

Minutes, City of Southaven, Southaven, Mississippi



**MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
April 18, 2017
6:00 p.m.
AGENDA**

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval Of Minutes: April 4, 2017
5. Budget Amendment
6. Court Work Program
7. Resolution Authorizing the Mayor to Execute and Sign all Documents regarding Church Road Re-Surfacing MPO Project
8. Request for Small Purchase Selection of Civil Link, LLC for CE&I on Church Road Resurfacing Project STP-7867-00(005) LPA 107513-711000
9. Resolution To Clean Private Property
10. Planning Agenda
11. Mayor's Report
12. Citizen's Agenda: Kim Kreunen
13. Personnel Docket
14. City Attorney's Legal Update
15. Claims Docket
16. Executive Session: Claims filed against the City, Infrastructure, Police Litigation, and 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 April 18, 2017 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 18th day of April, 2017 at six o'clock (6:00) p.m. at City Hall.

Present were:

| | |
|----------------|-------------------|
| William Brooks | Alderman At Large |
| Kristian Kelly | Alderman, Ward 1 |
| Ronnie Hale | 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, Pam Pyle, Deputy 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 April 4, 2017 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously.

INTRODUCTION OF NEW POLICE OFFICERS

Chief Steve Pirtle stated introduced three new officers that joined the Police Department a few months ago and graduated from the academy on April 6, 2017.

Mary Fite

Chief Pirtle stated that while in the academy, Officer Fite was chosen as the female sanction leader for the cadets during training, scored a 94 in firearms which is an honorable mention, scored a 94.06 in academics and a perfect 100 and took 1st place PT. Officer Fite was third in her class out of 64 and had an overall academic score of 95.53.

Daniel Laboe

Chief Pirtle stated that while in the academy, Officer Laboe was chosen as the Platoon Leader and as Class President, delivered the class speech at graduation. Officer Laboe scored a 94 in firearms which was an honorable mention, scored an 85.50 in academics, scored a 99.6 in PT, took first place in a couple portions of PT, and had an overall academic score of 91.25.

Kevin Kroth

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Chief Pirtle stated that while in the academy, Officer Kroth scored a 94 in firearms which was an honorable mention, scored an 86.56 in academics, scored a 93.16 in PT, and had an overall academic score of 90.18.

Chief Pirtle stated that he was very proud of their achievements in the academy. Mayor Musselwhite congratulated the officers and stated that he was proud to have them as a part of our team.

BUDGET AMENDMENT

Mayor Musselwhite stated this item will be discussed at a future meeting.

COURT WORK PROGRAM

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

Mr. Manley stated that this policy is a supplement to the city ordinance, which contemplates work options for certain offenses at the Judge's discretion. It will allow for defendants to plead guilty and if deemed appropriate in the Judge's discretion, enter into a work program. Mr. Manley explained that a release must be signed before anyone can enter the program. Alderman Ferguson made the motion to approve the supplement to the Public Service Work Program Ordinance. Motion was seconded by Alderman Hale.

Roll call was as follows:

| ALDERMAN | VOTED |
|--------------------|-------|
| Alderman Brooks | YES |
| Alderman Kelly | YES |
| Alderman Hale | 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 18th day of April, 2017.

A copy of the supplement to the City Community Service Program is attached to these minutes.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND SIGN ALL DOCUMENTS REGARDING CHURCH ROAD RESURFACING PROJECT STP-7867-00(005) LPA 107513-711000

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

Mrs. Choat-Cook stated that this project was activated September 1, 2015, has gone through preliminary design and is scheduled for overlay through MPO with an 80/20 split. Mrs. Choat-Cook stated that we are now in the design and

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construction documents. Recently, the City received the contract and will have to send it to MDOT for their concurrence. MDOT has asked that the City re-word the resolution that gave Mayor Musselwhite permission to activate the project and add stipulations that the Mayor is authorized to sign any and all documents associated with this project. After hearing from Mrs. Choat-Cook, the Board of Alderman considered the following resolution:

**RESOLUTION AUTHORIZING MAYOR DARREN MUSSELWHITE
TO EXECUTE CONTRACTS AND SIGN DOCUMENTS
ON BEHALF OF THE CITY OF SOUTHAVEN, MISSISSIPPI
FOR THE CHURCH ROAD RESURFACING PROJECT
NUMBER STP-7867-00(005) LPA 107513-711000
CITY OF SOUTHAVEN, DESOTO COUNTY, MISSISSIPPI**

Be it resolved on November 28, 2016, that the City of Southaven Board of Alderman activated the Church Road Resurface, Project Number STP-7867-00(005) LPA 107513-711000 ("Project") and authorized the Mayor to sign; and

Be it further resolved that the City desires to clarify and ratify its motion on November 28, 2016 and hereby re-affirms and authorizes the Mayor of Southaven, Darren Musselwhite, to execute and sign any and all documents and contracts on behalf of the City of Southaven for the Project.

