

**MINUTES OF THE REGULAR MEETING
OF OCTOBER 06, 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 16th day of October, 2009, at six o'clock (6:00) p.m. at City Hall.

Present were:

Charles G. Davis	Mayor
Greg Guy	Alderman, at Large
Lorine Cady	Alderman, Ward 1
Ronnie Hale	Alderman, Ward 2
George Payne	Alderman, Ward 3
William Brooks	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5
Randall Huling	Alderman, Ward 6

Also present were Chris Wilson, City Administrator, Sheila Heath, City Clerk, Whitney Choat, City Planner and Bradley Wallace, Director of Operations. Approximately twenty (40) other people were present.

Mayor Davis called the meeting to order. Alderman Cady led in prayer. Following the Pledge of Allegiance led by Alderman Payne, a motion was made by Alderman Cady to approve the minutes of September 15, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Jobes. Motion passed unanimously.

CITIZEN'S AGENDA

There was no one for the Citizen's agenda

ACCEPTANCE OF BIDS

Mayor Davis reported that Bradley Wallace had gone out for RFP's for Vehicle Tracking System, for our city fleet. The lowest and best proposal was from M2 Management Solutions, LLC. The installation cost of \$350.00 per unit for basic service and \$430.00 per unit for enhanced service, and the monthly service fee of \$21.95 per unit. After a short discussion, Alderman Guy made the motion to accept the recommendation of Bradley Wallace. Motion was seconded by Alderman Cady. Motion was put to a vote and passed unanimously.

Next, Mayor Davis reported that the bids were opened for the asphalt overlay/purchase contract. Alderman Cady made the motion to accept the recommendation of Ray Tarrance to accept Lehman Roberts as the lowest and best bid with APAC-Tennessee as the alternate contractor. Motion was seconded by Alderman Guy. Motion was put to a vote and passed unanimously.

SURPLUS PROPERTY

Next, Mayor Davis reported on a non-working Canon 3300 copier at Public Works. He recommends that we dispose of it in accordance of State law as surplus property. Motion was made by Alderman Guy to dispose of the copier. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

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: 1128 Richland Drive, 7710 Chesterfield Drive South, 7701 Chesterfield Drive South, 1935 Stateline Road, Parcel ID# Twn 1, Rng 08, Area 6, Sct 23, Sub 18, Qtr 0, Lot 00003, Split 00, Parcel ID# Twn 2, Rng 08, Area 1, Sct 12, Sub 00, Qtr 0, Lot 00007, Split 01, 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, October 6, 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, October 6, 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 and located at: 1128 Richland Drive, 7710 Chesterfield Drive South, 7701 Chesterfield Drive South, 1935 Stateline Road, Parcel ID# Tw n 1, Rng 08, Area 6, Sct 23, Sub 18, Qtr 0, Lot 00003, Split 00, Parcel ID# Tw n 2, Rng 08, Area 1, Sct 12, Sub 00, Qtr 0, Lot 00007, Split 01, 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 Huling. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
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.	YEA

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 6th day of October, 2009.

PLANNING AGENDA

ITEM #1 Application by Kent Ritchie to revise the Briargate Subdivision lots 5, 6 and 7 on the south side of Goodman Road, east of Airways. Ms. Choat said this was approved by the Planning Commission. Alderman Hale made the motion to accept item one as presented. Motion was seconded by Alderman Huling. Motion was put to a vote and passed unanimously.

ITEM #2 Application by Ronnie Solberg for the site plan and design review approval for Sonic restaurant on the south side of Church Road, east of W.E. Pkwy in a special city corridor. This was approved by the Planning commission. Alderman Huling made the motion to accept item two as presented. Motion was seconded by Alderman Guy. Motion was put to a vote and passed unanimously.

ITEM #3 Request by the Office of Development to start procedures to vacate College Road from the eastern point of Lauderdale Estates to Swinnea Road. Alderman Huling made the motion. Mayor Davis reported that the right of way for College Road was never recorded and there have been some alterations. We need to do away with the right of way and let the property owners divide it back up. Alderman Payne seconded the motion. Motion was put to a vote and passed unanimously.

MAYOR'S REPORT

Mayor reported that we needed to address the 'leave' policy in our hand book. This is just for clarification in the handbook. "An employee can only accumulate up to 160 hours of unused personal leave and get paid for it. This needs to be paid only when they voluntarily quit or retire". Alderman Cady made the motion. Motion was seconded by Aldermen Huling. Motion was put to a vote and passed unanimously.

