

**MINUTES OF THE SPECIAL CALLED MEETING
OF May 20, 2019
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 Special Session on the 20th day of May, 2019 at six o'clock (6:00) p.m. at City Hall.

Present were:

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

Absent were:

Kristian Kelly	Alderman, Ward 1
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Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately twenty (20) 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 7, 2019 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Hoots. Motion was put to a vote and passed unanimously.

RESOLUTION FOR LAWFIT 2019

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

Mr. Manley stated that this resolution approves a donation in the amount of \$5,000.00 for the lawfit, which will be held in Southaven on June 27-29 at Southaven High School and Landers Center. The donation will be through the Community Foundation and will assist with hotel rooms for the participants. The resolution allows for the funds to be provided through the hotel tax proceeds or general fund proceeds as authorized by Miss. Code 17-3-1. 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, MISSISSIPPI APPROVING
DONATION FOR 2019 LAWFIT CHALLENGE**

WHEREAS, the LawFit Challenge will be held in the City of Southaven on June 27-29, 2019 at the Southaven High School Gym and Landers Center; and

WHEREAS, the LawFit Challenge is expected to draw approximately 150 participants from the East Coast, the Southeastern, and Southern United States; and

WHEREAS, the LawFit Challenge is being hosted by various entities, including the Southaven Police Department; and

WHEREAS, the LawFit Challenge will attract tourists and/or convention related activities to the City of Southaven and provide an opportunity for the City of Southaven to advertise and bring into favorable notice the opportunities, possibilities and resources of Southaven; and

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

1. Pursuant to Miss. Code 17-3-1 and Local and Private Legislation, Chapter 933, House Bill 1618 (1993), the City of Southaven Governing Authorities find that the LawFit Challenge will provide an opportunity for the City of Southaven to advertise and bring into favorable notice the opportunities, possibilities and resources of Southaven, along with attracting tourists and/or convention related activities to the City of Southaven and approve a \$5,000.00 donation to the LawFit Challenge as requested and for the purposes set forth in Exhibit A.
2. The Mayor or his designee is authorized to effectuate the intent of this Resolution.

The foregoing Resolution was voted upon in a public meeting, and whereas a motion was made by Aldermen Payne to adopt the Resolution, and said motion was seconded by Aldermen Wheeler, with the vote thereon having the following results:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: ABSENT
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

The foregoing Resolution was passed, adopted and approved on the 20th day of May, 2019.

A copy of the letter requesting for the PD to participate is attached to these minutes.

RESOLUTION FOR FREE PORT TAX EXEMPTION – PACIFIC BIOSCIENCE LABORATORIES PRODUCTS, INC.

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

Mr. Manley stated that the free port tax exemption granted by this resolution has been recommended by the Desoto Economic Council and will provide a tax exemption for personal property held in Pacific's finished good warehouse and in transit through the state and which either is moving in interstate commerce through or over the territory of the state or is consigned or transferred to the finished goods warehouse for storage in transit to a final destination outside the state. 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, MISSISSIPPI, GRANTING FREE PORT
WAREHOUSE AD VALOREM TAX EXEMPTION TO PACIFIC
BIOSCIENCE LABORATORIES PRODUCTS, INC AS AUTHORIZED BY
SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS
AMENDED**

WHEREAS, Pacific Bioscience Laboratories Products, Inc. ("Pacific") seeks an exemption from ad valorem taxes at its warehouse operation located at 1620 Stateline Road, East, Southaven, Mississippi to the fullest extent permitted by statute on all personal property held in the applicant's finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Pacific's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

WHEREAS, Pacific has filed an Application with the City of Southaven ("City") for exemption from free port tax warehouse ad valorem tax exemption attached hereto as Exhibit A; and

WHEREAS, Pacific has produced written verification and documentation to the City Board as to the authenticity and correctness of its Application; and

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

1. That Pacific ships personal property to a final destination outside the State of Mississippi during the calendar year.

2. That Pacific is qualified to make application for exemption from Freeport Warehouse Ad Valorem Tax.
3. This Mayor and Board of Alderman of the City of Southaven, Mississippi, acknowledge Pacific's contribution to the economic development of Southaven and believe that it should exercise its discretionary authority to exempt from all free port taxes to the full extent permitted by statute all personal property held in Pacific's free port warehouse and in transit through this State and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Pacific's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi as authorized by Section 27-31-51 et seq. of the Mississippi Code (1972) as amended.
4. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Tax Assessor of DeSoto County, Mississippi.

After a full discussion of this matter, ALDERMAN Flores moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Payne. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: ABSENT
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 20th day of May, 2019.

A copy of the business investment incentive request application is attached to these minutes.

