

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
May 5, 2020
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: April 21, 2020
5. Continuing Disclosure Submission
6. Employee Handbook Amendment
7. Donation Docket
8. Professional Municipal Clerks Week Proclamation
9. Resolution to Surplus Property - Utilities Department
10. Planning Agenda: Item #1 Request by Banks Acres Section "D" Homeowners for the City to accept the existing Banks Road East as a dedicated Right of Way and City street
Item #2 Application by M & R Builders for subdivision approval of Cherry Tree South Phase 3C on the north side of Starlanding Road, west of Getwell Road
Item #3 Application by Dr. Edward Rather for design review approval of a dental office to be located on lot 27 of Silo Square Commercial Subdivision on the west side of Getwell Road, north of Wildflower Lane
11. Mayor's Report
12. Citizen's Agenda
13. Personnel Docket
14. City Attorney's Legal Update
15. Utility Bill Adjustment Docket
16. Claims Docket: Docket 1
Docket 2
17. Executive Session: Litigation/Claims involving City Infrastructure and Police; Economic Development

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

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MINUTES OF THE REGULAR MEETING OF May 5, 2020 OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in Regular Session on the 5th day of May, 2020 at six o'clock (6:00) p.m. at City Hall.

(All Alderman were present by teleconference with the exception of Alderman Gallagher being present at the meeting)

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately ten (10) other people were present.

Mayor Musselwhite called the meeting to order. Chris Shelton led in prayer followed by the Pledge of Allegiance led by Mayor Musselwhite. Next, a motion was made by Alderman Gallagher to approve the minutes of the regular meeting of April 21, 2020 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

CONTINUING DISCLOSURE SUBMISSION

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

Mr. Manley stated that previously, the Board engaged Butler Snow to assist with the filing of the City's Disclosure Submission as required by the Securities and Exchange Commission. Butler Snow has completed the City's Disclosure Submission which will be filed for and on behalf of the City for the fiscal year ended September 30, 2019. Alderman Brooks made the motion to approve the placing of the City's Disclosure in the minutes. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

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Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

The continuing disclosure submissions are included as an Exhibit to these minutes.

EMPLOYEE HANDBOOK AMENDMENT

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

This amendment will clarify that employees on approved COVID-19 admin leave (or other approved leave) shall accrue major medical leave while out on such leave. This minor amendment will clarify existing policy that prevents employees from losing their major medical accrual provided they are out on an approved leave, which would include current COVID-19 admin leave. This amendment takes into account any potential future approved/authorized leave also. The City's payroll system has been ensuring approved leave (as listed in the policy) has been tracked as hours worked. The amendment codifies this in the employee handbook. Alderman Payne made the motion to approve the handbook amendment. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

Major medical leave will be based on an employee's workweek, and overtime will not be used to add extra time to accumulate sick leave. Employees accrue Major medical leave at the following rate(s): all hourly and salaried employees (excluding employees on a 24-hour shift) earn major medical leave at a rate of four (4) hours per pay period of major medical leave. Major medical leave shall not be accrued for an hourly or salaried employee that does not work at least 76 hours in any given pay period. Employees on a twenty-four-hour shift earn major medical leave at the rate of six (6) hours per pay period. Employees on a 24-hour shift shall not accrue major medical leave until that employee has worked at least 80 hours in a pay period. For the purposes of this section "hours worked" shall mean all hours worked. This shall include personal leave, major medical leave, funeral leave and/or other leave for which the employee has prior department approval.

Amended May 2020

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DONATION DOCKET

Andrea Mullen, City Clerk, presented this item to the Board.

DONATION DOCKET 05/05/2020					
Date of Donation	Donation Item	Money Donation	Person / Entity Making Donation	Department	Budget Code
4/20/2020	cash	\$20.00	Citizen	Public Works / Animal Shelter	311-611000
4/24/2020	check	\$1,000.00	Modern Woodmen of America's	Police	211-611000
Total		\$1,020.00			

Alderman Brooks made the motion to approve the Donation Docket for those donations to the City of May 5, 2020 as presented to this Board. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

PROFESSIONAL MUNICIPAL CLERKS WEEK PROCLAMATION

Mayor Musselwhite read the following proclamation and declared the week of May 3-9 Professional Municipal Clerks Week in the City of Southaven.

Proclamation

*51st ANNUAL PROFESSIONAL MUNICIPAL CLERKS WEEK
May 3 - May 9, 2020*

Whereas, The Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

Whereas, The Office of the Professional Municipal Clerk is the oldest among public servants, and

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Whereas, The Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies and agencies of government at other levels, and

Whereas, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all.

