

**MINUTES OF THE REGULAR MEETING  
OF AUGUST 04, 2009  
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 4<sup>th</sup> day of August, 2009, at six o'clock (6:00) p.m. at City Hall. Present were:

<b>Charles G. Davis</b>	<b>Mayor</b>
<b>Greg Guy</b>	<b>Alderman, at Large</b>
<b>Lorine Cady</b>	<b>Alderman, Ward 1</b>
<b>Ronnie Hale</b>	<b>Alderman, Ward 2</b>
<b>George Payne</b>	<b>Alderman, Ward 3</b>
<b>William Brooks</b>	<b>Alderman, Ward 4</b>
<b>Ricky Jobes</b>	<b>Alderman, Ward 5</b>

**Alderman Huling was absent. Present were Sheila Heath, City Clerk, and approximately twenty (20) other people were present.**

**Mayor Davis called the meeting to order. Alderman Jobes led in prayer. Following the Pledge of Allegiance led by Alderman Payne, a motion was made by Alderman Cady to approve the minutes of July 21, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion passed unanimously.**

**RESOLUTION GRANTING EXEMPTION FROM AD VALOREM TAXES**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A PERIOD OF TEN (10) YEARS TO CAPITAL PROPERTIES, LLC AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED**

**WHEREAS, CAPITAL PROPERTIES, LLC has filed in triplicate with this Board its Application for exemption from ad valorem taxation, except ad valorem taxes levied for school district purposes (“school district taxes”), parks and library**

taxes, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972) with this Board; and

**WHEREAS**, CAPITAL PROPERTIES, LLC has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the prayed for exemption and the completion date of said enterprise; and

**WHEREAS**, this Board finds as a fact that the property described in the aforesaid Application constitutes an industrial enterprise of public utility within the meaning of Section 27-31-101 et seq. of the Mississippi Code Annotated (1972), which was completed on the 15th day of March, 2009, and that said Company is entitled to the exemption sought for a period of ten (10) years beginning on March 15, 2009, subject to approval and certification by the Mississippi State Tax Commission.

**NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI**, as follows:

1. That the Application for ad valorem tax exemption for CAPITAL PROPERTIES, LLC for a period of ten (10) years, beginning on March 15, 2009, on the real property described in the Application filed by said Company for tax exemption, be and the same is hereby approved, subject to approval and certification by the Mississippi State Tax Commission.

2. That CAPITAL PROPERTIES, LLC is hereby granted exemption from ad valorem taxation, except school district taxes, parks and library taxes, and the “mandated levies”, on the real property described in the Application filed by said Company having a true value of \$3,500,000.00 for a period of ten (10) years beginning on March 15, 2009.

3. That the Clerk of this Board is hereby directed to spread a copy of this Order on the minutes of this Board; and that said Clerk shall forward the original and one (1) certified copy of the Application and a certified copy of the transcript of this Order

approving said Application to the Mississippi State Tax Commission for its approval and certification; and said Clerk shall also forward one (1) certified copy to the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the real property as itemized in the Application has been placed on the appropriate tax roll as “Non-Taxable”, except for school district, parks and library taxes and the “mandated levies” for the duration of the exemption period only.

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

<b>ALDERMAN</b>	<b>VOTED</b>
ALDERMAN BROOKS	YEA
ALDERMAN PAYNE	YEA
ALDERMAN HULING	ABSENT
ALDERMAN CADY	YEA
ALDERMAN HALE	YEA
ALDERMAN JOBES	YEA
ALDERMAN GUY	YEA

**WHEREUPON**, the foregoing Resolution was declared passed and adopted at a regular meeting of the Mayor and Board of Alderman of the City of Southaven, Mississippi, on this, the 4th day of August, 2009.

**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: **8157 Yarmouth Cove, 5768 Westminister Lane, 8323 Dottley Drive, 1887 Clairmont Drive, 2973 Dickens Place 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, August 4, 2009**, by publishing two (2) weeks notice of such hearing in *The DeSoto Times Tribune*, a newspaper having a general circulation in the municipality, 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, August 4, 2009**, 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: **8157 Yarmouth Cove, 5768 Westminister Lane, 8323 Dottley Drive, 1887 Clairmont Drive, 2973 Dickens Place 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 Guy and seconded by Alderman Hale. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Greg Guy	YEA
Alderman Lorine Cady	YEA
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ricky Jobs	YEA
Alderman Randall T. Huling, Jr.	ABSENT

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **4th day of August, 2009**.

### **Citizen's Agenda**

Nothing for the Citizen's Agenda.

### **Acceptance of Bids**

Alderman Cady made the motion to accept the recommendation of Fisher and Arnold, Inc. to accept the bid from C B & I for the purchase of a 1,000,000 gallon elevated storage tank, as the lowest and best bid. Mayor Davis reported that was a part of the DWI Loan previously approved by this Board. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

### **PLANNING AGENDA**

Planning Director, Whitney Choat, did not have a report.

### **MAYOR'S REPORT**

Mayor Davis did not have a report.

### **COMMITTEE REPORTS:**

Alderman Jobs asked for an update as to when the committee would be meeting with Mr. Watson. Mayor told the Board that they were doing a house count at this time and when that was done he would let the Board know.

### **CITY ATTORNEY'S LEGAL UPDATE**

Mark Sorrell, City Attorney, reported on two claims made against the City from Ms. Sonya Douglas who resides at 754 Charter Oak. She claims her house is being damaged when golf balls hit her property. He stated that he recommend that the City approve the claim for payment. After a short discussion Alderman Jobs made the motion to uphold the recommendation of the City Attorney to pay the claim. Seconded by Alderman Guy. Motion was put to a vote and passed unanimously.

**OLD BUSINESS:**

No Old Business.

**PROGRESS REPORTS:**

No Progress Reports.

**CLAIMS DOCKET**

A motion was made by Alderman Jobses to approve the Claims Docket of August 04, 2009 including demand checks and payroll in the amount of \$2,452,316.78. Excluding voucher numbers:

127047, 127055, 127060, 127062, 127110, 127137, 127141, 127163, 127177, 127189, 127236, 127238, 127239, 127243, 127297, 127306, 127308, 127314, 127333, 127340, 127491, 127521

Motion seconded by Alderman Guy. Motion was put to a roll call vote and passed unanimously.

**Roll call was as follows:**

<b>Alderman Guy</b>	<b>Yea</b>
<b>Alderman Cady</b>	<b>Yea</b>
<b>Alderman Hale</b>	<b>Yea</b>
<b>Alderman Payne</b>	<b>Yea</b>
<b>Alderman Brooks</b>	<b>Yea</b>
<b>Alderman Jobses</b>	<b>Yea</b>
<b>Alderman Huling</b>	<b>Absent</b>

Next, motion was made by Alderman Guy, to move for a closed determination of the issue on whether or not to declare an Executive Session for the purpose of discussing Personnel in the Fire Department. Motion seconded by Alderman Hale. Motion passed unanimously.

Next, Mayor Davis called the meeting back to order. There being no further business to come before the Mayor and Board of

**Aldermen, a motion was made by Alderman Guy to adjourn.  
Motion seconded by Alderman Brooks. Motion was put to a  
vote and passed unanimously, AUGUST 04, 2009 at 7:45 p.m.**

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**Charles G. Davis, Mayor**

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**Sheila Heath, City Clerk**