

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
December 18, 2018
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: December 4, 2018
5. FY 2018 Audit Services
6. FY 2019 Budget Amendment
7. Resolution for Personal Property Tax Exemption for Jimco Lamp & MFG Company
8. Resolution for Personal Property and Real Property Tax Exemption for Alan Ritchey, Inc.
9. Resolution for Free Port Warehouse Tax Exemption for Earth, Inc.
10. Resolution for Award of Field of Dreams Playground
11. Award of Bid for Uniforms for SPD
12. Resolution for SFD Sole Source
13. Resolution for Liens
14. Resolution for Vehicle for Hire
15. Dedication of 4.68 acres on the north side of Starlanding Road, west of Getwell Road to the City of Southaven by Lifestyle Communities
16. Planning Agenda: Item #1 Application by Joey Schaffer to rezone 9.26 acres of property on the south side of Goodman Road, east of Elmore Road from Planned Commercial (C-4) to General Commercial (C-3)
Item #2 Application by Slim Chickens Restaurant for Design Review approval for a new location on lot 1 of Silo Square Commercial Subdivision
Item #3 Application by Aman Devji for a Conditional Use Permit to allow a convenience store to be located on the southeast corner of Stateline Road and Tchulahoma Road in the Pinewood PUD
Item #4 Application by Aman Devji for Design Review approval of a convenience store on the southeast corner of Stateline Road and Tchulahoma Road
Item #5 Application by Moe Shaw for Design Review approval of a convenience store to be located on the southeast corner of Stateline Road and Swinnea Road
17. Mayor's Report
18. Citizen's Agenda: Debbie Magee
19. Personnel Docket
20. City Attorney's Legal Update
21. Utility Bill Adjustment Docket
22. Claims Docket
23. Executive Session: Litigation involving the City SPD and Potential Litigation by the City;
Economic Development (Industry/Business Locating 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 December 18, 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 18th day of December, 2018 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Charlie Hoots	Alderman, Ward 2
George Payne	Alderman, Ward 3
John David Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Absent were:

Kristian Kelly	Alderman, Ward 1
Joel Gallagher	Alderman, Ward 4

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately sixty (60) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Flores led in prayer followed by the Pledge of Allegiance led by Club Scout Pack 73 from St. Timothy's Episcopal Church. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of December 4, 2018 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

Debbie Magee & Sandy Hoots

Ms. Magee and Ms. Hoots both expressed concerns with the fact that Code Enforcement Officers removed the Christmas in Springfield directional signs out of the right of way. Ms. Magee stated that some of the visitors would not be able to locate the Springfield Cove Christmas event as easily by moving them out of the right of way. Ms. Magee requested a variance to place the directional signs in the right of way for a specific event, for a limited amount of time. Mayor Musselwhite explained that the current ordinance disallows signs in the right of way and he does not have the authority to pick and choose which ordinances to enforce. Mayor Musselwhite further explained that the Board of Alderman is the Legislative Branch of government and they set the ordinances. Next, Mayor Musselwhite asked the Board of Alderman if there was a motion to change the City ordinance to allow a directional sign in the right of way for a specific event for a limited amount of time and there was none. After much discussion among the Board with the possibility of City assistance for future events and possible placement of the sign, it was decided that they would not make any changes to the sign ordinance.

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FY2018 AUDIT SERVICES

Edi McIlwain, Finance Director, presented this item to the Board.

Mrs. McIlwain stated that the Department of Finance recommends keeping Fortenberry & Ballard, PC as the auditors to perform the FY2018 audit. Alderman Flores made the motion to allow and authorized a contract with Fortenberry & Ballard, PC to provide audit services to the City for the FY2018 audit. Motion was seconded by Alderman Brooks.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

A copy of the agreement is attached to these minutes.

FY2019 BUDGET AMENDMENT

This amendment brings into FY 19 the Parks/Tourism \$5.2 million loan that was approved and closed in 2018 and expenses the funds for certain park projects. The Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2019 BUDGET

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the 2019 City Budget.

WHEREAS, pursuant to Miss. Code 21-35-25, the City desires to amend its 2019 budget; and

WHEREAS, the City's actual collections, loans, 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

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

RESOLVED AND DONE, this 18th day of December, 2018.

A copy of the amendment is attached to these minutes.

