

Internship	Department	Position Title	Effective Date	Proposed Rate of Pay
Summer Barton	Parks (Ends)	Concession Supervisor	06/01/2018	\$8.00
	ITEC (Begins)	Intern	06/04/2018	\$10.00

Stipend	Type of Stipend	Effective Date	Yearly Amount
Fire			
Michael House	Paramedic	04/27/2018	\$6,000.00

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Police

Kaley Brown	C.I.T.	04/26/2018	\$600.00
Brian Ely	C.I.T.	04/26/2018	\$600.00
Clint Horton	C.I.T.	04/26/2018	\$600.00
Joel Rich	C.I.T. & Training	04/26/2018	\$1,200.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Sean Asbell	Fire	Fire Fighter III Administrative Staffing	5/18/2018	\$15.87
Stephen Benson	Fire	Officer	5/31/2018	\$57,756.82 yrly
Leon Killibrew	Fire	Fire Inspector 2 Building Office	05/31/2018	\$23.81
Gloria Jean Vowell	Planning/Building	Manager	05/31/2018	\$52,200.20 yrly

Parks Dept Tournament (412) & Seasonal (411) Personnel Docket

May 15, 2018

New Hires

<u>Payroll Additions</u>	<u>Position</u>	<u>Start Date</u>	<u>Rate of Pay</u>
Lawonda David	Grounds Crew	05/16/2018	\$9.00
Alexandra Ewing	Concessions	05/16/2018	\$7.25
Myri Greene	Gates	05/16/2018	\$7.50
	Seasonal Grounds		
Dillon Hicks	Crew	05/16/2018	\$8.50
Kathryn Langston	Concessions	05/16/2018	\$7.25
James Page Jr.	Cook	05/16/2018	\$8.00
	Tournament		
Kevin Smorowski	Grounds	05/16/2018	\$7.25
	Seasonal Grounds		
Tanner Taylor	Crew	05/16/2018	\$8.50
Rylee Thriss	Concessions	05/16/2018	\$7.25
Kylie Tygart	Concessions	05/16/2018	\$7.25

Adjustments

<u>Pay Adjustments</u>	<u>Previous Classification</u>	<u>New Classification</u>	<u>Effective Date</u>	<u>Proposed Rate of Pay</u>
	Concessions			
Makenzie Ellis	Supervisor	Tennis Supervisor	05/16/2018	\$9.00
Kelsey Rich	Tournament Gates	Cash Control	5/126/2018	\$10.00
		Seasonal Grounds		
Jonathan Vines	Cook	Crew	05/01/2018	\$8.50

Terminations

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Rate of Pay</u>
Presley Becker	PT Front Desk	05/19/2018	\$7.25
Andrea Young	Concessions	05/16/2018	\$7.25
Raven Young	Concessions	05/16/2018	\$7.25

Alderman Brooks made the motion to approve the Personnel Docket of May 15, 2018 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

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Tradebe Environmental Services, LLC Agreement

Mr. Manley stated that this agreement will allow for the Public Works Department to utilize a dumpster for household hazardous waste at the Public Works office for a year to assist the citizens of Southaven in collecting that waste. Alderman Kelly made the motion to authorize Bradley Wallace to sign the agreement with Tradebe Environmental Services, LLC. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

Tyler Technologies Contract Amendment

Mr. Manley stated that Tyler Technologies switched their end user from Adobe to Doc Origin and this amendment acknowledges that switch. Mr. Manley explained that contractual language was added about the City being a public entity and not waiving rights to agree to certain requirements within the contract amendment. Alderman Brooks made the motion to approve the contract amendment and authorized Chris Shelton to sign. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the contract amendment is attached to these minutes.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of May 15, 2018 in the amount of \$1,527,192.46. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

300549, 300577, 300732, 300778, 300962, 301345, 301349, 301368, 301405, 301406, 301407

Roll call was as follows:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler (By Teleconference)	YES
Alderman Raymond Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 15th day of May, 2018.

EXECUTIVE SESSION

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

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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 Gallagher. Motion was put to a vote and passed unanimously May 15, 2018 at 7:45 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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