

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN SOUTHAVEN, MISSISSIPPI

CITY HALL

April 16, 2019

6:00 p.m.

AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: April 2, 2019
5. Ordinance Adopting Regulations for Small Cell Technology
6. FY 2018 CAFR/Audit Presentation and Acceptance
7. FY 19 Budget Amendment
8. Authorization to Advertise to Bid for Snowden Grove Pedestrian Path Project
9. Resolution for Free Port Tax Exemption for Lite-On Trading USA, Inc.
10. Resolution for Free Port Tax Exemption for AT&T
11. National Public Safety Telecommunicators Week Proclamation
12. Presentation of Awards to Emergency Communications Personnel for 2018 - Lifesaver of the Year and Dispatcher of the Year
13. Resolution to Clean Private Property
14. Planning Agenda
15. Mayor's Report
16. Citizen's Agenda: Ray Denison
17. Personnel Docket
18. City Attorney's Legal Update
19. Utility Bill Adjustment Docket
20. Claims Dockets: Docket 1
Docket 2
Docket 3
21. Executive Session: Claims Litigation regarding SPD and Infrastructure;
Economic Development (Business Locating Within City)
Potential Sale of Land

Any citizen wishing to comment on the above items may do so.
Items may be added to or omitted from this agenda as needed.

THIS PAGE WAS LEFT BLANK INTENTIONALLY

Minutes, City of Southaven, Southaven, Mississippi

MINUTES OF THE REGULAR MEETING OF April 16, 2019 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 16th day of April, 2019 at six o'clock (6:00) p.m. at City Hall.

Present were:

Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
Raymond Flores	Alderman, Ward 6

Absent were:

William Brooks	Alderman At Large
John David Wheeler	Alderman, Ward 5

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 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 April 2, 2019 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously.

ORDINANCE ADOPTING REGULATIONS FOR SMALL CELL TECHNOLOGY

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

Mr. Manley stated that this is the resolution for the Small Cell Ordinance. It is anticipated that AT&T and Verizon will be the first entities to establish the small cells, which will allow for 5G. The ordinance establishes the procedure for permitting the different small cells in context of conditional use permits for the city districts and administratively for areas not within the district. The ordinance also sets forth payments to the City in the amounts as allowed by the Federal Communications Commission. Additionally, the ordinance provides guidelines for the small cells before approval. The attorneys from Verizon and AT&T were both in attendance at the meeting, but were not asked to speak. Mr. Manley requested authorization for Mayor Musselwhite to sign and to advertise the ordinance. After hearing from Mr. Manley, the Board of Alderman considered the following ordinance:

Minutes, City of Southaven, Southaven, Mississippi

AN ORDINANCE ADOPTING REGULATIONS FOR SMALL CELL TECHNOLOGY FACILITIES IN THE CITY OF SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven, Mississippi, (the "City") seeks to facilitate the availability of reliable, personal wireless communications services for its citizens and the public by permitting the placement of Small Cell Technology Facilities and associated structures along the Right of Way and on private properties in the City; and

WHEREAS, the installation, expansion, and maintenance of Small Cell Technology Facilities and associated structures on or along the Right of Way and on private properties might have significant impact upon: (1) the aesthetic values and character of the City; (2) safe use and passage on or along the Rights of Way by the public; and (3) properties and property values in the City in the areas where such structures are placed; and

WHEREAS, the Federal Telecommunications Act of 1996 (the "Act") and regulations promulgated with respect to the Act by the Federal Communications Commission ("FCC") authorize local governments to enact reasonable regulations for the permission, placement, expansion, height, and maintenance of Small Cell Technologies Facilities and associated structures; and

WHEREAS, Mississippi Code Section 21-37-3 authorizes the governing authority of a municipality to exercise full jurisdiction in the matter of Right-of-Way; and

WHEREAS, as provided in this Ordinance and as permitted by Federal and State Law, the City seeks to mandate, where feasible, the collocation of Small Cell Technology Facilities on existing poles and other Structures as opposed to installation of new structures; and

WHEREAS, the above-noted collocation and other provisions of this Ordinance are intended to be consistent with the Act and its associated regulations; and

WHEREAS, the adoption of the regulations, procedures, and requirements in this Ordinance will permit Applicants and Providers to enhance the provision of personal wireless service and protect the public welfare, health, safety, and interests of the City's citizens.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, that the following is adopted:

SECTION 1. Definitions.

The terms below have the following meanings for purposes of this Ordinance.

A. "Abandonment" or "Abandon(s)" means that, following the placement of DAS and/or Small Cell Technologies Facilities (and associated Accessory Equipment) or Support Structures in the City pursuant to a permit issued to a Provider or an Applicant, any of the following has occurred:

- (1) for any reason the Facilities cease to be used to transmit signals, data or messages or otherwise be used for their intended purposes for a period of ninety (90) days;

Minutes, City of Southaven, Southaven, Mississippi

(2) the City revokes the permit for placement and use of those Facilities due to nonpayment of applicable fees, the failure of the Provider or Applicant to comply with conditions in the permit or in this Ordinance, or other valid reason; or

(3) the Provider or Applicant fails to perform any of its responsibilities, obligations and requirements in this Ordinance or in a permit that relates to the installation, construction, maintenance, use or operation of the Facilities, Accessory Equipment or Support Structures, and that breach remains uncured for a period of sixty (60) days after the City provides written notice of the breach to the Provider or Applicant.

B. "Accessory Equipment" means any equipment other than an antenna that is used in conjunction with DAS and/or Small Cell Technology Facility arrangements. This equipment may be attached to or detached from a DAS and/or Small Cell Technology Wireless Support Structure, and includes, but, is not limited to, cabinets, optical converters, power amplifiers, radios, DWDM and CWDM multiplexers, microcells, radio units, fiber optic and coaxial cables, wires, meters, pedestals, power switches, and related equipment on, or in the immediate vicinity of a Support Structure. The term does not include the structure or improvements on, under, or within which the equipment is collocated, wireline backhaul facilities, coaxial or fiber optic cable that is between wireless support structures or utility poles or coaxial or fiber optic cable that is otherwise not immediately adjacent to, or directly associated with, an antenna.

C. "Antenna" means communications equipment that transmits and receives electromagnetic radio signals, is attached to a DAS and/or Small Cell Technology Wireless Support Structure and is used to communicate wireless service.

D. "Applicant" whether singular or plural, means a Personal Wireless Service Provider, Wireless Infrastructure Provider, or an entity (including one that is not a Provider) that is authorized by a Personal Wireless Service Provider to apply for or receive a permit to install, construct, manage, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure in the City, or an entity licensed by the FCC, or an entity certificated by the Mississippi Public Service Commission to provide telecommunication service.

