

**MINUTES OF THE REGULAR MEETING
OF NOVEMBER 17, 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 17th day of November, 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

Alderman Cady and Alderman Jobes was via-telecommunication. 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 Payne, a motion was made by Alderman Cady to approve the minutes of November 3, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Guy. Motion passed unanimously.

CITIZEN'S AGENDA

There was no one for the Citizen's agenda

CAP LOAN PROGRAM

The Mayor and Board of Aldermen acting for and on behalf of the City of Southaven, Mississippi (the "CITY") took up for consideration the matter of authorizing and approving a loan on behalf of the city from the Mississippi Development Authority (the "DEPARTMENT") for the purpose of completing capital improvements identified as: Construction or Repair of Access Roads for Industrial Development. The motion was made by Alderman Guy. Motion was seconded by Alderman Huling. Motion was put to a roll call vote and passed unanimously.

Alderman	Vote
Alderman Guy	Yea
Alderman Cady	Yea
Alderman Hale	Yea
Alderman Payne	Yea
Alderman Brooks	Yea

Alderman Jobs	Yea
Alderman Huling	Yea

CAP LOAN PROGRAM

The Mayor and Board of Alderman acting for and on behalf of the City of Southaven, Mississippi (the “City”) took up for consideration the matter of authorizing and approving a loan on behalf of the city from the Mississippi Development Authority (the “Department”) for the purpose of completing capital improvements identified as: Improvements in Fire Protection (Purchase of a Fire Truck) The motion was made by Alderman Guy. Motion was seconded by Alderman Huling. Motion was put to a roll call vote and passed unanimously.

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

RESOLUTION DECLARING INTENT

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City") took up for consideration the matter of issuing general obligation bonds of the City for the purpose of providing funds to pay for the cost of (i) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (ii) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (iii) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (iv) purchasing land for parks and public playgrounds, and improving, equipping and adorning the same, and other recreational facilities; (v) constructing bridges and culverts; and other related improvements within the City.

Thereupon Alderman Guy offered and moved the adoption of the following resolution:

RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000) FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR THE COST OF (I) ERECTING OR PURCHASING WATERWORKS, GAS, ELECTRIC

AND OTHER PUBLIC UTILITY PLANTS OR DISTRIBUTION SYSTEMS OR FRANCHISES, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (II) ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (III) CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR; (IV) PURCHASING LAND FOR PARKS AND PUBLIC PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME, AND OTHER RECREATIONAL FACILITIES; (V) CONSTRUCTING BRIDGES AND CULVERTS; AND OTHER RELATED IMPROVEMENTS WITHIN THE CITY.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "Governing Body" of the "City"), does hereby find, determine, adjudicate, and declare as follows:

1. The City is authorized by Sections 21-33-301 *et seq.*, Mississippi Code of 1972 (the "Code"), as amended, to issue general obligation bonds for the purpose of providing funds to pay for the cost of (i) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (ii) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (iii) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (iv) purchasing land for parks and public playgrounds, and improving, equipping and adorning the same, and other recreational facilities; (v) constructing bridges and culverts; and other related improvements within the City. (the "Project").

2. It is now necessary and in the public interest for the City to issue one or more series of general obligation bonds in a principal amount not to exceed Six Million Dollars (\$6,000,000) (the "Bonds") to provide funds to pay for the cost of the Project.

