

Minutes, City of Southaven, Southaven, Mississippi

MINUTES OF THE REGULAR MEETING OF May 17, 2016 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 17th day of May, 2016 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Shirley Kite	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, 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 Ferguson. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of May 3, 2016 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. Alderman Payne made the motion to approve the minutes of the Special Called Meeting of May 6, 2016 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.

ANNOUNCEMENT FROM ALDERMAN KITE

Alderman Kite read a statement announcing that she will be retiring from her Ward 2 seat on August 1, 2016. Alderman Kite explained that this was a bittersweet decision, but after working for 28 years and holding two jobs for three of those years, it was time to focus on her family.

BUDGET AMENDMENT

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

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2016 BUDGET

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the 2016 City Budget.

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WHEREAS, pursuant to Miss. Code 21-35-25, the City desires to amend its 2016 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 Ferguson 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 Shirley Kite	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

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RESOLVED AND DONE, this 17th day of May, 2016.

A copy of the budget amendment is attached to these minutes.

RESOLUTION AUTHORIZING FOR FILING OF LIENS

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

Mr. Manley stated that this resolution will allow for the filing of liens, which will then be converted to assessments for condemned properties. The liens will give notice to those purchasing the home before the assessment is filed and should help with providing more notice to third party purchasers.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI ADJUDICATING THE COST OF CLEANING PROPERTY, IMPOSING A PENALTY AND IMPOSING LIEN OF THE SAME AGAINST PROPERTY

WHEREAS, the City of Southaven ("City") has the authority, pursuant to Section 21-19-11 of the Mississippi Code (1972) to clean up property within the City, under circumstances which create a menace to the public health and safety of the community, and

WHEREAS, the Mayor and Board of Aldermen conducted hearings regarding various properties, as set forth in Exhibit A, and determined that the conditions and circumstances of such properties created a menace to the public health and safety of the community, and ordered the clean-up of the properties, and

WHEREAS, pursuant to the authority granted to the City, the Mayor and Board of Aldermen contracted with an outside contractor who has undertaken and completed the clean-up of the properties, and

WHEREAS, the Mayor and Board of Aldermen have heard proof and find as a fact that the actual cost of the clean-up is as attached hereto as Exhibit A, and

WHEREAS, the Mayor and Board of Aldermen are desirous of imposing a penalty of Two Hundred Fifty Dollars and 00/100 (\$250.00) per property per cutting, and

WHEREAS, the Mayor and Board of Aldermen deem and resolve that the clean-up cost and penalty shall be collected as a lien against property and if not paid, the lien shall be converted as an assessment against each property, to be collected by the Tax Collector in the manner employed for the collection of all other taxes and assessments of the municipality, unless sooner collected through other means.

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

1. The actual cost of the clean-up of properties listed in Exhibit A be assessed to the property and the same is hereby determined to be as set forth in Exhibit A attached hereto.
2. A penalty in the amount of \$250 per lot per cutting as listed above be, and the same is hereby imposed against each parcel in addition to the actual cost of the property clean-up.
3. The total amount, as set forth above, be, and the same is hereby assessed against each property, to be filed as a lien and if not collected, to be converted as an assessment to be collected by the Tax Collector in the manner used for collection of other municipal taxes and assessments, unless sooner collected through other means.

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

Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Shirley Kite	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

RESOLVED AND DONE this 17th day of May, 2016.

A property list with assessment totals is attached to these minutes.

MML VOTING DELEGATES

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite explained that the City needs to nominate and select voting delegates for the MML Conference in June. Mayor Musselwhite volunteered to be the voting delegate and requested volunteers for the 1st and 2nd alternates, in which, Alderman Kelly and Alderman Ferguson volunteered. Alderman Payne made the motion to name Mayor Musselwhite as the voting delegate and Alderman Kelly and Alderman Ferguson as alternates. Motion was seconded by Alderman Gallagher.

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Kite	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 on the 17th day of May, 2016.

RESOLUTION TO SURPLUS PROPERTY – SPD

This resolution will allow for the surplus of a 2013 Dodge Charger in the SPD, which has been deemed as a total loss by the insurance company, so that it can be disposed of in accordance with the insurance policy.

