

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN SOUTHAVEN, MISSISSIPPI

CITY HALL

June 5, 2018

6:00 p.m.

AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: May 15, 2018 & Special Meeting, May 31, 2018
5. 2018-2022 Parks Enhancement & Expansion Plan
 - a) Arena Floor Leveling Agreement to Support
 - b) Springfest Pavement/BankPlus Amphitheater Parking Lot Agreement to Support
 - c) Soccer Fields (7) at Snowden Grove Agreement to Support
 - d) Field of Dreams Playground Agreement to Support
 - e) Walking/Running Track at Central Park Agreement to Support
 - f) Greenbrook Softball Indoor Training Facility Agreement to Support
 - g) Splash Park at Snowden Grove Agreement to Support
6. Resolution for Voting Delegates for MML
7. Pulsara Contract with SFD
8. Resolution for SPD Surplus
9. Resolution of Intent and Engagement to Borrow \$5.2 million pursuant to Miss. Code 17-21-51
10. Deputy Court Clerk Appointments
11. Pinehurst Levee
12. Resolution to Clean Private Property
13. 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
 - Item #4 - Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the City of Southaven Code of Ordinance, Title XII, Chapter 4, Section 12-106(c)
 - Item #5 - Application by R & W Developers for subdivision approval to revise the Deerpurchase North Commercial Park on the west side of Getwell Road, south of Nail Road
 - Item #6 - Application by Joseph Shleweet for design review approval of a dentist office and retail building on Lot 4 of the Shops of Desoto Center Subdivision

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Item #7 - Application by Methodist Lebonheur Healthcare for design review approval of a medical office to be located on Lot 4, Area 15 Snowden Grove PUD
Item #8 - Application for a Variance to dumpster location and construction materials for Desoto Eyecare at 726 Goodman Road
Item #9 - Application for a Variance to allow a non-conforming business to remain located at 7800 Hwy. 51 North

14. Mayor's Report

15. Citizen's Agenda: Tedarrell Muhammad
Peter Hamby

16. Personnel Docket

17. City Attorney's Legal Update

18. Claims Docket

19. Executive Session: Claims/Litigation involving City Infrastructure and Police; Personnel in SPD and Court;
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 June 05, 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 5th day of June, 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	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 seventy-five (75) 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 May 15, 2018 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously. Alderman Payne made the motion to approve the minutes of the Special Called Meeting of May 31, 2018 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

2018-2022 PARKS Enhancement and Expansion Plan

Mayor Musselwhite presented these items to the Board.

ARENA FLOOR LEVELING AGREEMENT TO SUPPORT

Alderman Brooks made the motion to support the Arena Floor leveling project. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES

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Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of June, 2018.

SPRINGFEST PAVEMENT / BANKPLUS AMPHITHEATER PARKING LOT AGREEMENT TO SUPPORT

Mayor Musselwhite explained that this plan will pave the area where the BBQ teams cook during Springfest, double as parking for amphitheater, and location for RV's along with other possible uses. Alderman Wheeler made the motion to support the Springfest Pavement / BankPlus Amphitheater Parking Lot project. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

SOCCER FIELDS (7) AT SNOWDEN GROVE AGREEMENT TO SUPPORT

Mayor Musselwhite explained that this will expand the soccer operation by bringing additional soccer fields to the Snowden area. Mayor Musselwhite stated that this project would not replace the fields in place now, but to add additional fields to open up opportunities for the youth, draw tourism and spark additional economic development. Alderman Brooks made the motion to support the Soccer Fields at Snowden Grove. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	NO
Alderman Payne	YES
Alderman Gallagher	YES

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Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of June, 2018.

FIELD OF DREAMS PLAYGROUND AGREEMENT TO SUPPORT

Alderman Flores made the motion to support the Field of Dreams Playground project. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

WALKING/RUNNING TRACK AT CENTRAL PARK AGREEMENT TO SUPPORT

Alderman Flores made the motion to support the Walking/Running Track at Central Park project. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

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GREENBROOK SOFTBALL INDOOR TRAINING FACILITY AGREEMENT TO SUPPORT

Mayor Musselwhite stated that this project will offer opportunities throughout the year and provide educational opportunities for scholarships. Alderman Payne made the motion to support the Greenbrook Softball Indoor Training Facility project. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

SPLASH PARK AT SNOWDEN GROVE AGREEMENT TO SUPPORT

Mayor Musselwhite stated that there are still some unknowns in regards to this project. Alderman Flores made the motion to table this item until they are able to get additional information. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

A copy of the Parks Enhancement and Expansion Plan is attached to these minutes.

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RESOLUTION FOR VOTING DELGATES FOR MML

The Board of Alderman considered the following resolution that will authorize the voting delegates on behalf of the City for MML.

RESOLUTION APPOINTING MISSISSIPPI MUNICIPAL LEAGUE 2018 VOTING DELEGATES FOR THE CITY OF SOUTHAVEN

WHEREAS, the Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a Second Vice President from the Central District; and

WHEREAS, the amended bylaws require the City of Southaven ("City") to designate in its minutes the voting delegate and one alternate to cast the vote for each member municipality.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SOUTHAVEN;

In accordance with the bylaws of the Mississippi Municipal League, the voting delegate (s) for the 2018 Mississippi Municipal League election to be held at the annual convention on June 26th with a run-off (if necessary) on June 27, 2018 are as follows:

Voting Delegate: John David Wheeler

First Alternate: Charlie Hoots

That public interest and necessity requiring same, this Resolution shall become effective upon passage.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by Alderman Flores, seconded by Alderman Brooks, and was adopted by the following vote, to-wit:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John David Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 5th day of June 2018.

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PULSARA CONTRACTS WITH SFD

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

Baptist Desoto Hospital received a grant from Health Alliance of MS for the use of Pulsara Platform. This is a system to alert the ER and Cardiologist by the EMS crews of those patients having a STEMI. This is done by cell phone and it is at no cost to the City. As part of the program, there are two contracts (subscription agreement and business associate agreement) for review

Pulsara Subscription Agreement

Mr. Manley stated that this agreement will allow for transporting of certain patients free of service, but requires a contract. Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the subscription agreement with Pulsara. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

A copy of the Subscription Agreement is attached to these minutes.

Pulsara Business Associate Agreement

Mr. Manley stated that this agreement sets forth obligations. Alderman Brooks made the motion to authorize Mayor Musselwhite to sign the Business Associate Agreement with Pulsara. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of June, 2018.

A copy of the Business Associate Agreement is attached to these minutes.

RESOLUTION FOR SPD SURPLUS

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

The Board of Alderman considered the following resolution that will authorize surplus of seized police property.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DISPOSING OF SEIZED PROPERTY

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

WHEREAS, the Seized Property has cleared all Court Proceedings and has been forfeited to the City; and

WHEREAS, the Seized Property is no longer needed by City Police, so that the Seized Property is now considered "surplus"; and

WHEREAS, pursuant to Mississippi Code 17-25-25, the City desires to surplus the Seized Property; and

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

1. The Seized Property be hereby disposed of pursuant Mississippi Code 17-25-25.
2. The City Police Chief, City Clerk, or their designee, be, and, if needed, is hereby authorized and directed to advertise the Property on Govdeals.com or sell the Property at public auction or to otherwise dispose of said property in accordance with state law, or to retain such items and remove them from the fixed assets inventory pursuant to State guidelines.