E. "Application" means a formal request submitted to the City for a permit to install, construct, modify or maintain a DAS and/or Small Cell Technology Facility and related Accessory Equipment or Support Structure.

F. "City" means the City of Southaven, Mississippi.

G. "City Board of Aldermen" means the Board of Aldermen of the City of Southaven, Mississippi.

H. "Collocation" means the placement or installation of a new DAS and/or Small Cell Wireless Technology Facility or related Accessory Equipment on an existing pole or other Support Structure that is owned, controlled or leased by a utility, the City, or other person or entity.

I. "DAS" or "Distributed Antenna System" is a network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.

Minutes, City of Southaven, Southaven, Mississippi

J. "Distributed Antenna System Facilities and/or Small Cell Technology Facility(ies)" or "Facilities" whether singular or plural, means and includes the following types of structures: (a) antenna; and (b) associated Accessory Equipment.

K. "Personal Wireless Service Provider" or "Provider" means an entity that provides personal wireless communication services to the public or citizens of the City on a commercial basis and is authorized by the FCC to provide those services.

L. "Private Property" means real property located in the City that does not lie within the Right of Way.

M. "Director of Planning" means the person appointed by the Mayor and the City Board of Aldermen as the Director of Planning, who is responsible for the administration of this Ordinance.

N. "Right of Way" whether singular or plural, means the surface and space in, upon, above, along, across, over and below any public streets, avenues, highways, roads, courts, lanes, alleys, boulevards, ways, sidewalks, and bicycle lanes, including all public utility easements, as the same now or may hereafter exist, that are within the City's corporate boundaries and under the jurisdiction of the City. This term shall not include county, state or federal rights of way or any property owned by any person or entity other than the City or City property that is not right-of-way.

O. "Support Structure" or "DAS and/or Small Cell Technology Wireless Support Structure," whether singular or plural, means a freestanding structure designed or used to support, or capable of supporting, DAS and/or Small Cell Technology Facilities, including, but not limited to, utility poles, street light poles, traffic signal structures, rooftops, attics, or other enclosed or open areas of a building or accessory structure, a sign, or a flag pole. These terms do not include the City's decorative and/or architecturally significant street light poles as those decorative lights are inappropriate for use as a Support Structure.

P. "Stealth Technology" means a method(s) of concealing or minimizing the visual impact of a DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) and Support Structure by incorporating features or design elements which either totally or partially conceal such Facilities or equipment. The use of these design elements is intended to produce the result of having said Facilities and associated structures blend into the surrounding environment and/or disguise, shield, hide or create the appearance that the Facilities are an architectural component of the support structure.

Q. "Wireless Infrastructure Provider" means any person, including a person authorized to provide telecommunications service in the state, that builds or installs wireless communication transmission equipment, wireless facilities or wireless support structures, but that is not a wireless services provider.

SECTION 2. Permit Required to Place DAS and/or Small Cell Technology Facilities.

A. A Provider or Applicant must obtain an infrastructure permit from the City before placing, installing, constructing, or operating any DAS and/or Small Cell Technology Facility (and associated Accessory Equipment) on any Support Structure that is located on the Right of Way, or Private Property, including substantially modifying the position or characteristics of any such existing Facility thereon.

Minutes, City of Southaven, Southaven, Mississippi

B. The Director of Planning (the "Director"), or his/her designee, will review and administratively process any request for a permit to determine whether, in the exercise of the Director's reasonable discretion, it should be issued for the location and in the manner requested by the Applicant. In those Districts which require a conditional use permit as required by this ordinance, after such conditional use permit is issued, the Director may review and administratively process any request for a permit to determine whether, in the exercise of the Director's reasonable discretion, it should be issued for the location and in the manner requested by the Applicant. In this process, the burden is on the Provider or Applicant to demonstrate that the placement of the proposed DAS and/or Small Cell Technology Facility and associated Accessory Equipment or Support Structure is necessary to achieve the Provider's or Applicant's goal of enhancing the provision of personal wireless services when considering all pertinent factors discussed in the provision immediately below. Except as set forth in this section or if an appeal is taken, this permitting process will be administrative and not require the approval of the City Board of Aldermen or City official other than the Director. The factors, requirements and guidelines that the Director may consider and will apply when determining whether to issue a permit for placement of DAS and/or Small Cell Technology Facilities and associated structures include, but are not limited to, the following:

(1) A District-Wide Conditional Use Permit has been approved by the Mayor and Board of Aldermen for the West End District (Stateline Road East from Highway 51 to Airways Boulevard and Highway 51 South from Stateline to Dorchester as further set forth in Exhibit A), Metro District (Church Road and Interstate 55 Interchange, along with the immediate area with developable properties to the north, south, east, and west as further set forth in Exhibit A), and Snowden District (Getwell Road from Goodman Road south to Church Road as further set forth in Exhibit A), if a new Support Structure is necessary. In addition to the standard review criteria, the following criteria shall also be considered by the Mayor and Board of Aldermen:

- a. Spacing between support structures,
- b. Collocation availability,
- c. Appearance of the proposed Support Structure and Facilities as a whole taking into consideration the design guidelines depicted in Exhibit "B," and
- d. Impact to the surrounding environment;

(2) the visual impact of placing the Support Structures or Facilities in the subject area;

(3) the ability and specifications of the structures upon which the Facilities and Accessory Equipment are placed to safely support those Facilities and Accessory Equipment;

(4) the character of the area in which the Facilities are proposed for placement, including surrounding buildings, properties and uses;

(5) whether the appearance and placement of the requested Facilities is aesthetically consistent with the immediate area and/or needs landscaping or other screening features. Aesthetic considerations shall take into account the proposed location and the design guidelines depicted in Exhibit "B;"

Minutes, City of Southaven, Southaven, Mississippi

(6) whether the Facilities are consistent with the historic nature and/or unique characteristics of the requested location;

(7) whether the Facilities exceed the height of similar existing structures in the area, or where no similar existing structures are present, whether the Facilities exceed the height limitations established for the zoned district in which a structure is proposed, but in no event shall a Facility's height exceed fifty feet (50');

(8) Collocation. To the extent reasonable, in the discretion of the Director, all Facilities and associated Accessory Equipment that are placed in the City shall be attached to a pre-existing Support Structure that is owned, controlled or leased by a utility, franchisee, the City or other entity or person with the permission of the owner of such structure. If the Applicant demonstrates that no collocation opportunities exist in the area where a technologically documented need for a Facility exists, the Applicant may request that a new pole or other Support Structure be installed in that area for purposes of constructing the Facilities. Before any new Support Structure is permitted, each of the following must occur:

(a) the Applicant must have provided the City written evidence that no reasonable collocation opportunity exists. This documentation should include, but not be limited to, affidavits, correspondence, or other written information that demonstrates that the Applicant has taken all commercially reasonable actions to achieve collocation in the requested location or area, that the Applicant has pursued but been denied access to all potential collocation sites in the subject area (and the reasons for any such denial(s)), or otherwise show that the Applicant is unable to collocate on an existing Support Structure, including for technical and other valid reasons; and

(b) the Director must recommend the placement of a new Support Structure in the Right of Way after thorough review by the Director of Public Works, or his designee; and,

(c) newly constructed Support Structures shall be to the extent reasonably possible, built in such manner as to readily accommodate collocation by no less than one (1) similar (though potentially competing) entity with equipment of equal or greater size. The owner of such structure shall not unreasonably deny another carrier from collocation. The collocation requirement may be waived by the City of Southaven for good cause shown. Such waiver will not be unreasonably withheld.