On a motion by Alderman Flores and seconded by Alderman Hale, the motion to adopt the forgoing resolution passed this the 18th day of April, 2017.

| | |
|-------------------------|-----|
| Alderman William Brooks | YES |
| Alderman Kristian Kelly | YES |
| Alderman Ronnie Hale | YES |
| Alderman George Payne | YES |
| Alderman Joel Gallagher | YES |
| Alderman Scott Ferguson | YES |
| Alderman Raymond Flores | YES |

CITY OF SOUTHAVEN, MISSISSIPPI

**REQUEST FOR SMALL PURCHASE SELECTION OF CIVIL LINK, LLC
FOR CE&I ON CHURCH ROAD RE-SURFACING PROJECT STP-7867-
00(005)LPA 10513-71100**

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

Mrs. Choat-Cook stated that this request is to award a small purchase selection of Civil Link, LLC to do the CE&I on the Church Road resurfacing. Civil Link did the design work and construction documents and when construction begins, the City will need engineering inspections on-site, which is the second phase of the project. Alderman Ferguson made the motion to authorize the small purchase selection of Civil Link, LLC for CE&I on Church Road Resurfacing Project. Motion was seconded by Alderman Payne.

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Roll call was as follows:

| ALDERMAN | VOTED |
|--------------------|-------|
| Alderman Brooks | YES |
| Alderman Kelly | YES |
| Alderman Hale | 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 18th day of April, 2017.

RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there was none. Mayor Musselwhite then asked for any comments from the public and there was 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: **1676 Custer Drive, 2871 Stateline Road West, 8281 Concord Cove, 7715 Charleston Drive, 1866 Forrest Drive, 9066 Lacey Drive, 526 Christybrook Cove, 8131 Pinebrook Drive, 680 Thornwood Drive, Parcel ID# 107931080 0000713, 8614 Greenway Road, Parcel ID# 107419070 0111000, Parcel ID# 107930300 0001500, 2507 Greencliff Drive, Parcel ID# 207204260 0000200, Parcel ID# 207420050 0006100, 5888 Garden Walk West, 965 Great Oaks Drive, 861 Great Oaks Drive, 5820 Westminister Lane, 1086 Great Oaks Drive**, to the effect that the said parcel of land has been neglected whereby **the grass height is in violation and there exist other unsafe conditions** and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on **Tuesday, April 18, 2017**, 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, April 18, 2017**, to voice objection or to offer a defense.

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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: **1676 Custer Drive, 2871 Stateline Road West, 8281 Concord Cove, 7715 Charleston Drive, 1866 Forrest Drive, 9066 Lacey Drive, 526 Christybrook Cove, 8131 Pinebrook Drive, 680 Thornwood Drive, Parcel ID# 107931080 0000713, 8614 Greenway Road, Parcel ID# 107419070 0111000, Parcel ID# 107930300 0001500, 2507 Greycliff Drive, Parcel ID# 207204260 0000200, Parcel ID# 207420050 0006100, 5888 Garden Walk West, 965 Great Oaks Drive, 861 Great Oaks Drive, 5820 Westminister Lane, 1086 Great Oaks Drive**, is deemed in the existing condition to be a menace to the public health and safety of the community.

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

Following the reading of this Resolution, it was introduced by Alderman 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 Ronnie Hale | 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 18th day of April, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

PLANNING AGENDA

No Planning Agenda

MAYOR'S REPORT

Mayor Musselwhite made the following announcements:

Springfest

Mayor Musselwhite stated that the City will be celebrating the anniversary of incorporation as a city for 37 years. The concerts are Better than Ezra on Friday and Craig Morgan on Saturday. There will be a dual sanctioned BBQ cooking contest with KCBS and BBQ Network. Mayor Musselwhite acknowledged Kristi Faulkner for all of her hard work on the event.

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Arbor Day Celebration

The Arbor Day Celebration is on Monday, April 24 at 3 p.m. at the Snowden House.

Keep Desoto County Beautiful Event

The 2017 Spring cleanup will be between April 29 and May 6. The dumpster locations are conveniently located. Ray Laughter with the Desoto County Environmental Services will be directing the project.

Desoto County Earth Day

Desoto County Earth Day is on April 22 at the Courthouse in Hernando from 9 a.m. to 1 p.m.

CITIZEN'S AGENDA: KIM KREUNEN

Kim Kreunen was able to get questions answered prior to meeting and did not need to speak to the Board.

