

**MINUTES OF THE REGULAR MEETING
OF JANUARY 21, 2014
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 21st day of January, 2014 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Shirley Beshears	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
Scott Ferguson	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, Assistant City Clerk and Nick Manley, City Attorney. Approximately fifty (50) 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 Ferguson. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of January 07, 2014 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

BUDGET AMENDMENT

**RESOLUTION FIXING THE AD VALOREM TAX LEVY ON
REAL AND PERSONAL PROPERTY FOR TAXES
AND ESTABLISHING THE AMENDED BUDGET
Appropriations and Expenditures for the Fiscal Year 2013-2014
FOR THE CITY OF SOUTHAVEN, MISSISSIPPI**

**BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF
THE
CITY OF SOUTHAVEN, MISSISSIPPI**

SECTION 1. That for the Fiscal Year beginning October 1, 2013, there shall be and there is hereby levied on all taxable property, Real and Personal, within the corporate limits of the City of Southaven, Mississippi for Ad Valorem taxes for municipal purposes as indicated, the following levies to be collected upon each dollar of assessed value as shown upon the Real and Personal Ad Valorem assessment rolls of the City of Southaven as to such property within the city limits, to-wit:

***FOR GENERAL REVENUE PURPOSES:
TWENTY-TWO POINT THREE SIX (22.36) MILLS
SECTION 27-39-307 AND 83-3-37 PARAGRAPH 5 OF THE
MISSISSIPPI CODE OF 1972***

***FOR DEBT RETIREMENT OF GENERAL OBLIGATION BONDS:
FIFTEEN POINT THREE SEVEN (15.37) MILLS
SECTION 21-33-45 OF THE MISSISSIPPI CODE OF 1972***

***FOR SANITATION:
SIX POINT ZERO (6.0) MILLS
SECTION 27-39-321 OF THE MISSISSIPPI CODE OF 1972***

***TOTAL FOR SAID MUNICIPAL PURPOSES:
FORTY-THREE POINT SEVENTY THREE (43.73) MILLS***

***FOR PARKS AND LIBRARY DEBT MILLAGE APPLIED TO
EXEMPT BUSINESS AS PER AD VALOREM TAX ABATEMENT
PURPOSES:
TWENTY-FOUR POINT NINE SEVEN (24.97) MILLS
SECTION 27-39-329 OF THE MISSISSIPPI CODE OF 1972***

WHEREAS, the Mayor and the Board of Aldermen of the City of Southaven, Mississippi, wish to prepare and publish a summarized budget of the municipal revenues and expense estimated for the fiscal year 2013-2014; and

WHEREAS, the budget herein shall be for the period beginning from October 1, 2013 and ending September 30, 2014; and

WHEREAS, the "Municipal Budget Law" of the State of Mississippi provides that said budget shall be adopted and approved as finally determined by governing authorities being the Mayor and Board of Aldermen of the City of Southaven, Mississippi; now therefore,

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, DESOTO COUNTY, MISSISSIPPI, AS FOLLOWS:

Fund Description	Budget for FYE 9/30/2014
<u>GENERAL FUND</u>	
REVENUE	
	\$
GENERAL PROPERTY TAXES	(12,663,000)
LICENSES & PERMITS	(496,000)
INTERGOVERNMENTAL	(12,937,000)
CHARGES FOR SERVICES	(3,222,000)
FINES	(3,390,000)
FRANCHISE TAXES	(1,982,000)
GRANTS	-
OTHER	(897,000)
	\$
TOTAL REVENUE	(35,395,000)
NON REVENUE RECEIPTS	
	-
TRANSFERS FROM UTILITY	(300,000)
TRANSFERS FROM SANITATION	(450,000)
TOTAL AVAILABLE TAX	(36,337,000)
EXPENDITURES	
GENERAL GOVERNMENT	
PERSONNEL SERVICES	3,086,541
SUPPLIES	130,700
OTHER SERVICES & CHARGES	5,395,287
TOTAL GENERAL GOVERNMENT	

PUBLIC SAFETY	8,612,528
POLICE	
PERSONNEL SERVICES	9,297,900
SUPPLIES	610,000
OTHER SERVICES & CHARGES	978,000
TOTAL PUBLIC SAFETY	10,720,900
FIRE	
PERSONNEL SERVICES	8,150,059
SUPPLIES	373,500
OTHER SERVICES & CHARGES	738,000
TOTAL PUBLIC SAFETY	9,234,559
PUBLIC WORKS	
PERSONNEL SERVICES	524,072
SUPPLIES	96,800
OTHER SERVICES & CHARGES	781,000
TOTAL PUBLIC WORKS	1,401,872
CULTURE & RECREATION	
PERSONNEL SERVICES	2,154,760
SUPPLIES	490,000
OTHER SERVICES & CHARGES	1,675,500
TOTAL CULTURE & RECREATION	4,320,260
HEALTH & WELFARE	
PERSONNEL SERVICES	327,581
SUPPLIES	27,250
OTHER SERVICES & CHARGES	30,550
TOTAL HEALTH & WELFARE	385,381

