

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
May 18, 2021
6:00 PM
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval of Minutes: May 4, 2021
5. Continuing Disclosure
6. Final Tax Exemption for Phoenix Assurance, LLC
7. Appointment of Election Commissioners
8. Bill Brewer & John Tague, DeSoto Legacy Volleyball
9. Park Bids
10. Resolution for Parks Surplus
11. Election Contract for Voting Machines
12. Contract with Nesbit Water
13. Purchase of City Garbage Truck
14. Resolution for Budget Amendment
15. Resolution to Clean Private Property
16. Planning Agenda: Item #1 Application by R and W Developers, LLC to amend the Desoto Central PUD to revise the existing 7.95 acres of commercial on the south side of Nail Road, west of Getwell Road to Mixed Use Residential/Office
Item #2 Application by Brylson Honer for a Conditional Use Permit to allow a barber shop at 1330 Goodman Road
Item #3 Application by Robert Pelts to amend the Desoto Park Plaza PUD on the north side of Stateline Road, west of Airways Blvd. to incorporate RV parks as an allowable use
17. Mayor's Report
18. Personnel Docket
19. City Attorney's Legal Update
20. Utility Bill Adjustment Docket
21. Claims Docket
22. Executive Session: Purchase of Property; Claims against City Police Dept. and Public Works Dept.; Citywide Personnel; Economic Development/Tourism

Items may be added to or omitted from this agenda as needed.

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MINUTES OF THE REGULAR MEETING OF May 18, 2021 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 a Regular Meeting on the 18th day of May, 2021 at six o'clock (6:00) p.m. at City Hall.

Present were:

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

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately thirty (30) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Payne.

Next, a motion was made by Alderman Payne to approve the minutes of the Regular Meeting of May 4, 2021 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

CONTINUING DISCLOSURE

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

Mr. Manley stated that recently, the City's Disclosure Submission for the fiscal year ending September 30, 2020 was filed with EMMA as required by federal law. Mr. Manley stated that the Disclosure is required to be spread on the City's minutes. Alderman Gallagher made the motion to approve the continuing disclosure. Motion was seconded by Alderman Wheeler.

A copy of the continuing disclosure is on file in City Clerk's office is attached and fully incorporated into these minutes.

FINAL TAX EXEMPTION FOR PHOENIX ASSURANCE, LLC

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

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Mr. Manley stated that previously, the Board approved a (10) year tax real property tax exemption in the amount of \$39,350,000.00. The exemption has now been approved by the MDOR and this resolution is the final approval needed for the tax exemption. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**FINAL RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING
APPLICATION OF PHOENIX ASSURANCE, LLC FOR EXEMPTION FROM AD
VALOREM TAXATION**

The Board took up for consideration the matter of granting tax exemption from ad valorem taxes for Phoenix Assurance, LLC and the following Resolution, being first reduced to writing, was introduced.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING FINAL APPROVAL
OF AD VALOREM TAX EXEMPTION TO PHOENIX ASSURANCE, LLC.**

WHEREAS, heretofore, Phoenix Assurance, LLC ("Phoenix") is authorized to do business and doing business in Southaven, DeSoto County, Mississippi, filed with the Mayor and Board of Aldermen of the City of Southaven, Mississippi, an application for exemption from ad valorem taxes, except school district, parks and library taxes and the State mandated County levies, for a period of ten (10) years on real property in the amount of \$39,350,00.00, which said application was approved by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, subject to the approval of the Department of Revenue of the State of Mississippi; and

WHEREAS, on the 4th day of May 2021, the Department of Revenue of the State of Mississippi approved said application as attached hereto as Exhibit A; and

WHEREAS, a certified copy of the aforesaid Department of Revenue's approval has been received by the Mayor and Board

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of Aldermen of the City of Southaven, Mississippi and recorded in its minutes.

NOW, THEREFORE, in consideration of the premises, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, do hereby finally approve said application of Phoenix for ad valorem tax exemption, except school district, parks and library taxes and the State mandated County levies, for a period of ten (10) years on personal property in the total amount of \$39,350,000.00.

The foregoing Resolution was approved based on a motion by Alderman Flores, seconded by Aldermen Payne, and that the following vote was taken on this action:

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

RESOLVED AND DONE this the 18th day of May 2020.

A copy of the exemption certificate from MDOR is attached and fully incorporated into these minutes.