Whereas, The Professional Municipal Clerk serves as the information center on functions of local government and community.

Whereas, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county and international professional organizations.

Whereas, It is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

Now, Therefore, I, Darren Musselwhite, Mayor of the City of Southaven, do recognize the week of May 3 through May 9, 2020, as Professional Municipal Clerks Week, and further extend appreciation to our Professional Municipal Clerk, Andrea Mullen and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

Dated this 5th day of May, 2020

SURPLUS PROPERTY – UTILITIES DEPARTMENT

Pursuant to Miss. Code 17-25-25, a motion was made by Alderman Payne to surplus a F-550 Utility Truck Bed that is no longer of use to the City. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN

VOTED

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

A copy of the recommendation letter is attached and fully incorporated into these minutes.

PLANNING AGENDA

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

Item #1 Request by Banks Acres Section "D" Homeowners for the City to accept the existing Banks Road East as a dedicated Right of Way and City Street

Mrs. Choat-Cook stated that the Banks Acres Section "D" Homeowners were taken through a variance procedure to grant them a variance to the width and design of Banks Cove East, located on the north side of Nail Road just off of Banks Road. After reviewing the variance and the requirements required, the Board of Adjustments noted the need for a variance and it voted unanimously in favor of a variance to the 12 foot and further design specs of Banks Road. At this point, the homeowners are requesting for the City to take the existing private ingress/egress drive and convert and approve it as a City right of way to be maintained in the future by the City of Southaven. After noting the variance granted by the Board of Adjustment and the road had been used in a public manner, Alderman Wheeler made the motion to approve this request pursuant to Miss. Code 21-37-3, which notes that the City has full jurisdiction over streets. Motion was seconded by Alderman Gallagher.

Roll call was as follows:

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

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

A copy of the final plat is attached and fully incorporated into these minutes.

Item #2 Application by M & R Builders for subdivision approval of Cherry Tree South Phase 3C on the north side of Starlanding Road, west of Getwell Road

The applicant is requesting subdivision approval for Cherry Tree South Phase III C on the north side of Star Landing Road, west of Getwell Road. This phase consists of 3.45 acres with 13 lots ranging in size from 6,800 sq. ft. which are the two lots (81 and 80) that are shown in the master plan as part of the smaller lots to 12,000+ sq. ft. lots shown on the interior of the master plan as medium density. The two streets shown on the plat Amy Lane and Marion Lane South are continuations of existing and future streets. There is no common open space associated with this phases. As shown in the master plan, these lots are compliant with the minimum square footages previously approved for the overall development. The only issue that staff has is the street name Marion Lane South. Per discussions with 911 and dispatch, there should be no new street names with directions to differentiate between streets so the applicant will need to make the necessary adjustments prior to recording this plat. Alderman Flores made the motion to approve the application by M&R Builders. Motion was seconded by Alderman Wheeler.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

A copy of the staff report, vicinity map, and outline plan is attached and fully incorporated into these minutes

Item #3 Application by Dr. Edward Rather for design review approval of a dental office to be located on lot 27 of Silo Square Commercial Subdivision on the west side of Getwell Road, north of Wildflower Lane

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The applicant is proposing a residential southern style two story building with cement board lap siding in white and a small wainscot of red brick. The windows are shown with prefinished louvered shutters in a gray tone. There are two covered porch areas one along the main frontage of the building and the other at the north end of the site. This building has been designed to fit the overall theme of Silo Square. Mrs. Choat-Cook stated that staff has no comments regarding the elevations and believes it to be a beautiful addition to the area. There are a few changes that staff would like addressed regarding the landscaping: Staff would like to see a couple of shade trees replace some of the proposed zelkova to give some height and color to the perimeter. Staff suggests Autumn Blaze maples at 3.5" caliper which is the minimum size. Additionally, the applicant has proposed the entire streetscape with ginkgo trees, which are a beautiful species of tree but they are very slow growers so this area would not see the true streetscape design for some time which concerns staff. It is staff suggestion that the applicant either swap these out with the zelkova on the interior since they are deemed street trees and place the ginkgos on the inside of the site OR retain a couple of them on the streetscape, but incorporate a faster growing and color bloom tree species such as the Natchez crape myrtle or Yoshino cherry. It should also be noted that the ginkgos should be male in species. Adjustments should be made to the sizes of all species on the planting schedule. As with all new developments, decorative lighting is required on site incorporated into the streetscape design. The applicant has incorporated some on site, but it is staff's suggestion as with the other new developments that there be a decorative light on each side of the entry points at minimum. Staff has no problem with the adding of additional lights on site but would like to stay consistent with the entry points. Staff has no further comments and recommends approval with the stated changes. Alderman Flores made the motion to approve the application by Dr. Edward Rather. Motion was seconded by Alderman Kelly.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

A copy of the staff report, photometric plan, landscape plan, site lighting, and exterior signage is attached and fully incorporated into these minutes.

