

**MINUTES OF THE REGULAR MEETING  
OF SEPTEMBER 15, 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 15<sup>th</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>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 came in during Executive Session. Also present were Chris Wilson, City Administrator, Sheila Heath, City Clerk, Whitney Choat, City Planner 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 Brooks, a motion was made by Alderman Guy to approve the minutes of September 1, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion passed unanimously.**

**CITIZEN'S AGENDA**

**There was no one for the Citizen's agenda**

**RESOLUTION ADOPTING THE FY 2010 BUDGET**

**Mayor Davis presented the 2010 FY Budget. He stated that there was one change made on the budget. He added \$100,000.00 to expected revenues. Horn Lake Creek Drainage District has obligated this for a couple of drainage projects. It will come in as expected revenue and go out as street and ditch improvements. It is obligated to two projects, Dickens Place drainage and Stargate Subdivision drainage improvements.**

**Alderman Guy made a motion to adopt a RESOLUTION FIXING THE AD VALOREM TAX LEVY ON REAL AND PERSONAL PROPERTY FOR TAXES AND ESTABLISHING THE BUDGET APPROPRIATIONS AND EXPENDITURES FOR THE FISCAL YEAR 2009-2010 , FOR THE CITY OF SOUTHAVEN MISSISSIPPI.**

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

**Roll call was as follows:**

<b>Alderman</b>	<b>Voted</b>
<b>Alderman Guy</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>

**RESOLUTION GRANTING MOTOSPORT, INC. TAX EXEMPTION**

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

**WHEREAS, heretofore, MOTOSPORT, 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 April 7, 2009, meeting of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, the Application was approved for a period of ten (10) 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 September 2, 2009, the Mississippi State Tax Commission approved the Application for exemption for a period of ten (10) years from and after January 1, 2009, with a total true value of \$5,755,304.00; 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 MOTOSPORT, INC. is hereby granted an exemption from ad valorem taxation in the amount of \$5,755,304.00 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 ten (10) years from and after January 1, 2009, 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 7th day of April, 2009, 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 Guy and seconded by Alderman Brooks and that a roll call was taken with the results as follows:

<b><i>ALDERMEN</i></b>	<b><i>VOTED</i></b>
Alderman Guy	YEA
Alderman Hale	YEA
Alderman Payne	YEA
Alderman Brooks	YEA
Alderman Jobs	YEA
Alderman Huling	YEA

The Resolution having received the majority vote of all Aldermen present, the Mayor declared the Resolution carried and adopted, on this, the 15th day of September, 2009.

**RESOLUTION GRANTING TRANE U. S., INC. TAX EXEMPTION**

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

WHEREAS, heretofore, TRANE U. S., 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 April 21, 2009, meeting of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, the

**Application was approved for a period of ten (10) 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 September 2, 2009, the Mississippi State Tax Commission approved the Application for exemption for a period of ten (10) years from and after January 1, 2009, with a total true value of \$5,587,374.00; 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 TRANE U. S., INC. is hereby granted an exemption from ad valorem taxation in the amount of \$5,587,364.00 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 ten (10) years from and after January 1, 2009, 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 21st day of April, 2009, 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 Guy and seconded by Alderman Hale and that a roll call was taken with the results as follows:**

<b><i>ALDERMEN</i></b>	<b><i>VOTED</i></b>
<b>Alderman Guy</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>

**The Resolution having received the majority vote of all Aldermen present, the Mayor declared the Resolution carried and adopted, on this, the 15th day of September, 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: 1719 George Place Cove, 7025 Pecan Hill Road, 519 Rolling Brook Cove, 7435 Bridle Cove, 1518 Bennington Cove, 904 Acorn Cove, 8131 Coventry Drive, 8832 Cat Tail Cove, 6066 Stafford 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, September 15, 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, September 15, 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: 1719 George Place Cove, 7025 Pecan Hill Road, 519 Rolling Brook Cove, 7435 Bridle Cove, 1518 Bennington Cove, 904 Acorn Cove, 8131 Coventry Drive, 8832 Cat Tail Cove, 6066 Stafford 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 Huling and seconded by Alderman Guy. 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 Guy</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>



**PLANNING AGENDA**

**Item #1: Application by Main Street Automotive for a Conditional Use Permit to allow motor vehicle repair to be located at 1262 Main Street. Whitney Choat, Planning Director, reported that it is allowed by zoning and the Planning Commission has approved this Conditional Use Permit with some conditions. Therefore, she is asking for the following stipulations to be added into these minutes:**

**They must have a site proof fence, anything noisy must stop by 7 p.m., all outdoor storage be kept behind a site proof fence, and no parking outside their lot. The motion was made by Alderman Hale to approve the recommendation of the Planning Commission with the stipulations and that a 45 day conditional use permit will be granted. After the 45 days, they will receive a 1 year conditional use with a 4 year extension. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**MAYOR'S REPORT**

**Mayor Davis reported that some changes were made to an Interlocal Agreement with DeSoto County Tax Collector and Justice Court building. The Attorney General just wanted to make sure that the City of Southaven is getting something in return for its money spent on architect fees. Alderman Guy made the motion to allow Mayor Davis to sign an amended version of the original Interlocal Agreement with DeSoto County. Motion was seconded by Alderman Huling. Motion was put to a vote and passed unanimously.**

**Next, Mayor Davis reported on surplus equipment for the Police Department. Alderman Payne made the motion to dispose of the 1990 Ford E350 25 passenger bus, white in color, VIN #1FDKE30G3LHB11796, as per state law. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**Next he reported on the Budget Revision. Alderman Huling made the motion to approve the Budget Revision as presented by Mayor Davis. Alderman Guy seconded the motion. Motion was put to a vote and passed unanimously. A copy of the revision will become part of these minutes.**

**ALDERMAN**

**Alderman Guy  
Alderman Hale  
Alderman Payne  
Alderman Brooks  
Alderman Jobs  
Alderman Huling**

**VOTED**

**YEA  
YEA  
YEA  
YEA  
YEA  
YEA**

**COMMITTEE REPORTS:**

Mayor Davis reported for Alderman Cady that there is a Redistricting Committee meeting at 10 a.m. Friday, September 18, 2009 in the 4<sup>th</sup> floor conference room. Alderman Payne reported that there will be a meeting of the Ordinance Committee at 9 a.m. Thursday, September 17, 2009. It will be in the 4<sup>th</sup> floor conference room as well.

**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 Jobses to approve the Claims Docket of September 15, 2009 including demand checks and payroll in the amount of \$3,025,886.28. Excluding voucher numbers:

130614, 130640, 130666, 130696, 130717, 130718, 130745, 130750, 130754, 130770, 130775, 130787, 130808, 130828, 130851, 130858, 130905, 130938, 130939, 130949, 130950, 130951, 130954, 131019, 131045, 131046, 131049, 131056, 131058, 131061, 131085, 131161, 131171, 131175, 131178, 131180, 131195, 131197

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

Roll call was as follows:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Guy	Yea
Alderman Hale	Yea
Alderman Payne	Yea
Alderman Brooks	Yea
Alderman Jobses	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 Personnel / part time employment. Motion

**seconded by Alderman Hale. 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 Guy to adjourn. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously, SEPTEMBER 15, 2009 at 6:15 p.m.**

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**Charles G. Davis, Mayor**

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**Sheila Heath, City Clerk**