APPOINTMENT OF ELECTION COMMISSIONERS

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

Mr. Manley stated that initially the Board needed to appoint two (2) election commissioners so that there would be five (5) commissioners for the June election; however, that afternoon there was another commissioner that reported that they would not be able to serve and the Board would in fact need to appoint three (3). The three election commissioners that will no longer be able to serve are Danny Thomas, Lee Blair, and Sam Williams. Alderman Payne made the motion to appoint two, Kathy Connelly and Tim Snyder. Mayor Musselwhite asked to wait until the June 1 meeting or hold a special called meeting to appoint three (3) to allow for time for the Board to look into the recommended individuals. There was no further action taken.

BILL BREWER & JOHN TAGUE, DESOTO LEGACY VOLLEYBALL

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Mr. Brewer and Mr. Tague came before the Board to answer any questions that they may have as it relates to the Parks Volleyball Lease Bid. Mr. Tague stated that this was not a matter of who was going to run the program, but who would generate the most revenue. Alderman Brooks asked why they should choose Legacy at a proposal of \$7,000 more than their competitor and Mr. Tague stated that they have an established brand of tournaments. Mr. Tague spoke on the operations of their program and stated that over the past 3 ½ years, they have had 34 tournaments.

Mr. Wes Brown, Parks Director, stated that xxx with Memphis Volleyball Academy was in the audience and expressed that they should also have an opportunity to answer any questions that the Board may have as well.

Mr. In-Sik Hwang, Director and Owner of Memphis Volleyball Academy, introduced himself to the Board and spoke on qualifications of their coaches. Mr. Hwang stated that their club operates on a different level as they play and compete nationally and by doing so makes them more attractive. Mr. stated that Desoto Legacy averages 24 teams a tournament thereby operating at 55% and they feel they can operate at a much higher rate of around 70%.

PARK BIDS

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

In accordance with Miss. Code 21-17-1(2)(1), the City went to bid for lease of the City Arena for volleyball purposes. The City received two (2) bids. Desoto Legacy, the current tenant, bid \$5,500.00 per month and Memphis Volleyball Academy bid \$12,500.00 per month. Wes Brown, Parks Director made the recommendation to accept the best bid from Memphis Volleyball Academy. After hearing from both bidders and from the Parks Director, Alderman Brooks made the motion to authorize Memphis Volleyball Academy to enter into a lease with the City. 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 18th day of May, 2021.

RESOLUTION FOR PARKS SURPLUS

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

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This resolution will authorize the surplus of vehicles for the parks department. The Board of Alderman considered the following resolution:

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

WHEREAS, the City of Southaven ("City") Parks Department is presently in possession of vehicles as set forth in Exhibit A ("Vehicles"), which are no longer needed by the City; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended by the City Parks Department to the Mayor and Board of Aldermen that the Vehicles be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and removed from the fixed assets inventory; and

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

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

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

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

RESOLVED AND DONE, this 18th day of May, 2021.

A list of the surplus items is attached and fully incorporated into these minutes.

ELECTION CONTRACT FOR VOTING MACHINES

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

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Mr. Manley stated that this contract with Brandi Johnson, Desoto County Deputy Circuit Clerk, is in the amount of \$500 for her assistance of programing and preparing the election machines for the general election on June 8th. Alderman Brooks made the motion to approve the contract with Brandi Johnson and authorize Mayor Musselwhite to sign. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of May, 2021.

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

CONTRACT WITH NESBIT WATER

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

Mr. Manley stated that this contract is for the sale of water from the City to Nesbit Water at the current City rate in the event that Nesbit Water has system failures or peak events. Nesbit Water has installed the meter which will be utilized by the City for the water measurements. Alderman Brooks made the motion to authorize Mayor Musselwhite to sign the contract with Nesbit Water. 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 18th day of May, 2021.

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

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PURCHASE OF CITY GARBAGE TRUCK

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

Mr. Manley stated that this purchase is being done in accordance with Miss. Code 31-7-13(m)(i) as the City is a registered participant for purchases from Sourcewell, which is only available to government entities and the commodity purchase agreement through Sourcewell has been approved by the Mississippi Department of Finance Administration. In addition, the garbage truck could also be purchased in accordance with Miss. Code 31-7-13(k) as the current garbage truck has mechanical issues and the City is not able to provide garbage services to certain residents when the current truck is not available and due to supply chain issues, the City would not be able to get a garbage truck, via the bid process, until next year, which would create potential health and sanitation issues for those residents who did not receive garbage service during the time the City did not have a truck. Alderman Brooks made the motion to approve the emergency purchase. 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 18th day of May, 2021.