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

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Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	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 5th day of June, 2018.

A list of the surplus property and request to surplus is attached to these minutes.

RESOLUTION OF INTENT AND ENGAGEMENT TO BORROW \$5.2 MILLION PURSUANT TO MISS.CODE 17-21-51

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

This resolution will authorize the borrowing of \$5.2 million, which is less than 1% of the City's assessed value, with payment over four (4) years as required by law and engage Butler Snow to assist. The notes/ indebtedness will be offered at public sale by the governing authority after not less than ten (10) days' advertising in the *Desoto Times*. The entity that offers the lowest rate will be selected for the issuance and then the issuance will be validated. The Board of Alderman considered the following resolution:

NOTICE OF RESOLUTION OF INTENT

There came on for consideration the matter of the sale and issuance of a negotiable note of the City of Southaven, Mississippi, and after a discussion of the subject matter, Board Member Flores offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DECLARING THE NECESSITY FOR THE SALE AND ISSUANCE OF A NEGOTIABLE NOTE OF THE CITY IN A PRINCIPAL AMOUNT OF NOT TO EXCEED FIVE MILLION TWO HUNDRED THOUSAND DOLLARS (\$5,200,000) FOR THE PURPOSE OF RAISING MONEY FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS OF THE CITY AS DESCRIBED HEREIN; AUTHORIZING THE PUBLICATION OF A NOTICE OF NOTE SALE IN CONNECTION WITH SAID NOTE AND THE PREPARATION AND DISTRIBUTION OF INFORMATION AND MATERIALS RELATED TO THE SALE AND ISSUANCE OF SAID NOTE; AND FOR RELATED PURPOSES.

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WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "**Governing Body**" of the "**City**"), acting for and on behalf of the City, hereby finds, determines, adjudicates and declares as follows:

1. The City is authorized by Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended and/or supplemented from time to time (the "**City Act**"), to issue general obligation bonds to raise money for the purposes 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 Act, including paying for the cost of such borrowing (together, the "**Project**").

2. The City is authorized pursuant to Sections 17-21-51 *et seq.*, Mississippi Code of 1972, as amended and/or supplemented from time to time (the "**Note Act**" and collectively with the City Act, the "**Act**") to issue negotiable notes of the City for any purpose for which the Governing Body is otherwise authorized to issue bonds, notes or certificates of indebtedness including those set forth in the City Act.

3. It is necessary and desirable and in the public interest to issue a negotiable note of the City in the principal amount of not to exceed Five Million Two Hundred Thousand Dollars (\$5,200,000) in accordance with the Act to raise money for the Project.

4. The Project is in accordance with the provisions of the Act.

5. The Note Act limits the aggregate amount of debt outstanding under the Note Act at any one time to the greater of Two Hundred Fifty Thousand and No/100ths Dollars (\$250,000) or one percent (1%) of the assessed value of all taxable property within the City according to the last completed assessment for taxation.

6. One percent (1%) of the assessed value of all taxable property located within the City is Five Million Two Hundred Eighty-Eight Thousand One Hundred Forty-Six Dollars (\$5,288,146).

7. The City presently has Zero Dollars (\$0) in outstanding indebtedness under the Note Act.

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8. The issuance of the Note under the Act for the purpose of funding the Project will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the City, including those set forth in the City Act.

9. It would be in the best interest of the City for the Governing Body to issue a negotiable note of the City pursuant to the Act to provide funding for the Project.

10. The Governing Body is authorized and empowered by the Act to issue a negotiable note of the City for the purposes as hereinafter set forth and there are no other available funds on hand or available from regular sources of income for such purposes.

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

SECTION 1. Pursuant to the Act, the Governing Body acting for and on behalf of the City, does hereby find and determine that the sale and issuance of a negotiable note of the City in a principal amount not to exceed Five Million Two Hundred Thousand Dollars (\$5,200,000) (the "Note") is necessary and advisable and conforms to the Act, and does hereby declare its intention to sell and issue the Note.

SECTION 2. The Note is to be issued for the purpose of financing the Project, including paying certain costs incident to the sale and issuance of the Note, all as authorized by the Act.

SECTION 3. The Note is to be issued pursuant to the Act and this and subsequent resolutions of the Governing Body. The Note shall be a general obligation of the City, and the full faith, credit and resources of the City are hereby irrevocably pledged for the payment of the principal of and interest on the Note. For the purposes of effectuating and providing for the payment of the principal of and interest on the Note, as the same shall mature and accrue, there shall be levied a direct, continuing special tax upon all of the taxable property within the geographical limits of the City, adequate and sufficient, after allowance shall have been made for the expenses of collection and delinquencies in the payment of taxes, to produce sums required for the payment of the principal of and the interest on the Note; provided, however, that such tax levy for any year shall be abated *pro tanto* to the extent the City on or prior to September 1 of that year has transferred money to the Note Fund established for the Note, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Note due during the ensuing fiscal year of the City, including funds received from the tourism tax of the City. If necessary, said tax shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the City are collected, and the rate of tax which shall be so extended shall be sufficient in each year fully to produce the sums required as aforesaid, without limitation as to rate or amount. The avails of said tax shall be irrevocably pledged for the payment of the principal of and interest on the Note as the same shall mature and accrue.

SECTION 4. The assessed value of taxable property within the City, according to the last completed assessment for taxation, is \$528,814,588; the City has outstanding bonded indebtedness subject to the fifteen percent (15%) debt limit prescribed by Section 19-9-5, Mississippi Code of 1972, as amended, in the amount of \$37,180,000, and outstanding bonded and floating indebtedness subject to the twenty percent (20%) debt limit prescribed by Section 19-9-5, Mississippi Code of 1972, as amended (which amount includes the sum set forth above subject to the 15% debt limit), in the amount of \$37,180,000; the issuance of the Note, when added to the outstanding bonded indebtedness

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of the City, will not result in bonded indebtedness, exclusive of indebtedness not subject to the aforesaid fifteen percent (15%) debt limit, of more than fifteen percent (15%) of the assessed value of taxable property within the City, and will not result in indebtedness, both bonded and floating, exclusive of indebtedness not subject to the aforesaid twenty percent (20%) debt limit, in excess of twenty percent (20%) of the assessed value of taxable property within the City, and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the City, and together with any outstanding debt issued pursuant to the Note Act will not exceed one percent (1%) of the assessed valuation of the City.

SECTION 5. (a) The terms and conditions for the Note and the form of the Note shall be those agreed upon between the City, acting for and on behalf of the City, and the party agreeing to purchase the Note and shall be in conformance with the requirements of the Act and this Note Resolution.

(b) The Note will be subject to redemption prior to its stated date of maturity, at any time, at par, plus accrued interest to the date of redemption.

SECTION 6. The City shall offer the Note for sale subject to the provisions of Section 17 hereof, at the date, time and terms of sale to be as set forth in the "Notice of Note Sale" relating to the Note, which Notice of Note Sale shall be in substantially the form provided in Section 7.