MAYOR'S REPORT

Projects Update

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- Greenbrook Indoor Training Facility is complete and ready for use.
- Snowden Grove Pedestrian Trail – within days of being done. Currently, they are laying sod and adding ADA compliant ramps.
- Springfest Pavement Project – this project is almost complete with power supply for the cooking teams and lighting in place.
- Soccer is underway with a large amount of drainage infrastructure being done, but is moving along now that the weather is better.
- Parks Maintenance Shop – is projected to be complete in early June.

COVID-19 UPDATE

Yesterday, Governor Reeves issued Executive Order 1478 which amended his “Safer-in-Place” Order effective Thursday, May 7 at 8:00 AM. The Order may be read in its entirety for all details, but basically changed the following: Restaurant dining rooms may open with a 50% seating capacity limit for customers; 6-person maximum at tables; 6-foot social distancing between all persons when practical; bar areas prohibited unless serving food; no live music; mandatory facial coverages for servers; and other detailed hygiene and health-evaluation measures.

Outdoor recreational gatherings, including team sports, may occur with a maximum of 20 participants.

Obviously, these limitations regarding sports create challenges for a Parks & Recreation operation like we have in Southaven. Our plan is as follows: Recreational baseball and softball will begin practice on Monday, May 18 at Snowden Grove and Greenbrook Parks. We will have a full season with games beginning on Monday, June 1 and the season concluding by July 31. There will be no state tournaments or Dizzy Dean World Series. Competitive baseball and softball tournaments will begin on Friday, May 29. Indoor training at the BankPlus Sports Center and our new, beautiful Greenbrook facility will begin on Monday, May 18. Soccer practice begins on Saturday, May 16 with the first games on Saturday, May 30. Volleyball will not occur until after June 1. Tennis and golf are now open, but no tournaments or group activities until Friday, May 29. Playgrounds and Forever Young Senior activities will remain suspended until Monday, June 1. Strict social distancing requirements will continue to be required. Obviously, a degree of common sense must be used as it is impossible for players to distance at all times during sporting competitions.

I commend Governor Reeves for his tireless efforts during this crisis and for proving that he is truly listening to Mayors in our state. His latest action is a big step in the right direction, but we need more. I will continue to plead with him to have a broader re-opening and communicated long-term plan or either allow us to implement our own plan. We have a detailed plan for recovery in Southaven that I am very confident will bring us back gradually, very cautiously, and effectively.

Now, let’s talk facts about where we are right now. Our people have made tremendous sacrifices! We have truly flattened the curve and controlled the spread of this virus. We were all terrified in mid-March and didn’t know how severely we would be affected here. It has been 55 days since President Trump declared a national emergency and 49 days since our first positive case in Desoto County. We now have our own experience and data. Listen to these facts:

As of today, May 5 we have had 308 COVID-19 positive cases, which equates to .17 of 1% of our population in Desoto County (308/185,000).

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Our fatality rate is .002 of 1% of our population (4/185,000).

Shelby County, Tennessee's numbers are very similar.

Our spread rate for 49 days since our first positive case has averaged 6.29 daily and has remained very consistent, not typical of an exponential epidemic spread rate.

Our COVID-19 hospitalization rate in Southaven has decreased 83% since April 1 and capacity has never been challenged at any time throughout this crisis.

Listen to me, this virus is very serious and we must remain very cautious and continue to evaluate data daily. Losing one life is too many and this risk must continue to get our utmost attention. However, our real experience and data with this has proven that much of what we were warned about has not been a real threat here. We are not Italy, Spain, or New York because of the major difference in population densities. We did what we had to do and it was the right call, but now other health risks caused by the drastic measures we implemented outweigh the risk of the virus itself. We cannot be paralyzed by fear and bankrupt our country, state, and local economies. It's time that we come out of our bunker and fight for our way of life again! ALL of our businesses, churches, other organizations, and individual citizens need their government to get out of their way now and deserve a chance to prosper again in the face of new challenges!

Furthermore, with all due respect, we are blessed with some of the most talented physicians and scientists in the world and we would not have achieved the success we have in this fight without them, but it's time to return them to their proper roles as advisors and let our elected officials make policy decisions. Leadership is about considering all facts, developing a strategic plan, and communicating it clearly and boldly to the people depending on you.