A copy of the purchase agreement is attached and fully incorporated into these minutes.

RESOLUTION FOR BUDGET AMENDMENT

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

Mrs. McIlwain stated that this resolution will reflect the amending of the budget to allow for the allocation of funds that were rolled over from the previous budget year for the purchase of the City Garbage Truck. After hearing from Mrs. McIlwain, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2020 BUDGET

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The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the 2021 City Budget.

WHEREAS, pursuant to Miss. Code 21-35-25, the City desires to amend its 2021 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 effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Flores made the motion 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 William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John David Wheeler	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman Raymond Flores	voted: YES

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RESOLVED AND DONE, this the 18th day of May 18, 2021

A copy of the budget amendment is attached and fully incorporated into these minutes.

RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there were none. Mayor Musselwhite then asked for any comments from the public and there were none. The Board then considered the following resolution to clean private property:

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

WHEREAS, the governing authorities of the City of Southaven, Mississippi, have received numerous complaints regarding the parcel of land located at the following address, to-wit:

CONDEMNATION ADDRESS

8803 YORKTOWN

8117 GREEN VALLEY COVE

2211 Cedarwood Cv

965 Great Oaks Drive

7075 GREENBROOK PKWY

7851 CHESTERFIELD DR.

5910 GARDEN WALK DR. E.

920 MAIN STREET

8519 LAKESHORE DRIVE WEST

PARCEL #1086130200000500

8254 ASHBROOK DRIVE

526 CHRISTYBROOK COVE

8026 CEDARBROOK DRIVE

Parcel # 1086241300000600

8705 NORTHWEST DRIVE.

1354 MAIN STREET

PARCEL #1074190000000200

5820 Westminister Lane

PARCEL# 1079310800000702

PARCEL#1087361000001400/ 6671 TOWNE CENTER LOOP

PARCEL# 1087360000000100

PARCEL# 1087361000001700

2055 SHADY WIND DRIVE

Parcel # 20810120000068000

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

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

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, May 18, 2021, 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 uncleanliness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, May 18, 2021, 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:

CONDEMNATION ADDRESS
8803 YORKTOWN
8117 GREEN VALLEY COVE
2211 Cedarwood Cv
965 Great Oaks Drive
7075 GREENBROOK PKWY
7851 CHESTERFIELD DR.
5910 GARDEN WALK DR. E.
920 MAIN STREET
8519 LAKESHORE DRIVE WEST
PARCEL #1086130200000500
8254 ASHBROOK DRIVE
526 CHRISTYBROOK COVE
8026 CEDARBROOK DRIVE
Parcel # 1086241300000600
8705 NORTHWEST DRIVE.
1354 MAIN STREET
PARCEL #1074190000000200
5820 Westminister Lane
PARCEL# 1079310800000702
PARCEL#1087361000001400/ 6671
TOWNE CENTER LOOP
PARCEL# 1087360000000100
PARCEL# 1087361000001700
2055 SHADY WIND DRIVE
Parcel # 20810120000068000

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

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

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

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 18th day of May, 2021.

**CITY OF SOUTHAVEN,
MISSISSIPPI BY**

PLANNING AGENDA

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

Item #1 Application by R and W Developers, LLC to amend the Desoto Central PUD to revise the existing 7.95 acres of commercial on the south side of Nail Road, west of Getwell Road to Mixed Use Residential/Office

Mrs. Choat-Cook stated that the applicant is requesting to amend the text and outline plan for the Deerpurchase Subdivision known as the Desoto Central Planned Unit Development on the south side of Nail Road, west of Getwell Road, specifically for "commercial area II". This area encompasses 7.95 acres of property and is presently approved for commercial/office use only. The applicant is requesting to amend the uses to allow multifamily in a mixed use type building along with single family residential. Per the outline plan submitted, the applicant has a single three story building with commercial and office on the first floor and one/two bedroom lofts on the second and third story. In addition, the applicant proposes 15 single family lots for a new cottage style home with 5,000 sq. ft. lots, 1,800 heated square feet and rear access alleyways. Additionally, the interior is secured via gated access and a private drive. A pool and common open space area is shown on the back side of the U shaped multi story building and is proposed to be private for the use of only the residents of