SECTION 7. As required by Section 17-21-53, Mississippi Code of 1972, as amended, the City Clerk (the "City Clerk") is hereby authorized and directed to give Notice by publishing an advertisement at least one (1) time in *Desoto Times-Tribune*, a newspaper published in City of Hernando, Mississippi, and having general circulation in the City, the publication thereof to be made at least ten (10) days preceding the date fixed herein for the receipt of bids. The Notice shall be in substantially the following form:

NOTICE OF NOTE SALE
\$5,200,000
CITY OF SOUTHAVEN, MISSISSIPPI
NEGOTIABLE NOTE, SERIES 2018

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen (the "Governing Body") of the City of Southaven, Mississippi (the "City") will receive sealed bids in the Office of the City Clerk of the City located at City Hall, 8710 Northwest Drive, Southaven, Mississippi, 38671, until the hour of 4:00 o'clock p.m. on June 19, 2018, for the purchase, at not less than par, of \$5,200,000 City of Southaven, Mississippi Negotiable Note, Series 2018 (the "Note"), at which time said bids will be publicly opened by the City Clerk of the City (the "City Clerk") or the City Administrator/CAO (the "CAO") for further presentation to the Mayor and the Board of Aldermen of the City at its regular meeting set for the hour of 6:00 o'clock p.m. on June 19, 2018, to be held in its regular meeting place located at City Hall, 8710 Northwest Drive, Southaven, Mississippi, 38671.

The Note shall mature as to principal and interest in four (4) approximate equal installments due annually from the date of issuance thereof, commencing on the first anniversary of the date of the issuance of the Note. The terms and conditions for the Note and the form of the Note shall be those agreed upon between the City and the successful bidder for the Note and shall be in conformance with the Act and the Note Resolution, both as hereinafter defined; however, the rate of interest shall not exceed eleven percent (11%).

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The Note is subject to redemption prior to its stated date of maturity, at any time, at par, plus accrued interest to the date of redemption. Notice of each such redemption shall be mailed, postage prepaid, not less than two (2) business days prior to the redemption date, to the registered owner of the Note to be redeemed at the address appearing on the registration books of the City maintained by the Paying and Transfer Agent (as defined in the Note Resolution).

The Note is authorized in accordance with Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended and/or supplemented from time to time (the "City Act") and Sections 17-21-51 through 17-21-55, Mississippi Code of 1972, as amended and supplemented from time to time (the "Note Act" and together with the City Act, the "Act"), and by a Note Resolution adopted by the Mayor and Board of Aldermen of the City on June 5, 2018 (the "Note Resolution") and is being issued for the purpose of providing funds for (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 Act, including paying for the cost of such borrowing.

The Note shall be a general obligation of the City, and the full faith, credit and resources of the City are hereby irrevocably pledged for the payment of the principal of and interest on the Note. For the purposes of effectuating and providing for the payment of the principal of and interest on the Note, as the same shall respectively mature and accrue, there shall be levied a direct, continuing special tax upon all of the taxable property within the geographical limits of the City, adequate and sufficient, after allowance shall have been made for the expenses of collection and delinquencies in the payment of taxes, to produce sums required for the payment of the principal of and the interest on the Note; provided, however, that such tax levy for any year shall be abated *pro tanto* to the extent the City on or prior to September 1 of that year has transferred money to the Note Fund established for the Note, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Note due during the ensuing fiscal year of the City, including funds received from the tourism tax of the City. If necessary, said tax shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the City are collected, and the rate of tax which shall be so extended shall be sufficient in each year fully to produce the sums required as aforesaid, without limitation as to rate or amount. The avails of said tax shall be irrevocably pledged for the payment of the principal of and interest on the Note as the same shall mature and accrue.

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The Note is to be sold at par and is to be awarded to the bidder complying with the terms hereof and offering to purchase the Note at the lowest rate of interest to the City. The Note shall bear only one rate of interest as specified in the proposal which it will bear from its date to its stated maturity date. The rate of interest on the Note shall not exceed eleven percent (11%) per annum. Bidders must acknowledge in their respective proposals that, contemporaneously with or prior to delivery of the Note, the City shall receive from the successful bidder a document in form and substance satisfactory to the City to the effect that:

(a) the successful bidder is purchasing the Note for its own account for the purpose of investment and not with a view towards distribution or resale;

(b) the bidder has knowledge and experience in financial matters and it is capable of evaluating the merits and risks of purchasing the Note;

(c) the bidder has read and fully understands the resolutions under which the Note is issued;

(d) the bidder has had an opportunity to obtain and has received from the City all of the information, documents and materials which it regards as necessary to evaluate the merits and risks of its purchase of the Note;

(e) the bidder recognizes that Butler Snow LLP ("Note Counsel") is not responsible for any information contained in or omitted from materials regarding the City and the Note and acknowledges that it does not look to Note Counsel to obtain such information on its behalf; and

(f) while it has no present intention to resell or otherwise dispose of all or any part of the Note purchased by it, the bidder assumes responsibility for disclosing all material information in compliance with all applicable federal and state security laws in the event of its resale of the Note.

The interest on the Note is exempt from Federal income taxes under existing laws, regulations, rulings and judicial decisions with such exceptions as shall be required by the Internal Revenue Code of 1986. Under existing law, interest on the Note is exempt from present taxes imposed by the State of Mississippi and any City, municipality or other political subdivision of the State of Mississippi.

The Note is being issued as a "qualified tax exempt obligation" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended and supplemented from time to time.

Proposals should be addressed to the Mayor and Board of Aldermen of the City of Southaven, Mississippi, % Andrea Mullen, City Clerk of the City of Southaven, Mississippi, at her address of City Hall, 8710 Northwest Drive, Southaven, Mississippi 38671, and should be plainly marked "Proposal for Negotiable Note, Series 2018", and should be filed with Andrea Mullen, the City Clerk of the City of Southaven, Mississippi, at her address of City Hall, 8710 Northwest Drive, Southaven, Mississippi 38671, on or prior to the date and time hereinabove fixed and set. **ALL PROPOSALS MUST BE UNCONDITIONAL.**

The Governing Body reserves the right to reject any or all proposals as well as the right to waive any irregularity or informality in any proposal. All proposals shall be submitted on an Official Bid Form, which Official Bid Form may be obtained from Andrea Mullen, City Clerk and/or Chris Wilson, City Administrator/CAO 8710 Northwest Drive, Southaven, Mississippi 38671 telephone: (662) 280-6554.

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Each bid must be accompanied by a cashier's check, certified check, or exchange, issued or certified by a bank located in the State of Mississippi, payable to the City of Southaven, Mississippi, in the amount of One Hundred Four Thousand Dollars (\$104,000) as a guaranty that the bidder will carry out its contract and purchase the Note if its bid be accepted.

The final approving opinion of Note Counsel relating to the validity and tax exemption of the Note, together with a non-litigation certificate of the City dated the date of delivery of the Note, and a transcript of the proceedings relating to the Note will be delivered to the successful bidder without charge.