RESOLUTION FOR PERSONAL PROPERTY TAX EXEMPTION FOR JIMCO LAMP & MFG COMPANY

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

Mr. Manley stated that this was approved by the Desoto County Board of Supervisors and the Desoto Economic Council recommended a personal property tax exemption in the amount of \$1,072,112.53 for five (5) years to Desoto County and the City. Jimco is an expanded enterprise and estimates that it will provide approximately 22 new jobs with an estimated annual payroll of \$5,000,000.00. 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, GRANTING EXEMPTION FROM AD VALOREM TAXES TO JIMCO LAMP & MFG COMPANY FOR A

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FIVE YEAR PERIOD PURSUANT TO 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, Jimco Lamp & MFG Company ("Jimco") located at 699 Research Drive, Southaven, Mississippi filed with the City of Southaven ("City") for exemption from ad valorem taxation; and

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

WHEREAS, the City Board finds as a fact that the property described in the aforesaid Application constitutes an expanded enterprise, which was completed on October 17, 2018 and that Jimco is entitled to the exemption sought for a period of five (5) years for personal property in the amount of \$1,072,112.53 beginning on the 1st day of January, 2019, subject to approval and certification by the Mississippi Department of Revenue.

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

1. Based on Jimco expanded enterprise providing approximately 22 new jobs with an estimated annual payroll of \$5,000,000.00, the application for ad valorem tax exemption for Jimco for five (5) years for personal property in the amount of \$1,072,112.53 beginning the 1st day of January, 2019 on the property described in the Application filed by Jimco for tax exemption, be and the same is hereby approved.
2. That Jimco is hereby granted a tax exemption on ad valorem taxes, except school district, parks and library taxes and the State mandated County levies, for personal property in the amount of \$1,072,112.53 for five (5) years beginning January 1, 2019.

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3. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Mississippi Department of Revenue for its approval and certification; and, that upon approval of this Application by the Mississippi Department of Revenue and the issuance of its certificate of approval, the Board of Alderman shall enter a Final Order on its minutes granting the exemption; and said Clerk shall also forward one (1) certified copy to the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the personal property as itemized in the Application has been placed on the appropriate tax roll as "Non-Taxable", except for school district, parks and library taxes and the "mandated levies" for the duration of the exemption period only.

After a full discussion of this matter, Alderman Flores moved that the foregoing Resolution be adopted. The motion was seconded by Alderman 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: ABSENT
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: ABSENT
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 18th day of December, 2018.

A copy of the business incentives application is attached to these minutes.

**RESOLUTION FOR PERSONAL PROPERTY AND REAL PROPERTY
TAX EXEMPTION FOR ALAN RITCHEY, INC.**

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

Mr. Manley stated that this was approved by the Board of Supervisors and the Desoto Economic Council recommended a personal property tax exemption for a period of ten (10) years for real property in the amount of \$11,057,283.00 and for a period of ten (10) years for personal property in the amount of \$553,292.00 to Desoto County and the City. Alan is a new enterprise and estimates that it will provide approximately 213 new jobs with an estimated annual payroll of \$6,256,000.00. After hearing from Mr. Manley, the Board of Aldermen considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES TO ALAN RITCHEY, INC FOR A TEN YEAR PERIOD PURSUANT TO 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, Alan Ritchey, Inc. ("Alan") located at 1660 Stateline Road East, Southaven, Mississippi filed with the City of Southaven ("City") for exemption from ad valorem taxation; and

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

WHEREAS, the City Board finds as a fact that the property described in the aforesaid Application constitutes a new enterprise which was completed on the 1st day of October, 2018 and that Alan is entitled to the exemption sought for a period of ten (10) years for real property in the amount of \$11,057,283.00 and for a period of ten (10) years for personal property in the amount of \$553,292.00 beginning on the 1st day of January, 2019, subject to approval and certification by the Mississippi Department of Revenue.

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

1. Based on Alan providing approximately 213 new jobs with an estimated annual payroll of \$6,256,000.00 the application for ad

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valorem tax exemption for Alan for ten (10) years for its new enterprise for real property in the amount of \$11,057,283.00 and for ten (10) years for personal property in the amount of \$553,292.00 beginning the 1st day of January, 2019 on the property described in the Application filed by Alan for tax exemption, be and the same is hereby approved.

