

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
August 7, 2018
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: July 17, 2018 and Special Meeting August 2, 2018
5. Resolution for Budget Amendment
6. Professional Service Agreement for Utility Services Assessment
7. Time Extension Change Orders for Term Contractors
8. Recommendation of Award – Hwy. 51 Traffic Signal Improvements
9. Resolution Regarding E-Commerce Taxes for Municipalities
10. Resolution for Retirement of SPD Sgt. Thomas Aguilar
11. Resolution for SPD Surplus
12. School Resource Officer Contract with DeSoto County Schools
13. SPD FY 19 Occupant Protection Grant
14. SPD FY 19 DUI Grant
15. Contract with RJ Young – Parks Dept.
16. Authority for Public Works to Seek Bids
17. Resolution for Filing of Liens
18. Resolution for Sanitation Assessment
19. Resolution to Clean Private Property
20. Planning Agenda: Item #1 Application by Ronnie and Sheila Rhoda for minor subdivision approval of the Ponderhoda Subdivision on the east side of Davis Road, north of Dixie Lynn Road
Item #2 Application by Trustmark National Bank for subdivision approval for Snowden Farms, Phase B, District 21, lot 6 on the south side of Goodman Road, west of Getwell Road
Item #3 Application by Trustmark National Bank for design review approval of a bank site located on lot 6 of Snowden Farms, Phase B, District 21
Item #4 Application by RCG Southaven SPE for subdivision approval to revise Southaven Commons Subdivision on the south side of Goodman Road, west of Swinnea Road
Item #5 Application by Thalia Quintero for a Conditional Use Permit to allow a motor vehicle repair shop at 8108 Hwy. 51 North
21. Mayor's Report
22. Citizen's Agenda: Bishop Be'Daun R. Smith, Pastor, Greater Beth-El Temple
23. Personnel Docket
24. City Attorney's Legal Update
25. Claims Docket
26. Executive Session: Claims regarding Parks, Infrastructure and Police; Potential Sale of City Property; Planning Dept. Personnel; Economic Development (potential location of business to 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 August 7, 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 7th day of August, 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 twenty (20) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer, followed by the Pledge of Allegiance led by Alderman Payne. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of July 17, 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 Meeting of August 2, 2018 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

RESOLUTION FOR BUDGET AMENDMENT

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

Mr. Wilson stated that this budget amendment reflects actual revenue brought in with the exception of sales tax and reflects the \$5.2 million short-term loan for Penny for Your Parks loan for Parks. After hearing from Mr. Wilson, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2018 BUDGET

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

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

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

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

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

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

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

RESOLVED AND DONE, this 8th day of August, 2018.

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

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PROFESSIONAL SERVICE AGREEMENT FOR UTILITIES SERVICES ASSESSMENT

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

Mr. Wilson stated that this agreement will allow ISI Water Company to perform an audit and assessment on utility services to ensure that all customers are being billed the proper utility rates as far as commercial versus residential. Mr. Wilson stated that there is no charge for this service; however, if there are any increases in revenue realized, ISI Water Company will receive 60% of those increases for a period of three (3) years. If there are no increases or discrepancies, then there will not be a charge. Alderman Brooks made the motion to approve the contract and authorized Mayor Musselwhite to sign the professional services agreement. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

TIME EXTENSION CHANGE ORDERS FOR TERM CONTRACTORS

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

Lehman Roberts

Mr. Cordell stated that this contract change order is strictly a time extension of one year terms renewable up to five years. Mr. Cordell stated that there is a fuel adjustment set in the contract based off of diesel cost. Alderman Flores made the motion to authorize Mayor Musselwhite to sign the change order with Lehman Roberts. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

Tri Firma

Mr. Cordell stated that Tri Firma handles Public Works and the Utilities Departments as needed contracts and this change order will allow for a 365 day time extension. Mr. Cordell stated that the agreement has a CPI Index versus a fuel adjustment and this increase is based on its original term. They received an increase last year, but they went back to the original contract date with a 4.5% unit price from the original price. Alderman Brooks made the motion to authorize Mayor Musselwhite to sign the change order with Tri Firma. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Riverside Traffic