3. The assessed valuation of all taxable property within the City as of October 1, 2009, according to the last completed assessment for taxation, is the sum of Four Hundred Fifty-Six Million Six Hundred Fifty-One Thousand Seven Hundred Forty-Eight Dollars (\$456,651,748). The total amount of general obligation bonds that may be issued for any purpose is generally limited, in the aggregate, to twenty percent (20%) of the assessed value of the City, and approximately Three Million Dollars (\$3,000,000) of the aggregate amount will be expended for purposes that are subject to this 20% limitation. For purposes of the 20% limitation, the City has Thirty-Eight Million Seven Hundred Thirty Thousand (\$38,730,000) principal amount of general obligation bonds outstanding. Approximately Three Million Dollars (\$3,000,000) of the aggregate amount of bonds issued for the proposed purposes herein are subject to a limitation of fifteen percent (15%) of the assessed value of the City. For purposes of the 15% limitation, the City has Twenty-Eight Million One Hundred Five Thousand (\$28,105,000) principal amount of general obligation Bonds outstanding. Accordingly, the issuance of said Bonds for these purposes will not exceed any debt limitation prescribed by law, including the limitations imposed by Section 21-33-303, Mississippi Code of 1972, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. The Governing Body of the City does hereby declare its intention to issue one or more series of Bonds of the City in the principal amount not to exceed Six Million Dollars (\$6,000,000) to be used for the purpose of providing funds to pay for the cost of (i) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (ii) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (iii) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (iv) purchasing land for parks and public playgrounds, and improving, equipping and adorning the same, and other recreational facilities; (v) constructing bridges and culverts; and other related improvements within the City.

SECTION 2. The Bonds will be general obligations and will be secured by a special tax levied annually on all taxable property within the City in an amount which will be sufficient to pay the principal and interest on the Bonds as each becomes due and payable.

SECTION 3. The Governing Body proposes to direct the issuance of all or any portion of the Bonds in the amount and for the aforesaid purposes at a meeting of the Governing Body to be held at its regular meeting place at City Hall, located at 8710 Northwest Drive, Southaven, Mississippi 38671 at 6:00 o'clock p.m. on Tuesday, December 15, 2009, or at some meeting held subsequent thereto. If ten percent (10%) or fifteen hundred (1,500), whichever is less, of the qualified electors in the City shall file a written protest with the Clerk of the City against the issuance of the Bonds on or before the aforesaid date and hour, then the Bonds shall not be issued unless authorized at an election on the question of the issuance of the Bonds. Such election shall be called and held as provided by law. If no protest is filed, then the Bonds may be issued without an election on the question of the issuance thereof at any time within a period of two (2) years after the date above specified.

SECTION 4. This Resolution shall be published once a week for at least three (3) consecutive weeks in *The DeSoto Times-Tribune*, a newspaper having a general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972. The first publication of this Resolution shall be made not less than twenty-one (21) days prior to December 15, 2009, and the last publication shall be made not more than seven (7) days prior to such date, said Resolution to be published on November 20 and 27 and December 4 and 11, 2009.

SECTION 5. The Clerk of the City shall be and is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of said publication of this Resolution and have the same before the Governing Body on the date and hour specified in Section 3 hereof.

Alderman Huling seconded the motion to adopt the foregoing resolution after the same had been read and considered section by section, and, being put to a roll call vote, the result was as follows:

Alderman Greg Guy

voted: Yea

Alderman Lorine Cady	voted: <u>Yea</u>
Alderman Ronnie Hale	voted: <u>Yea</u>
Alderman George Payne	voted: <u>Yea</u>
Alderman William Brooks	voted: <u>Yea</u>
Alderman Ricky Jobes	voted: <u>Yea</u>
Alderman Randy Huling	voted: <u>Yea</u>

The motion having received the affirmative vote of a majority of all of the Aldermen present, the Mayor declared the motion carried and the Resolution adopted on this the 17th day of November, 2009.

RESOLUTION TO AMEND THE TREE REMOVAL ORDINANCE

RESOLUTION FOR THE AMENDMENT TO CHAPTER 11. TREE REMOVAL REQUIREMENTS 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 11- Tree Removal Requirements to ensure public safety and further protection of the natural vegetative life; and

WHEREAS, the City of Southaven has a identified a need to include a volunteer Tree Board to aid the City in protection of the existing vegetative life;

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. 13-11 (g). Establishment of the Tree Board

The purpose of this section is to ensure establish a volunteer board to be named the Tree Board, which will aid the Office of Planning and Development in further regulating the removal and replanting of trees within the city limits of Southaven.