2. That Alan is hereby granted a tax exemption on ad valorem taxes, except school district, parks and library taxes and the State mandated County levies, for real property in the amount of \$11,057,283.00 for ten (10) years and personal property in the amount of \$553,292.00 for ten (10) years beginning January 1, 2019.
3. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Mississippi Department of Revenue for its approval and certification; and, that upon approval of this Application by the Mississippi Department of Revenue and the issuance of its certificate of approval, the Board of Alderman shall enter a Final Order on its minutes granting the exemption; and said Clerk shall also forward one (1) certified copy to the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the personal property as itemized in the Application has been placed on the appropriate tax roll as

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"Non-Taxable", except for school district, parks and library taxes and the "mandated levies" for the duration of the exemption period only.

After a full discussion of this matter, Alderman Flores moved that the foregoing Resolution be adopted. The motion was seconded by Alderman 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: ABSENT
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: ABSENT
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 18th day of December, 2018.

A copy of the business incentives application is attached to these minutes.

RESOLUTION FOR FREEPORT WAREHOUSE TAX EXEMPTION FOR EARTH, INC.

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

Mr. Manley stated that this was approved by the Desoto County Board of Supervisors and the Desoto Economic Council recommended a free port warehouse tax exemption for Earth, Inc. to Desoto County and the City. Earth, Inc. has an estimated annual payroll at its Southaven facility in the amount of \$2.5-\$3 million. The free port warehouse tax exemption will exempt all personal property held in Earth's free port warehouse and in transit through this State and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Earth's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi. 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, GRANTING FREE PORT WAREHOUSE AD VALOREM TAX EXEMPTION TO EARTH INC. AS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

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WHEREAS, Earth, Inc. ("Earth") seeks an exemption from ad valorem taxes at its warehouse operation located at 8680 Swinnea Road, Ste. 101, Southaven, Mississippi to the fullest extent permitted by statute on all personal property held in the applicant's finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Earth's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

WHEREAS, Earth has filed an Application with the City for exemption from free port tax warehouse ad valorem tax exemption; and

WHEREAS, Earth has produced written verification and documentation to this Board as to the authenticity and correctness of its Application; and

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

1. That Earth ships personal property to a final destination outside the State of Mississippi during the calendar year.
2. That Earth is qualified to make application for exemption from free port warehouse ad valorem tax.
3. Based on the recommendation of the Desoto Economic Council, this Mayor and Board of Alderman of the City of Southaven, Mississippi, believe that it should exercise its discretionary authority to exempt from all free port taxes to the full extent permitted by statute all personal property held in Earth's free port warehouse and in transit through this State and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Earth's finished goods warehouse

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for storage in transit to a final destination outside the State of Mississippi as authorized by Section 27-31-51 et seq. of the Mississippi Code (1972) as amended.

4. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Tax Assessor of DeSoto County, Mississippi.

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

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

RESOLVED AND DONE, this 18th day of December, 2018.

A copy of the business incentives application is attached to these minutes.

RESOLUTION FOR AWARD OF FIELD OF DREAMS PLAYGROUND

Mayor Musselwhite presented this item to the Board.

The city recently sought proposals for the playground for the field of dreams. Due to the proprietary nature of some of the elements for the playground, along with the city seeking design and structural concepts for the playground, the city included the budgeted amount of \$300,000.00 as part of the proposals request. The city received four (4) proposals which were reviewed by Wes Brown and Urban Arch. After review and consideration of the proposals, the recommendation is to award the playground project to Great Southern Recreation, LLC based on Great Southern's incorporation of a wheelchair bay to the swing set that will provide extra accommodation to children who need assistance; Great Southern's

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design for the Playground is more substantial as it includes larger canopies, which provide more shade to protect from the sun for use of the Playground; and Great Southern's design and layout is easily integrated to the surrounding City Park, which enhances the aesthesis of the Playground. Mayor Musselwhite explained that this project is part of the Parks Expansion and Enhancement Plan to add a special needs playground at the Field of Dreams location at Snowden Grove Park. The Board of Alderman considered the following resolution:

RESOLUTION OF CITY OF SOUTHAVEN BOARD OF ALDERMAN AWARDING CONTRACT TO GREAT SOUTHERN RECREATION, LLC FOR CONSTRUCTION OF FIELD OF DREAMS PLAYGROUND

WHEREAS, in accordance with Mississippi Code 31-7-13, the City of Southaven ("City") advertised for proposals for the construction of the Field of Dreams Playground ("Playground"); and