PERSONNEL DOCKET

Personnel Docket

April 18, 2017

| <u>Payroll Additions</u> | <u>Position</u> | <u>Department</u> | <u>Start Date</u> | <u>Rate of Pay</u> |
|--------------------------|-----------------|-------------------|-------------------|--------------------|
|--------------------------|-----------------|-------------------|-------------------|--------------------|

*pending successful completion of pre-emp screenings

| <u>Payroll Adjustments</u> | <u>Previous Classification</u> | <u>New Classification</u> | <u>Effective Date</u> | <u>Proposed Rate of Pay</u> |
|----------------------------|--------------------------------|---------------------------|-----------------------|-----------------------------|
| Fite, Mary | P-1 | P-2 | 4/19/2017 | \$19.83 |
| Kroth, Kevin | P-1 | P-2 | 4/19/2017 | \$19.83 |
| Laboe, Daniel | P-1 | P-2 | 4/19/2017 | \$19.83 |
| Shingles, Dave | P-2 | P-3 | 5/1/2017 | \$21.10 |
| Snow, Sandra | P-2 | P-3 | 5/1/2017 | \$21.10 |
| Vanderford, Hal | P-2 | P-3 | 5/1/2017 | \$21.10 |

| <u>Terminations / Resignations</u> | <u>Department</u> | <u>Position</u> | <u>Termination Date</u> | <u>Rate of Pay</u> |
|------------------------------------|-------------------|-----------------|-------------------------|--------------------|
| <u>Name</u> | | | | |

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Alderman Brooks made the motion to approve the Personnel Docket of April 18, 2017 as presented to this Board. Motion was seconded by Alderman Payne. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

Nick Manley presented an agreement with Wildcats Cheer to assist with vending services at the Southaven Springfest. After discussion, Alderman Payne made a motion to approve the contract and authorize the Mayor to sign. The motion was seconded by Alderman Gallagher.

Roll call was as follows:

| ALDERMAN | VOTED |
|--------------------|-------|
| Alderman Brooks | YES |
| Alderman Kelly | YES |
| Alderman Hale | 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 18th day of April, 2017.

A copy of the agreement is attached to these minutes.

Nick Manley presented sanitation late penalty assessment refunds to the Board. Mr. Manley explained that landlords, Eric Bolton, who owns the property at 856 Grant Drive and Freddy Wayne Turner, who owns the properties at 605 Tuscan Way, 903 Tuscan Way, 647 Tuscan Way, 538 Havenhill Cove, 5911 Estate Drive, 554 Havenhill Cove, 526 Havenhill Cove, 5895 Estate Drive. Mr. Manley explained that the Public Works Department noted to him that Mr. Bolton and Mr. Turner did not receive notice of the charges or assessments. Although Mr. Bolton and Mr. Turner, as the landlords, are still responsible for the sanitation fees as the properties were provided sanitation service, there are due process issues with the late penalties as it relates to lack of notice that the landlords received for the opportunity to make a timely payment. Based on the foregoing, Alderman Brooks made the motion to remove only the late penalty amounts, and not the monthly service charge, as set forth in the claim forms by Mr. Bolton and Mr. Turner for the aforementioned properties. Motion was seconded by Alderman Payne.

Roll call was as follows:

| ALDERMAN | VOTED |
|--------------------|-------|
| Alderman Brooks | YES |
| Alderman Kelly | YES |
| Alderman Hale | YES |
| Alderman Payne | YES |
| Alderman Gallagher | YES |
| Alderman Ferguson | YES |

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Alderman Flores YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 18th day of April, 2017.

Nick Manley noted that the property at 8265 Chesterfield was purchased on December 23, 2015, but there were outstanding city liens resulting from the condemnation mowings during August, September, and October of 2015 on the property which were not filed until June 15, 2016 and released the liens on December 15, 2016 after the liens were converted to assessments. Thus, Paula Harris, as the purchaser of the property, did not have notice of the liens. Based on this, a motion was made by Alderman Payne to reimburse Harris in the amount of \$1,356.00 for the special assessment due to lack of notice and to attempt to seek the amount owed from the individual or entity who is the responsible party for the assessment. The motion was seconded by Alderman Kelly.

Roll call was as follows:

| ALDERMAN | VOTED |
|--------------------|-------|
| Alderman Brooks | YES |
| Alderman Kelly | YES |
| Alderman Hale | 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 18th day of April, 2017.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of April 18, 2017 in the amount of \$ 1,944,779.62. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

278170, 278191, 278199, 278256, 278273, 278274, 278406, 278407, 278433, 278447, 278453, 278664, 278746, 278774, 278894, 279032, 279102, 279113, 279114, 279115

Roll call was as follows:

| ALDERMAN | VOTED |
|--------------------|-------|
| Alderman Brooks | YES |
| Alderman Kelly | YES |
| Alderman Hale | YES |
| Alderman Payne | YES |
| Alderman Gallagher | YES |
| Alderman Ferguson | YES |
| Alderman Flores | YES |

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Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 18th day of April, 2017.

Alderman Ferguson recused himself and left the room.

A motion was made by Alderman Payne to approve the Special Claims Docket of April 18, 2017 in the amount of \$3984.12. Motion was seconded by Alderman Flores.

Roll call was as follows:

| ALDERMAN | VOTED |
|--------------------|---------|
| Alderman Brooks | YES |
| Alderman Kelly | YES |
| Alderman Hale | 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 the 18th day of April, 2017.

Alderman Ferguson then returned to the room.

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 Flores to adjourn. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously, April 18, 2017 at 7:15 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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