CAPITAL OUTLAY	1,469,500
RESERVE	-
TOTAL EXPENDITURES	36,337,000
TOTAL EXP& YEAR END BALANCE	-

CAPITAL PROJECTS BOND FUND

REVENUE	
PROCEEDS	(6,704,575)
TOTAL REVENUES	(6,704,575)
EXPENDITURES	
BOND EXPENSE	6,704,575
TOTAL EXPENDITURES	6,704,575
TOTAL EXP& YEAR END BALANCE	-

TOURISM FUND

REVENUE	
INTERGOVERNMENTAL	(925,000)
OTHER	(195,000)
TOTAL REVENUES	(1,120,000)
EXPENDITURES	
PARK IMPROVEMENTS	775,000
OTHER	

	345,000
TOTAL EXPENDITURES	1,120,000
TOTAL EXP & YEAR END BAL	-
<u>DEBT SERVICE FUND</u>	-
REVENUE	
GENERAL PROPERTY TAX	(7,650,000)
COUNTY TIF REVENUE	(300,000)
RENT	-
TOTAL REVENUE	(7,950,000)
EXPENDITURES	
DEBT SERVICE	7,950,000
TOTOAL EXP & YEAR END BAL	-
UTILITY FUND	
REVENUES	
CHARGES FOR SERVICES	(9,330,000)
OTHER	(251,200)
NON REVENUE RECEIPTS	(6,648,800)
TOTAL REVENUES	(16,230,000)
EXPENDITURES	
PERSONNEL SERVICES	1,258,361
SUPPLIES	1,550,000
CAPITAL OUTLAY	1,350,000
DEBT SERVICE	9,984,800

OTHER SERVICES & CHARGES	1,786,839
TOTAL EXPENDITURES	15,930,000
TRANSFER TO GENERAL FUND	300,000
TOTAL EXPENDITURES & TRANSFERS	16,230,000
TOTAL EXP & YEAR END BAL	-

SANITATION FUND

REVENUES	
GENERAL PROPERTY TAX	(3,100,000)
CHARGES FOR SERVICES	<u>(535,000)</u>
TOTAL REVENUES	(3,635,000)
EXPENDITURES	
PERSONNEL SERVICES	149,256
SUPPLIES	26,500
PROFESSIONAL SERVICES	2,800,000
CAPITAL OUTLAY	85,000
OTHER	<u>124,244</u>
TOTAL EXPENDITURES	3,185,000
TRANSFER TO GENERAL FUND	450,000
TOTAL EXPENDITURES & TRANSFERS	<u>3,635,000</u>
TOTAL EXP & YEAR END BAL	-

SECTION 2. It is hereby authorized by the Mayor and Board of Aldermen the funds as herein provided shall be appropriated for the provision of municipal services in the City of Southaven, DeSoto County, Mississippi, for the fiscal period 2013-2014:

SECTION 3. The above funds are set forth herein in the budget summary concerning both appropriations and expenditures.

SECTION 4. The Municipal Budget for the City of Southaven, DeSoto County, Mississippi, presented and reviewed at this public meeting for the fiscal year 2013-2014 shall be published according to law and be in full force and effect after passage.

SECTION 5. The Motion to adopt the budget and establish the millage rate as presented being made by Alderman Flores with a second by Alderman Beshears with the following aldermen being present and voting thereon as follows:

“for the approval and adoption of proposed amended budget and voting YEA”

Alderman William Brooks
Alderman Kristian Kelly
Alderman Shirley Beshears
Alderman George Payne
Alderman Joel Gallagher
Alderman Scotty Ferguson
Alderman Raymond Flores

RESOLVED THIS 21st DAY OF January, 2014

Darren Musselwhite, Mayor

Sheila Heath, City Clerk

CERTIFICATE

I, Sheila Heath, clerk of the City of Southaven, Mississippi do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted at a Regular Meeting of the Mayor and Board of Aldermen on Tuesday, _____, 2014, and duly appears of record in Minute book _____ of the proceedings of the said Mayor and Board of Aldermen.