WHEREAS, due to the proprietary nature of some of the elements for the Playground, along with the City seeking design and structural concepts for the Playground, the City included the budgeted amount of \$300,000.00 as part of the proposal request; and

WHEREAS, in response to the request for proposals, the City received four (4) bids from various contractors for the Playground; and

WHEREAS, the City's Park Director and consulting architect reviewed all 4 proposals based on the budgeted amount of \$300,000.00, along with the features, equipment, and design that serve the City's best interest; and

WHEREAS, after review of the features, equipment, design, layout, and integration of the City Playground by the City's Park Director and consulting architect and based on the City's best interest and the budgeted amount, the City Governing Authorities, based on the recommendation of the City's Park Director and consulting architect, desire to award the Playground project to Great Southern Recreation, LLC ("Southern") as Southern presented the best proposal to the City; and

NOW THEREFORE, be it resolved as follows:

1. Based on the proposal specifications whereby the City noted the budgeted amount of \$300,000.00 and based on Southern's proposals, which provided the following:

- a. Southern's incorporation of a wheelchair bay to the swing set will provide extra accommodation to children who need assistance.

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b. Southern's design for the Playground is more substantial as it includes larger canopies, which provide more shade to protect from the sun for use of the Playground.

c. Southern's design and layout is easily integrated to the surrounding City Park, which enhance the aesthesis of the Playground.

the City Governing Authorities accept the recommendation of the City's Park Director and consulting architect and find that Southern provided the best proposal within the budgeted amount.

2. The City Board also finds that Southern has the honesty and integrity which is necessary to perform and execute the contract based upon the skill and business judgment required; and Southern has the experience and facilities for carrying out the contract. Furthermore, as the Mississippi Supreme Court and multiple Attorney General Opinions have noted when the discretion is exercised by the City Governing Authorities, the courts will not interfere. *Parker Bros. v. Crawford*, 219 Miss. 199, 209, 68 So.2d 281 (1953).

3. The Mayor is authorized to execute a contract with Southern and the Mayor and/or City Parks Director and their designee is authorized to execute any and all documents associated with the Playground and to effectuate the intent of this Resolution.

4. The City may use funds collected pursuant to by House Bill 1471, Mississippi Legislature 2018 Regular Session.

Following the reading of the foregoing Resolution, Alderman Brooks made the motion to adopt the Resolution 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: ABSENT
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: ABSENT
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 18th day of December, 2018.

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AWARD OF BID FOR FIELD OF DREAMS SITE DEVELOPMENT

After noting that Southern States Construction submitted bid documents to the City Clerk's Office prior to the 2:00 p.m. deadline and it was accepted by the City Clerk's Office even though it was not opened with the other bidders present and that Southern States Construction complied with the request for bids and that Southern States Construction was the lowest and best bid in the amount of \$148,400.00 and based on the recommendation of Urban Arch, Alderman Brooks made the motion to award the bid to Southern States Construction and authorize Mayor Musselwhite to sign and execute all documents associated with the project, Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

A copy of the recommendation letter from Urban Arch along with bid documents is attached to these minutes.

AWARD OF BID FOR UNIFORMS FOR SPD

Chief Pirtle presented this item to the Board.

The uniforms for the SPD recently went to bid, via reverse auction. There was only one (1) bid received from Mid-South Solutions and Chief Pirtle recommended that the city accept the bid from Mid-South Solutions for two (2) years with an option to renew for another two (2) years. Chief Pirtle stated that Mid-South Solutions is currently the SPD's provider of uniforms. Alderman Payne made the motion to award the SPD Uniform Bid to Mid-South Solutions. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

A copy of the bid is attached to these minutes.

RESOLUTION FOR SFD SOLE SOURCE

Chief Scallions presented this item to the Board.

Chief Scallions stated that the SFD previously received the Assistance to Firefighters Grant in the amount of \$87,830.00. The SFD desires to utilize the grant proceeds to purchase materials and installation of source capture exhaust systems to protect the health of personnel working at Stations 3 and 4. Based on

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review by SFD, the best product/system is Plymovent which is only sold by EDI, LLC in the amount of \$97,688.00. After hearing from Chief Scallions, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
AUTHORIZING SINGLE SOURCE ITEM PURCHASE BY
SOUTHAVEN FIRE DEPARTMENT**

WHEREAS, the City of Southaven Fire Department ("City") previously received the Assistance to Firefighters Grant in the amount of \$87,830.00;