Mr. Cordell stated that Riverside Traffic handles the striping and markers on roads they are overlaying and to improve existing roads and this change order will allow for a 365 day time extension. Mr. Cordell stated that it uses a CPI Index with a 4.5% increase from its original price. Alderman Flores made the motion to authorize Mayor Musselwhite to sign the change order with Riverside Traffic. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Vance Brothers

Mr. Cordell stated that Vance Brothers handles the asphalt seal coats and this change order will allow for a 365 day time extension. Alderman Payne made the motion to authorize Mayor Musselwhite to sign the change order with Vance

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Brothers. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

A copy of the agreements is attached to these minutes.

RECOMMENDATION OF AWARD – HIGHWAY 51 TRAFFIC SIGNAL IMPROVEMENTS

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

Mr. Cordell stated that the City took bids from four contractors to modernize all four remaining traffic signals on Highway 51 and gave the recommendation to award the bid to Lewis Electric. Mr. Cordell stated that Lewis Electric was the lowest and best in the amount of \$609,037.50. Alderman Payne made the motion to award the bid to Lewis Electric and authorize Mayor Musselwhite to sign all contract documents. Motion was seconded by Alderman Hoots.

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 on the 7th day of August, 2018.

RESOLUTION REGARDING E-COMMERCE TAXES FOR MUNICIPALITIES

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite stated that recently, the U.S. Supreme Court ruled on the internet sales tax in Mississippi. Mayor Musselwhite explained that Mississippi was among the few that were not taking advantage of charging taxes on internet sales. Mayor Musselwhite stated that this will amount to an immediate \$50 million to the State of Mississippi. This resolution request that the Governor call a special session and the Legislature pass a law requiring such collections and that cities receive the standard amount of sales tax rebates that would ordinarily go to the cities, which is 18.5%. This resolution is being considered by numerous cities throughout Mississippi and is being coordinated by MML. After hearing from Mayor Musselwhite, the Board of Alderman considered the following resolution:

RESOLUTION OF THE BOARD OF SOUTHAVEN DECLARING THAT THE PUBLIC INFRASTRUCTURE IN MISSISSIPPI MUNICIPALITIES IS GENERALLY IN NEED OF MAINTENANCE AND IMPROVEMENT AS A

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RESULT OF A DECLINE IN REVENUE AVAILABLE TO MUNICIPALITIES AND INCREASED FEDERAL UNFUNDED MANDATES; ENCOURAGING THE MISSISSIPPI LEGISLATURE TO ACKNOWLEDGE THAT MISSISSIPPI MUNICIPALITIES NEED ASSISTANCE IN MAINTAINING QUALITY PUBLIC INFRASTRUCTURE; AND REQUESTING THAT THE MISSISSIPPI LEGISLATURE TAKE ACTION IN ANY SPECIAL SESSION TO BE CALLED IN THE COMING WEEKS TO ASSIST MISSISSIPPI MUNICIPALITIES IN IMPROVING AND MAINTAINING THEIR PUBLIC INFRASTRUCTURE BY DIVERTING A PORTION OF THE USE TAX/INTERNET SALES TAX THEREBY BENEFITING THEIR CITIZENS, THE STATE ECONOMY AND THE ENTIRE STATE OF MISSISSIPPI.

WHEREAS, municipal governments in Mississippi are responsible for over 23,000 lane miles of streets and bridges; and

WHEREAS, municipal governments in Mississippi provide water and sewer services to over 50% of the citizens in Mississippi; and

WHEREAS, quality public infrastructure in the State's municipalities is critical to the economic vitality of our municipalities and to a better quality of life for the citizens therein and the citizens of Mississippi at large; and

WHEREAS, citizens of Mississippi expect and deserve safe streets and properly functioning water and sewer systems in their municipalities; and

WHEREAS, the cost of providing and maintaining these services, while at the same time meeting Federal unfunded mandates, continues to increase; and

WHEREAS, investment in safer, modern and more efficient public infrastructure will pay dividends to the State now and for years to come if it is supported by appropriate and sufficient revenue; and

WHEREAS, legislative funding for public infrastructure in all Mississippi municipalities is in the best interest of the citizens of Mississippi for purposes of assisting municipal governments in efficiently and effectively providing public infrastructure services to its citizens; and