(d) a conditional use permit is approved by the Board of Alderman.

(9) if a Facility is attached to a utility pole or other Support Structure, no Antenna or other part of the Facility shall extend more than ten (10) feet above the height of such Support Structure; if the Facility includes an antenna array, the array shall be flush mounted within eighteen (18) inches of the Support Structure, or be contained in a canister that is a continuation of the approximate diameter of the Support Structure, and the array colored to match the support structure;

(10) the location of any new Facilities shall be subject to review by the Director for its visual impact and to avoid an appearance of "clutter" among other Right of Way uses in the vicinity;

Minutes, City of Southaven, Southaven, Mississippi

- (11) the Accessory Equipment shall, if reasonably possible, be buried, placed within the pole, in a cabinet under the pole, or at least twelve (12) feet above the ground and limited to twenty-eight (28) cubic feet cumulatively;
- (12) the color of Antenna and Accessory Equipment shall be compatible with that of the Support Structure or in a manner that otherwise attempts to conceal the equipment against the background of the developed or natural environment;
- (13) the Facility (including the Accessory Equipment) shall not be illuminated unless required by applicable laws and regulations;
- (14) display of logos, branding, or the like on the Facilities in any way that may reasonably be construed as advertising shall be prohibited;
- (15) whether Applicant has provided documentation that the proposed installation will not cause harm to the public or pose any undue risk to public safety;
- (16) whether the proposed installation may interfere with vehicular traffic, passage of pedestrians, or other use of the Right of Way by the public;
- (17) if the proposed installation will disturb conditions on the Right of Way, whether the Applicant can demonstrate its ability and financial resources to restore the subject area to its preexisting condition following installation;
- (18) structures and Facilities, either in their installation or continued operation shall in no way interfere with the telecommunications capabilities of emergency responders or any public safety personnel; and
- (19) that the applicant covenants and agrees to indemnify, defend, save, and hold harmless the City of Southaven, Mississippi, and its agents, officials, officers, and employees from and against any and all claims, injuries, losses, liabilities, damages, charges, costs, and expenses (including reasonable attorneys' fees and costs), whether suffered by the applicant or any other person (including the City of Southaven, its agents, or employees), which may occur on the property of the City of Southaven or elsewhere, on account of or by reason of any matters which arise during, or from, the issuance of the permit described herein or which may materially affect the issuance of the permit described herein, except to the extent that any such matter is caused by the negligence or misconduct of the City of Southaven, its employees, contractors or agents.

SECTION 3. Application Process.

The application process for locations within the City follows herein. Applications for locations on Right-of-Way or private property, including, but not limited to, additions to existing structures on private property, are required to be reviewed by the Director of Planning or his/her designee subject additionally to the City's Zoning Ordinance (for new Support Structures), Building Code and construction permitting processes. The Director and his/her staff may also rely on a review by other Departments as deemed necessary.

- A. At a minimum, each application for a permit shall contain the following:

Minutes, City of Southaven, Southaven, Mississippi

(1) Drawings stamped by a licensed engineer depicting the type of Facilities, Support Structure, and means and points at which such Facilities and associated Accessory Equipment will be attached to a Support Structure;

(2) Map(s) designating with specificity the location(s) of the requested Facilities and all other existing or proposed locations of the Applicant within 1,000 feet;

(3) The geographic coordinates of all antenna and other proposed Facilities of the Applicant within 1,000 feet;

(4) If the Facilities will be located on the Right of Way on a Support Structure that is owned by any entity other than the City or the Applicant, a copy of any license, lease, agreement, letter or other documentation evidencing that the owner of that Support Structure authorizes the Facilities to be attached thereto or agrees in principle to authorize that attachment; provided that, if a representation is made to the City that the attachment has been authorized in principle by the owner of the Support Structure but the Applicant subsequently fails to furnish the City documentation that finalizes any such agreement, the City may refuse to issue the requested permit until that documentation is provided, or, if the City issues the requested permit before receiving such final documentation, the subject permit may be revoked and any license to use that part of the Right of Way be rescinded.

(5) If the Applicant requests permission to place Facilities on a new Support Structure, other requirements contained in this Ordinance shall be met.

(6) Photo-simulated post-construction renderings depicting the proposed facilities and equipment, including any/all equipment cabinets, ancillary structures, coloration, and landscaping.

B. An application shall not be deemed complete until the Applicant has submitted all documents, information and forms specifically enumerated in this ordinance that pertain to the location, construction, or configuration of the Facilities or Support Structures at the requested location(s). Within ten (10) calendar days after an application for permit is submitted, the City shall notify the applicant in writing if any additional information is needed to complete that application or supplemental information is required to process the request. Once the completed Application is submitted, the Director shall make the final decision to approve or deny a complete application within 60 days. Applications for a new Support Structure requiring a conditional use permit from the Board of Adjustment shall be approved or denied within ninety (90) days of the submission of the completed application.

C. Additional Requirements. Any Provider or Applicant to whom a permit is issued and who places Facilities and associated Support Structures on the Right of Way shall comply with the following requirements so long as those Facilities and Support Structures are on or under the Right of Way:

(1) Prior to installing the Facilities or Support Structures, the Applicant shall provide the City a certificate(s) of insurance, or of self-insurance, evidencing that

Minutes, City of Southaven, Southaven, Mississippi

it has obtained and will maintain the following types of insurance in connection with its operations on or use of the Right of Way:

(a) Commercial General Liability coverage insuring the risk of claims for damages to persons or property arising from or related to the installation, construction, maintenance, operation or any use of Facility or Support Structure placed on or along the Right of Way by the Applicant with minimum limits of \$1,000,000 per occurrence and \$2,000,000 aggregate; and

(b) Workers Compensation Insurance as required by statute. The required General Liability coverage shall include the City as an additional insured as its interest may appear under this Ordinance. All required insurance policies shall be furnished by insurers who are eligible to transact business in the State of Mississippi and are rated at least A-VII by AM Best. Following initial installation, if any changes in coverage occur, the Applicant shall furnish the City a new Certificate indicating that the above-noted coverage remains and will remain in effect. In lieu of the insurance requirements above, an Applicant may provide a certificate of self-insurance sufficient to satisfy the above amounts.