WHEREAS, the City desires to utilize the grant proceeds to purchase materials and installation of source capture exhaust systems to protect the health of personnel working at Stations 3 and 4 as further detailed in Exhibit a; and

WHEREAS, the City has reviewed and researched different products and companies for exhaust systems and based on the City's research desires to purchase Plymovent from EDI, LLC; and

WHEREAS, EDI, LLC is the exclusive dealer of Plymovent as set forth in the sole source letter included in Exhibit A; and

NOW, THEREFORE, BE IT ORDERED by the Board of Aldermen of the City, to wit:

1. Pursuant to Mississippi Code 31-7-13(m)(viii), the City is authorized to purchase the Plymovent products from EDI, LLC in the amount of \$97,688.00 as further set forth in Exhibit A on a single-source basis pursuant to Mississippi Code 31-7-13(m)(viii).
2. The City is authorized to use the Assistance to Firefighters Grant for the purchase from EDI, LLC.
3. The Mayor, City Fire Chief or their designee(s) are authorized to take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Payne made the motion and Alderman Brooks seconded the motion for its adoption. The Mayor put

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the question to a roll call vote and the result was as follows:

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

RESOLVED AND DONE, this 18th day of December, 2018.

A copy of the Sole Source letter is attached to these minutes.

RESOLUTION FOR LIENS

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

Mr. Manley stated that this resolution will allow for liens to be placed on the properties which were cleaned pursuant to Miss. Code 21-19-11. The liens will be converted to assessments for next year's property taxes. 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 Brooks and seconded by Alderman Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

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

RESOLVED AND DONE this 18th day of December, 2018.

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

RESOLUTION FOR VEHICLE FOR HIRE

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

Mr. Manley stated that he did not have all of the information that he needed from the applicant and as a result put this item on hold. No action was taken.

DEDICATION OF 4.68 ACRES ON THE NORTH SIDE OF STARLANDING ROAD, WEST OF GETWELL ROAD TO THE CITY OF SOUTHAVEN BY LIFESTYLE COMMUNITIES

Mayor Musselwhite stated that Brian Hill with Lifestyle Communities donated 4.68 acres on the north side of Starlanding, west of Getwell Road for the purpose of building Fire Station No. 5. Mayor Musselwhite and the Board of Alderman expressed their appreciation to Mr. Hill for dedicating this property to the City. Mayor Musselwhite added that the City will begin building Fire Station No.5 in 2020. Alderman Flores made the motion to accept the 4.68 acres and allow Mayor Musselwhite and Whitney Choat-Cook to sign any and all documents associated to take possession of the property. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

A copy of the preliminary boundary survey is attached to these minutes.

PLANNING AGENDA

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

Item #1 Application by Joey Schaffer to rezone 9.26 acres of property on the south side of Goodman Road, east of Elmore Road from Planned Commercial (C-4) to General Commercial (C-3)

Mrs. Choat-Cook stated that this application is a request to rezone 9.26 acres of property on the south side of Goodman Road, east of Elmore Road from Planned Commercial (C-1) to General Commercial (C-3). Mrs. Choat-Cook stated that they are basing the rezoning on the change of the character of the neighborhood. This is a new Honda dealership requesting the rezoning. It is very close in proximity to the Landers and they want to be in that grouping of car dealerships. Mrs. Choat-Cook stated that this is the last parcel of land that fits that profile on Goodman Road. This request follows suit for the comprehensive plan designation for future land uses and it was voted unanimously in favor of by the Planning Commission. Mayor Musselwhite asked the audience if there was anyone that has an interest in this property or surrounding properties that would like to speak and there were none. Alderman Flores made the motion to approve the application by Joey Schaffer. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	ABSENT

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Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	ABSENT
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

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

Item #2 Application by Slim Chickens Restaurant for Design Review approval for a new Location on lot 1 of Silo Square Commercial Subdivision

Mrs. Choat-Cook stated that that this application is for design review from Slim Chickens Restaurant to be located on Lot 1 of Silo Square Commercial Subdivision. Mrs. Choat-Cook stated that they had some adjustments to the actual structure, landscaping and lighting which have all been brought into compliance by the request of the Planning Commission. Mrs. Choat-Cook stated that there is a possibility of a double decker patio versus a single story that is still in the works and if the design changes, they have administrative approval to look at those changes through the Mayor's Office. Mrs. Choat-Cook stated that the materials have been approved by both Brian Hill and the Planning Commission and since all adjustments requested by the Planning Commission have been addressed, staff recommends approval as submitted. Alderman Flores made the motion to approve the application by Slim Chickens Restaurant. Motion was seconded by Alderman Brooks.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

A copy of the staff report and the design and review plans is attached and fully incorporated into these minutes.