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this particular area. The renderings submitted show a similar design to that of the Silo Square multi story mixed use buildings but they have opted to maintain a similarity to the pedestrian bridge and city entrance signs with their proposed material package. It is staff's opinion that the existing use for commercial/office on this acreage is not viable based on the surrounding development of both Deerchase and the Silo/Snowden Farms area. The residential single family use provides a good buffer between the existing single family residential and the mixed use building proposed. To leave the development under the existing design requirements which were approved in the 1990's would essentially allow for a big box and other retails to abut directly to the neighboring properties which is huge negative impact to those houses. Additionally, the Snowden District as well as the comprehensive plan call for mixed use buildings in the Getwell Road corridor which have already been approved with Silo Square and Snowden Grove Area 15 which have proven to be in demand. The submitted three story building falls in line with this type of development and therefore meets the guidelines of both controls. The single family housing lots, while more compact than the overall Deerchase Subdivision have been designed with a cottage style elevation much different from those existing homes, in a private gated community and with a larger heated square footage than the rest of the neighborhood at 1,800 sq.ft., which makes this a totally new product in the area. Mrs. Choat-Cook stated that this type of development is seen as an infill development in many areas of the country and staff believes that this design is much more conducive to the surrounding market. Staff recommends approval as submitted. Alderman Flores made the motion to approve the application by R and W Developers, LLC. 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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of May, 2021.

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

Item #2 Application by Brylson Honer for a Conditional Use Permit to allow a barber shop at 1330 Goodman Road

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Mrs. Choat-Cook stated that the applicant is requesting a conditional use permit to open a barber shop at 1330 Goodman Road Suite 3 on the north side of Goodman Road, east of Swinnea Road. This site is located in a multi-tenant commercial building. Per the application this establishment will cater to men only for cuts, shaves and hair removal by licensed barbers only. There are no additional amenities which would re-categorize this to a full service spa. Per the ordinance, barbershop establishments must be no closer than ½ mile from an existing establishment. Staff did a window survey to determine the distance compliance. The closest barber shop establishment similar to this is Fresh Kutz Barbershop which is situated on the south side of Goodman Road, east of Elmore Road approximately 4,900 linear feet from this location. The applicant has met the requirements for the conditional use; therefore, staff recommends approval of a one (1) year permit with a four (4) year extension to be renewed annually. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING CONDITIONAL USE
PERMIT TO BRYLSON HONER FOR BARBER SHOP LOCATED AT 1330
GOODMAN ROAD, SUITE 3 IN SOUTHAVEN, MISSISSIPPI**

WHEREAS, the City of Southaven's ("City") Planning Commission previously held a hearing on April 26, 2021 for the conditional use permit ("permit") application of Brylson Honer (the "Applicant") for barber shop located at 1330 Goodman Road, Suite 3 in Southaven, Mississippi; and

WHEREAS, Title XIII, Chapter 12, Section 13-12(m), Chart 4 Commercial Zone Districts requires a conditional use permits for convenience stores; and

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

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

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

WHEREAS, based on findings of the City Planning Commission at the hearing and City Code of Ordinances and City Staff Report as further set forth in Exhibit A to this Resolution, the City's Planning Commission recommends, subject to the City Board's revocation and the Applicant adhering to all requests and stipulations in the City Staff Report, a conditional use permit with one year extensions at the discretion of the City

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Board of Aldermen, pursuant to its discretion as set forth in the City Code of Ordinances at Title XIII, Chapter 9, Section 13-9(a); and

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

1. Subject to the Board's revocation for violation of the permit or ordinances, the City Board grants a permit to the Applicant for barber shop located at 1300 Goodman Road, Suite 3 in Southaven, Mississippi for one (1) year to be renewed annually at the discretion of the City Board of Aldermen and subject to the City Board's revocation.
2. The Mayor and City Planning Director or their designee are authorized to take any and all action to effectuate the intent of this Resolution.

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

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

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 18th day of May, 2021.

