

**MINUTES OF THE REGULAR MEETING  
OF SEPTEMBER 1, 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 1<sup>st</sup> day of September, 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>
<b>Randall Huling</b>	<b>Alderman, Ward 6</b>

Also present were Chris Wilson, City Administrator, Sheila Heath, City Clerk, and Bradley Wallace, Director of Operations. Approximately twenty (20) other people were present.

Mayor Davis called the meeting to order. Alderman Guy led in prayer. Following the Pledge of Allegiance led by Alderman Payne, a motion was made by Alderman Cady to approve the minutes of August 18, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion passed unanimously.

**CITIZEN'S AGENDA**

Barbara Evans, Assistant Director for Public Services, introduced Mrs. Caroline Barnett as the new Librarian. Ms. Barnett thanked the Board for the beautiful facility and thanked Bradley Wallace, Operations Director, for all his help.

**BUDGET HEARING**

Mayor Davis presented the 2010 FY Budget. This budget will begin October 1, 2009 and it is in the amount of \$52.4 million. We have been facing some uncertain times, and it is reflecting in our sales tax revenue. The City's assessed value has increased and our property tax base remains solid. Mayor stated that we will continue to spend for our public services. The budget he is proposing is balanced, and there is no prior year cash forward to make it balance, and there is no property tax increase. There is an employee salary increase of 3% that will go into effect October 1, 2009 that is in addition to the longevity increase that employee's receive every year, after four years of service. He added that there is only one new position in this budget, and it is a part time code enforcement officer. Mayor stated that last year we cut property taxes by 1 mill, and we have left it this year with the one mill reduction. He stated that we are in good financial standing. If we did not issue anymore bonds, the City would be completely out of debt by the

year 2027. He stated he was proud to say he is presenting them with a budget that is balanced, maintaining the tax rate, and it still allows Southaven to have the lowest cost of living over any City in DeSoto County.

Mrs. Cady stated she has always took a special interest in Public Safety, and she asked if any other funds become available in this FY that we give it to Public Safety. He agreed. This concluded the Mayor presentation of the 2010 FY budget.

### **RESOLUTION PERMIT AND FEE SCHEDULES**

#### **RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI AMENDING PERMIT AND FEE SCHEDULES ASSESSED BY THE SOUTHAVEN FIRE DEPARTMENT**

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, desire to amend the permit and related fee schedules currently assessed by the Southaven Fire Department;

WHEREAS, Section 21-17-5 of the Mississippi Code Annotated (1972) empowers the governing authorities of a municipality to adopt resolutions with respect to such municipal affairs.

WHEREAS, the Mayor and Board of Aldermen propose the current Permit Fees and Inspection Penalties be amended and the following Permit Fees and Inspection Penalties be adopted, to-wit:

#### **Permit Fees**

The following permits shall be issued and fees charged for the line items indicated with a reinspect fee of ½ the initial permit fee (when applicable) being charged after any failure to address comments generated from an annual inspection and approval (if item warrants annual inspection) unless the line item is already included in the penalties listed below for failure to address annual inspection comments:

1. Alteration to any Fire Prevention related building system (i.e., sprinklers, alarm, standpipe, detection, etc.) - \$100.00.
2. Burn permit - \$125.00 per incident per project.
3. Storage of any substance of any type defined by the current adopted Fire Code as hazardous and required by the Fire Code to be permitted - \$300.00.