The successful bidder will be given at least seven (7) business days advance notice of the proposed date of delivery of the Note when that date has been tentatively determined. The Note will be delivered in Southaven, Mississippi or such other place as the Governing Body shall designate and payment therefor shall be made in federal or other immediately available funds.

The successful bidder shall have the right, at its option, to cancel its agreement to purchase the Note if the Note to be delivered by the City in accordance with the preceding paragraph is not tendered for delivery within sixty (60) days from the date of sale thereof. The City shall have the right, at its option, to cancel its agreement to sell the Note if within five (5) days after the tender of the Note for delivery the successful bidder shall not have accepted delivery of and paid for the Note.

Information with respect to the indebtedness may be obtained from the Office of the City Clerk or the Office of the City Administrator/CAO of the City of Southaven, Mississippi located at City Hall, 8710 Northwest Drive, Southaven, Mississippi 38671.

AN OFFERING DOCUMENT WILL NOT BE PREPARED IN CONNECTION WITH THE SALE AND ISSUANCE OF THE NOTE.

The principal amount of the Note is being sold to a single purchaser who will have knowledge and experience in financial and business matters making it capable of evaluating the merits and risks of the prospective investment. The Note shall be sold to a purchaser without a view for distributing said Note. Based on the foregoing, the Note will be exempt from the continuing disclosure requirements of SEC Rule 15c2-12.

Published by order of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, on this the 5th day of June, 2018.

/s/ Andrea Mullen

**ANDREA MULLEN, CITY CLERK
CITY OF SOUTHAVEN, MISSISSIPPI**

PUBLISH: June 7, 2018

Minutes, City of Southaven, Southaven, Mississippi

SECTION 8. The Note shall be dated as of its delivery; shall bear interest from said date at the rate of interest specified in the proposal submitted by the successful bidder for the Note in accordance with the Notice of Note Sale, but not to exceed eleven percent (11%) per annum, and principal and interest shall be payable in equal installments over a period of four (4) years.

The Note is subject to redemption prior to its stated date of maturity, at any time, at par, plus accrued interest to the date of redemption. Notice of each such redemption shall be mailed, postage prepaid, not less than two (2) business days prior to the redemption date, to the registered owner of the Note to be redeemed at the address appearing on the registration books of the City maintained by the Paying and Transfer Agent (as defined herein).

The principal of the Note shall be payable in lawful monies of the United States of America as the same shall become due at a bank or banks to be designated by the City (the "**Paying and Transfer Agent**"). Interest will be payable by check or draft drawn upon the Paying and Transfer Agent made payable to the registered owner named in and mailed to the address of the registered owner as it shall appear on the registration books of the City kept and maintained by the Paying and Transfer Agent.

SECTION 9. The City hereby covenants that it will not make any use of the proceeds of the Note or do or suffer any other action that would cause: (i) the Note to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("**Code**"), and the Regulations promulgated thereunder; (ii) the interest on the Note to be included in the gross income of the Registered Owners thereof for federal income taxation purposes; or (iii) the interest on the Note to be treated as an item of tax preference under Section 57(a)(5) of the Code.

SECTION 10. The City represents as follows:

(a) The City shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Section 148(f) and 149(e) of the Code;

(b) The City shall take no action that would cause the Note to be "federally guaranteed" within the meaning of Section 149(b) of the Code;

(c) The City shall take all necessary action to have the Note registered within the meaning of Section 149(a) of the Code; and

(d) The City will not employ any device or abusive transaction with respect to the investment of the proceeds of the Note.

SECTION 11. The City hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code ("**Rebate**") in the manner described in Regulation §§1.148-1 through 1.148-11, as such regulations and statutory provisions may be modified insofar as they apply to the Note. In accordance therewith, the City shall:

(a) Within sixty (60) days of the last day of the fifth and each succeeding fifth "note year" (which shall be the five-year period ending on the date five years subsequent to the date of the closing, unless another date is selected by the Governing Body of the City, and each succeeding fifth "note year"), and within sixty (60) days of the date the Note is discharged the City shall (i) calculate, or cause to be calculated, the "rebate amount" as of

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each "computation date" or the "final computation date" attributable to any investment in "investment-type property" made by the City, of "gross proceeds" of the Note, and (ii) remit the following to the United States Treasury within sixty (60) days of the last day of the fifth and each succeeding fifth "bond year": (A) an amount of money equal to such "rebate amount" (treating for purposes of such calculation any previous payments made to the United States Treasury on account of such "rebate amount" as if the payment on any such date was an "expenditure" constituting a "rebate payment"), (B) the calculations supporting the amount of "rebate amount" attributable to any investments in "investment-type property" made by the City of gross proceeds of the Note and (C) any other information required to comply with Section 148 of the Code.

(b) The City shall keep accurate records of each investment-type property (as that term is defined in Section 148(b) of the Code), if any, acquired, directly or indirectly, with "gross proceeds" of the Note and each expenditure it makes with "gross proceeds". Such records shall include the purchase price, nominal interest rate, dated date, maturity date, type of property, frequency of periodic payments, period of compounding, yield to maturity, amount actually or constructively realized on disposition, disposition date, and evidence of the "fair market value" of such property on the purchase date and disposition date (or deemed purchase or disposition date), for each item of such "investment-type property".

SECTION 12. The City hereby designates the Note as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the City hereby represents that:

(a) the City reasonably anticipates that the amount of tax-exempt obligations to be issued by it during the period from January 1, 2018, to December 31, 2018, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Note; and

(b) for purposes of this Section 12, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the City: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(C) of the Code.

SECTION 13. The interest on the Note is exempt from Federal income taxes under existing laws, regulations, rulings and judicial decisions with such exceptions as shall be required by the Internal Revenue Code of 1986. Under existing law, interest on the Note is exempt from present taxes imposed by the State of Mississippi and any City, municipality or other political subdivision of the State of Mississippi.

SECTION 14. The principal amount of the Note is being sold to a single purchaser who will have knowledge and experience in financial and business matters making it capable of evaluating the merits and risks of the prospective investment. The Note shall be sold to a purchaser without a view for distributing said Note. The purchaser of said Note shall be required to execute a certification at closing to the effect that the Note is being purchased for the account of the purchaser without the intent to distribute. Based on the foregoing, the Note will be exempt from the continuing disclosure requirements of SEC Rule 15c2-12.

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SECTION 15. Butler Snow LLP, Ridgeland, Mississippi is hereby designated as Note Counsel (the "**Note Counsel**") and Butler Snow LLP, Southaven, Mississippi is hereby designated as City Counsel (the "**City Counsel**") in connection with the sale and issuance of the Note. The terms of employment for Note Counsel are set forth in the engagement letter (the "**Engagement Letter**") attached hereto as **EXHIBIT A**. All provisions of the Engagement Letter, when executed as hereinafter authorized, shall be incorporated herein, and shall be deemed to be part of this resolution fully and to the same extent as if separately set out verbatim herein. The form of the Engagement Letter and the execution thereof by the Mayor and/or the President of the Governing Body is hereby approved and authorized.