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Item #3 Application by Aman Devji for a Conditional Use Permit to allow a convenience store to be located on the southeast corner of Stateline Road and Tchulahoma Road in the Pinewood PUD

Mrs. Choat-Cook stated that this application is for a Conditional Use Permit to allow a convenience store in a single tenant building to be located on the southeast corner of Tchulahoma and Stateline Road in the Pinewood PUD that was approved in 2016. MRS. Choat-Cook stated that the site is located within an existing PUD which allowed this proposed use on the corner site which complies with the requirements of the Conditional Use. The site is located on a hard corner of a lighted major intersection and is the first of all corners at that intersection to propose this use. The applicant has met criteria for the CUP request and staff recommends approval. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF SOUTHAVEN,
MISSISSIPPI GRANTING CONDITIONAL USE PERMIT
GRANTED TO AMAN DEVJI FOR CONVENIENCE
STORE AT SOUTHEAST CORNER OF STATELINE
AND TCHULAHOMA ROAD, SOUTHAVEN,
MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on November 26, 2018 for the conditional use permit ("permit") application of Aman Devji (the "Applicant") for a convenience store located at the southeast corner of Stateline and Tchulahoma Road, 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

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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 conditional use permit with 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 a convenience store at the southeast corner of Stateline and Tchulahoma Road in Southaven, Mississippi for one (1) year to be renewed annually at the discretion of the City Board of Aldermen and subject to the City Board's revocation.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

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

Alderman William Brooks	YES
Alderman Kristian Kelly	ABSENT
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	ABSENT
Alderman John 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 18th day of December, 2018.

CITY OF SOUTHAVEN, MISSISSIPPI

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

Item #4 Application by Aman Devji for Design Review approval of a convenience store on the southeast corner of Stateline Road and Tchulahoma Road

Mrs. Choat-Cook stated that this application is for design review approval of a convenience store on the southeast corner of Stateline Road and Tchulahoma Road. Mrs. Choat-Cook stated that there were some minor changes to increase the landscape, add more acorn lighting, and diversify the materials. Mrs. Choat-Cook

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stated that with those minor changes it was voted unanimously in favor of by the Planning Commission. Alderman Wheeler made the motion to approve the application by Aman Devji. Motion was seconded by Alderman Brooks.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

Item #5 Application by Moe Shaw for Design Review approval of a convenience store to be located on the southeast corner of Stateline Road and Swinnea Road

Mrs. Choat-Cook stated that this application is for design review approval of a convenience store to be located at the southeast corner of Stateline Road and Swinnea Road. Mrs. Choat-Cook stated that this was approved prior to the conditional use permit. The applicant was asked to give this a more residential appearance by adding cedar shutters to the front, add stone, decorative lighting, and landscaping. Mrs. Choat-Cook stated that the applicant agreed to all and it was voted unanimously in favor of by the Planning Commission. Alderman Brooks made the motion to approve the application by Moe Shaw. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

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

MAYOR'S REPORT

Recycling Update

Mayor Musselwhite stated that recycling is a very volatile thing going on in our world right now. Global markets have changed and the desire for paper products in China and other areas has gone drastically down. There are also issues with the standards for the loads as it must be clean to be marketable. If garbage items are mixed in, it can spoil a load. The standards have been increased and there are fewer companies that act as a distribution area for the products which has driven up the cost. Mayor Musselwhite stated that the cost has gone from \$600.00 per month to \$4,500.00 per month. Mayor Musselwhite expressed that he did not want to see the option removed, but there could be a time in the future where they may have to revisit this issue since the cost is significantly increasing.

Intersection Modernization Update

Mayor Musselwhite stated that the Highway 51 Intersection Modernization Project was recently bid and the City awarded the lowest and best to Lewis Electric from Flowood, Mississippi in the amount of \$609,037.50. Mayor Musselwhite stated that they have been very excited to start this project to modernize and improve the look on Highway 51. Mayor Musselwhite reported that due to recent steel tariffs, it has affected some of the contractors that produce the mast arms. Unfortunately, Lewis Electric is at the mercy of the contractors that provide mast arms and there is a serious delay due to the issues with steel. Mayor Musselwhite stated that there are only three (3) businesses in the United States and one recently went out of business which has caused a back log. Mayor Musselwhite stated that he had hoped that the project would be under construction this month, but it is not going to happen until May or June.