WHEREAS, e-commerce will continue to erode local sales and erode local sales tax rebates, and internet commerce will continue to grow even with such sellers being required to collect and remit; and

WHEREAS, as a result of the anticipated continued growth of internet sales, local units of government, including Southaven, will continue to need revenues to cover such shortfalls resulting from lagging local sales tax collections.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND BOARD OF THE CITY OF SOUTHAVEN, MISSISSIPPI do hereby encourage the Mississippi Legislature to assist Mississippi municipalities in an effort to "Balance the Scales with Internet Sales" and treat internet sales tax as they do traditional sales tax and divert at least 18.5% back to the cities based on

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the point of delivery of the products sold. At the very least, the Legislature should set aside a portion of all Use Tax to be diverted to cities on a per capita basis to be used for water, sewer, and street infrastructure thereby benefiting their citizens, the State economy and the entire State of Mississippi.

BE IT FURTHER RESOLVED, that copies of this Resolution be furnished to the members of the Mississippi Legislature.

Board Member Flores made a motion to adopt the Resolution. Said motion was seconded by Board Member Brooks, and after reading the Resolution in whole and in part, and after thorough discussion and deliberation the Mayor called for the vote of all Board Members then and there voting and recorded their votes as follows:

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

WITNESS THE SIGNATURE OF THE UNDERSIGNED OFFICERS, on this the 7th day of August, 2018.

In the case of *South Dakota v. Wayfair* reversed the holding that remote sellers of products without a physical presence in Mississippi could not be required by the states to collect taxes on the sales of products to our citizens. Currently, the taxes are supposed to be paid by the purchaser (known as a “use tax”) and that such taxes go to the state where they are at the present time kept 100% by the state with no diversion to the cities. As a result of *Wayfair*, states are now authorized to require remote vendors to collect the taxes from the customer at the time of sale just like our local stores have always had to do.

RESOLUTION FOR RETIREMENT OF SPD SGT. THOMAS AGUILAR
Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this resolution acknowledges Sgt. Thomas Aguilar retirement from the SPD and allows him to keep his service weapon. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI
PRESENTING SGT. THOMAS AGUILAR
HIS SERVICE WEAPON IN RECOGNITION OF HIS RETIREMENT**

WHEREAS, the City of Southaven Police Department hereby desires to honor Sgt. Thomas Aguilar by presenting to him his

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service firearm, a Glock Gen 4 model 43, 9mm pistol, serial number ABSX743 (Weapon"), and

WHEREAS, Sgt. Thomas Aguilar is retiring under a state retirement system, and

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

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Weapon as described above be provided to Sgt. Thomas Aguilar; 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 Weapon be provided to Sgt. Thomas Aguilar.
2. The Mayor and Chief are hereby authorized to take all actions to effectuate the intent of this Resolution.

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

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

RESOLVED AND DONE, this 7th day of August, 2018.

A copy of the recommendation letter is attached to these minutes.

RESOLUTION FOR SPD SURPLUS

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

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Mr. Manley stated that this resolution allows for the SPD to sell weapons, which have been seized and turned over the SPD by the Court, pursuant to Miss. Code 17-25-25. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

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

WHEREAS, the City of Southaven ("City") Police Department, via City Court Order, is presently in possession of certain firearms as set forth in Exhibit A (collectively "the Property") and said Court Order, included in Exhibit A, allows for City to surplus property in accordance with Mississippi Code 17-25-25 as allowed by the Mississippi Attorney General Opinion issued to Nick Manley on behalf of the City dated February 3, 2017; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended by the City Police to the Mayor and Board of Aldermen that the Property be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25; and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of the Property and it being surplus in accordance with Mississippi Code 17-25-25; and

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

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

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

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES

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Alderman John Wheeler voted: YES

Alderman Raymond Flores voted: YES

Alderman Charlie Hoots voted: YES

RESOLVED AND DONE, this 7th day of August, 2018.