SECTION 16. The City Administrator/CAO of the City (the "**CAO**") and/or the City Clerk are hereby authorized and directed to cause to be prepared, distributed and furnished to prospective bidders for the Note, and to other interested persons, such materials and information concerning the City as may be convenient to the public sale of the Note, including the form of the Official Bid Form, the form of which is attached hereto as **EXHIBIT B**.

SECTION 17. The Mayor is hereby authorized and directed to make all final determinations necessary in connection with (a) the publication of the Notice of Note Sale, including the date of sale, the dated date of the Note, the maturity schedule relating to the Note, the final aggregate principal amount of the Note, the redemption terms of the Note and any other terms thereof, and (b) the Official Bid Form; provided, however, that such determinations shall be subject to ratification by the Governing Body.

SECTION 18. The City reasonably expects that it will incur expenditures prior to the issuance of the Note, which it intends to reimburse with the proceeds of the Note upon the issuance thereof. This declaration of official intent to reimburse expenditures made prior to the issuance of the Note in anticipation of the issuance of the Note is made pursuant to Department of Treasury Regulations Section 1.150-2 (the reimbursement regulations). The Project for which such expenditures are made is the same as described hereinabove. The maximum principal amount of debt expected to be issued for the Project is the amount hereinabove set forth.

SECTION 19. The Mayor, the City Clerk, the CAO and the other officers of the City are, and each of them acting alone is, hereby authorized and directed to take such actions and to execute such documents as may be necessary to effectuate the purposes of this Resolution.

SECTION 20. If any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

Alderman Wheeler seconded the motion to adopt the 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 Charlie Hoots	Voted: YES
Alderman George Payne	Voted: YES
Alderman Joel Gallagher	Voted: YES
Alderman John David Wheeler	Voted: YES

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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 this the 5th day of June, 2018.

EXHIBIT A

FORM OF ENGAGEMENT LETTER

EXHIBIT B

FORM OF OFFICIAL BID FORM

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OFFICIAL BID FORM

June 19, 2018

Mayor and Board of Aldermen
City of Southaven, Mississippi
8710 Northwest Drive
Southaven, Mississippi 38671

Gentlemen:

We hereby offer to pay \$_____ for the \$5,200,000 City of Southaven, Mississippi Negotiable Note, Series 2018, to be dated the date of delivery thereof (the "Note"), of the City of Southaven, Mississippi (the "City"), as described in the Intent/Note Resolution adopted by the City on June 5, 2018 (the "Intent/Note Resolution") bearing interest at an interest rate of _____% for the principal maturing in installments as follows::

<u>YEAR OF MATURITY</u>	<u>PRINCIPAL INSTALLMENT AMOUNT</u>
2019	\$ _____
2020	_____
2021	_____
2022	_____

Based upon the interest rate specified above, we compute the gross interest cost¹ to the City to be \$_____, the net interest cost (deducting premium of \$_____, if any) to be \$_____ and the average annual net interest rate from the date of the Note to maturity to be _____%.

If there is any discrepancy as between the actual interest cost computed upon the rate of interest above specified and the interest cost or average rate hereinabove set forth, the interest rate above specified and the actual interest cost or average interest rate computed upon said rate shall prevail.

A (cashier's check) (certified check) or (bank exchange) issued or certified by a bank located in the State of Mississippi, payable to the City of Southaven, Mississippi, in the amount of One Hundred Four Thousand Dollars (\$104,000) accompanies this proposal as a guarantee that we will carry out this contract and accept delivery of the Note if this proposal is accepted, which shall be returned to the undersigned (1) if this bid be not accepted or (2) if the City should fail to deliver the Note to the undersigned in accordance with the terms of this proposal, or applied as and for liquidated damages in the event that the undersigned fails to take up and pay for the Note.

¹ For purposes of submitting this bid, please assume June 19, 2018 to be the dated date of the Note.

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This proposal is submitted subject to all of the terms and conditions of said Intent/Note Resolution, which by reference is hereby made a part of this Bid.

BIDDER: _____

BY: _____

TITLE: _____

Note: Proposals should be addressed to the Mayor and Board of Aldermen of the City of Southaven, Mississippi, % Andrea Mullen, City Clerk of the City of Southaven, Mississippi, at her address of City Hall, 8710 Northwest Drive, Southaven, Mississippi 38671, and should be plainly marked "Proposal for Negotiable Note, Series 2018", and should be filed with Andrea Mullen, the City Clerk of the City of Southaven, Mississippi, at her address of City Hall, 8710 Northwest Drive, Southaven, Mississippi 38671, on or prior to 4:00 o'clock p.m. on June 19, 2018. The bid will be awarded at the meeting of the Mayor and Board of Aldermen to be held at 6:00 p.m. on June 19, 2018.

ACCEPTANCE

The above proposal accepted by resolution of the Mayor and Board of Aldermen of the City of Southaven, Mississippi.

CITY OF SOUTHAVEN, MISSISSIPPI

BY: _____

(SEAL)

City Clerk

DEPUTY COURT CLERK APPOINTMENTS

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

Mr. Manley stated that these deputy court clerk appointments (Letitia Brown, Joshua Freeman, Sunita Austin, and Mary Seamans) were made by the Municipal Judges in accordance with Miss. Code 21-23-3 and as part of the Judges' appointments. No action is required by the Board other than to include the appointment in the minutes.

PINEHURST LEVEE

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

Mr. Manley explained that the City had to perform emergency work on the Pinehurst levee/dam to prevent it from collapsing and destroying College Road. Over the last several weeks, the engineers have been reviewing options for repair of the levee/dam and assessing the surrounding landowners the cost associated with the repairs. Mr. Manley stated that the preliminary cost is approximately \$51,660.00 that does not include bonds and contingencies for repairs. Under the 21-41 statutes, the City would have to have a public hearing, set the cost of the project, and would then asses the homeowners based on

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drainage surface area, their allocated cost. Mr. Manley asked if the Board wanted to have Civil Link speak with the homeowners if this is something that they would want to do. After some discussion among the Board, Alderman Flores made the motion to authorize Civil Link to move forward and speak with the 14 homeowners surrounding the lake. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

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:

- Parcel 20720423000000500
- Parcel 20730807000005200
- Parcel 20720900000000800
- Parcel 20721017000000300
- Parcel 20720400000000905
- Parcel 20720400000000903
- Parcel 20720400000000909
- Parcel 20720426000000200
- Parcel 10752103000040300
- Parcel 10782800000000102
- Parcel 10792926000000300
- Parcel 20720400000000100
- 7972 Rasco Cv

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- 7544 De Fleury Bend East
- 4077 Dickens Pl Dr
- 2680 Chalice Dr
- 893 Charter Oak Dr
- 37 Stonebrook Cv

to the effect that the said parcel of land has been neglected whereby **the grass height is in violation and there exist other unsafe conditions** and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on **Tuesday, May 15, 2018**, by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on **Tuesday, May 15, 2018**, 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:

- Parcel 2072042300000500
- Parcel 2073080700005200
- Parcel 2072090000000800
- Parcel 2072101700000300
- Parcel 2072040000000905
- Parcel 2072040000000903
- Parcel 2072040000000909
- Parcel 2072042600000200
- Parcel 1075210300040300
- Parcel 1078280000000102
- Parcel 1079292600000300
- Parcel 2072040000000100
- 7972 Rasco Cv
- 7544 De Fleury Bend East
- 4077 Dickens Pl Dr
- 2680 Chalice Dr
- 893 Charter Oak Dr
- 37 Stonebrook Cv

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

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BE IT FURTHER RESOLVED that the City of Southaven shall, if the owners of the above described parcel of land do not do so themselves, immediately proceed to clean the respective parcel of land, by the use of municipal employees or by contract, by cutting weeds and grass and removing rubbish and other debris.