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

WHEREAS, the City of Southaven ("City") Police Department is presently in possession of a 2013 Dodge Charger, Unit 3107, white, VIN# 2C3DXAG9DH694795, City Asset #5121("Vehicle"), due to an accident is now inoperable and has been declared a total loss by the City's insurance company; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the Vehicle 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

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such Vehicle, as based on its condition, the Vehicle is inoperable and has no value to the City, and amending, its fixed assets inventory pursuant to State guidelines; and

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

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1. The Vehicle be hereby declared as surplus property.
2. The City Police Chief, or his designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the Vehicle, including allowing for the insurance company to possess the vehicle pursuant to the insurance policy.

Motion was made by Alderman Brooks and seconded by Alderman Kelly 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 Shirley Kite	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 17th day of May, 2016.

This resolution will allow for Lt. Stephen Hodges police K-9 to be surplus to him in accordance with State law as the dog is nearing retirement.

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

WHEREAS, the City of Southaven ("City") Police Department pursuant to Mississippi Code 21-21-5 previously purchased a police K-9, specifically, a Belgian Malinois, named Kwintol; and

WHEREAS, due to Kwintol's age and is recommended that Kwintol be retired from service; and

WHEREAS, pursuant to Mississippi Code Section 45-3-52, the City Mayor and Board of Aldermen authorize Lt. Stephen Hodges to retain as his personal property Kwitnol.; and

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

1. Lt. Stephen Hodges is allowed retain Kwintol as his personal property.

2. Lt. Stephen Hodges shall sign a release, which releases the City from any and all liability associated with his ownership of Kwintol.

3. The City Police Chief, or his designee, is hereby authorized to take any and all action to effectuate the intent of this Resolution.

Motion was made by Alderman Kite and seconded by Alderman Payne, 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 Shirley Kite	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 17th day of May, 2016.

A copy of the agreement with Lt. Stephen Hodges is attached to these minutes.

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite asked if anyone in the audience had any objections or would like to speak in regards to these properties. Hearing none, the board considered the following resolution:

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

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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: **5493 Remington Cove, 2009 Cresthill Drive, 8325 Southaven Circle West, 2299 Rasco Road, 1122 Warwick Place, 2811 Russum Drive, 4035 Garden Road**, 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, May 17, 2016**, 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 17, 2016**, 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: **5493 Remington Cove, 2009 Cresthill Drive, 8325 Southaven Circle West, 2299 Rasco Road, 1122 Warwick Place, 2811 Russum Drive, 4035 Garden Road**, 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 Kite. 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 Shirley Kite	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman Scott Ferguson	YES
Alderman Raymond Flores	YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **17th day of May, 2016**.

NATIONAL KIDS TO PARKS DAY PROCLAMATION

Mayor Musselwhite stated that this proclamation is for the 6th National Kids to Parks Day that is organized and launched by the National Park Trust to help empower kids and encourage families to get outdoors and visit America's Parks. Next, Mayor Musselwhite proclaimed Saturday, May 21, 2016 as National Kids to Parks Day in the City of Southaven and urged residents to participate and make time on this day to take the children in their lives to a neighborhood, state, or national park.

PLANNING AGENDA

No Planning Agenda

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MAYOR'S REPORT

Mayor Musselwhite explained to the Board that Board Approval is needed for travel to MML in June. Alderman Gallagher made the motion to approve travel to MML. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

Mayor Musselwhite explained that that three (3) election commissioners were appointed at the last meeting and two (2) additional commissioners are still needed. Mayor Musselwhite asked the Board to help him finalize these appointments at the first meeting in June.

Mayor Musselwhite reported that overlays will start sometime in June and further explained that every City street is listed on the analysis with a rating of good, fair, critical, or lost. Mayor Musselwhite stated that there are some streets that are in need and are not listed on the 2016 schedule, but encouraged everyone that all streets are listed and they will eventually get to them all. Mayor Musselwhite explained that the plan is to eventually touch every street, every seven years, for ongoing control and maintenance of every street in the City of Southaven.

Mayor Musselwhite reported that he will hold a press conference and tour of the Senior Center and Snowden Baseball Improvements on June 9th at 10:00 a.m. Mayor Musselwhite stated that they will begin in the banquet room and will then give a tour of the Senior Center and will go throughout the Snowden Complex to look at all of the improvements that have been done there. Additionally, Mayor Musselwhite stated that there is some misunderstanding about restaurant tourism tax and he will discuss details of how tourism tax is used.