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

Item #3 Application by Robert Pelts to amend the Desoto Park Plaza PUD on the north side of Stateline Road, west of Airways Blvd. to incorporate RV parks as an allowable use

Mrs. Choat-Cook stated that the applicant is requesting to amend the existing Desoto Park Plaza to allow for RV park to be an allowable use for lot 4. Lot 4a has an existing mini storage on site. Lot 4b is a vacant undeveloped piece of property which the applicant is wanting to utilize to extend the approved RV park and cabin areas that were approved for the Main Street PUD. This addition would allow for more of the cabins along the Stateline Road portion while also shifting the amenities of the park away from Airways Blvd and resituate them in the back of the overall development with direct access of off Ann Drive. The RV parking is would be increased from the original 37 approved to 60 stalls. The cabins would also increase from 6 cabins all situated on the Airways side of the property to 22 cabins situated on both Airways and Stateline Road. A sight proof fence has been added along the entire perimeter of the site and the main access to the RV and cabin area is off of Ann Drive. The amenities are shown to include a pool, pavilion area and a dog yard. Detention is shown on the

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southeast area of the site directly adjacent to the existing lot 1 BLSC Subdivision. There is no further expansion of the mini storage in this project but the text amendment submitted allows for it on lot 4a since it is already in place which keeps the use compliant with the PUD documents. Staff believes the overall use to be a good infill development since the site sits relatively deep off of the main roads and is located in an area with commercial and warehouse uses. The buffer along both Stateline Road and Airways Blvd. with the cabins and a streetscape design provides a soft transition into the RV park area which should not be seen from either major roadway with this design. Staff is also in agreement that this proposed amendment has a better access concept onto the site via Ann Drive and also a better shift with where the amenities have relocated. Staff would like to see the “play area” shown on Stateline Road for the cabins be shifted to the rear of the cabin area as opposed to being up front along Stateline Road. The applicant has shown the necessary sight proof fencing along the existing commercial and warehouse properties. Staff was in agreement for approval of the original concept in March of 2020 and is in agreement with this revised concept now; however, prior to beginning any construction, staff will need to review the fencing specs, landscape templates, lighting and the elevations/design of the cabins. Staff recommends approval with the stated comments. Alderman Kelly made the motion to approve the application by Robert Pelts. 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 18th day of May, 2021.

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

MAYOR’S REPORT

Automated Meter Reader Update

Mayor Musselwhite reported that the City is making great progress with the automated meter reader installation. 44% of all properties that use City water services have been installed.

Sales & Tourism Tax Update

Minutes, City of Southaven, Southaven, Mississippi

Mayor Musselwhite reported that sales tax is up \$375,000 and tourism tax is up \$75,000 in one month. Both sales and tourism tax have exceeded budgeting every month.

PERSONNEL DOCKET

Personnel Docket

May 18, 2021

New Hires	Department	Position Title	Start Date	Rate of Pay
Hunter Havlik*	Public Works	Laborer	TBD	\$13.50

*pending 1 pre-emp screening

** pending 2 pre-emp screenings

Pay Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Police				
Richard Gregory	Police Officer 3	Police Officer 4	5/24/2021	\$23.96
Derrick Kinnel	Police Officer 2	Police Officer 3	5/28/2021	\$23.16

Stipends	Type of Stipend	Effective Date	Yearly Amount
Police			
Hunter Foster	Training	5/10/2021	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Cameron Lomonaco	ITEC	Information Systems Tech 3	5/28/2021	\$27.78
Gary McLearn	Public Works	Asst. Street Foreman	5/28/2021	\$28.36
Vernon W. Perkins	Police	Major	5/31/2021	\$32.06

Parks Tournaments

New Hires	Position Title	Start Date	Rate of Pay
Jadyn Anderson	Concessions	5/19/2021	\$7.25
Roscoe Bufkin IV	Concessions	5/19/2021	\$7.25
Leondriyah Caldwell	Concessions	5/19/2021	\$7.25
Gabrielle Christopher	Gates	5/5/2021	\$7.50

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Kagan Church	Tennis Concessions	5/19/2021	\$8.00
Fallon Echols Christopher	Gates	5/19/2021	\$7.50
Edwards	Gates	5/2/2021	\$7.50
Auna Faulkner	Concessions	5/19/2021	\$7.25
Shania Hester	Gates	5/19/2021	\$7.50
Brayden Parrish	Concessions	5/19/2021	\$7.25
Darica Pate	PT Front Desk	5/5/2021	7.25
Oscar Rabuco	Concessions		7.25
Audrey Tabor Jackson	Gift Shop	5/5/2021	7.25
Whittington	Cook	5/19/2021	8