4. **Special events and facilities (i.e. - carnivals, amusement structures, trade shows, fireworks displays, etc.) - \$150.00 plus total cost of personnel and equipment required by the City of Southaven for the duration of the event.**
- 4a. **Tents, canopies and/or other air-supported structures either associated with item #4 or not \$100.00 per tent or structure.**
5. **Hazardous scopes of work (i.e. – aerosol spraying, welding, special batteries, floor finishing, fumigation, dry cleaning, hot work, woodworking, repair garages, etc.) – no fee assessed.**
  6. **Fire suppression hoods or other specialized cooking-related equipment in kitchen applications (new installations and/or alterations) - \$100.00**
  7. **Change of use or occupancy resulting in the addition of conditions, services, etc. defined by the current adopted Fire Code as hazardous and required by the Fire Code to be permitted – no fee assessed.**
  8. **Miscellaneous category for other permits required by the Fire Code (i.e. – aviation facilities, agricultural facilities deemed hazardous, malls, open flame uses, industrial ovens, etc.) – no fee assessed.**

#### **Inspection Penalties**

**The following fees shall be assessed in the event there is a failure to address comments from an annual inspection of a property – such failure being verified by a follow-up inspection 30 days from the annual inspection. These fees shall be assessed once per week after the 30-day follow-up as separate occurrences:**

1. **Assembly occupancies - \$250.00 for less than 100 occupants and \$750.00 for more than 100 occupants**
2. **Business occupancies - \$100.00**
3. **Educational occupancies - \$250.00**
4. **Factory & Industrial - \$500.00**
5. **High Hazard - \$1,000.00**
6. **Institutional - \$1,000.00**
7. **Mercantile - \$250.00**
8. **Residential (R-1, R-2, R-3 & R-4) - \$500.00**
9. **Storage - \$100.00**
10. **Utility & Miscellaneous - \$100.00**

**NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the aforementioned Permit Fees and Inspection Penalties shall be and they are hereby adopted.**

**IT IS FURTHER RESOLVED that from and after passage of this Resolution by a unanimous vote of all members of the governing body the**

**aforementioned Permit Fees and Inspection Penalties shall become effective immediately upon the adoption thereof for the benefit of the public health, safety and welfare.**

**After a full discussion of this matter, ALDERMAN Guy moved that the foregoing Resolution be adopted, and take effect immediately. The motion was seconded by ALDERMAN Huling. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:**

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

**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 1st day of September, 2009.**

**RESOLUTION FOR CAP LOAN, FIRE PROTECTION**

**RESOLUTION OF INTENT TO PROCEED WITH CAP LOAN**

**WHEREAS, the City of Southaven intends to proceed with a Capital Improvements Loan (“CAP Loan”) for improvements in Fire Protection;**

**WHEREAS, on June 16<sup>th</sup>, 2009 the Governing Body of the City of Southaven adopted a Resolution declaring its intent to enter into a loan**

**agreement with the Mississippi Development Authority and authorized the publication of the public notices as required by the Capital Improvements Revolving Loan Program;**

**WHEREAS, the public notice published four consecutive weeks in the DeSoto Times Newspaper, a paper of general circulation, within the City on June 23, 30, July 7 and 14, 2009;**

**NOW, THEREFORE, BE IT RESOLVED by the City of Southaven Mayor and Board of Alderman:**

- 1. The City of Southaven intends to proceed with the CAP Loan and submit a formal application to the Mississippi Development Authority for the purpose of providing for improvements in Fire Protection and the Construction or Repair of Access Roads for Industrial Development.**

**The above and foregoing Resolution, after having been first reduced to writing, was introduced by Alderman Guy, seconded by Alderman Jobes, and was adopted by the following vote, to wit:**

<b>Alderman Lorine Cady, Ward 1</b>	<b>voted: YEA</b>
<b>Alderman Ronnie Hale, Ward 2</b>	<b>voted: YEA</b>
<b>Alderman George Payne, Ward 3</b>	<b>voted: YEA</b>
<b>Alderman William Brooks, Ward 4</b>	<b>voted: YEA</b>
<b>Alderman Ricky Jobes, Ward 5</b>	<b>voted: YEA</b>
<b>Alderman Randy Huling, Ward 6</b>	<b>voted: YEA</b>
<b>Greg Guy, Alderman at Large</b>	<b>voted: YEA</b>