- 1. Creation and establishment of a City Tree Board-** There is hereby created and established a city tree board for the City of Southaven, Mississippi, which shall consist of seven (7) volunteer members and one city alderman representative chosen by the Mayor and confirmed by the Board of Alderman.
- 2. Term of Office-** The term of the eight (8) persons to be appointed by the mayor shall be three (3) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.
- 3. Compensation-** Members of the board shall serve in a voluntary manner and will do so without compensation.
- 4. Duties and Responsibilities-** It shall be the responsibility of the board to study, investigate, and council the Office of Planning and Development with developing a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public areas. Such a plan will be presented to

the Board of Alderman and upon its acceptance and approval shall constitute the official comprehensive tree plan for the City of Southaven, Mississippi. The board shall review annually and update if needed the comprehensive tree plan. The board, when requested by the Board of Alderman, shall consider, investigate, make findings, report and recommend upon any special matter of question within the scope of its work.

5. **Operation-** The board shall elect by a majority vote all officers, and keep a running journal of its proceedings, while abiding by any and all city adopted procedures.
6. **Review by the Board of Alderman-** The Board of Alderman shall reserve the right to review the conduct, acts and decisions of the City Tree Board.

Following the reading of this Resolution, it was introduced by Alderman Payne and seconded by Alderman Huling 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 17TH day of November, 2009.

RESOLUTION: EXEMPTION MOTOSPORT

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF CITY OF SOUTHAVEN, MISSISSIPPI GRANTING EXEMPTION
FROM AD VALOREM TAXES**

The Board next took up for consideration the matter of granting to MOTOSPORT, INC. hereinafter referred to as "APPLICANT", operator of a Free Port Warehouse within the City of Southaven, County of DeSoto, State of Mississippi, an exemption from all ad valorem taxes to the full extent

permitted by statute on all personal property held in the APPLICANT'S finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to the APPLICANT'S finished goods warehouse for storage in transit to a final destination outside the State of Mississippi, and the following Resolution, having first been reduced to writing was introduced:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING EXEMPTION FROM AD VALOREM TAXES TO THE FULL EXTENT PERMITTED BY STATUTE TO SCANSCOURCE, INC., OPERATOR OF A FREE PORT WAREHOUSE, AS AUTHORIZED BY SECTION 27-31-53 OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, the APPLICANT is a corporation organized under the laws of the State of Delaware with a finished goods warehouse located within the City of Southaven, County of DeSoto, and State of Mississippi, which is regularly engaged in the handling and storage of personal property in structures or places adapted for such handling and storage and to which personal property is consigned or transferred for storage and handling in transit to a final destination outside the State of Mississippi; and

WHEREAS, the APPLICANT has negotiated in good faith with the Board of Aldermen as to the ad valorem tax exemption authorized by Section 27-31-53 of the Mississippi Code (1972), as amended; and

WHEREAS, the APPLICANT has applied for a license to operate the Free Port Warehouse to be issued by the DeSoto County Tax Assessor and has certified in the application for such license that APPLICANT ships personal property to a destination outside of the State of Mississippi each

year and APPLICANT is qualified to apply for the free port warehouse ad valorem tax exemption; and

WHEREAS, the APPLICANT currently provides employment in the City of Southaven, County of DeSoto County, State of Mississippi, for approximately 150 persons with an average annual payroll of \$3,100,000.00; and

WHEREAS, the APPLICANT is qualified to make application for exemption from ad valorem taxes pursuant to Section 27-31-53 of the Mississippi Code (1972), as amended;

WHEREAS, this Board of Aldermen of the City of Southaven, Mississippi, acknowledges the APPLICANT'S major contribution to the economic development of the City of Southaven and the County of DeSoto and State of Mississippi; and believes that it should exercise its discretionary authority to exempt from all ad valorem taxes to the full extent permitted by statute all personal property held in the APPLICANT'S finished goods warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to the APPLICANT'S finished goods warehouse for storage in transit to a destination outside the State of Mississippi.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the City of Southaven, Mississippi, as follows, to-wit:

- 1. That the APPLICANT, MOTOSPORT, INC., operator of a free port warehouse is hereby granted exemptions to the full extent permitted by statute beginning on the 1st day of January, 2009, from all ad valorem taxes on all personal property held in**

APPLICANT'S finished goods warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to APPLICANT'S finished goods warehouse for storage in transit to a final destination outside the State of Mississippi, as authorized by Section 27-31-53 of the Mississippi Code (1972), as amended.