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

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John Wheeler	YES
Alderman Raymond Flores	YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 15th day of May, 2018.

PLANNING AGENDA:

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

Items 1-3 on the Planning Agenda were approved at the last meeting and the fourth concerns street lights in subdivisions. Since the last meeting, notice of the proposed ordinance changes have been published in the *Desoto Times*.

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

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:

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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, 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, which have flammable gas pumps, 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

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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 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 Brooks and brought to a vote as follows:

ALDERMAN

Alderman William Brooks
Alderman Kristian Kelly
Alderman Charlie Hoots
Alderman George Payne
Alderman Joel Gallagher
Alderman John David Wheeler
Alderman Raymond Flores

VOTED

YES
YES
YES
YES
YES
YES
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 5th day of June, 2018.

CITY OF SOUTHAVEN, MISSISSIPPI

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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)

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 3, SECTION 13-3(i)**

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 3, SECTION 13-3(i), ("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 3, SECTION 13-3(i)**

WHEREAS, pursuant to Miss. Code 21-17-5 the City is vested with authority over the finances of the city, and may do all things, consistent with the laws of the state, which they deem necessary to the care of the finances or to the best interest of the inhabitants; and

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

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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 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

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	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	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 5th day of June, 2018.

CITY OF SOUTHAVEN, MISSISSIPPI

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

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")

Minutes, City of Southaven, Southaven, Mississippi

Thereupon Alderman Brooks 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**

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

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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 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 Wheeler 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 5th day of June, 2018.

CITY OF SOUTHAVEN, MISSISSIPPI

Minutes, City of Southaven, Southaven, Mississippi

Item #4 - Resolution of the Mayor and Board of Alderman of the City of Southaven, Mississippi, to amend the City of Southaven Code of Ordinance, Title XII, Chapter 4, Section 12-106(c)

Mrs. Choat-Cook stated that this resolution will allow for additional requirements and put more definition and design criteria on street lights. 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 12-106(C)-(F)**

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 12-106(c)-(f), ("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 12-106(c)-(f)**

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 secure safety for vehicular and pedestrian traffic; to provide adequate light; and

WHEREAS, pursuant to Miss. Code 17-1-23, the City, has 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

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

WHEREAS, the ordinance as amended, will assist the City with ensuring adequate lighting for the City streets further ensuring safety for vehicular and pedestrian traffic within the City; 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 12-106 (c)-(f) as follows:

Sec. 12-106(c)

All streetlights in new residential developments shall be decorative acorn fixtures on minimum 20'-0" fluted fiberglass poles with 150-watt metal halide lamps as the default fixture; the Planning Director shall have the authority to change this selection for a particular location if deemed appropriate. Typically, sections of a development that are new under this guideline shall follow the same style of fixture as previous sections unless changed by the Planning Director.

Sec. 12-106(d)

All streetlights shall be located in the corner of a lot and in conjunction with a standard front yard and side yard utility easement.

Sec. 12-106(e)

All streetlights shall be a minimum distance of 200'-0" apart and a maximum distance of 400'-0" apart and all intersections shall have at least one (1) streetlight even if the distance to the closest streetlight is less than 400'-0" but not closer than 200'-0". For 4-way intersections, street light runs coming from both directions shall end at the intersection in a streetlight that allows for the two (2) streetlights to be at diagonals to each other at the intersection.

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Sec. 12-106(f)

All streetlights shall be located on the same side of the street as the sidewalk if a street has all sidewalks on the same side; and streetlights shall alternate sides of the street every 400'-0" (maximum) if a street has sidewalks on both sides.

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 Flores 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 5th day of June, 2018.

Item #5 - Application by R & W Developers for subdivision approval to revise the Deerchase North Commercial Park on the west side of Getwell Road, south of Nail Road

Mrs. Choat-Cook stated that this application request is to revise the Deerchase North Commercial Park and further subdivide lot 5. The existing lot 5 encompasses 10.41 acres of property behind the existing retail buildings on Getwell Road. The applicant is requesting to carve out two lots from this acreage and leave the remaining acreage as lot 5. This would create a lot 7 with 0.72 acres and a lot 8 with 0.63 acres. There is an existing forty-eight (48) foot ingress/egress from Getwell Road that allows access to these lots which carries further west into lot 5 but decreases in width to twenty-four (24) feet. There is also a thirty-foot ingress/egress which carries to the north to give access from Nail Road. This application would carry this particular ingress/egress to the south and connect with the existing office buildings to the south. There is a portion of property on the south side that is designated for storm water detention which would remain with lot 5. The only comment from staff would be to adjust the title block to show First Revision to lot 5 Deerchase North Commercial Park so that the chronological order of the subdividing is clear. Otherwise, staff has no

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further comment and recommends approval with stated change. Alderman Flores made the motion to approve the application by R&W Developers. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

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

Item #6 - Application by Joseph Shleweet for design review approval of a dentist office and retail building on Lot 4 of the Shops of Desoto Center Subdivision

The applicant is requesting design review approval for an 8,000 sq. ft. medical office/retail building to be located on 11.06 acres on the north side of Church Road, east of WE Ross Pkwy in the Shops of Desoto Subdivision. The applicant is proposing a single story medical office and retail building in a mixture of materials to include prefabricated metal wall panels, brick veneer, fiber cement board and porcelain tile. The main material for the building is shown as metal paneling which is mainly a light gray/aluminum but the applicant has incorporated a copper paneling in various places along the south, east and west to enhance the overall building design. The front elevation uses the light crème colored porcelain tile around the entrance to the dental office area. The other tenant space entries are encompassed by the fiber cement boards which are designed to look like wood paneling but with less maintenance issues. Between the dental office and the tenant space the applicant is using two colors of brick and designs this area with soldier brick lines to further break up the elevation. This brick design is also incorporated on both the east and west sides of the building to the height of the window lines where it stops and continues to the roofline with the metal paneling. The fiber cement panels have also been incorporated in two planters along the frontage of the building. A patio is shown on the east end of the building which is utilizing a wrought iron fence detail to section it off from the parking lot and building. The roofline is flat with a raised parapet line on the south, east and west side to screen the roof mounted equipment. Metal canopies above each entry point area are shown in the light gray/aluminum color. Mrs. Choat-Cook stated that staff thinks the proposed design would be a great asset to the city and the area it is located in. There are two comments that need to be addressed:

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1. The wainscot area needs to be a masonry material. The applicant does have the fiber cement in some areas and the brick in others. Where the prefab metal goes all the way to the ground is where the applicant will need to do the adjustments.
2. Decorative lighting is required with all new development. The standard acorn lights would not be conducive to the modern design of this building; therefore, staff would ask that the applicant look at some of the alternatives and submit for administrative design. This light was recently submitted with a modern design such as this and is an acceptable alternative.
3. Required revisions and additions to landscaping.