RESOLUTION FOR FREE PORT TAX EXEMPTION – ALTRIA GROUP DISTRIBUTION COMPANY

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

Mr. Manley stated that the free port tax exemption granted by this resolution has been recommended by the Desoto Economic Council and will provide a tax exemption for personal property held in Altira's finished good warehouse and in transit through the state and which either is moving in interstate commerce through or over the territory of the state or is consigned or transferred to the finished goods warehouse for storage in transit to a final destination outside the state. 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, MISSISSIPPI, GRANTING FREE PORT WAREHOUSE AD VALOREM TAX EXEMPTION TO ALTRIA GROUP DISTRIBUTION COMPANY AS AUTHORIZED BY SECTION 27-31-51 ET. SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, Altria Group Distribution Company ("Altria") seeks an exemption from ad valorem taxes at its warehouse operation located at 1620 Stateline Road, East, Southaven, Mississippi to the fullest extent permitted by statute on all personal property held in the applicant's finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Altria's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

WHEREAS, Altria has filed an Application with the City of Southaven ("City") for exemption from free port tax warehouse ad valorem tax exemption attached hereto as Exhibit A; and

WHEREAS, Altria has produced written verification and documentation to the City Board as to the authenticity and correctness of its Application; and

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

5. That Altria ships personal property to a final destination outside the State of Mississippi during the calendar year.
6. That Altria is qualified to make application for exemption from Freeport Warehouse Ad Valorem Tax.
7. This Mayor and Board of Alderman of the City of Southaven, Mississippi, acknowledge Altria's contribution to the economic development of Southaven and believe that it should exercise its discretionary authority to exempt from all free port taxes to the full extent permitted by statute all personal property held in Altria's free port warehouse and in transit through this State and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to Altria's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi as authorized by Section 27-31-51 et seq. of the Mississippi Code (1972) as amended.
8. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Tax Assessor of DeSoto County, Mississippi.

After a full discussion of this matter, ALDERMAN Flores moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Payne. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: ABSENT
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 20th day of May, 2019.

A copy of the business investment incentive request application is attached to these minutes.

APPROVAL OF SFD CONTRACT WITH ZOLL MEDICAL CORPORATION FOR WARRANTY

Danny Scallions, Fire Chief, presented this item to the Board.

This contract will allow for the SFD to purchase an extended warranty for the autopulse devices, which are used for automatic chest compressions. The devices were purchased with grant funds are \$17,000 each and are now out of warranty, with two (2) requiring repairs that exceed \$5,000.00. The cost is \$7,000.00 per year for three (3) years. Alderman Flores made the motion to authorize Chief Scallions to sign the agreement with Zoll Medical. Motion was seconded by Alderman Wheeler. Motion was put to vote and passed unanimously.

A copy of the agreement and correspondence from Chief Scallions that provides detail regarding the need for this contract and benefits is attached.

APPROVAL OF AT&T AMENDMENT VIDEO SERVICE AGREEMENT

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

Mr. Manley stated that this amendment will extend the agreement with AT&T for ten (10) years on the same terms as the current contract. The original contract expired in 2018 and this amendment will allow for the City to continue to collect the 5% of the Gross Revenues from the IP Video Services. Alderman Gallagher made the motion to authorize Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

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

RESOLUTION FOR SOLE SOURCE FOR UTILITIES DEPARTMENT

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

Mr. Manley stated that this resolution will allow for sole source purchase from IAC for software to upgrade the City's SCADA System in the amount of \$12,015.54. The Sole Source letter is included with the resolution. 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, MISSISSIPPI
AUTHORIZING SINGLE SOURCE ITEM PURCHASE**

WHEREAS, the City of Southaven Utility Department ("City") needs to upgrade its software for the City's SCADA System; and

WHEREAS, Allen-Bradley is the only product compatible with the City's SCADA System; and

WHEREAS, IAC Supply Solutions ("IAC") is the sole authorized dealer of Allen-Bradley products in the City's geographic region as set forth in Exhibit A; and

WHEREAS, based on the need by the City to upgrade the software for the SCADA System the sole source letter provided by IAC, the City hereby approves the single source purchase of the software, as further set forth in Exhibit A, pursuant to Mississippi Code 31-7-13(m)(viii); and

NOW, THEREFORE, BE IT ORDERED by the Board of Aldermen of the City, to wit:

1. Pursuant to Mississippi Code 31-7-13(m)(viii), the City Utility Department is authorized to purchase the software from IAC in the amount of \$12,015.54 as set forth in Exhibit A on a single-source basis.
2. The Mayor, City Utility Director or their designee(s) are authorized to take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Brooks made the motion and Alderman Payne 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: ABSENT
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 20th day of May, 2019.

A copy of the sole source letter and quote is attached to these minutes.

RESOLUTION TO CLEAN PRIVATE PROPERTY

This resolution will be presented at the regular board meeting of Tuesday, May 21, 2019 as that is the date on the posted notices.

