

**MINUTES OF THE REGULAR MEETING  
OF AUGUST 18, 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 18<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>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>
<b>Randall Huling</b>	<b>Alderman, Ward 6</b>

**Alderman Cady was absent. Alderman Guy and Alderman Payne were present via-telecommunication. Sheila Heath, City Clerk, Chris Wilson, City Administrator 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 Sheila Heath, a motion was made by Alderman Jobes to approve the minutes of August 04, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion passed unanimously.**

**CITIZEN'S AGENDA**

**No one for the Citizen's Agenda**

**BUDGET AMENDMENT**

**Alderman Brooks made the motion to approve the Budget Amendment as present. Seconded by Alderman Guy. Motion was put to a vote and passed unanimously. A copy of the budget amendment is hereby made a part of these minutes.**

**SOLE SOURCE – ZOLL DEFIBRILLATORS**

**Mayor Davis reported that the City needs to enter into the minutes that Southaven EMS is in need of some Zoll E Series Defibrillators for the EMS, and that Zoll is the sole source for this product. These will be used at Baptist Memorial Hospital, and this will allow the capability to receive pre-hospital EKG's. Meaning that we can transmit straight to the hospital from the scene. This will save lives. Alderman Hale made the motion to accept Zoll as the sole source. Seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**EMERGENCY PURCHASE: PARKS DEPT**

Mayor reported that while the Dizzy Dean tournament was going on, the breakers went out and we had to make the repairs. Alderman Guy made the motion to approve the emergency purchase to Whitfield Electric in the amount of \$7,255.70. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

**RESOLUTION WETHERILL ENTERPRISES, INC**

**A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FINALLY GRANTING WETHERILL ENTERPRISES, INC. EXEMPTION FROM AD VALOREM TAXATION**

WHEREAS, heretofore, WETHERILL ENTERPRISES, INC., filed in triplicate its Application for exemption from ad valorem taxation as provided by Section 27-31-101, et seq., of the Mississippi Code (1972), as amended; and WHEREAS, by Resolution adopted at the June 17, 2008, meeting of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, the Application was approved for a period of five (5) years beginning on January 1, 2009, for exemption from ad valorem taxation for all property described in said Application, except ad valorem taxes levied for school district purposes (“school district taxes”), parks and library, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972). That the Application and a certified copy of the Resolution were forwarded to the Mississippi State Tax Commission; and

WHEREAS, on or about July 28, 2009, the Mississippi State Tax Commission approved the Application for exemption for a period of five (5) years from and after December 31, 2007, with a total true value of \$1,765,738.00; and

WHEREAS, the State Tax Commission’s approval has been received by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, and is attached to this Resolution and made a part of this Resolution by reference thereto;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. That WETHERILL ENTERPRISES, INC. is hereby granted an exemption from ad valorem taxation in the amount of \$1,765,738.00 for all property described in said Application, except ad valorem taxes levied for school district purposes (“school district taxes”), parks and library, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972), for a period of five (5) years from and after December 31, 2007, which are used in, or necessary to, the operation of Applicant’s factory in DeSoto County, Mississippi.

Section 2. That a copy of the approval of the Mississippi State Tax Commission shall be recorded in the Minutes of this Board following the Resolution.

**Section 3. That the Clerk shall transmit a copy of the Application together with a certified copy of the Resolution adopted at the 17th day of June, 2008, meeting of the Mayor and Board of Aldermen and a certified copy of this Resolution granting the exemption to the State Auditor and the State Tax Commission.**

**Section 4. That a certified copy of this Order and a copy of the Application shall be recorded in the office of the City Clerk in a book kept in the City Clerk's office for that purpose.**

**Following the reading of this Resolution, it was introduced by Alderman Jobs and seconded by Alderman Brooks and that a roll call was taken with the results as follows:**

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

**The Resolution having received the majority vote of all Aldermen present, the Mayor declared the Resolution carried and adopted, on this, the 18th day of August, 2009.**

**RESOLUTION GRANTING AUTHORITY 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: 1862 Roy Drive, 1435 Arcastle Loop South, 8562 Southaven Circle East, 8279 Highway 51, 6019 Caroline Cove, 6051 Caroline Cove, 6054 Caroline Cove, 6042 Caroline Cove, 2984 Black Rock Road, 2946 Black Rock Road, 2898 Black Rock Road, 2854 Black Rock Road, 2828 Black Rock Road, 2806 Black Rock Road, 2784 Black Rock Road, 2768 Black Rock Road, 1655 Rutherford Cove, 1647 Rutherford Cove, 1621 Rutherford Cove, 1622 Rutherford Cove, 1630**