(c) Applicant shall require any contractors and subcontractors to obtain and maintain substantially the same insurance with substantially the same limits as required of Applicant, including the City as an additional insured as its interest may appear under this Ordinance, and providing to the City a certificate of insurance evidencing such coverage.

(2) Permits for the construction of new facilities or the placement of collocated equipment shall be good for twelve (12) months following issuance of the permit. If construction or installation are not completed in that amount of time, the permit will terminate, and the applicant must remove any partially installed equipment.

The City may take applications for the same or nearby locations and hold them in standby until it is known whether full installation/construction on an active permit is completed. If/when construction or installation is underway but delayed due to unforeseen circumstances, including, but not limited to the lack of available commercial power or communication facilities to the site, the City may consider a request for a six (6) month extension to a permit. Permit fees shall be non-refundable.

(3) All Facilities and associated Support Structures shall be installed, erected, maintained and operated in compliance with applicable federal and state laws and regulations, including, but not limited to, regulations of the FCC.

(4) Following the installation of any Facilities and associated Support Structures, the Provider or Applicant, upon reasonable request and for good cause, shall furnish the Director a written certification from a licensed professional engineer in the State of Mississippi stating that those structures have been inspected and are being maintained, operated and used in compliance with all applicable laws and regulations, including those of the FCC that pertain to the transmission of wireless communication signals. For purposes of this provision, "good cause" shall mean circumstances have arisen that indicate the Facilities and associated Support

Structures have been damaged, are not functioning in compliance with applicable laws and regulations, or otherwise pose a hazard to the public. If those Support Structures should fail at any time to comply with applicable laws and regulations, the Provider or Applicant, at either of their expense, shall cause those structures to be brought into compliance with said laws and regulations within thirty (30) days of the date of any written notice to them from the Director of non-compliance, or cease all personal wireless service operations related to those structures until the Applicant or Provider comes into full compliance with said laws and regulations. If within ninety (90) days of the date of written notice of non-compliance the Applicant has not brought the structure into compliance, the City may remove said structures from the Right-of-Way in accordance with Section 5(1), (2), and (3).

(5) The Facilities and associated Support Structures must be maintained in good and safe condition.

(6) Each Applicant or Provider that applies for a permit to place Facilities (including the Accessory Equipment) and Support Structures on the Right of Way and installs and utilizes those structures shall defend, indemnify and hold the City and its employees or officials, harmless from all demands, losses, expenses (including attorney's fees and court costs), claims for personal injury or property damage, judgments or liabilities of any type that may be asserted or claimed against the City (or its employees or officials) by any third person, firm or entity that arise out of or relate in any manner to the following:

(a) the installation, construction, maintenance, location, use or operation of the permitted Facilities, Accessory Equipment or any Support Structure on or about the Right of Way; and/or

(b) the failure of the Provider or Applicant to perform any of their respective responsibilities, obligations and permit requirements in this ordinance. Notwithstanding the foregoing, the Provider or Applicant shall not be obligated to indemnify the City for City claims resulting from the negligence or willful acts of the City (or its representatives).

(7) Franchise Agreements for Other Uses of Right of Way. This Ordinance regulates the placement of DAS and/or Small Cell Technology Facilities (and associated Accessory Equipment) on or in the immediate vicinity of Support Structures that are located or proposed to be located on the Right of Way or private property. No provision of this ordinance is intended to permit, regulate or authorize the placement by a Provider or Applicant of fiber optic lines, coaxial cable, switches, pedestals or networking equipment of any type that is used to transport telecommunication signals, data or messages between Support Structures or between any other points on the Right of Way. In the event any such Provider or Applicant desires to place telecommunications equipment or Facilities along the Right of Way at points not regulated by this Ordinance, the City may enter into franchise or similar agreement that authorizes, governs and applies to such use of other locations on or along the Right of Way.

SECTION 4. Compensation.

Minutes, City of Southaven, Southaven, Mississippi

A. Permit and License Fees. The Applicant for a permit to place Facilities or associated Support Structures on the Right of Way shall pay the following types of fees:

(1) for Facilities, a \$500.00 non-recurring permit application fee that may include up to five Facilities, with an additional \$100.00 for each Facility beyond five; each location in a combined application shall be required to receive a unique permit per location; or

(2) for Support Structures (i.e., a new pole, and not a collocation, intended to support one or more Small Wireless Facilities) a \$1,000.00 non-recurring permit application fee; and

(3) a \$270.00 annual license fee per/Facility due on or before December 31 every year the Facility remains in operation, except as provided in Section 4.B.

B. Annual License Fee Payments. In the first year of this Permit, the Provider's or Applicant's annual license fee shall be due upon completion of a structure or installation and payable within thirty (30) days therefrom and are not prorated. In the first year of this Permit, the license fee shall be \$270.00 for Facilities completed and/or installed between January 1 and June 30 and shall be \$135.00 for Facilities completed and/or installed between July 1 and December 31. Thereafter, the Provider's or Applicant's annual license fee payable under Section 4A(3) shall be due and payable to the City annually on or before December 31 for the following calendar year. All payments due under this Permit shall be made to the City of Southaven.

C. Annual license fee payments not received by the City on or before the due date shall be assessed interest of 1% per month commencing on the first day after the due date. Failure to make full payment including applicable interest charges, after thirty (30) days advance written notice, within sixty (60) days of the applicable payment date shall constitute a violation of this Permit.

SECTION 5. Abandonment of Facilities on Right of Way.

A. If a Provider or Applicant abandons any Facility (including the Accessory Equipment) or an associated Support Structure (collectively "Facilities" for purposes of this Section) that is located on the Right of Way, the Provider shall notify the Director in writing, within thirty (30) days of the abandonment, and the following rights and obligations shall exist. The City may require the Provider or Applicant, at their expense, to remove and reclaim the abandoned Facilities within six (6) months from the date of written notice of abandonment given by the City to them and to reasonably restore the condition of the property at which the Facilities are located to that existing before they were installed. If the Provider or Applicant fails to remove and reclaim its abandoned Facilities within such six (6) month period and the Facilities are located on the Right of Way, the City shall have the rights to:

(1) remove them and charge its expense of any such removal operation to the account of the Provider or Applicant,

Minutes, City of Southaven, Southaven, Mississippi

(2) at the City's discretion, either resell the abandoned Facilities to a third party or dispose and salvage them; provided that the net proceeds of any resale of abandoned Facilities by the City to a third party shall be credited to the account of the Applicant or Provider that used those Facilities before the abandonment, and

(3) charge any expense incurred by the City to restore the Right of Way to the account of the Provider or Applicant.

