

Minutes, City of Southaven, Southaven, Mississippi

MINUTES OF THE REGULAR MEETING OF August 15, 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 15th day of August, 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
John David Wheeler	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 forty (40) 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 August 1, 2017 with any corrections, deletions, or additions necessary. 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 August 8, 2017 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Gallagher. Motion was put to a vote and passed unanimously.

FY2018 BUDGET HEARING

A motion was made by Alderman Kelly to close the regular meeting. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

A motion was made by Alderman Payne to open the fiscal year 2018 public budget hearing. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

Chris Wilson, City Administrator gave a recap of the overall budget.

- No property tax increase
- No increase in sanitation fees
- No increase in utility water rates
- The budget absorbs the grant share of 12 new Firemen and 6 new Police Officers
- City wide employee raises
- 1 new dispatcher position
- \$1.5 million dedicated to street overlay

Minutes, City of Southaven, Southaven, Mississippi

Mayor Musselwhite asked the Board of Alderman and the audience if there was anyone that would like to speak on the proposed budget posted on the city website and there was none.

A motion was made by Alderman Brooks to close the public hearing. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

A motion was made by Alderman Brooks to re-open the regular meeting. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

CONTRACT WITH RSI FOR ITEC DEPARTMENT

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

Mr. Manley explained that this contract allows for shadow CMS software to keep a log of incoming calls to the City Hall which provides caller ID info, including date and time. The contract is only for \$455 and RSI agreed to remove the choice of law provision as Ontario from the contract. Alderman Hale made the motion to approve the contract and authorize Mayor Musselwhite or Chris Shelton to sign. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	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 15th day of August, 2017.

A copy of the contract is attached to these minutes.

RESOLUTION TO SEEK AUTHORIZATION TO BID FOR CHURCH ROAD OVERLAY

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

Mr. Manley stated that this resolution will allow for the City to advertise this project in accordance with MDOT guidelines. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

**RESOLUTION AUTHORIZING
THE CITY OF SOUTHAVEN, MISSISSIPPI TO GO TO BID
FOR THE CHURCH ROAD RESURFACING PROJECT**

Minutes, City of Southaven, Southaven, Mississippi

**NUMBER STP-7867-00(005) LPA 107513-711000
CITY OF SOUTHAVEN, DESOTO COUNTY, MISSISSIPPI**

WHEREAS, the City of Southaven Board of Alderman ("City") previously activated the Church Road Resurface, Project Number STP-7867-00(005) LPA 107513-711000 ("Project") and authorized the Mayor to sign all documents; and

WHEREAS, the City desires to continue the Project and authorize the seeking of bids for the Project as required by the Mississippi Code and Mississippi Department of Transportation; and

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City authorizes the seeking of bids for the Project.
2. The Mayor, City Engineer, City Planning Director is hereby authorized to take any and all action to effectuate the intent of this Resolution.

On a motion by Alderman Payne and seconded by Alderman Kelly the motion to adopt the forgoing resolution passed this the 15th day of August, 2017.

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

CITY OF SOUTHAVEN, MISSISSIPPI

RESOLUTION FOR ITEC SURPLUS

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

Mr. Manley explained that this resolution surpluses IT equipment pursuant to Miss. Code 17-25-25. The Board of Alderman then 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 Information Technology Department is presently in possession of a variety of property attached hereto as Exhibit A, which is outdated, not useful or cost effective due to the storage and maintenance costs; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the property as set forth in Exhibit A

Minutes, City of Southaven, Southaven, Mississippi

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 property 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:

1. The property listed in Exhibit A be hereby declared as surplus property due to the fact that the property is outdated, not useful or cost effective due to the storage and maintenance costs and has no value to the City.
2. The City Clerk, IT Director, or their designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the property in Exhibit A.

Following the reading of this Resolution, it was introduced by Alderman Flores and seconded by Alderman Payne. 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 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 15th day of August, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

The request to surplus from the ITEC department and item list is attached to these minutes.