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

SCHOOL RESOURCE OFFICER CONTRACT WITH DESOTO COUNTY SCHOOLS

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

Mr. Manley stated that this contract states that the Desoto County School Board will pay \$75,000.00 to the SPD in consideration of the SPD providing two (2) school resource officers. Alderman Payne made the motion to authorize mayor Musselwhite to sign the agreement with Desoto County Schools. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

SPD FY19 OCCUPANT PROTECTION GRANT

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

Mr. Manley stated that this grant from the state will cover the overtime costs for the SPD officers working seat belt enforcement details. Alderman Payne made the motion to authorize Mayor Musselwhite to sign the occupant protection grant. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

A copy of the grant agreement is attached to these minutes.

SPD FY19 DUI GRANT

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

Mr. Manley stated that this grant from the state will cover portions of the salary and overtime costs for officers assigned to the DUI unit for DUI enforcement. Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the DUI enforcement grant. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the grant agreement is attached to these minutes.

CONTRACT WITH RJ YOUNG – PARKS DEPARTMENT

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

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Mr. Manley stated that this contract will allow for the purchase of a new printer for the Parks Department in the amount of \$2,752.00 and provide for maintenance of the printer based on the payment of copies/pages from the printer. This purchase is less expensive than the current printer at Parks. Alderman Payne made the motion to authorize Mayor Musselwhite to sign the agreement with RJ Young. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

AUTHORITY FOR PUBLIC WORKS TO SEEK BIDS

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

Mr. Manley stated that this authorization by the Board will allow for Public Works to seek bids for two dump trucks and a patch truck with Central Bidding conducting the reverse auction in accordance with state law. Alderman Brooks made the motion to authorize advertising for bids. Motion was seconded by Alderman Hoots. Motion was put to vote and passed unanimously.

RESOLUTION FOR FILING LIENS

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

This resolution will allow for filing of liens for the properties that the City has cut/cleaned. These liens will later be converted to assessments to be collected with the property tax. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

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

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

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

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

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

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

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

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

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

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

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

RESOLVED AND DONE this 7th day of August, 2018.

A list of the street name, parcel id#, and assessment totals is attached to these minutes.

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RESOLUTION FOR SANITATION ASSESSMENT

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

This resolution will allow for the filing of a lien or a car tag hold for those who have not paid the sanitation fee. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION FOR ASSESSING UNPAID SANITATION FEES

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

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

WHEREAS, despite correspondence requesting that the City residents pay the sanitation fee and providing the residents the opportunity to address the City Board at previous City meetings, the residents listed at the properties on Exhibit A have failed to pay the sanitation fee; and

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

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

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

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

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

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

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

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

RESOLVED AND DONE, this 7th day of August, 2018.

A list of addresses with unpaid sanitation fees is attached to these minutes.

RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were 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:

1395 Jewell Dr
1354 Main St
8702 Hanson Cv
8701 Hanson Cv
Parcel 1085210000000400
Parcel 1078340000001805
7879 Greenbrook Pkwy

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.

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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, August 7, 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, August 7, 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:

1395 Jewell Dr
1354 Main St
8702 Hanson Cv
8701 Hanson Cv
Parcel 1085210000000400
Parcel 1078340000001805
7879 Greenbrook Pkwy

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

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

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

ALDERMAN	VOTED
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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 7th day of August, 2018.

CITY OF SOUTHAVEN,
MISSISSIPPI

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PLANNING AGENDA

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

Item #1 Application by Ronnie and Sheila Rhoda for minor subdivision approval of the Ponderhoda Subdivision on the east side of Davis Road, north of Dixie Lynn Road

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for Ponderhoda Subdivision on the east side of Davis Road, north of Dixie Lynn Drive. The area is zoned agricultural which allows for a minimum of one (1) acre lot size. The applicant is proposing two lots- lot 1 with 2.00 acres and an existing home on the site and lot 2 with 1.01 acres of vacant property. There are no access roads or drives proposed with this application. All access comes from either Davis Road or Dixie Lynn Drive. The applicant has placed the setbacks appropriately on the plat which identifies lot 2 as having two front yard setbacks which is required for corner lots. This is a minor subdivision which is defined as AG zoning and less than three lots. When a subdivision is designated as such there are no bonds associated with road work or city specs. Mrs. Choat-Cook stated that staff recommends approval as submitted. Alderman Gallagher made the motion to approve the application by Ronnie and Sheila Rhoda for minor subdivision. Motion was seconded by Alderman Payne.