Alderman Payne made the motion to approve the application by Joseph Schlweet. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	RECUSED
Alderman Hoots	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 5th day of June, 2018.

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

Item #7 - Application by Methodist Lebonheur Healthcare for design review approval of a medical office to be located on Lot 4, Area 15 Snowden Grove PUD

The applicant is requesting design review approval for a 12,000 sq. ft. medical office to be located on lot 4 of the Snowden Grove Subdivision Area 15. The following items were submitted:

Building Elevations:

The applicant is proposing a single story medical office building in multi tones of gray brick. The roofline is raised in various areas to appease the look of the Snowden Grove commercial area where they are located. The west elevation encompasses both the primary entrance which is designed with high window lines, wood paneling and brick and also the secondary entrance which

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incorporates the gray brick and the canopy line. The wood paneling carries along the bottom of the window lines on all elevations to accent the building while also carrying the design criteria required. The canopies located on the northwest and southwest ends of the building area shown as light gray metal.

Landscaping:

The applicant has proposed a mixture of materials for the site, including the following:

Shade trees: Highbeam Overcup Oak at 4" caliper

Ornamental trees: Muskogee Crape Myrtle at 3.5" caliper; Loblolly Pine (size unidentified)

Shrubs: Elijah's Blue Fescus and Expansa Parsonii Juniper
Bermuda grass

Along Getwell Road where the twenty-foot streetscape is required, the applicant is showing a single tight line of Muskogee Crape Myrtles with a line of Expansa Parsonii Juniper incorporated into the line. Behind the streetscape line, the applicant has placed Highbeam Overcup Oaks in the parking lot medians throughout the site with Elijah's fescue and Bermuda grass. The applicant is showing the removal of several Loblolly Pines along the south perimeter line which is where parking has been proposed but they are showing replacement trees inside the buffer line between the new parking and the adjacent property. Additional juniper and fescue are shown along the west elevation of the building between the entry points.

The applicant is showing standard twenty-five (25) foot LED parking lot lighting throughout the site. Wall mount lights have also been included in the photometric design.

The applicant has worked with staff to revise the elevations of the building to match the requirements set forth in the PUD text for Snowden Grove. Staff recommends approval of the final submitted elevations. The landscaping revisions have been identified in the redline copy and will be sent directly to the applicant for the necessary revisions. The dumpster area will need to be screened via a masonry wall to match the building with a wall height of at least one foot above the dumpster. The screen walls should be on three sides of the dumpster pad. The gate can be steel in structural materials with a stained wood to match the building. As with all new developments, decorative lighting is required. The applicant shows three "A" type lights along Getwell Road which should be revised to have decorative lighting instead. There are already acorn lights in this area so staff would recommend matching these; however, since the building has a modern twist to the design, the applicant may opt to incorporate a more modern design and staff asked that the final lighting type be approved administratively. Alderman Wheeler made the motion to approve the application by Methodist Lebonheur Healthcare. Motion was seconded by Alderman Flores.

Roll call was as follows:

ALDERMAN

VOTED

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Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

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

Item #8 - Application for a Variance to dumpster location and construction materials for Desoto Eyecare at 726 Goodman Road

Mrs. Choat-Cook stated that the applicant requested to hold this request as they are doing some background work on the history of the site. Mrs. Choat-Cook further explained that at the last meeting on the Citizen's Agenda, the applicant discussed parking and location of a dumpster. Mrs. Choat-Cook stated that they have filed for a variance, but requested to put it on hold until they gather additional information.

Item #9 - Application for a Variance to allow a non-conforming business to remain located at 7800 Hwy. 51 North

Mrs. Choat-Cook stated that this item is an application for a variance for a non-conforming business to remain at 7800 Highway 51, more specifically called Everlasting Car Wash. This is located in the existing automatic car wash that was once in service but closed in 2011. Currently, it is being used for auto detailing and hand car wash. The business owner was asked to come into compliance once the business license expired. After speaking with the attorneys, it was suggested that that they apply for a variance or conditional use permit. The variance application was received late Friday past the deadline. Mayor Musselwhite explained to the Board that to be fair to them, they set a deadline to gather all of the facts before being asked to make a decision about something. Mayor Musselwhite stated that the deadline was not met and the hardcopy with fee to the city was not received. Alderman Flores made the motion to table the item. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

MAYOR'S REPORT

Tennis Center Update

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Mayor Musselwhite announced that the Tennis Center was thought to be complete in April, but the firm open date is June 22, 2018.

Street Improvement Schedule

Mayor Musselwhite announced that all of the streets on the improvement schedule for FY18 have been done and they are now moving into the bond streets which are 75% done. Mayor Musselwhite stated that some of the subdivisions have given feedback and they are very appreciative. Mayor Musselwhite stated that there may be streets that have total asphalt overlay on one section and patching or nothing else on the rest of it. The reason it looks this way is because the City is using different contractors for the seal coat. Mayor Musselwhite explained that in some cases you will have a section of the street that is in horrific condition where it has to have a true asphalt overlay but they are using seal coating for the sections of the roads that are in better condition to save money. Seal coating is about 33% of the cost of a full asphalt overlay. Mayor Musselwhite asked that the Board make citizens aware that that the work will be finished but we are waiting on our seal coat contractor and they will not be able to get to us until sometime in July.

CITIZEN'S AGENDA

Tedarrell Muhammad

Mr. Hobson presented a statement on behalf of Mr. Muhammed and his request to the Board. Mr. Hobson explained that he met with the City Prosecutor, Robbie Hayes, on the matter on Wednesday and they assured Mr. Hayes that they would get the request to the Board as soon as possible. Mr. Hobson stated that they have submitted a statement of undisputed facts and a statement of the problems. Mr. Hobson explained that Mr. Muhammed made an application in 2015 for a business license, that the license number never changed, and the business category never changed. Mr. Hobson asked the City to acknowledge that the business was in a C4 zone, was a hand carwash, and was a permitted use. Mr. Hobson argued that there was no distinction between an automatic car wash and a hand car wash and that they were both permitted in a C4 zone. Mr. Hobson stated that Mr. Muhammed wanted to keep operating and providing business to their customers.

Mayor Musselwhite stated that he did not dispute what was said for 2015, but it is important to note that the Planning Director is enforcing the ordinances of the City. Mayor Musselwhite stated that Mr. Hobson was correct in that there was no distinction between a hand car wash and automatic car wash, but there is a distinction between car wash and accessory business. The issue is that an accessory business has to have an allowance for non-conforming use. There is a grandfather clause that requires no disruption in business. Mayor Musselwhite stated that he disagreed with Mr. Hobson that there was not a disruption in business. The permit expired on December 31, 2017 and it was not attempted to be renewed until April 2018 thereby causing a disruption which disqualifies it from the grandfather clause. Mayor Musselwhite stated that he respected what they were trying to do but did not respect the fact that when they knew they were operating without a permit they continued to operate.