Minutes, City of Southaven, Southaven, Mississippi

RESOLUTION TO JOIN DESOTO COUNTY FOR ATTORNEY GENERAL OPINION

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

Mr. Manley stated that this resolution will provide the support to allow for the City to join Desoto County's request for an Attorney General Opinion reconsideration for reverse auctions as it relates to purchase of commodities, which exceed \$50k (it does not apply to construction contracts). The new law goes in effect on January 1, 2018 and the Mississippi Attorney General has opined that it applies to local government too. There seem to be conflicts with the interpretation within the statute relating to the PRRB having oversight over local government in this context. Numerous other cities and counties are also joining Desoto County's request for reconsideration. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN REGARDING H.B. 1106 AND H.B. 1109, 2017 REGULAR SESSION

WHEREAS, on June 9, 2017 Tony Nowak, attorney for the Desoto County Board of Supervisors, received an opinion from the Mississippi Attorney General stating that certain 2017 amendments to Miss. Code Ann. Section 31-7-13 regarding reverse auctions are applicable to local governing bodies, including counties, municipalities, and school districts, and

WHEREAS, Mr. Nowak, on behalf of the Desoto County Board of Supervisors, has indicated his intent to request a reconsideration of the opinion, and

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven are of the opinion that the amendments could reasonably be interpreted as applying only to state agencies, and the Mayor and Board of Aldermen support Desoto County's request for a reconsideration.

Now therefore be it resolved as follows:

1. That the Mayor and Board of Aldermen of the City of Southaven supports the request of Tony Nowak, on behalf of the Desoto County Board of Supervisors, requesting a reconsideration of the June 9, 2017 Attorney General opinion.

Motion was made by Alderman Brooks and seconded by Alderman Flores, and the question being put to a roll call vote, the result was as follows:

ALDERMAN	VOTED
Alderman William Brooks	YES
Alderman Kristian Kelly	YES
Alderman Ronnie Hale	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES

Minutes, City of Southaven, Southaven, Mississippi

Alderman John David Wheeler YES
Alderman Raymond Flores YES

RESOLVED AND DONE, this 15th day of August, 2017.

RESOLUTION TO ALLOW FOR SIGNATURES FOR CENTRAL/SNOWDEN GROVE PARKS MULTI USE TRAIL

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

Mr. Manley stated that this resolution will allow the City's LPA Coordinator (Mayor Musselwhite or Whitney Choat-Cook) to sign the contracts for appraisal for the parcels of property for the project along with working with the engineers to establish a value for those properties under \$10,000. After hearing from Mr. Manley, the Board of Alderman considered the following resolution:

RESOLUTION AUTHORIZING THE LPA COORDINATOR FOR THE CITY OF SOUTHAVEN TO SIGN CONTRACTS FOR APPRAISAL SERVICES AND RELATED DOCUMENTS FOR *SOUTHAVEN BIKE TRAIL CENTRAL PARK TO SNOWDEN* Project No. *STP-0499-00(005) LPA*

WHEREAS, the City of Southaven Board of Alderman ("City") desire to proceed with obtaining the required appraisals and property valuations for Project Number STP-0499-00(005) LPA; and

WHEREAS, the City desires the City's LPA Coordinator, to sign appraisal contracts associated with the aforementioned project; and

WHEREAS, the City desires the LPA Coordinator or his or her designee to work with the City Engineers and staff to determine valuations of property, which have a value of less than \$10,000.00; and

NOW THEREFORE, BE IT RESOLVED THAT:

1. The City authorizes the LPA Coordinator to sign any and all appraisal contracts and documents, along with determining the value of parcels of property, which have an estimated value of less than \$10,000.00.
2. The Mayor, City Engineer, City Planning Director is hereby authorized to take any and all action to effectuate the intent of this Resolution and this resolution shall be interpreted broadly so that the City's LPA Coordinator, has the authority to sign all documents associated or possibly contemplated by this Resolution.

On a motion by Alderman Gallagher and seconded by Alderman Kelly the motion to adopt the forgoing resolution passed this the 15th day of August, 2017.