SECTION 6. Non-Applicability.

The placement of an antenna(s), facilities or equipment related to the following types of wireless communication services are exempt from regulation under this ordinance:

(a) amateur radio service that is licensed by the FCC if the facilities related thereto are not used or licensed for any commercial purpose; and

(b) facilities used by any federal, state or local government or agency to provide safety or emergency services. Further, the provisions in this Chapter are supplemental to, and not intended to alter, affect or modify any other provisions in the City of Southaven ordinances that may be applicable to the placement or use of macro Telecommunications Tower.

SECTION 7. Posting of Permits.

At all times while work or construction is in progress, a copy of the permit must be located at or near the work or construction site and shall, on request, be shown to the Director or any public safety or code officer.

SECTION 8. Suspension; Revocation of Permit.

If work under an issued permit fails to conform to the conditions of the permit or the requirements of this Ordinance or existing ordinances of the City of Southaven, and such nonconformance is not cured within seven (7) days of notice from the City, the permit may be revoked or suspended. If the permit is suspended, work shall be stopped until the permittee gives assurance to the Director of his or her ability and intention to complete the work in accordance with the conditions of the permit and this Ordinance and the other ordinances of the City. Any notice of revocation, suspension or stop work order shall be delivered in writing to the permittee or his or her designee or to a representative of the permittee, such as the project manager or the person who is overseeing or managing the work or construction and shall state the reasons for such action.

SECTION 9. Liability of the City.

Neither the City nor any officer or employee thereof shall be held responsible for any damages caused by any work or construction in any street, alley, sidewalk, right-of-way, or other public place made by any person under the authority of a permit issued pursuant to the provisions of this Ordinance. The permittee shall be solely liable for any damage or loss occasioned by any act or omission occurring in connection with such work or construction, and shall fully indemnify, hold harmless and defend City, its officers, officials, and employees from and against

Minutes, City of Southaven, Southaven, Mississippi

any and all suits, actions, judgments, losses, costs, demands, claims, expenses (including attorney's fees), damages, and liabilities of every kind to which the City and its officers, officials, and employees may be subjected for injury of any type, death or property damage arising from or connected with any such act or omission. The City shall promptly notify a permittee, at the address(es) set forth in the permit, of any claim or suit served upon the City and alleging negligent or wrongful conduct by the permittee in connection with work or construction that is the subject of a permit.

SECTION 10. Violations and Penalties.

A. Any person or entity violating any of the provisions of this Article shall be guilty of a misdemeanor. Each person shall be deemed guilty of a separate offense for each day or portion thereof during which that person knowingly commits any violation of any of the provisions of this Article is committed. Upon conviction of any such violation, said violator(s) shall be punished by a fine of not more than one thousand dollars (\$1,000.00) for each such violation.

B. No person or entity who has violated any provision of this Article shall be issued another permit hereunder, nor shall any contractor or agent apply for or be issued such a permit on such person's behalf, until the outstanding violation is corrected or a plan for correction is approved by the Director, which approval shall not be unreasonably withheld. The foregoing requirement or penalty is in addition to any penalty or remedy for violation that may be imposed or sought by the City at law or equity.

SECTION 11. Other Ordinances; Severability.

A. All provisions of the ordinances of the City of Southaven in direct conflict with the provisions of this Ordinance are subordinated to this Ordinance and all other provisions of the ordinances of the City of Southaven not in conflict with the provisions of this Ordinance shall remain in full force and effect.

B. If any sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance or the application thereof to any person or circumstances be adjudged or held to be unconstitutional, illegal, invalid, or unenforceable by a court of competent jurisdiction, such finding or such invalidity shall not serve as an invalidation or affect the validity or enforceability of any other section or provision of this Ordinance and to this end, the provisions of this Ordinance are declared to be severable. Such an invalid sentence, paragraph, subdivision, clause, phrase, or section shall also not affect the validity of the Code of Ordinances as a whole.

SECTION 12. Effective Date

That this Ordinance take effect and be in force one (1) month from and after passage as provided by law.

The foregoing Ordinance having been reduced to writing, the same was introduced by Alderman Gallagher, seconded by Alderman Flores, and was adopted by the following vote, to-wit:

Minutes, City of Southaven, Southaven, Mississippi

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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 16th day of April, 2019.

CITY OF SOUTHAVEN, MISSISSIPPI



EXHIBIT A

DISTRICTS MAP

EXHIBIT B

DESIGN GUIDELINES

For those areas not located in City of Southaven Districts, a stealth pole, which contains no attachments on the pole, or something similar, as further illustrated below.

Minutes, City of Southaven, Southaven, Mississippi



EXHIBIT B CONTINUED

For those areas located in the City of Southaven Districts, which require a conditional use permit, a decorative pole, which shows either a double luminaire banner pole or a decorative double tear drop or something similar, as further illustrated below.



Minutes, City of Southaven, Southaven, Mississippi



FY 2018 CAFR/AUDIT PRESENTATION AND ACCEPTANCE

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

Mrs. McIlwain stated that the City received audited financial statements back from Fortenberry & Ballard with a clean opinion, no material weaknesses or significant deficiencies in internal controls. Mrs. McIlwain reported that the City was in compliance in all material respects with the requirements that could have direct effect on any of the major federal programs. Alderman Flores made the motion to accept the FY2018 audit. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 16th day of April, 2019.

FY19 BUDGET AMENDMENT

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

Mr. Wilson stated that this budget amendment is for \$2,189,500 and is comprised of the emergency funds for the Stateline Road Horn Lake Creek Bridge and

Minutes, City of Southaven, Southaven, Mississippi

reflects recent grant funds awarded to police and to expense those funds in the proper codes. These funds (\$200,000) will go towards equipping the new vehicles the Police has in their budget. This is a money in-money out in the police budget. 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 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 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 Hoots seconded the motion for its adoption. The Mayor put the question to a roll call vote, and the result was as follows:

Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES

Minutes, City of Southaven, Southaven, Mississippi

Alderman John Wheeler
Alderman Raymond Flores
Alderman William Brooks

voted: ABSENT
voted: YES
voted: ABSENT

RESOLVED AND DONE, this 16th day of April, 2019.