MAYOR’S REPORT

Intersection Modernization

Mayor Musselwhite stated that the Highway 51 Intersection Modernization Project was delayed, but is scheduled to start this week. Mayor Musselwhite added that the contractor stated that they will stay onsite until the project is complete.

Wildflower Project

Mayor Musselwhite stated that the Wildflower Project on I-55 in the median is finally starting to produce flowers after being planted two years ago. Mayor Musselwhite stated that there are some bare spots, but they are going to monitor those areas through the summer to observe how they are growing and illicit help from an expert in agriculture with Mississippi State if needed.

05-21-19 Board Meeting

Mayor Musselwhite stated that the regular scheduled meeting of May 21, 2019 will take place at the original with Alderman Brooks moderating the meeting.

CITIZEN’S AGENDA

No Citizen’s Agenda

PERSONNEL DOCKET

Personnel Docket

May 20, 2019

Payroll Additions	Department	Position Title	Start Date	Rate of Pay
Amery Ewing Moore	Court	Assistant Prosecutor	TBD	
Mccade Harrison	Utility	Laborer	TBD	

Pay Adjustments	Current Position	New Position	Effective Date	Proposed Rate of Pay
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Jordan Campbell	FF2	FF3	05/24/2019	\$15.87
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Stipend	Type of Stipend	Effective Date	Yearly Amount
Ryan Shaw	EMT	05/10/2019	\$600.00

Resignations/Terminations	Department	Current Position Title	Effective Date	Rate of Pay
Jessie Wilson	Public Works	Laborer	5/20/2019	
Joshua Napper	Police	Sgt	5/16/2019	
Thomas Webber	Parks	Laborer	<i>not hired</i>	

Parks Dept Tournament (412)& Seasonal (411) May 20, 2019

New Hires

	Position	Start Date	Rate of Pay
Amille Perry	412 Concessions	05/22/2019	\$7.25
Thomas Hughes	412 Concessions	05/22/2019	\$8.00
Jacob Krumm	411 Seasonal	05/22/2019	\$8.50
James Flowers	412 Grounds	05/22/2019	\$7.25
Donnell Tucker	412 Grounds	05/20/2019	

Transfer from 412 to 411

<u>Seasonal</u>			Rate of Pay
John P. Carpenter	Grounds Crew	05/22/2019	\$8.50
Jace Carter	Grounds Crew	05/22/2019	\$8.50

Terminations

Name	Position	Effective Date	Rate of Pay
McCollum, Lexie		05/08/2019	
Ayers, Lasaija		05/08/2019	
Starks, Namiya		05/08/2019	

Alderman Brooks made the motion to approve the Personnel Docket of May 20, 2019 as presented to this Board. Motion was seconded by Alderman Payne.

Roll call was as follows:

ALDERMAN

VOTED

Alderman Brooks

YES

Alderman Kelly	ABSENT
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 20th day of May, 2019.

CITY ATTORNEY’S LEGAL UPDATE

None

UTILITY BILL ADJUSTMENT DOCKET

UTILITY BILL ADJUSTMENT DOCKET 05/20/19			
<u>The addresses below experienced unforeseen circumstances in their utilities for which no benefit was received</u>			
HOUSE #	STREET	ADJUSTED AMOUNT	REASON FOR LEAK ADJUSTMENT
2520	RUSSUM DRIVE	(\$63.44)	LEAK AT TOILET
5280	WINDY RIDGE	(\$3,048.53)	OUTSIDE IN-GROUND SPIGOT
3665	LISCOTT RD	(\$131.76)	LEAK AT TOILET
4086	TRIPLE CROWN LP. N	(\$97.60)	LEAK UNDER DRIVEWAY
		(\$3,277.89)	

A motion was made by Alderman Payne to approve the Utility Bill Adjustment Docket of May 20, 2019 in the amount of \$3,277.89. Motion was seconded by Alderman Hoots.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	ABSENT
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 20th day of May, 2019.

CLAIMS DOCKET

A motion was made by Alderman Wheeler to approve the Claims Docket of May 20, 2019 in the amount of \$1,403,972.09. Motion was seconded by Alderman Hoots.

Excluding voucher numbers:

321146, 321154, 321178, 321182, 321185, 321203, 321260, 321277, 321278, 321325, 321397, 321495

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	ABSENT
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 and approved for payment on the 20th day of May, 2019.

SPECIAL CLAIMS DOCKET

Alderman Flores recused himself and left the room.

Alderman Payne made the motion to approve the Special Claims Docket of May 20, 2019 in the amount of \$327.41. Motion was seconded by Alderman Hoots.

Roll call was as follows:

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

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 20th day of May, 2019.

Alderman Flores 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 Brooks to adjourn. Motion was seconded by Alderman Wheeler. Motion was put to a vote and passed unanimously May 20, 2019 at 7:50 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)

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