ALDERMAN **VOTED**
Alderman William Brooks YES

Minutes, City of Southaven, Southaven, Mississippi

Alderman Kristian Kelly	YES
Alderman Ronnie Hale	YES
Alderman George Payne	YES
Alderman Joel Gallagher	YES
Alderman John David Wheeler	YES
Alderman Raymond Flores	YES

CITY OF SOUTHAVEN, MISSISSIPPI

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: **2160 HEATHER RIDGE, 2165 HEATHER RIDGE, PARCEL 108521000 0000400, 1203 THAMES DR, 4485 NICHOLAS LANE, 1583 BROOKHAVEN DR, 8372 LAURETT CV, 7757 CHARLESTON DR, 1853 SOUTHAVEN CIR N, PARCEL 1074190000001705, 8081 WHITEBROOK DR., 42 PEPPERBROOK CV., 2240 CEDARWOOD CV, PARCEL 1079310800000702, PARCEL 107419020 000500** 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 is in a state of uncleanness** 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 **August 15, 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 uncleanness 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, August 15, 2017**, 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 : **2160 HEATHER RIDGE, 2165 HEATHER RIDGE, PARCEL 108521000 0000400, 1203 THAMES DR, 4485 NICHOLAS LANE, 1583 BROOKHAVEN DR, 8372 LAURETT CV, 7757 CHARLESTON DR, 1853 SOUTHAVEN CIR N, PARCEL 1074190000001705, 8081 WHITEBROOK DR., 42 PEPPERBROOK CV.,**

Minutes, City of Southaven, Southaven, Mississippi

2240 CEDARWOOD CV, PARCEL 1079310800000702, PARCEL 107419020 000500 is deemed in the existing condition to be a menace to the public health and safety of the community.

BE IT FURTHER RESOLVED that pursuant to Mississippi Code 21-19-11, 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 grass and weeds; filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of personal property shall not be subject to the provisions of Mississippi Code Section 21-39-21, and other debris; and draining cesspools and standing water therefrom.

Following the reading of this Resolution, it was introduced by Alderman Brooks and seconded by Alderman Hale. 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 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 15 day of August, 2017.

PLANNING AGENDA:

No Planning Agenda

MAYOR'S REPORT

2017 Excellence Award for Planning and Economic Development

Mayor Musselwhite stated that in 2015, our Engineer Consultant, Dan Cordell and Civil Link participated in a plan to analyze all 1,100 streets in the city to be more efficient with the street improvement money. A pavement management plan was started that rates streets based on four (4) different categories: lost, critical, fair, and good and also provides a virtual tour of the streets. This is new for the State of Mississippi and the City Planner; Whitney Choat-Cook, made application with MML about this plan. As a result, the City of Southaven was awarded the 2017 Excellence Award for Planning and Economic Development. Mayor Musselwhite explained that the city has already implemented this project from 2015 in which has enabled us to be more efficient with tax payer dollars. Mayor Musselwhite explained that in addition to just doing a resurfacing with an asphalt overlay, this plan provides us with seal coating. Mayor Musselwhite stated that a road can be seal coated for about 38% of the cost of asphalt and it has allowed us to do more streets with a shorter amount of money.

Minutes, City of Southaven, Southaven, Mississippi

CITIZEN'S AGENDA – Donnie Chambliss and Matt Lipscomb, Board Representative for Desoto Family Theatre

Mr. Chambliss introduced Mr. Lipscomb to speak on behalf of the Desoto Family Theatre. Mr. Lipscomb expressed concerns about the proposed budget cuts towards donations. Mr. Lipscomb explained that they have been good stewards of what the City of Southaven has done for them and regardless of what the Board of Alderman choose to do they appreciate all that has been done in the past. Mayor Musselwhite thanked Mr. Lipscomb and Mr. Chambliss for coming forward and stated that he and the Board of Alderman value what they do for the community.

A.J. Smith (not on the agenda)

Mayor Musselwhite asked if there were any others that would like to speak. Mr. A.J. Smith requested to approach the Board. Alderman Payne made the motion to authorize Mr. Smith to come before the Board of Alderman. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

Mr. Smith stated that he lives in Cypress Cove in the Greenbrook Subdivision. Mr. Smith expressed concerns about wreckers parked throughout his neighborhood in the streets.