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 on the 7th day of August, 2018.

A copy of the staff report is attached to these minutes and fully incorporated into these minutes.

Item #2 Application by Trustmark National Bank for subdivision approval for Snowden Farms, Phase B, District 21, lot 6 on the south side of Goodman Road, west of Getwell Road

Minutes, City of Southaven, Southaven, Mississippi

Mrs. Choat-Cook stated that the applicant is requesting subdivision approval for Snowden Farms PUD, Phase B District 21 lot 6. The lot is shown as 1.00 acre on the south side of Goodman Road, west of Getwell Road. The site is situated 2 lots down from the existing CVS pharmacy. There is an existing forty foot (40) curb cut which was authorized by MDOT onto their roadway which the applicant is proposing to utilize for the site. There is a twenty-four (24) foot cross access along the front which carries over from the lots to the east and stubs out into future development to the west of this site. A fifteen (15) foot public sewer easement which runs along the south side of existing lot 2 connects to this lot in the southeast corner. Mrs. Choat-Cook stated that the only comment staff has regarding changes in this submittal is that the proposed extension of the ingress/egress from Hwy. 302 should decrease in width once it gets beyond the cross access line. A typical section allows for thirty-six (36) feet which provides three twelve foot lanes. Staff is assuming that the extension of the ingress/egress would be curbed but there is no definitive statement so staff would like to reiterate this in the subdivision report. The applicant should place the setbacks on the lot and also in the general notes for referencing purposes. Alderman Flores made the motion to approve the application by Trustmark National Bank. Motion was seconded by Alderman Wheeler.

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 on the 7th day of August, 2018.

A copy of the staff report is attached to these minutes and fully incorporated into these minutes.

Item #3 Application by Trustmark National Bank for design review approval of a bank site located on lot 6 of Snowden Farms, Phase B, District 21

The applicant is requesting design review approval for an approximate 2,890 sq. ft. bank building to be located on the south side of Goodman Road, west of Getwell Road. Mrs. Choat-Cook made the following recommendations:

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- Canopies which are identified on the west side of the building be extended to all other windows to create continuity to the building
- Assurance from the applicant that the roof parapet has been designed to screen any and all roof mounted equipment from view.
- Clarification on the transformer on the south end of the site
- Equipment needs to be screened from public view also so staff needs to determine the specs. It should be treated like a dumpster pad which requires a masonry wall on three sides and landscape to fully screen it from view.
- Landscape revisions (redline copy will be given to the applicant to address the changes)
- Decorative lighting
- parking lot poles proposed along Goodman Road and the interior access road should be revised to be a decorative style
- Since this building has a modern look to it, staff is willing to work with an alternative style from the standard acorn lighting.

Mrs. Choat-Cook stated that pending the applicant can address the stated changes, staff recommends approval. Alderman Flores made the motion to approve the application by Trustmark Bank contingent upon making the recommended changes. Motion was seconded by Alderman Kelly.

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 on the 7th day of August, 2018.

A copy of the staff report is attached to these minutes and fully incorporated into these minutes.

Item #4 Application by RCG Southaven SPE for subdivision approval to revise Southaven Commons Subdivision on the south side of Goodman Road, west of Swinnea Road

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Mrs. Choat-Cook stated that the applicant is requesting subdivision approval to revise the Southaven Commons Subdivision on the south side of Goodman Road, west of Swinnea Road. The subdivision is completely built out with multiple buildings. Lot 1 consisted of the main multi bay retail building in the rear and also the Harbor Freight building up against Goodman Road. The proposed revisions would carve out the Harbor Freight building and place it in its own lot consisting of 1.716 acres and identified as lot 1-A and the remainder of the site would stay with the larger building consisting of 11.620 acres and shown as lot 1-B. There are no further changes to the site with this request. Mrs. Choat-Cook stated that staff has no comments regarding this request and recommends approval. Alderman Flores made the motion to approve the application by RCG Southaven SPE. Motion was seconded by Alderman Brooks.