Code	Description	Original Approp	YTD Actual	Proposed Budget	Amend Amount
0010-450-100	Police Grant	\$ -	\$(125,516)	\$(200,000)	\$(200,000)
0010-450-300	Horn Lake Creek Bridge	\$ -	\$(259,500)	\$(1,989,500)	\$(1,989,500)
					\$(2,189,500)
211-661-800	Confiscated Funds	\$ -	\$ 96,306	\$ 110,000	\$ 110,000
211-630600	Vehicles	\$ 325,000	\$ 78,170	\$ 415,000	\$ 90,000
902-	Horn Lake Creek Bridge	\$ -	\$ 259,500	\$ 1,989,500	\$ 1,989,500
					\$ 2,189,500
					\$ -

AUTHORIZATION TO ADVERTISE TO BID FOR SNOWDEN GROVE PEDESTRIAN PATH PROJECT

Whitney Choat-Cook, Director of Planning & Development, presented this item to the Board.

Mrs. Choat-Cook stated that the City has been given authority by MDOT to go to bid for the Snowden Grove Pedestrian Path and authorization is needed to advertise the bid. Mayor Musselwhite stated that this project will tie into the Central Park / Snowden Grove Park multiuse trail which is part of the Green Print 2040 that was adopted by the Board to participate in with the Memphis Metro. Mayor Musselwhite stated that this project will be key in helping to make the City more pedestrian friendly. Alderman Flores made the motion to authorize advertising the bid. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

ALDERMAN

Alderman Brooks
Alderman Kelly
Alderman Hoots
Alderman Payne
Alderman Gallagher

VOTED

ABSENT
YES
YES
YES
YES

Minutes, City of Southaven, Southaven, Mississippi

Alderman Wheeler
Alderman Flores

ABSENT
YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 16th day of April, 2019.

RESOLUTION FOR FREE PORT TAX EXEMPTION FOR LITE-ON TRADING USA, INC.

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

The free port tax exemption granted by this resolution has been recommended by the Desoto Economic Council and will provide a tax exemption for personal property held in Lite-On Trading USA, Inc.'s finished good warehouse and in transit through the state and which either is moving in interstate commerce through or over the territory of the state or is consigned or transferred to the finished goods warehouse for storage in transit to a final destination outside the state. After hearing from Mr. Manley, the Board 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 LITE-ON TRADING USA, INC. AS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, Lite-On Trading USA, Inc. ("Lite") seeks an exemption from ad valorem taxes at its warehouse operation located at MDB-455 Research Drive, 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 Lite's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

WHEREAS, Lite has filed an Application with the City of Southaven ("City") for exemption from free port tax warehouse ad valorem tax exemption; and

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

Minutes, City of Southaven, Southaven, Mississippi

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

1. That Lite ships personal property to a final destination outside the State of Mississippi during the calendar year.
2. That Lite is qualified to make application for exemption from Freeport Warehouse Ad Valorem Tax.
3. This Mayor and Board of Alderman of the City of Southaven, Mississippi, acknowledge Lite's contribution to the economic development of Southaven and 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 Lite'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 Lite's finished goods warehouse 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 Payne. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

Minutes, City of Southaven, Southaven, Mississippi

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

RESOLVED AND DONE, this 16th day of April, 2019.

A copy of the free port application is attached to these minutes.

RESOLUTION FOR FREE PORT TAX EXEMPTION FOR AT&T

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

The free port tax exemption granted by this resolution has been recommended by the Desoto Economic Council and will provide a tax exemption for personal property held in AT&T's finished good warehouse and in transit through the state and which either is moving in interstate commerce through or over the territory of the state or is consigned or transferred to the finished goods warehouse for storage in transit to a final destination outside the state. After hearing from Mr. Manley, the Board 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 AT&T AS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, AT&T seeks an exemption from ad valorem taxes at its warehouse operation located at 455 Research Drive, Suite 200, 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 AT&T's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

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

Minutes, City of Southaven, Southaven, Mississippi

WHEREAS, AT&T 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 AT&T ships personal property to a final destination outside the State of Mississippi during the calendar year.
2. That AT&T is qualified to make application for exemption from free port warehouse ad valorem tax.
3. That in 2018, AT&T re-located 160 full time employees from Memphis, Tennessee to Southaven, Mississippi.
4. 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 AT&T'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 AT&T's finished goods warehouse 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.
5. 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.

Minutes, City of Southaven, Southaven, Mississippi

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

RESOLVED AND DONE, this 16th day of April, 2019.

A copy of the free port application is attached to these minutes.

NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK PROCLAMATION

Mayor Musselwhite read the following proclamation and proclaimed the week of April 14-20, 2019 as National Public Safety Telecommunicators Week in the City of Southaven.

PROCLAMATION

WHEREAS, emergencies can occur at any time that require police, fire or emergency medical services; and

WHEREAS, when an emergency occurs the prompt response of police officers, firefighters and paramedics is critical to the protection of life and preservation of property; and

WHEREAS, the safety of our police officers and firefighters is dependent upon the quality and accuracy of information obtained from citizens who telephone the City of Southaven police-fire communications center; and

WHEREAS, Public Safety Telecommunicators are the first and most critical contact our citizens have with emergency services; and

WHEREAS, Public Safety Telecommunicators are the single, vital link for our police officers and firefighters by monitoring their activities by radio, providing them information, and insuring their safety; and

WHEREAS, Public Safety Telecommunicators of the City of Southaven have contributed substantially to the apprehension of criminals, suppression of fires, and treatment of patients; and

Minutes, City of Southaven, Southaven, Mississippi

WHEREAS, each dispatcher has exhibited compassion, understanding, and professionalism during the performance of their job in the past year.

NOW, THEREFORE, I, Darren Musselwhite, by the authority vested in me as Mayor of the City of Southaven, Mississippi, do hereby proclaim the week of April 14 through 20, 2019 to be:

National Public Safety Telecommunicators Week

in our city from the elected officials of the City of Southaven, Mississippi.

PRESENTATION OF AWARDS TO EMERGENCY COMMUNICATIONS PERSONNEL FOR 2018 – LIFESAVER OF THE YEAR AND DISPATCHER OF THE YEAR

Chris Shelton, Director of ITEC, presented the following awards in recognition of dedicated service:

Certificate of Achievement / 2018 Dispatcher of the Year – Amber White

Amber White was presented with this award in recognition of her dedicated service to enhance the quality of life in our community.

Certificate of Achievement / Lifesaver Award – Morgan Z. Edmonds

Morgan Z. Edmonds was presented with the Certificate of Achievement Award in recognition of her outstanding CPR skills on January 14, 2018 and February 3, 2018. In both instances her experience, training and communication skills preserved life by providing CPR instructions over the phone to citizens who then performed CPR on individuals in duress while Fire and EMS units were dispatched to the locations.