ReHire	Position Title	Start Date	Rate of Pay
John C. Miller	Concessions	5/19/2021	\$7.25
John P. Kyle	Gates Supervisor	5/19/2021	\$7.50
Emerson Thomas	Concessions	5/19/2021	\$8.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Health D. Heinz	Parks Tournaments	Grounds Crew	5/6/2021	\$7.25
Kendall McKenzie	Parks Tournaments	Gates	6/1/2021	\$7.50
Kevin McKenzie	Parks Tournaments	Gates	5/18/2021	\$7.50
Charles Taylor	Parks Tournaments	Cook	5/18/2021	\$8.00
Owen Thomas	Parks Tournaments	Concessions	5/18/2021	\$7.25
Lamikea Walton	Parks Tournaments	Concessions	5/18/2021	\$7.25
Davion White	Parks Tournaments	Concessions	5/18/2021	\$7.25

Alderman Brooks made the motion to approve the Personnel Docket of May 18, 2021 as presented to this Board. Motion was seconded by Alderman Flores.

Roll call was as follows:

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

Minutes, City of Southaven, Southaven, Mississippi

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 18th day of May, 2021.

CITY ATTORNEY'S LEGAL UPDATE

Mr. Manley presented to copier / maintenance contracts with RJ Young for the Utilities Department and Planning Department. Alderman Gallagher made the motion to authorize Whitney Choat-Cook and Ray Humphrey to sign copier agreements for their departments. 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 18th day of May, 2021.

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

UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL LEAK ADJUSTMENT DOCKET 5/18/2021

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

NAME	HOUS E #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
DON SOUTH PLUMBING	905	TOWN & COUNTRY	(420.95)	LEAK AT METER
CAPITAL EXPRESS, INC	8089	GETWELL RD	(130.52)	FROZEN PIPE
ISABELLA AUSTIN	1914	DORCHESTER DRIVE	(336.72)	TOILET LEAK
HOME2 SUITES	6750	SOUTHCREST PARKWAY	(2404.40)	BUSTED WATER LINES IN BACK OF BUILDING

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DELEE HOLLY & EUGENE	3096	GREENHOUSE	(766.16)	SERVICE LINE LEAK
GEORGE GLINSKY	5067	MEADOW POINTE DRIVE	(209.84)	SERVICE LINE LEAK
W.T. LEFLORE	8777	FIVE OAKS DRIVE WEST	(122.00)	HOT WATER TANK BURST
CHARTWELL HOSPITALITY	7225	SLEEPY HOLLOW DRIVE	(392.40)	ICE MACHINE MALFUNCTIONING
JOHN/KATIE LAFEVER	3850	SUMMERWOOD LANE	(219.60)	SERVICE LINE LEAK
ROBERT KNOFF	7813	CHARLESTON DR	(112.24)	TOILET LEAK
KYLE CRENSHAW	7639	BROOKWOOD PL	(79.00)	POOL ADJUSTMENT
SHASTER PETTIES	8697	WHITWORTH STREET	(1459.12)	TOILET LEAK
TIFFANI KING	8334	WILLOW DR	(619.76)	TOILET LEAK
		TOTAL	(7272.71)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of May 18, 2021 in the amount of \$7,272.71. 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 18th day of May, 2021.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of May 4, 2021 in the amount of \$3,036,614.72. Motion was seconded by Alderman Hoots.

Excluding voucher numbers:

359040, 359139, 359262, 359284, 359286, 359603, 359703, 359751, 359989

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hoots	YES

Minutes, City of Southaven, Southaven, Mississippi

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 18th day of May, 2021.

CITIZEN BEN TAYLOR

Mr. Taylor stated that he owns the building at 961 Main Street and expressed concerns about the sidewalks that are being added as part of the Main Street Pedestrian Path Project. Mr. Smith stated that when the sidewalks are added, it will not follow City ordinance for a building of its size. Mrs. Choat-Cook stated that a survey of the property shows that Mr. Taylor's parking spaces in front of his building are in the City right of way and that Civil Link drew a concept to add parking to the back of the building to gain back parking spaces that would be taken from the front. Mrs. Choat-Cook added that the chain of command is with MDOT and they would not move the sidewalks. Mr. Taylor expressed concerns about not being in compliance with ADA. Mayor Musselwhite stated that the City would need to meet and he would be in touch to answer all of Mr. Taylor's concerns.

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 Wheeler. Motion was put to a vote and passed unanimously May 18, 2021 at 8:30 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)