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 on the 7th day of August, 2018.

A copy of the staff report is attached to these minutes and fully incorporated into these minutes.

Item #5 Application by Thalia Quintero for a Conditional Use Permit to allow a motor vehicle repair shop at 8108 Hwy. 51 North

Mrs. Choat-Cook stated that this request is for a conditional use permit request to open a motor vehicle repair/tire shop at 8108 Highway 51 North. The building is located north of Rasco Road on the east side of Highway 51 in a multi-tenant bay building. Mrs. Choat-Cook stated that the building has always been a tire shop with overhead doors, interior storage, and thru traffic access. Mrs. Choat-Cook added that a conditional use runs with the land not the business and this request is a formal renewal of the conditional use permit. There will be a new owner but will have the same use. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

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RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE PERMIT GRANTED TO THALIA QUINTERO FOR MOTOR VEHICLE REPAIR TO BE LOCATED AT 8108 HWY. 51 NORTH OF RASCO ROAD, SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on July 30, 2018, for the conditional use permit ("permit") application of Thalia Quintero (the "Applicant") for motor vehicle repair at 8108 Highway 51 North, Southaven, Mississippi; and

WHEREAS, "Conditional Use" is defined in the City Code of Ordinances at Title XIII, Chapter 1, Section 13-1(b) as "a use that would not be appropriate generally or without restrictions throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare;" and

WHEREAS, the Laws of the State of Mississippi, Section 17-1-1 to 17-1-27, inclusive, of the Mississippi Code of 1972, annotated, as amended, empower the City to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, pursuant to Mississippi Code Ann. Sections 21-17-5, the City has the authority to adopt ordinances with respect to City property including the adoption of all lawful orders, resolutions or ordinances with respect to municipal affairs, property, and finances, and to alter, modify, and repeal such orders, resolutions or ordinances; and

WHEREAS, based on findings of the City Planning Commission at the hearing and City Code of Ordinances and City staff report as further set forth in Exhibit A to this Resolution, the City's Planning Commission recommends, subject to the City Board's revocation, a one (1) year permit, and the permit may be renewed for four (4), one year extensions at the discretion of the City Board of Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a); and

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

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for motor vehicle repair at 8108 Highway 51 North, Southaven, Mississippi for one (1) year with up to four (4), one year extensions to be renewed annually at the discretion of the City Board of Aldermen.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

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

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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 7th day of August, 2018.

CITY OF SOUTHAVEN, MISSISSIPPI

A copy of the staff report is attached to these minutes and fully incorporated into these minutes.

MAYOR'S REPORT

Purple Heart Day

Mayor Musselwhite called to everyone's attention that it was Purple Heart Day. In 1782, General George Washington created the Purple Heart Day Metal for military men and women that were injured in service. Mayor Musselwhite acknowledged Alderman William Brooks as a recipient of the Purple Heart and thanked him for his service and huge sacrifice that he made for the benefit of the country.

Streets Update

Mayor Musselwhite stated that the street improvement schedule for 2018 is almost complete and explained that the striping contractor and the seal coat contractor will be working in the City of Southaven next week.

Cherry Valley Football

Mayor Musselwhite stated that they will be handing out flyers in the schools to promote signups for the Cherry Valley football and cheerleading program. Mayor Musselwhite stated that anyone interested from the ages of 5 – 12, will qualify to play or cheer in the league are encouraged to sign up by the deadline of August 12.

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Community Pride Award

Mayor Musselwhite stated that the Community Pride Award is a new award started to encourage pride in properties. Mayor Musselwhite stated that the first Community Pride Award was presented to Mrs. Evelyn Briscoe. Mayor Musselwhite expressed that work do not express the type of pride that she exhibits in her property and that there was no better person for the award than her. Mayor Musselwhite expressed how grateful he was for Mrs. Briscoe and all of the other people that have pride in Southaven. The next recipients of the award have been chosen for residential and commercial properties and will be awarded next week.