**Rutherford Cove, 1646 Rutherford Cove, 1664 Rutherford Cove, 1686 Rutherford Cove, 1669 Imboden Cove, 1647 Imboden Cove, 1631 Imboden Cove, 1648 Imboden Cove, 1688 Imboden Cove, 1689 Farindale Cove, 1667 Farindale Cove, 1649 Farindale Cove, 1633 Farindale Cove, 1625 Farindale Cove, 1626 Farindale Cove, 1634 Farindale Cove, 1650 Farindale Cove, 1668 Farindale Cove, 1690 Farindale Cove, Parcel ID# Twn 2 Rng 07 Area 3 Sct 05 Sub 00 Qtr 0 Lot 00005 Split 00, Parcel ID# Twn 2 Rng 07 Area 3 Sct 05 Sub 00 Qtr 0 Lot 00006 Split 00, 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 18, 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 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 18, 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: 1862 Roy Drive, 1435 Arcastle Loop South, 8562 Southaven Circle East, 8279 Highway 51, 6019 Caroline Cove, 6051 Caroline Cove, 6054 Caroline Cove, 6042 Caroline Cove, 2984 Black Rock Road, 2946 Black Rock Road, 2898 Black Rock Road, 2854 Black Rock Road, 2828 Black Rock Road, 2806 Black Rock Road, 2784 Black Rock Road, 2768 Black Rock Road, 1655 Rutherford Cove, 1647 Rutherford Cove, 1621 Rutherford Cove, 1622 Rutherford Cove, 1630 Rutherford Cove, 1646 Rutherford Cove, 1664 Rutherford Cove, 1686 Rutherford Cove, 1669 Imboden Cove, 1647 Imboden Cove, 1631 Imboden Cove, 1648 Imboden Cove, 1688 Imboden Cove, 1689 Farindale Cove, 1667 Farindale Cove, 1649 Farindale Cove, 1633 Farindale Cove, 1625 Farindale Cove, 1626 Farindale Cove, 1634 Farindale Cove, 1650 Farindale Cove, 1668 Farindale Cove, 1690 Farindale Cove, Parcel ID# Tw n 2 Rng 07 Area 3 Sct 05 Sub 00 Qtr 0 Lot 00005 Split 00, Parcel ID# Tw n 2 Rng 07 Area 3 Sct 05 Sub 00 Qtr 0 Lot 00006 Split 00, 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 Brooks. The Resolution was then put to a roll call vote and the results were as follows, to-wit:**

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 18th day of August, 2009.

#### **PLANNING AGENDA**

Mayor Davis presented the planning agenda in the absence of Whitney Choat, Planning Director.

**Item #1. Application by Verizon Wireless TN Partnership for a conditional use permit to allow a 184' monopole cellular tower to be located on the south side of Stateline Road, just west of Horn Lake Creek. After a short discussion, Alderman Guy made the motion that we approve the conditional use as presented. Seconded by Alderman Hale. Motion was put to a vote and passed unanimously.**

#### **MAYOR'S REPORT**

Mayor Davis reported that Alderman Cady has asked to appoint June Varnell as her appointee to the Planning Commission. Alderman Guy made the motion. Seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Next, Mayor Davis reported that they have been given the 2008 FY audit report. He stated that we ended the year with a 3.5 million dollar unreserved fund balance. We have a 1.3 million dollar net income from Enterprize, 1.06 million dollar Capital Assets, 62 million dollar net assets and 1.06 million dollars was paid to PERS for our State Retirement on behalf of our employees. Alderman Huling made the motion to accept the 2008 FY audit report from Williams and Pitts. Seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

#### **COMMITTEE REPORTS:**

There were no committee reports.

**CITY ATTORNEY'S LEGAL UPDATE**

Mark Sorrell, City Attorney, reported of a claim made by Granville and Barbara Cleveland for damage from a golf ball hitting their vehicle. The claim is for \$401.40, and he stated he recommended the City approve the claim for payment. Alderman Jobs made the motion to uphold the recommendation of the City Attorney to pay the claim. Seconded by Alderman Brooks. 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 Jobs to approve the Claims Docket of August 18, 2009 including demand checks and payroll in the amount of \$2,228,929.48. Excluding voucher numbers:

128549, 128614, 128615, 128636, 128637, 128645, 128646, 128651, 128659, 128734, 128738, 128787, 128795, 128802, 128823, 128827, 128860, 128861, 128863, 128868, 128869, 128882, 128946, 129018, 129027, 129031, 129036, 129037, 129046, 129102, 129140, 129142, 129181, 129231, 129252, 129263, 129265, 129279, 129280, 129307, 129315, 129347, 129397, 129422, 129446, 129544, 129558

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

Roll call was as follows:

Alderman Guy	Yea
Alderman Hale	Yea
Alderman Payne	Yea
Alderman Brooks	Yea
Alderman Jobs	Yea
Alderman Huling	Yea

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 Litigation. Motion seconded by Alderman Brooks. Motion was put to a vote and 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 Huling to adjourn. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously, AUGUST 18, 2009 at 6:45 p.m.**

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**Charles G. Davis, Mayor**

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**Sheila Heath, City Clerk**