**The Mayor thereby declared the motion carried and the Resolution adopted on this the 1<sup>st</sup> day of September, 2009.**



<b>Alderman George Payne, Ward 3</b>	<b>voted: YEA</b>
<b>Alderman William Brooks, Ward 4</b>	<b>voted: YEA</b>
<b>Alderman Ricky Jobes, Ward 5</b>	<b>voted: YEA</b>
<b>Alderman Randy Huling, Ward 6</b>	<b>voted: YEA</b>
<b>Greg Guy, Alderman at Large</b>	<b>voted: YEA</b>

The Mayor thereby declared the motion carried and the Resolution adopted on this the 1<sup>st</sup> day of September, 2009.

**RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATEPROPERTY**

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: 8105 Cedarbrook Drive, 1895 Brentwood Trace, 7834 Nathan Sawyer Drive, 8356 Chaparral Lane, 5984 Surrey Lane, 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, September 1, 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, September 1, 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: 8105 Cedarbrook Drive, 1895 Brentwood Trace, 7834 Nathan Sawyer Drive, 8356 Chaparral Lane, 5984 Surrey Lane, 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 Payne. 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 Lorine Cady</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 1st day of September, 2009.

#### **SURPLUS EQUIPMENT: PARKS DEPARTMENT**

Alderman Guy made the motion to surplus the equipment as requested by Mike Mullins, Parks Director. Motion seconded by Alderman Huling.

Trane Air Conditioning (Hotel Style)  
Trane Air Conditioning 2 ton Unit with handler  
Vulcan 10 burner commercial stove with double oven (acquired from Moose Lodge).

Motion was put to a vote and passed unanimously.

#### **ACCEPTANCE OF BIDS**

This is from the last DWI Loan that will improve the Water System for the Summerwood/Whitten Place area, water lines. Alderman Cady made the motion to accept the recommendation of Fisher & Aronold, Inc. to award the bid to Neibel Construction in the amount of \$844,476.25, as the lowest and best bid. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

#### **PLANNING AGENDA**

Item #1 Application by Leland Quarles, Jr. for a Conditional Use Permit to allow a paint and auto body shop to be located on Lot 3A of Southview Commercial Park, North of Stateline Road and West of I-55. Mayor reported that it is a vehicle repair shop, with paint and body work. He recommends that they approve this for conditional use, contingent on Fire Department approval. This will be a one year with a four year renewal. Alderman Cady made the motion to approve Item #1. Motion seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

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

Mayor Davis reported that the final budget will be brought before them at the next meeting for them to adopt. Mayor stated that he wanted to thank all the department heads for the extra effort put on the budget.

**There will be a ribbon cutting Wednesday for the new Fire Station #2. Everyone is invited. It is a beautiful facility.**

**COMMITTEE REPORTS:**

**There were no committee reports.**

**CITY ATTORNEY'S LEGAL UPDATE**

**There is no report from City Attorney.**

**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 September 1, 2009 including demand checks and payroll in the amount of \$1,041,438.53. Excluding voucher numbers:**

**129307, 129315, 129347, 129397, 129422, 129446, 129544, 129558, 129935, 129938, 129972, 129973, 130011, 130012, 130013, 130070, 130092, 130099, 130115, 130135, 130136, 130140, 130145, 130154, 130155, 130156, 130158, 130210, 130211, 130239, 130243, 130245, 130251, 130254, 130255, 130262, 130277, 130314, 130365, 130396, 130415, 130420, 130455, 130521, 130525, 130533, 130534, 130536, 130544, 130545, 130571, 130572, 130574, 130591, 130593**

**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 Jobs</b>	<b>Yea</b>
<b>Alderman Huling</b>	<b>Yea</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 economic development. Motion seconded by Alderman Cady. 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 Hale. Motion was put to a vote and passed unanimously, SEPTEMBER 1, 2009 at 6:45 p.m.**

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**Charles G. Davis, Mayor**

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**Sheila Heath, City Clerk**