CITIZEN'S AGENDA

Bishop Be'Daun R. Smith, Pastor, Greater Beth-El Temple

Pastor Smith stated that he and his congregation have been praying for a new building and asked that the Board consider allowing them to purchase the Heartland Church building at 385 Stateline Road. Pastor Smith stated that he wants to keep the ministries that are currently in place and add to them. The Board of Alderman thanked Pastor Smith for coming forward.

PERSONNEL DOCKET

Personnel Docket

August 7, 2018

Payroll Additions	Department	Position Title	Start Date	Rate of Pay
Brandon E. Billingsley	Police	Patrol Officer 4	TBD	\$22.86
Amanda Franks	Police	Patrol Officer 1	TBD	\$17.38
Joseph E. Kirkpatrick	Police	Patrol Officer 4	TBD	\$22.86
John E. Marion	Police	Patrol Officer 4	TBD	\$22.86
Christopher A. Robertson	Police	Patrol Officer 4	TBD	\$22.86
Evelyn D. Sykes	Police	Crossing Guard	TBD	\$9.00

*pending 1 pre-emp
screening

** pending 2 pre-emp
screenings

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Marion Bell	Police Officer 1	Police Officer 2	08/06/2018	\$20.79
Nia Chaffin	Police Officer 1	Police Officer 2	08/06/2018	\$20.79
Anthony Irizarry	Police Officer 2	Police Officer 4	08/06/2018	\$22.86
Ethan Thompson	Parks Lead Man	Parks Supervisor	08/08/2018	\$16.06
James Willis	Current: Parks Supervisor	adjusting salary from \$15.89 to \$16.06 to set in line with other Supervisors	08/08/2018	\$16.06

Stipend	Type of Stipend	Effective Date	Yearly Amount
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Minutes, City of Southaven, Southaven, Mississippi

Fire

Jordan Campbell	EMT	07/31/2018	\$600.00
James Clack	Haz-Mat	07/31/2018	\$600.00
Benjamin Moore	EMT	07/31/2018	\$600.00
Bradley Striplin	EMT	07/31/2018	\$600.00
Michael G. Young	EMT	07/31/2018	\$600.00

Resignations/Termination s	Department	Current Position Title	Effective Date	Rate of Pay
Kaley Brown	Police	Patrol Office 4	8/2/2018	\$22.86
Chaddick Glasson	Police	Patrol Office 4	8/5/2018	\$22.86
Stephen Hodges	Police	Lieutenant	7/23/2018	\$26.76
			08/03/201	
Tomika Johnson	Police	Crossing Guard	8	\$9.00
			07/27/201	
Terry Rumsey	Police	Patrol Office 4	8	\$22.86

Parks Dept Tournament (412) & Seasonal (411) Personnel Docket August 7, 2018

New Hires

<u>Payroll Additions</u>	<u>Position</u>	<u>Start Date</u>	<u>Rate of Pay</u>
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ReHires

<u>Payroll Additions</u>	<u>Position</u>	<u>Start Date</u>	<u>Rate of Pay</u>
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Adjustments

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Ethan Tompson	Parks Lead Man	Parks Supervisor	08/08/201 8	\$16.06
James Willis	Current: Parks Supervisor	adjusting salary from \$15.89 to \$16.06 to set in line with other Supervisors	08/08/201 8	\$16.06

Terminations

<u>Name</u>	<u>Position</u>	<u>Effective Date</u>	<u>Rate of Pay</u>
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Alderman Brooks made the motion to approve the Personnel Docket of August 7, 2018 as presented to this Board. Motion was seconded by Alderman Payne. The motion was put to vote and passed unanimously.

Minutes, City of Southaven, Southaven, Mississippi

CITY ATTORNEY'S LEGAL UPDATE

Mr. Manley stated that Terra Smith, Deputy Court Clerk, was appointed by Judge Delgado in accordance with Miss. Code 21-23-3. No action is required by the Board other than to include the appointment in the minutes.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of August 7, 2018 in the amount of \$3,322,503.45. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

305254, 305273, 305441, 305444, 305458, 305500, 305547, 305548, 305549, 305677, 305710, 305735, 305747, 305818, 306034, 306160, 306236, 306281, 306373, 306428, 306429, 306442

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 7th day of August, 2018.

EXECUTIVE SESSION

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

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously August 7, 2018 at 8:30 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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