This the ____ day of _____ 2014

City Clerk

FEMA / MEMA STORM SHELTER AGREEMENTS

Chris Wilson, City Administrator, presented this item to the Board. Mr. Wilson stated that the two professional service agreements for Phase I were approved by the Board in 2010 and expressed that it should get approval from the new Board. Alderman Beshears made the motion to accept the agreements. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

SUPPLEMENTAL AGREEMENT NO. 1 FOR GETWELL ROAD FROM MISS. HWY. 302 TO MISSISSIPPI / TENNESSEE STATE LINE

Ron Smith, City Engineer, presented this item to the Board. Mr. Smith stated that this agreement is a supplement to the original agreement. Mr. Smith stated that additional construction plans resulted in a change in the scope of the project and that there would be an increase in cost not to exceed \$95,450.00. Alderman Brooks made the motion to adopt the agreement. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

A copy of the original and supplemental agreement is attached to these minutes.

REQUEST FOR RFP FOR CE&I SERVICES FOR WIDENING OF GETWELL ROAD PROJECT

Ron Smith, City Engineer, presented this item to the Board. Mr. Smith requested approval to advertise the (RFP) Request for Proposal for construction, engineering, and testing on the widening of the Getwell Road Project. Alderman Payne made the motion to authorize authority to Mr. Ron Smith to advertise for the RFP. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

A copy of the legal notice is attached to these minutes.

URBAN ARCH CONTRACT – TASK ORDER #1

Mike Mullins, Parks Director, presented this item to the Board. Mr. Mullins stated that Task Order #1 (one) is for sidewalk improvement at the two main entry points at the Greenbrook Softball Complex. Mr. Mullins further stated that the project will consist of 2 (two) ramps that will be in compliance with ADA. Alderman Brooks made the motion to approve the Task Order. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

A copy of Task Order #1 (one) is attached to these minutes.

ORDER AUTHORIZING TRAFFIC COMMITTEE TO LOWER SPEED LIMIT ON CHESTERFIELD DRIVE

**ORDER OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
AUTHORIZING THE TRAFFIC COMMITTEE TO LOWER THE
SPEED LIMIT ON CHESTERFEILD DRIVE**

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 21-37-3, exercises full jurisdiction in the matter of streets within the City; and

WHEREAS, the City Ordinance, Title IX, Chapter 1, Section 9-3 establishes a Traffic Committee which shall work with the City Officials in enforcing and modifying the duties in the City Ordinances, including City Ordinance Title IX, Chapter 5, Article IV, Section 9-326; and

WHEREAS, the City Board desires to lower the current speed limit on Chesterfield Drive from thirty (30) miles per hour to twenty-five (25) miles per hour; and

NOW, THEREFORE, BE IT ORDERED based on the unanimous vote by the Board of Aldermen of the City, to wit:

1. The City, via the Traffic Committee as established in the City Ordinances is hereby authorized and directed to take all necessary steps to lower the speed limit from 30 miles per hour to 25 miles per hour on Chesterfield Drive.
2. The 25 mile per hour speed limit shall be effective immediately upon the speed limit signs being posted on Chesterfield Drive.
3. The Mayor and Police Chief and any of their appointees are authorized to take all actions required for the fulfillment of this Board Order.

ORDERED AND DONE, this 21st day of January, 2014.

DARREN L. MUSSELWHITE, MAYOR

ATTEST:

Sheila Heath, CITY CLERK

**REQUEST TO APPROVE DONATION OF ARENA FOR ROTARY CLUB
ON APRIL 24, 2014**

Chris Canoy stated that the Southaven Rotary Club has held the Crawfish fundraiser that raises money for scholarships for High School Students and other non-profits in the Desoto County area at the Arena for several years. Mr. Canoy asked the Board to donate the Arena for their April 24, 2014 fundraiser event and that the Rotary Club will pay whatever the City incurs in cost. Mr. Canoy further stated that they were charged \$275.00 the previous year and that they are willing to pay that amount again to cover all expenses of the City. Mr. Canoy further

stated that in return the Rotary Club will provide a table for 10 (ten) at the fundraiser event to the City of Southaven. Alderman Payne made the motion to approve the donation of the Arena. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

REQUEST TO APPROVE DONATION OF SNOWDEN HOUSE FOR STEPS FOR STOVALL 5K ON NOVEMBER 8, 2014

Alderman Brooks stated that this event is in memory of Matt Stovall who gave his life serving in Iraq. Alderman Brooks further stated that funds raised from the event will benefit children that have lost a parent while serving our country, and for a hunting trip for a Purple Heart Soldier from the State of Mississippi. Alderman Brooks made the motion to approve the donation of the Snowden House. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

APPROVAL OF VARIANCE FOR RENTAL POLICY FOR PATEL

Nick Manley, City Attorney, presented this item to the Board. Mr. Manley stated that this is a request from Jeegnesh Patel allowing a variance to serve champagne at the Tennis Center. Alderman Payne made the motion to approve the variance. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

REQUEST TO APPROVE MID-AMERICA SAFETY SERVICES TO USE GYMNASIUM AT THE PAC

Tony McCallum with Mid-America Safety Services stated to the Board that his company has used the PAC for the past two years to test paramedics from all over the United States and made a request to use it again this year. Alderman Beshears made the motion to approve the use of the gym at the PAC. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

PLANNING AGENDA

Planning Agenda presented by Mrs. Whitney Choat-Cook, Planning Director.