Mayor asked the Board for permission to enter into a negation with Health Stat for primary care for groups of people. They have come to all the cities

in the county and as a group we would be able to go in and see a nurse practitioner at no co-pays to the employee, and it would not hit their health fund. They would dispense 50 of the most commonly used drugs. This would give us a net savings in our health insurance premiums. He stated that about 80 percent of our usage is primary care. Mayor Davis stated that he will bring the contract back in front of the Board for final approval. Alderman Jobs stated that he was not sure about this. Mayor stated this would be paid by the city, not the employees. Alderman Cady made the motion to allow Mayor Davis to negotiate a contract with Health Stat. Motion seconded by Alderman Guy. Motion was put to a vote and passed with Alderman Huling abstaining.

COMMITTEE REPORTS:

ORDINANCE AGAINST LOITERING AND PENALTIES

Alderman Payne stated that the Ordinance Committee met regarding the proposed Loitering Ordinance, and they had a public meeting. They met with Chief Pirtle about the public safety issue in regard to loitering around the Malco movie theater and the quad area around the theater. It was a unanimous decision, of the committee, to bring it before the Board for immediate approval.

Mrs. Jan Estes spoke to the Board about the problems at the Malco Theater. Kids were about 4 deep at the front door of the theater, and they were pushing and cursing. She stated that she was afraid to go to the movies. Mayor Davis thanked her for coming before the Board. Mayor stated that this ordinance only restricts people from interfering with use of public areas.

After a short discussion, Alderman Payne made the motion to ADOPT AN ORDINANCE AGAINST LOITERING AND PENALTIES for immediate approval. Motion was seconded by Alderman Brooks.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, have determined the need to establish regulations preventing loitering within the City of Southaven, Mississippi and therefore adopt the following regulations and penalties in conjunction with Title IX of the Southaven Code Of Ordinances, Motor Vehicles And Traffic; and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), this Ordinance Against Loitering And Penalties is for the immediate and temporary preservation of the public peace, health, safety in

order to preserve the laws of the municipality and is to be made effective immediately from and after its passage as the best interests of the public will be served by the immediate effectiveness of this Ordinance.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT THE FOLLOWING NEW SECTION SHALL BE MADE A PART OF THE SOUTHAVEN CODE OF ORDINANCES, TO-WIT:

SECTION 9-12. LOITERING.

(1) No person shall remain on a public street, sidewalk or pathway, including one privately owned but generally used by the public, as not to obstruct the free passage of pedestrians and/or motor vehicles after a sworn law enforcement officer has verbally informed the person that such action is unlawful and has requested the person to move from that place;

(2) No person shall remain in or on a motor vehicle on a public street, sidewalk or pathway, including one privately owned but generally used by the public, as not to obstruct the free passage of pedestrians and/or motor vehicles after a sworn law enforcement officer has verbally informed the person that such action is unlawful and has requested the person to move from that place;

(3) It shall be unlawful for any person to refuse or fail to leave a private business or commercial establishment that is open for business, or a parking lot of the private business or commercial establishment, after having been verbally requested to do so by the owner, the owner's agent or a sworn law enforcement officer;

(4) It shall be unlawful for any person to refuse or fail to leave a public building, public grounds, or a public recreational area, or a parking lot of a public building, public grounds, or a public recreational area, after being verbally requested to do so by a sworn law enforcement officer or a guard, watchman, or other authorized employee of the agency or institution responsible for the security of the public building, public grounds, recreational area, or parking lot, under circumstances that indicate that the person has no apparent lawful business or purpose to pursue in that place;

(5) Any person violating any provision of this article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment in the county jail not to exceed ninety (90) days, or both. Each day's violation shall be deemed a separate offense.

WHEREAS, the Ordinance Against Loitering And Penalties was read, discussed and voted upon in a public meeting, and whereas a motion was duly made by Alderman Payne, seconded by Alderman Brooks and a vote was held thereon with the following results, to-wit:

ALDERMAN	VOTED
Alderman Greg Guy	YEA
Alderman Lorine Cady	YEA
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ricky Jobes	YEA
Alderman Randall T. Huling, Jr.	YEA

Southaven City Ordinance, passed by a unanimous vote of all members of the governing body, was declared adopted and shall become effective immediately on this the, 6th day of October, 2009.

RESOLUTION FOR THE AMENDMENT TO CHAPTER 6. SIGN REGULATIONS IN THE ZONING ORDINANCE.