CITIZEN'S AGENDA

No Citizen's Agenda

PERSONNEL DOCKET

Personnel Docket

May 17, 2016

<u>Payroll Additions</u>	<u>Position</u>	<u>Department</u>	<u>Start Date</u>	<u>Rate of Pay</u>
Ronnie Parker	Operator	Public Works	5/23/2016	\$16.00
Joshua Braswell	Code Enforcement Officer	Planning/Code	TBD	\$14.00
Elissa Prewitt	Deputy Clerk	City Clerk	5/31/2016	\$14.00
Dale Hutcherson	Summer Law Clerk	Court	TBD	non-paid intern
Bryce Archer*	Field Services Technician	Utilities	TBD	\$11.00

* Contingent upon successful completion of pre-employment screenings

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Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
	Code Enforcement			
Harold Mears	Officer	Building Inspector	5/18/2016	\$17.00 (no change)
Marty Young	Laborer	Utilities	5/30/2016	\$11.50
Paul McDaniel	FF3/Medic	Driver	5/25/2016	\$16.36 + haz mat+medic
Keith Moffett	Driver	Lieutenant	6/8/2016	\$18.46+EMT-B + haz mat
Chris Johnson	FF3/Medic	Driver	6/8/2016	\$16.36+haz mat+medic

Payroll Deletions	Position	Department	Termination Date	Rate of Pay
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Terminations / Resignations

Name	Department	Position	Termination Date	Rate of Pay
Keith Mallett	Fire	Firefighter	4/24/2016	\$16.36
Tyrone Scott	Parks	Laborer	5/6/2016	\$11.00
Cara Lansford	Fire	Paramedic	5/18/2016	\$17.51
Blake Gifford	Police	Sergeant	5/15/2016	\$21.90
Amanda Hartzog	ITEC	Dispatcher	5/18/2016	\$18.08
Kevin Reeves	Fire	Lieutenant	6/3/2016	\$18.46
Erik Sammis	Police	Patrol Officer 3	5/27/2016	\$21.10

Parks Department

New Hires

Name	Department	Position	Rate of Pay	Start Date
James Smith	412	Concessions	\$8.00	5/18/2016
Zach Lambert	412	Concessions	\$7.25	5/18/2016
Danielie Summers	412	Concessions	\$7.25	5/18/2016
Jayleon Hurdle	411	Seasonal Laborer	\$8.00	5/18/2016
Martikko Brown	411	Seasonal Laborer	\$8.00	5/18/2016
Joseph Jeffries	411	Seasonal Laborer	\$8.00	5/18/2016
Jeremy Hayden Harris	411	Seasonal Laborer	\$8.00	5/18/2016
Lance Lauing	411	Seasonal Laborer	\$8.00	5/18/2016
Nicholas Sinquefield	412	Seasonal Laborer	\$7.25	5/18/2016
Alex Norris	412	Cook	\$8.00	5/18/2016

Promotions

Name	Department	Position	Rate of Pay	Effective Date
Shelby Benson	412	Concessions Supervisor	\$8.00	5/18/2016
Makenzie Ellis	412	Concessions Supervisor	\$8.00	5/18/2016

Resignations

Name	Department	Position	Rate of Pay	Effective Date
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Kaci McMinn	412	Concessions	\$7.25	5/17/2016
Shelby Schumacher	412	Concessions	\$7.25	5/17/2016

Alderman Brooks made the motion to approve the Personnel Docket of May 17, 2016 as presented to this Board. Motion was seconded by Alderman Kite. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

No Legal Update

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of May 17, 2016, including demand checks and payroll in the amount of \$1,533,012.77. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

259449, 259452, 259453, 259489, 259490, 259492, 259552, 259600, 259952, 259958, 259973, 259978, 259979, 259982, 259986, 260280, 260392, 260396

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Kite	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 the 17th day of May, 2016.

Alderman Ferguson and Alderman Flores recused themselves and left the room.

A motion was made by Alderman Payne to approve the Special Claims Docket of May 17, 2016 in the amount of \$6,001.46. Motion was seconded by Alderman Kite.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES

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Alderman Kite	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	RECUSED
Alderman Flores	RECUSED

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 17th day of May, 2016.

Alderman Ferguson and Alderman Flores then returned to the room.

EXECUTIVE SESSION

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 Flores to adjourn. Motion was seconded by Alderman Ferguson. Motion was put to a vote and passed unanimously, May 17, 2016 at 7:50 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk

(Seal)

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