Certificate of Achievement / Lifesaver Award – Lisa Randl

Lisa Randl was presented with the Certificate of Achievement Award in recognition of her outstanding efforts on April 20, 2018. In this instance her experience, training and communication skills preserved life by assisting in the delivery of a baby girl while her parents were in the car on the interstate. Lisa ensured that the baby was breathing with nothing in her airway and provided instructions until paramedics and officers arrived.

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

Minutes, City of Southaven, Southaven, Mississippi

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:

8206 Cedarbrook Drive

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

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, April 16, 2019, 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, April 16, 2019, 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:

8206 Cedarbrook Drive

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 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

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

VOTED

ABSENT
YES
YES
YES
YES
ABSENT

Minutes, City of Southaven, Southaven, Mississippi

Alderman Raymond Flores

YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 16th day of April, 2019.

PLANNING AGENDA

No Planning Agenda

MAYOR'S REPORT

Civil Link- Horn Lake Creek Bridge

Mayor Musselwhite stated that the City secured funding from the state on the emergency road and bridge program to have the bridge at Horn Lake Creek on Stateline Road West replaced. Mayor Musselwhite stated that this has all been done and funding has been received. At this point, authorization is needed to design the bridge and it is his recommendation to use Civil-Link. Alderman Hoots made the motion to authorize Civil-Link to design the bridge. Motion was seconded by Alderman Flores.

Roll call was as follows:

ALDERMAN

VOTED

Alderman Brooks

ABSENT

Alderman Kelly

YES

Alderman Hoots

YES

Alderman Payne

YES

Alderman Gallagher

YES

Alderman Wheeler

ABSENT

Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 16th day of April, 2019.

A copy of the work authorization is attached to these minutes,

Calvin Kirkland – PD

Chief Pirtle introduced Officer Calvin Kirkland. Officer Kirkland graduated from Senatobia High School and Northwest Community College and then enlisted in the U.S. Marine Corps. Once those obligations were met, Officer Kirkland returned and immediately applied and took the job with the Southaven Police Department. Officer Kirkland graduated on April 4 from the MS Law Enforcement Officer Training Academy Class #260 at which time he received recognition in academic, firearms, and physical areas and graduated #1 with a 99.25%. Chief Pirtle expressed that he was very glad to have him and thanked him for his hard work.

Snowden Easter Egg Hunt

Mayor Musselwhite announced that the Easter egg hunt will be this Saturday, April 20 at 11:00 a.m. at the playground area on Snowden Lane.

Minutes, City of Southaven, Southaven, Mississippi

Springfest Update

Mayor Musselwhite announced that the annual Springfest event will begin next week as the city celebrates its 39th year. Mayor Musselwhite stated that he was glad to report that this year will be the last year the BBQ teams and guests will stand in the mud. This project will pave and beautifully landscape the area where the BBQ event occurs every year including lot designation with appropriate electrical sources. It will finally solve the mud and drainage problems in this part of the park and also make the area more attractive. It will also provide a dual function of adding more parking for concerts at the BankPlus Amphitheater. This project is part of the 2017-2021 Parks Expansion & Enhancement Plan approved by the Board of Aldermen and 100% funded by tourism taxes. It was designed by Civil-Link, the City's contracted engineering consultant, and construction will begin quickly after Springfest ends this year.

Saturday Night Entertainment

Mayor Musselwhite stated that Santana will be performing Saturday night during Springfest. Mayor Musselwhite stated that there has been a change this year with the entertainment for Springfest. Over the last several years they have struggled with the cost of entertainment being much higher and poor attendance due to lack of demand with the summer concert series. Mayor Musselwhite stated that for that reason, they amended the contract with Live Nation and added to allow Live Nation to produce the Saturday night entertainment. Mayor Musselwhite stated that Live Nation has the ability to bring in bigger acts and the City was able to negotiate the revenue splitting. There will be a turnaround between \$120,000 - \$160,000 difference for the City. Mayor Musselwhite stated that they are hoping to have more focus for one event on Saturday night to not dilute the interest and have a larger crowd.

Skate Park Update

Mayor Musselwhite explained that at the last meeting, the City surplused the ramps at the skate park. They had to make some changes due to the number of complaints over the last several years due to extreme profanity (verbal and graffiti) on the ramps, vandalism, anti-police messages, and expressing disrespect to women. Mayor Musselwhite stated that the skate park became a public safety nuisance. Mayor Musselwhite stated that the update is that South Point Church has stepped up to partner with the City and has asked to take the ramps and move the skate park to South Point at Highway 51 and Main Street. Wes Brown, Parks Director, met with South Point and some of the citizens that have been historically involved with the skate park and they agreed that South Point is a good location. Mayor Musselwhite stated that it is his recommendation to donate the ramps to South Point and let them have the skate park. South Point has a bigger plan to build onto some of their indoor space and make it somewhat of a community center and the skate park will tie in well and offer a good solution. Mayor Musselwhite stated that action is not needed at this time as they have a few details to address first.

CITIZEN'S AGENDA

Minutes, City of Southaven, Southaven, Mississippi

Mayor Musselwhite asked Mr. Ray Denison to come before the Board since he signed up to speak during the Citizen's Agenda. Mayor Musselwhite explained that Mr. Denison was running for Desoto County Supervisor. Next, Mr. Robert Read from the audience stood up and shouted "point of order" and stated that if Mr. Denison was allowed to speak, the Mayor and Board would be in violation of state law. Mr. Nick Manley expressed that there was not an issue for Mr. Denison to speak at the public meeting. Mayor Musselwhite stated that the meeting was opened fairly, no candidate had been selected to speak, and that anyone could speak at a public meeting. Mr. Reed stated that it was considered a forum and that he was never advised of the meeting. Mr. Manley explained to Mr. Read that he was welcome to speak, but he declined stating that he would be in violation of the law.

Ray Denison

Mr. Denison thanked the Board of Alderman for allowing him to address them in his bid for District 3 Supervisor. Mr. Denison gave some background on himself and expressed that he is running for the District 3 Supervisors position to have some input on what he believes is best for Desoto County, to work with current leadership to promote quality control growth, and share his vision on a County wide green system. Mr. Denison thanked the Mayor and Board for allowing him to speak and expressed that he looked forward, if elected, to working with the current leadership.

Mayor Musselwhite asked if there was anyone else that would like to speak and there were none. Mayor Musselwhite then asked Mr. Robert Reed again if he would like to speak and he responded with no.

Mr. Manley noted that all republican candidates for the District 3 Supervisor position were in attendance at this meeting.