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Mayor Musselwhite added that there is a reason there has to be a conditional use permit because there are other factors that come into play. Specifically, there is a difference between an automatic car wash and one that is operated in a parking lot as a hand car wash. Mayor Musselwhite stated that there were complaints/concerns made by citizens that there were extension cords ran from the primary business lying in water. Mayor Musselwhite noted that there was also a situation that is a matter of public record regarding employee drug use that occurred on the property.

Mr. Hobson stated that they cannot take responsibility for what all of their employees do and they want to make the Police Department aware if that occurs. Mr. Hobson stated that the owner had surveillance and will make any recordings available at any time as they want Police involvement. Mr. Hobson stated that in 2015 the Building Inspector and Planning Department gave authorization of use at that time. Mr. Hobson added that if there is something other than zoning to give them notice and they will get it corrected. Mr. Hobson stated that the language in the application that was passed specifically states that no conditional use or further process is required and the business owner had been there for three (3) years. Mr. Hobson stated that this was not a conditional use, but a permitted use. Mr. Hobson added that there was a correspondence between Mr. Muhammed and the Planning Office that stated he would be grandfathered in so long as they stayed open and there was not a change in ownership.

Mayor Musselwhite asked Mr. Hobson why there was a lapse of time and not renewed? Mr. Hobson explained that Mr. Muhammed had a stroke and that he was not aware that there was a lapse and when brought to his attention, he went to City Hall and paid.

Alderman Gallagher asked why the business continued to operate even though they were asked to stop. Mr. Hobson replied that the grandfather clause tells them to never stop business.

Alderman Hoots asked Mrs. Choat-Cook if we would be in this situation today had the license been renewed in January. Mrs. Choat-Cook stated that they would not had they been open and continued to meet all of the requirements. Alderman Hoots questioned why the City waited until April before anything was done about the business license? Mrs. Choat-Cook stated that they were waiting on another department to finish up paperwork on their end. Alderman Hoots questioned Mr. Manley on the process. Mr. Manley explained that he would need additional time to review all of the information.

Alderman Brooks stated that they need more time to review the information and that is why this item was already tabled.

Mr. Manley asked if they were going to consider a variance at the next board meeting. Mrs. Choat-Cook explained that a conditional use has a public notice requirement, will have to go before the Planning Commission and then the Board of Alderman. The conditional use is a 7-9 week process. Mrs. Choat-Cook stated that in an effort to finalize this, they have the capabilities to do a variance. Mrs. Choat-Cook explained that the business owner filed for a conditional use as well

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as a variance and it is up to the Board of Alderman as to the type of application they want to consider.

Mr. Hobson stated that he spoke with Mr. Manley and Mr. Hayes and that they had an understanding that there would be a stay on any enforcement on this matter. Mr. Manley suggested a stay until the June 19 hearing for the variance as there seems to be a lot of additional information. Mayor Musselwhite expressed that he did not support anyone operating a business without a business license.

Mayor Musselwhite stated that he appreciated the way Mr. Hobson presented and that he was very informative in a way that will be helpful to the Board in making a decision.

Peter Hamby

Mr. Hamby expressed concerns with the lack of high speed broadband and asked if the City could do a RFP for the possibility of better internet service. Mayor Musselwhite stated that the City does not have the authority to do an RFP for those services as they are private carriers. Mr. Manley added that the City has never turned down a franchise agreement and AT&T can go wherever they choose. The City just simply does not have the authority over private business.

PERSONNEL DOCKET

Personnel Docket

June 5, 2018

Payroll Additions	Department	Position Title	Start Date	Rate of Pay
Rico F. Harris	Police	P-4	TBD	\$22.86
Joshua N Riley	Police	P-4	TBD	\$22.86

*pending 1 pre-emp screening

** pending 2 pre-emp screenings

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
<i>Utility</i>				
Dylan Lyon	Operator	Crew Foreman	06/11/2018	\$18.56
Haaken Thompson	Field Service Tech	Foreman	06/11/2018	\$18.56
Kim Turner	Billing Clerk 2	Billing Clerk 3	06/11/2018	\$15.56

Stipend	Type of Stipend	Effective Date	Yearly Amount
<i>Fire</i>			
Michael Young	Haz-Mat	05/31/2018	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Matthew Chambers	Utility	Service Tech	5/24/2018	\$12.00

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Corey Merritt	Police	Sergeant	6/15/2018	\$22.86
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Parks Dept Tournament (412) & Seasonal (411) Personnel Docket

June 5, 2018

New Hires

<u>Payroll Additions</u>	<u>Position</u>	<u>Start Date</u>	<u>Rate of Pay</u>
Alexis Boswell	Tournament Concessions	06/06/2018	\$7.25
Caroline Gautreau	Tournament Concessions	06/06/2018	\$7.25
Luke Parker	Grounds Crew	06/06/2018	\$7.25
Jonas White	Seasonal Grounds Crew	06/06/2018	\$8.50
Gage Woods	Grounds Crew	06/06/2018	\$7.25

ReHires

Deterris Fox	Seasonal Grounds Crew	06/06/2018	\$8.50
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Adjustments

<u>Pay Adjustments</u>	<u>Previous Classification</u>	<u>New Classification</u>	<u>Effective Date</u>	<u>Proposed Rate of Pay</u>
Chris Wise	Tournament Concessions	Supervisor Concessions	06/06/2018	\$8.00

Terminations

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Rate of Pay</u>
Fernanda Balderas	Tournations Gates	06/06/2018	\$7.50
Kya Davis	Tournations Gates	06/06/2018	\$7.50
Lindsay Dickey	Supervisor Concessions	06/06/2018	\$8.00
Marketh Fleming	Seasonal Grounds Crew	05/30/2018	\$8.50
Rylee Theiss	Tournaments Concessions	06/06/2018	\$7.25
Carley Walker	Tournament Gates	06/06/2018	\$7.50

Alderman Brooks made the motion to approve the Personnel Docket of June 5, 2018 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

ACI Contract

Mr. Manley stated that this contract with ACI is for online payments in the Utilities Department. The contract states that ACI can increase costs with notice and the increase is \$1.25 for debit and \$2.75 for credit in addition to their bill. ACI gave proper notification and no action was taken.

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AMB MARS Contract

Mr. Manley stated that this contract is for the medical/ambulance billing for the City of Southaven Fire Department. A motion was made by Alderman Brooks to approve the contract and authorize Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	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 5th day of June, 2018.

A copy of the contract is attached to these minutes.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of June 5, 2018 in the amount of \$2,585,270.73. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

301564, 301760, 301918, 301930, 301931, 301948, 301990, 302009, 302010, 302311, 302379, 302414, 302427, 302433

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	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 5th day of June, 2018.

Minutes, City of Southaven, Southaven, Mississippi

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 Gallagher. Motion was put to vote and passed unanimously.

A motion was made by Alderman Flores to authorize Butler Snow to work with Chris Wilson on an EEOC claim in the Southaven Police Department. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Kelly to adjourn. Motion was seconded by Alderman Wheeler. Motion was put to a vote and passed unanimously June 5, 2018 at 9:02 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

Minutes, City of Southaven, Southaven, Mississippi

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