To all elected officials:

Now is not the time for political games, finger pointing, and fighting. Never is it acceptable to circulate misinformation for political purposes. It is time to come together and solve problems for the people who entrusted us to do so.

To the people of Southaven:

You have made tremendous sacrifices and showed your toughness and resilience. We are on the brink of a great recovery! Let's continue to be smart while we claim our lives back!

It's time!

CITIZEN'S AGENDA

Several owners from salons and other businesses that fall under the salon category according to the City of Southaven Code of Ordinances expressed their concerns and frustration with not being able to reopen their businesses. Mayor Musselwhite stated that after conversations with the Governor and his team, all indications were that he would reopen salons soon. Mayor Musselwhite asked the salon owners to allow Governor Reeves a few days to work through the reopening of businesses. The salon owners thanked Mayor Musselwhite for his time and understanding.

PERSONNEL DOCKET

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Personnel Docket

May 5, 2020

New Hires	Department	Position Title	Start Date	Rate of Pay
John Casad *	Police	Police Office 4	TBD	\$23.96
James Cubert **	Parks	Seasonal	TBD	\$9.00
Tracy Duff **	Parks	PT Tennis	5/20/2020	\$15.00
Michael Round *	Police	Police Office 4	TBD	\$23.96
Tyler Trusty **	Parks	Laborer I	TBD	\$12.22

*pending 1 pre-emp screening

** pending 2 pre-emp screenings

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Dillon Collins	Fire Fighter II	Fire Fighter III	5/9/2020	\$16.38
Javon Washington	Police Officer II	Police Officer III	5/11/2020	\$23.16

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
William Pickett	Parks	Laborer I	4/24/2020	\$14.22
Wanda Renee Ross	ITEC	Dispatcher I	5/6/2020	\$19.85

Parks Tournaments

New Hires	Position Title	Effective Date	Rate of Pay
Abby Peacock	Concessions	May 6, 2020	\$7.25

Rehire	Position Title	Effective Date	Rate of Pay
Joshua Bradfird	Grounds Crew	5/20/2020	7.25

Alderman Brooks made the motion to approve the Personnel Docket of May 5, 2020 as presented to this Board. Motion was seconded by Alderman Payne.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

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CITY ATTORNEY'S LEGAL UPDATE

No Legal Update

UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL LEAK ADJUSTMENT DOCKET 05/05/20

The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received.

NAME	HOUSE #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
SHONDREA STEELE	7816	STACEY DRIVE	(126.88)	LEAK IN FRONT YARD
RAY & DEBRA ROBERT	7632	WINNERS CIR EAST	(69.16)	POOL ADJUSTMENT
CHERYL/ROY PHILLIPS	5156	KENSINGTON CREEK DR	(287.92)	SERVICE LINE
QUINCY STEELE	3974	COURTYARD DR	(39.04)	TOILET VALVE
COHEN TAMARA	2668	MARIAH LN	(102.48)	TOILET LEAK
JERRY GOFF	5612	TCHULAHOMA NTH	(344.63)	BROKEN SERVICE LINE
STERLIN WILLIAMS	6186	STAFFORD DR	(39.04)	TOILET LEAK
RICE MARC	2140	BROOKHAVEN DRIVE	(527.04)	UNDER GROUND/TOILET LEAK
PHILLIPS MARY	3851	FREEMAN LANE	(902.80)	UNDER GROUND
SMITH PAULA	4117	SWINNEA RD	(306.07)	SERVICE LINE
PAUL/JOANN CROWDER	737	RUTLAND DR	(185.44)	SERVICE LINE
MAYO ROBERT	7284	THORNFIELD COVE	(175.68)	SERVICE LINE
		TOTAL	(3106.18)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of May 5, 2020 in the amount of \$3,106.18. Motion was seconded by Alderman Brooks.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 5th day of May, 2020.

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CLAIMS DOCKET 1

A motion was made by Alderman Payne to approve the Claims Docket of May 5th, 2020 in the amount of \$2,757,599.55. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

339998, 340057, 340058, 340098, 340132, 340142, 340166

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 5th day of May, 2020.

CLAIMS DOCKET 2

A motion was made by Alderman Payne to approve the Special Claims Docket of May 5th, 2020 in the amount of \$15,945.50. Motion was seconded by Alderman Brooks.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 5th day of May, 2020.

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 Gallagher to adjourn. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously May 5, 2020 at 7:40 p.m.

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Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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