PERSONNEL DOCKET

Personnel Docket

April 16, 2019

Payroll Additions	Department	Position Title	Start Date	Rate of Pay
Hunter S. Chism *	Police	Patrol Officer 1	TBD	\$17.38
Ryan T. Fite *	Police	Patrol Officer 2	TBD	\$20.79
Samuel Hoskins *	Police	Patrol Officer 1	TBD	\$17.38
Dan K. Russell *	Police	Patrol Officer 3	TBD	\$22.06
Helen J. Walker **	Police	Part Time - Clerk	4/17/2019	\$9.00

*pending 1 pre-emp screening

** pending 2 pre-emp screenings

Pay Adjustments	Current Position	Certification Completed	Effective Date	Proposed Rate of Pay
Jeffery Avery	Code Enforcement Officer	Storm Water Mgmt	04/02/2019	\$18.00
Michael Gish	Code Enforcement Officer	Storm Water Mgmt	04/02/2019	\$18.00
Seth Seamans	Code Enforcement Officer	Storm Water Mgmt	04/02/2019	\$18.00
Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay

Minutes, City of Southaven, Southaven, Mississippi

ITEC				
Joshua Freeman	Dispatch I	Dispatch II	04/17/2019	\$20.35

Police				
Calvin Kirkland	Police Officer I	Police Officer II	04/14/2019	\$20.79

Stipend	Type of Stipend	Effective Date	Yearly Amount
Fire			
Kevin Bollig	EMT	04/13/2019	\$600.00
Parnell Boyd	EMT	04/13/2019	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Shawn Reed	ITEC	IT Tech I	<i>declined position</i>	\$23.06
Brenna Walker Bigham	ITEC	Dispatch I	<i>declined position</i>	\$19.13
Brian Ely	Police	Sergeant	4/27/2019	\$22.86
Jeffrey McKendree	Police	Police Officer I	4/28/2019	\$17.38

Parks Dept Tournament (412)& Seasonal (411) April 16, 2019

New Hires

Payroll Additions	Position	Start Date	Rate of Pay
Joel Barrientos-Montalvo	Concessions	04/17/2019	\$7.25
Cody Enlow	Grounds Crew	04/17/2019	\$7.25
Cesar Grappo	Grounds Crew	04/17/2019	\$7.25
Ethan Ratcliff	Gates	04/17/2019	\$7.50
Kevin Rico	Grounds Crew	04/17/2019	\$7.25
Marquette Weston	Gates	04/17/2019	\$7.50

Terminations

Name	Position	Effective Date	Rate of Pay
McKinley Baker	Gates	04/01/2019	\$7.50
Christine Gardner	Gates	04/17/2019	\$7.50
Aleecia Loggins	Gates	04/01/2019	\$7.50
Linda Pollard	Gates	04/01/2019	\$7.50
Betty Stump	Gates	04/01/2019	\$7.50

Alderman Payne made the motion to approve the Personnel Docket of April 16, 2019 as presented to this Board. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN

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

VOTED

ABSENT
YES
YES
YES
YES
ABSENT
YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 16th day of April, 2019.

Minutes, City of Southaven, Southaven, Mississippi

CITY ATTORNEY'S LEGAL UPDATE

Mr. Manley stated that there was an electrical fire at Snowden Grove Park that required some emergency repairs in the amount of \$19,390.96. This resolution will ratify the emergency expenditures as set forth in the resolution and allow the Mayor or his designees to take any and all action regarding insurance reimbursement. Mayor Musselwhite to sign. 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 FOR DECLARATION OF EMERGENCY EXPENDITURE

WHEREAS, the City of Southaven ("City") pursuant to Mississippi Code Section 31-7-13(k) hereby ratifies the emergency expenditure for repairs and work completed at Snowden Grove Park associated with the electrical fire; and

WHEREAS, pursuant to the City's emergency powers and so that Snowden Grove Park could host the scheduled events and prevent further damage/issues, the City acted immediately; and

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

SECTION 1. Pursuant to Mississippi Code 31-7-13(k) and based on the recommendation of the City's Parks Director, the City Board ratifies the total expenditures in the amount of \$19,390.96 as set forth in Exhibit A, for the labor and commodities associated with the emergency repairs and Snowden Grove Park.

SECTION 2. On behalf of the City, the Mayor or his designee is authorized to take all actions, including signing any and all documents related to any insurance claims, to effectuate the intent of this Resolution.

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

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

RESOLVED AND DONE, this 16th day of April, 2019.

A copy of the invoice is attached to these minutes.

UTILITY BILL ADJUSTMENT DOCKET

Minutes, City of Southaven, Southaven, Mississippi

		UTILITY BILL ADJUSTMENT DOCKET 04/16/19	
<u>The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received</u>		-	-
HOUSE #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
634	CAPEWOOD PLACE	(\$151.28)	LEAK AT SERVICE LINE
2200	GREENCLIFF DRIVE	(\$331.84)	LEAK UNDER SLAB
8505	TULANE RD	(\$103.65)	LEAK AT METER
5825	GARDENWALK E.	(\$126.88)	LEAK AT METER
2780	PLUM POINT ROAD	(\$48.80)	LEAK AT TOILET
8811	CYPRESS COVE	(\$53.68)	UNDERGROUND LEAK
8390	HWY 51 N	(\$214.04)	LEAK AT TOILET
		(\$1,030.17)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of April 16, 2019 in the amount of \$1,030.17. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 16th day of April, 2019.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of April 16, 2019 in the amount of \$1,874,650.48. Motion was seconded by Alderman Hoots.

Excluding voucher numbers:

318851, 319103, 319331, 319466, 319792, 319793

Minutes, City of Southaven, Southaven, Mississippi

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 16th day of April, 2019.

SPECIAL CLAIMS DOCKET 1

Alderman Hoots recused himself and left the room.

Alderman Payne made the motion to approve the Special Claims Docket 2 of April 16, 2019 in the amount of \$328,388.54. Motion was seconded by Alderman Flores.

Roll call was as follows:

ALDERMAN	VOTED
Alderman William Brooks	ABSENT
Alderman Kristian Kelly	YES
Alderman Charlie Hoots	RECUSED
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
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 16th day of April, 2019.

Alderman Hoots returned to the room.

SPECIAL CLAIMS DOCKET 2

Alderman Flores recused himself and left the room.

Alderman Payne made the motion to approve the Special Claims Docket of April 16, 2019 in the amount of \$82.95. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman William Brooks	ABSENT
Alderman Kristian Kelly	YES

Minutes, City of Southaven, Southaven, Mississippi

Alderman Charlie Hoots	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	ABSENT
Alderman Raymond Flores	RECUSED

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 16th day of April, 2019.

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 Payne to adjourn. Motion was seconded by Alderman Hoots. Motion was put to a vote and passed unanimously April 16, 2019 at 7:45 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

THIS PAGE WAS LEFT BLANK INTENTIONALLY