Next, Alderman Payne made the motion for a RESOLUTION FOR THE AMENDMENT TO CHAPTER 6. SIGN REGULATIONS IN THE ZONING ORDINANCE. Motion was seconded by Alderman Hale.

RESOLUTION FOR THE AMENDMENT TO CHAPTER 6. SIGN REGULATIONS IN THE ZONING ORDINANCE

WHEREAS, the governing authorities of the City of Southaven have determined that there is a need to establish further regulations to Title XIII Chapter 6- Sign Regulations to ensure public safety; and

WHEREAS, the City of Southaven has a identified a need to further interpret foreign language signs to provide English translation on the signs; and

WHEREAS, all applicable businesses shall have a twelve (12) month time frame in which to comply with this ordinance amendment;

THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT THE NEW SECTION 13-6(b) (10) OF THE CITY OF SOUTHAVEN CODE OF ORDINANCE IS HEREBY ADDED:

Sec. 13(b). General.

All signs erected on any lot in all districts of the city, except official, traffic and street signs, shall conform to the provisions of this chapter, unless otherwise provided for in this chapter. The following regulations shall apply to signs in all districts:

(10) Each non-English language sign shall provide an English translation text of the sign permitted on the establishment. The lettering shall be readable from the public street on which the property fronts to facilitate emergency response by public safety personnel.

Following the reading of this Resolution, it was introduced by Alderman Payne and seconded by Alderman Hale for adoption and the Mayor put said Resolution to Roll Call Vote with the following results, to wit:

ALDERMAN GUY	YEA
ALDERMAN CADY	YEA
ALDERMAN HALE	YEA
ALDERMAN PAYNE	YEA
ALDERMAN BROOKS	YEA
ALDERMAN JOBES	YEA
ALDERMAN HULING	YEA

The Resolution having received the proper vote of all Aldermen present was declared to be carried and adopted on the 6th day of October, 2009.

Alderman Payne reported that the ordinance committee also met regarding the banner signs put out after hours and on week-ends. They are working a little stricter ordinance for this type of activity.

Alderman Cady reported that the redistricting committee met and are planning on bringing a plan before the Board at the next meeting. She also stated that the Utility Committee has not met in awhile. The Committee will start having meetings on the 2nd Monday of each month at 9 a.m.

CITY ATTORNEY'S LEGAL UPDATE

There is no report from City Attorney.

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET

FY2009

A motion was made by Alderman Jobs to approve the Claims Docket of October 6, 2009 including demand checks and payroll in the amount of \$1,795,254.98 for FY09. Excluding voucher numbers:

131227, 131282, 131293, 131321, 131334, 131337, 131342, 131345, 131377, 131383, 131389, 131409, 131410, 131416, 131429, 131430, 131437, 131445, 131446, 131457, 131485, 131497, 131504, 131511, 131532, 131533, 131534, 131535, 131536, 131598, 131643, 131647, 131695, 131746, 131763, 131818, 131882, 131925, 131936, 132003, 132107, 132117, 132139, 132178, 132190, 132191, 132192, 132201, 132211, 132214, 132229, 132248, 132252, 132254, 132268, 132277, 132307, 132340, 132368, 132384, 132387, 132405, 132440, 132478, 132515, 132516, 132517, 132518, 132519, 132520, 132521, 132522, 132523, 132524, 132525, 132526, 132527, 132528, 132529, 132530, 132531, 132532, 132533, 132534, 132535, 132536, 132537, 132538, 132539, 132540, 132541, 132542, 132543, 132544, 132545, 132546, 132547, 132548, 132549, 132550, 132551, 132552, 132553, 132554, 132555, 132558, 132581, 132608, 132609, 132624, 132633, 132644, 132679, 132693, 132718, 132722, 132726, 132781, 132804, 132808, 132810, 132820, 132822, 132823, 132827, 132829, 132831, 132839, 132840, 132841

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

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	Yea
Alderman Cady	Yea
Alderman Hale	Yea
Alderman Payne	Yea
Alderman Brooks	Yea
Alderman Jobs	Yea
Alderman Huling	Yea

FY2010

A motion was made by Alderman Jobs to approve the Claims Docket of October 6, 2009 including demand checks and payroll in the amount of \$260,184.42 for FY10.

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

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	Yea
Alderman Cady	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 Personnel for the Police Department and possible litigation.. 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, October 6, 2009 at 7:40 p.m.

Charles G. Davis, Mayor

Sheila Heath, City Clerk