Merry Christmas

Mayor Musselwhite wished everyone in the City a Merry Christmas.

PERSONNEL DOCKET

Personnel Docket

December 18, 2018

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Payroll Additions	Department	Position Title	Start Date	Rate of Pay
Jordan P. Roberts *	Police	Police Officer 3	TBD	\$22.06
Steven W. Rogers *	Police	Sergeant	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
William Carhuff	Code Enforcement Officer	merit	12/18/2018	\$18.00
Shamon Daugherty	Code Enforcement Officer	merit	12/18/2018	\$18.00
Amanda Franks	Patrol Officer 1	Patrol Officer 2	12/18/2018	\$20.79
Derrick Jones	Parks Lead Man	(added responsibilities)	12/24/2018	\$14.55
Robert Kerr	Code Enforcement Officer	Code Enforcement Asst Manager	12/18/2018	\$20.00
Jonathan McClure	Patrol Officer 1	Patrol Officer 2	12/18/2018	\$20.79
Elizabeth Eason Robinson	Food Beverage Manager	merit	12/24/2018	\$55,500.00

Stipend	Type of Stipend	Effective Date	Yearly Amount
<i>Fire</i>			
Terry L. Hall	Haz-Mat	12/13/2018	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Georgia A. Hamblin	Senior Services	Sr. Sevices Coordinator	1/11/2019	\$23.89
Thomas A. Jones	Police	Sergeant	1/31/2019	\$22.86
Melissa Nelms	ITEC	Dispatch 2	11/30/2018	\$20.36
Loren W. Wright	Planning	Code Enforcement Officer	12/17/2018	\$15.06

Alderman Brooks made the motion to approve the Personnel Docket of December 18, 2018 as presented to this Board. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

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CITY ATTORNEY'S LEGAL UPDATE

No Legal Update

UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL ADJUSTMENT DOCKET 12/18/2018		
The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received		
ADDRESS	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
1825 RADLEY RD	(\$464.09)	LEAK AT SERVICE LINE
1211 CARRIAGE DR STH	(\$141.52)	LEAK IN SERVICE LINE
790 GREENCLIFF DRIVE	(\$9.76)	BROKE LINE IN FRONT LINE
1430 STONEHEDGE DRIVE	(\$151.28)	LEAK IN SERVICE LINE
2136 STATELINE ROAD WEST	(\$1,305.65)	LEAK AT WTER SPIGOT/HOSE BIBB
3205 BRAMBLEWOOD DR. S	(\$122.00)	TOILET LEAK
8275 GRAYCE DRIVE	(\$43.92)	TOILET LEAK
7882 IDLEBROOK COVE	(\$92.72)	TOILET LEAK
5701 STEFFANI DRIVE	(\$161.04)	TOILET LEAK
5905 KAYLA DRIVE	(\$165.97)	TOILET LEAK
8181 OAKBROOK	(\$117.12)	TOILET LEAK
5650 BEDFORD LOOP NORTH	(\$73.20)	TOILET LEAK
5975 TCHULAHOMA	(\$441.03)	TOILET LEAK
	(\$3,289.25)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of December 18, 2018 in the amount of \$3,289.25. Motion was seconded by Alderman Flores.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of December, 2018.

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CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of December 18, 2018 in the amount of \$1,721,597.88. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

312858, 313209, 313227, 313437, 313590

Roll call was as follows:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	ABSENT
Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	ABSENT
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 18th day of December, 2018.

SPECIAL CLAIMS DOCKET #1

Alderman Hoots recused himself and left the room.

Alderman Payne made the motion to approve the Special Claims Docket #1 of December 18, 2018 in the amount of \$282,960.21. Motion was seconded by Alderman Flores.

Roll call was as follows:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	ABSENT
Alderman Charlie Hoots	RECUSED
Alderman George Payne	YES
Alderman Joel Gallagher	ABSENT
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 18th day of December, 2018.

Alderman Hoots returned to the room.

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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 Wheeler. Motion was put to a vote and passed unanimously December 18, 2018 at 8:15 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)