- 2. That the Clerk of this Board be, and she is hereby directed to spread a copy of**

this Resolution on the minutes of this Board; and that said Clerk shall forward a certified copy of this Resolution to the DeSoto County Tax Assessor.

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

ALDERMEN	VOTED
ALDERMAN GREG GUY	YES
ALDERMAN WILLIAM BROOKS	YES
ALDERMAN GEORGE PAYNE	YES
ALDERMAN RANDALL T. HULING, JR.	YES
ALDERMAN LORINE CADY	YES
ALDERMAN RONNIE HALE	YES
ALDERMAN RICKY JOBES	YES

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 17th day of November, 2009.

PLANNING AGENDA

ITEM #1. Application by Goodman Medical for a Conditional Use Permit to allow a reader board sign to be located at 470 Goodman Road. Ms. Choat stated that this was unanimously approved by the Planning Commission. Motion was made by Alderman Hale to approve Item #1 as presented. Motion was seconded by Alderman Guy. Motion was put to a roll call vote and passed unanimously.

MAYOR'S REPORT

Mayor asked that the Board please check their mail boxes and emails. There are a lot of events going on during the holidays, and he will try to keep them informed.

COMMITTEE REPORTS:

PARKS COMMITTEE. Alderman Guy stated that they had a Parks Committee meeting last week, and it went real well. He stated that the Parks Department was doing a great job. He said he did not know what kind of revenue the Arena was bringing in, and he wanted to share this with everyone. They are booked every weekend, except two, through July of next year. Mayor stated that the committee is looking at the rules and regulations on rental of the Parks buildings. They should get back to the Board around the first of the year with this information.

CITY ATTORNEY'S LEGAL UPDATE

Mark Sorrell stated that Ms. Suzanne Wilbanks, the owner and director of the Little Peoples Learning Barn, has filed a report of claim. She sustained some water damage from sewer main backing up into her building. The City hired Serve Pro to go out and make the improvements. However, she did lose one day of tuition as well as other clean up charges. He recommend that this claim be paid. Alderman Guy made the motion to pay the claim as presented by the City Attorney. Motion was seconded by Alderman Payne. Motion was put to a roll call vote and passed unanimously.

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET

A motion was made by Alderman Guy to approve the Claims Docket of November 17, 2009 including demand checks and payroll in the amount of \$1,745,011.58. Excluding voucher numbers:

134325, 134338, 134355, 134357, 134386, 134387, 134395, 134406, 134408, 134422, 134433, 134440, 134441, 134442, 134443, 134454, 134455, 134456, 134457, 134459, 134460, 134507, 134538, 134546, 134554, 134556, 134559, 134569, 134577, 134618, 134639, 134643, 134702, 134704, 134714, 134732, 134773, 134785, 134797, 134815, 134818, 134823, 134825, 134834, 134840, 134849, 134857, 134860

Motion seconded by Alderman Huling. 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 economic development prospects. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Alderman Guy made the motion to allow Mayor Davis to sign a settlement agreement with AP Holdings. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF SOUTHAVEN, AS FOLLOWS:

Section 1. The Governing Body of the City of Southaven, Mississippi does hereby declare its intention to enter into a tax anticipation loan agreement in the principal amount not to exceed Three Million Dollars (\$3,000,000.00) .

Section 2. The Governing Body proposes to authorize the Loan in accordance with Mississippi Code Section 21-33-325.

Section 3. The Governing body under the advice from the City Attorney has declared this loan to be tax exempt.

The Resolution was introduced by Alderman Guy and having received a second by Alderman Huling, and following discussion, the motion having received the foregoing vote of the Governing Body, the Mayor declared the motion carried and the Resolution adopted, on this the 17th day of November, 2009.

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, November 17, 2009 at 6:20 p.m.

Charles G. Davis, Mayor

Sheila Heath, City Clerk