PERSONNEL DOCKET

Personnel Docket

August 15, 2017

Payroll Additions

<u>Name</u>	<u>Position</u>	<u>Department</u>	<u>Start Date</u>	<u>Rate of Pay</u>
Kaley Brown	P-2	Police	8/15/2017	\$19.83
John W. Clark	P-1	Police	8/15/2017	\$16.42
Derrick M. Harris	P-2	Police	8/15/2017	\$19.83
Tomika Johnson	Crossing Guard	Police	8/14/2017	\$9.00
Roy Melton	Crossing Guard	Police	8/14/2017	\$9.00
James Sheffield	FF II/Paramedic	Fire	TBD	\$15.50
Lance A. Weems	P-2	Police	8/15/2017	\$19.83

*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>
Bryce Archer	Utility - Field Service Tech	Utility - Lead Sewer Tech	8/7/2017	\$14.00
Preston Boggan	FF2	FF3	8/7/2017	\$15.80
Angela Carden	Police Officer I	Police Office II	8/21/2017	\$19.83
Michael Collins	Utility - Lead Sewer Tech	Utility - Field Service Tech	8/7/2017	\$14.00
Steve T. Ferrell	Parks Seasonal - PT	Parks FT Laborer	8/15/2017	\$11.00
Nicole Hilario	Deputy Clerk	(pay increase due to additional responsibility)		\$15.00
Angela Moore	Public Works-Admin Asst	Utility - Billing Clerk I	08/14/2017	\$13.00
Charles S. Morgan	Public Works-Street Laborer 1	Utility - Field Service Tech	TBD	\$11.25
Ulysses Noel	Parks Seasonal - PT	Parks FT Laborer	08/15/2017	\$11.00

Minutes, City of Southaven, Southaven, Mississippi

Jeremy D. Page	Parks Seasonal - PT	Parks FT Laborer	08/15/2017	\$11.00
Austin Toungett	Code Enforcement Officer	(certification increase)	8/7/2017	\$15.00

Retirement Reversal (from Personnel Docket August 1, 2017)

Greg Oltremari	Sgt. Police Officer	originally scheduled to retire as of 8/31/2017, will remain active status
----------------	---------------------	---

Terminations/Resignations

Name	Department	Position	Termination Date	Rate of Pay
John E. Taylor	Utilities	Field Service Tech	08/11/2017	\$11.51

Personnel Docket August 15, 2017

City of Southaven Parks Department Part Time 2017

New Hires

Payroll Additions	Position	Department	Start Date	Rate of Pay
-------------------	----------	------------	------------	-------------

Adjustment	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
------------	-------------------------	--------------------	----------------	----------------------

Terminations		Termination Date
Samuel R. Farris	412 - Seasonal	08/11/2017
Johnny L. Faulkner	412 - Seasonal	08/12/2017
De'Terris Fox	412 - Seasonal	08/05/2017
Michael A. Kingsley	411 - Seasonal	8/5/201
Alex Rayburn	412 - Part Time	07/31/2017
Tyler Scholl	412 - Part Time	07/31/2017
Jacob F. Smith	411 - Seasonal	08/05/2017

Alderman Brooks made the motion to approve the Personnel Docket of August 1, 2017 as presented to this Board. Motion was seconded by Alderman Kelly. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

Walgreens Electronic Form

Alderman Flores made the motion to authorize Chris Wilson to enter into an electronic form with Walgreens to make flu shots available to Southaven employees. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

TruWord Ministries Lease

A motion was made by Alderman Brooks to authorize Mayor Musselwhite to sign the lease renewal agreement with TruWord Ministries at 1320 Brookhaven Drive.

Minutes, City of Southaven, Southaven, Mississippi

Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

A copy of the contract is attached to these minutes.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of August 15, 2017 in the amount of \$1,855,873.57. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

285825, 285846, 285847, 285922, 285975, 286220, 286272, 286273, 286274

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 15th day of August, 2017.

Alderman Flores recused himself and left the room.

A motion was made by Alderman Payne to approve the Special Claims Docket of August 15, 2017 in the amount of \$780.00. Motion was seconded by Alderman Brooks.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 15th day of August, 2017.

Alderman Flores then returned to the room.

Minutes, City of Southaven, Southaven, Mississippi

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 Hale. Motion was put to a vote and passed unanimously, August 15, 2017 at 8:10 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk

(Seal)