ITEM #1 Application by ATC Fitness for a Conditional Use Permit to allow a LED Reader Board at 2150 Goodman Road

Mrs. Whitney Choat – Cook stated that the application is for a reader board to be constructed as a part of the monument sign at the new ATC Fitness, located east of the intersection of Tchulahoma and Goodman Road. Mrs. Choat – Cook stated the reader board is in compliance with the requirements of amber lighting, size, and lettering. Mrs. Choat-Cook further stated that it was voted unanimously in favor of by the Planning Commission. Alderman Ferguson made the motion to approve the application. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

A copy of the application is attached to these minutes.

MAYOR’S REPORT

Mayor Musselwhite reported that the City submitted an application to the Mississippi Department of Revenue to get the proposed site of the mall designated as qualified resort status and that it had been approved. Mayor Musselwhite further stated that the City has done its part of the process and is now waiting for the Mississippi Development Authority to approve the developer’s application on the Tourism Rebate Program.

CITIZEN’S AGENDA

Moses Truelove reported to the Board that he lives in Stone Creek and that they are having a serious problem with kids coming from the apartments and playing in the street and impeding traffic. Mayor Musselwhite told Mr. Truelove that he would have Police Chief Tom Long check into the matter.

Phillip Marshand stated that he came before the Board last year requesting help with getting his neighbor, Mr. Logan, to remove a portion of his fence that is on the City right-of-way, which will allow him to have access to the back of his property to start preparing a site for his daughter to build. Nick Manley, City Attorney, stated that two letters have been sent to Mr. Logan and that the fence has not been removed due to cost. Mr. Manley stated that the fence may be removed upon the start of Hurricane Creek Project. Alderman Flores stated that the Board should take it under advisement and discuss it as a group. Mayor Musselwhite stated that he would report back to Mr. Marshand.

PERSONNEL DOCKET

**Personnel
Docket**

January 21,
2014

Payroll Additions	Position	Department	Start Date	Rate of Pay
Cody McCuiston	Field Laborer	Utilities Maintenance - 825	Pending	\$10.20
Steven Pirtle Jr.	Field Laborer	Utilities Maintenance - 825	Pending	\$10.20

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Rate of Pay
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Employee Name	Department	Action Taken	Effective Date	With/Without Pay
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Payroll	Position	Department	Termination	Rate of Pay
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Deletions			Date	
Steven Cossey	Operator-In- Training	Utilities Maintenance - 825	January 16, 2014	\$12.98
Andrew Hodges	Patrol Officer I	Police - 211	January 21, 2014	\$16.42

Alderman Brooks made the motion to approve the Personnel Docket of January 21, 2014 as presented to this Board. Motion was seconded by Alderman Flores. A roll call vote was taken:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	YES
Alderman Flores	YES

COMMITTEE REPORTS

None

CITY ATTORNEY'S LEGAL UPDATE

None

OLD BUSINESS

None

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of January 21, 2014 including demand checks and payroll in the amount of \$817,227.82. Motion was seconded by Alderman Ferguson.

Excluding voucher numbers:

213294, 213297, 213466, 213484, 213501, 213505, 213521, 213528, 213542, 213552, 213647, 213656, 213657, 213670.

Roll call was as follows:

ALDERMAN	VOTED
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Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on this the 21st day of January, 2014.

Alderman Ferguson recused himself and left the room.

A motion was made by Alderman Payne to approve the Special Claims Docket of January 21, 2014 in the amount of \$1998.56. Motion was seconded by Alderman Beshears.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	RECUSED
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on this the 21st day of January, 2014.

Alderman Ferguson then returned to the room.

EXECUTIVE SESSION

A motion was made by Alderman Brooks to move for a closed determination of the issue on whether or not to declare an Executive Session. Motion was put to vote and passed unanimously. Alderman Payne made the motion to go into Executive Session for the purpose of discussing Land Acquisition and Litigation. Motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously by the raise of hands.

Motion was made by Alderman Beshears to authorize counsel to settle the City of Southaven v. Warren Case eminent domain case for the property related to the Church Road project in a range consistent with the discussion of the Board of Aldermen and with a report being provided back to the Board if the matter is settled. Motion was seconded by Alderman Brooks. The motion passed with unanimous board approval.

Mayor Musselwhite called the meeting back to order.

There being no further business to come before the Board of Aldermen, a Motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Ferguson. Motion was put to a vote and passed unanimously, January 21, 2014 at 7:35 p.m.

Darren Musselwhite, Mayor

Andrea Mullen, Assistant City Clerk

(Seal)