

**MINUTES OF THE REGULAR MEETING
OF JANUARY 05, 2010
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 5th day of January, 2010 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 (20) other people were present.

Mayor Davis called the meeting to order. Alderman Guy led in prayer, with a moment of silence in honor of Danny McCammon. Following the Pledge of Allegiance led by Alderman Brooks, a motion was made by Alderman Cady to approve the minutes of December 15, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion passed unanimously.

CITIZEN'S AGENDA

There was no one for the Citizen's agenda

BUDGET AMENDMENT

Mayor Davis presented a budget revision for the Utility Fund. This deals with the DWI revenue and expenses. After an audit with DWI, we are expected to bring in approximately \$423,929.00 less and expected to pay out \$423,929.00 less. Alderman Guy made the motion to accept the proposed amendment as presented. Motion was seconded by Alderman Cady. Motion was put to a vote and passed unanimously.

FY 2010 Budget Amendment Utility Fund	
0400-580 DWI Revenue	\$ (423,929.00)
811-650-904 DWI Expenses	\$ 423,929.00
	\$ -

CAP LOAN PROGRAM

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 November 17th, 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 November 24, December 1, 8 and 15, 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.

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

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

The President thereby declared the motion carried and the resolution adopted on this the 5th day of January, 2010.

CAP LOAN PROGRAM

RESOLUTION OF INTENT TO PROCEED WITH CAP LOAN

WHEREAS, the City of Southaven intends to proceed with a Capital Improvements Loan (“CAP Loan”) for the and the Construction or Repair of Access Roads for Industrial Development;

WHEREAS, on November 17th, 2009 the Governing Body of the City of Southaven adopted a Resolution to declare its intent to enter into a loan agreement with the Mississippi Development Authority and authorized the publication of 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 November 24, December 1, 8 and 15, 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 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 Huling, and was adopted by the following vote, to wit:

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

The President thereby declared the motion carried and the Resolution adopted on this the 5th day of January, 2010.

RESOLUTION DECLARING THE INTENT TO LEVY A TOURIST AND CONVENTION TAX

Alderman Huling made the motion to adopt a RESOLUTION DECLARING THE INTENT OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO LEVY A TOURIST AND CONVENTION TAX IN THE AMOUNT OF ONE PERCENT (1%) ON THE GROSS INCOME OF RESTAURANTS LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF SOUTHAVEN, MISSISSIPPI. Motion was seconded by Alderman Guy.

Mayor opened the floor for discussion. Alderman Jobes expressed his concern for raising the tourist and convention tax. Mayor explained that it would help the city budget for Parks approximately \$1,000,000.00 a year. Alderman Hale stated that he called a few other cities that have this tax and they were: Starkville, 2% tax and Tupelo, 1.5% tax. Alderman Huling stated that he does not want the burden on the general fund, and he does not want the sports in Southaven to go back to what it was a few years ago. Alderman Guy stated that this will help the city reduce the Park's debt and that would help increase our revenue. Alderman Payne asked if any of the business owners had called about this, and Mayor stated that they have not called. He stated that he did ask a few restaurant owners, and they were for the 1% increase. Alderman Cady stated that she is not a big fan of a tax increase, but she does not want to go backwards with the parks. Mayor stated that without the volunteers from the 1960's, 70's and 80's, our ball parks would not be what they are today. They built the foundation for what goes on at Snowden Grove today. At this time, Mayor opened the floor to anyone in the audience to speak about the tax increase. There was no one to speak from the audience.

WHEREAS, the Mayor and the Board of Alderman of the City of Southaven, Mississippi have determined that it would be in the best interest of the City of Southaven to levy a tourist and convention tax in the amount of one-percent (1%) on the gross income of all restaurants and business that currently collect the DeSoto County Tourism Tax; and

WHEREAS, City of Southaven is already authorized to collect such levy as authorized by the 1993 Legislature on Hotels and Motels; and

WHEREAS, the City of Southaven is desirous of collecting the same one percent (1%) levy on the businesses establishments that DeSoto County currently collects on the for the County's Tourism tax.

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

SECTION ONE: That the 2010 Mississippi Legislature pass a local and private bill to allow the City of Southaven to levy a tourist and convention tax in the amount of one percent (1%) on the gross income of all businesses that are required to

collect the DeSoto County Tourism Tax that are located within the City of Southaven, Mississippi.

SECTION TWO: That the said tax is to be collected in the same manner as DeSoto County's current tourist and convention tax is levied and collected.

Upon motion by Alderman Huling and dully seconded by Alderman Guy, the said resolution was put to a Roll Call vote with the following Alderman voting, to-wit:

ALDERMAN	VOTE
Alderman Brooks	YEA
Alderman Huling	YEA
Alderman Cady	YEA
Alderman Jobes	YEA
Alderman Guy	YEA
Alderman Payne	YEA
Alderman Hale	YEA

This Resolution having received the proper vote of all Alderman present was declared to be carried and adopted this the 5th day of January, 2010

PLANNING AGENDA

Nothing on the Planning Agenda

MAYOR'S REPORT

Mayor stated that we already have an Interlocal Agreement with the Tax Collector's Office to collect our city taxes. We need to enter into another Interlocal Agreement allowing him to collect our special assessments as well. Alderman Guy made the motion to allow Mayor Davis to enter into an

INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN DESOTO COUNTY, MISSISSIPPI, THE TAX COLLECTOR OF DESOTO COUNTY, MISSISSIPPI, AND THE CITY OF SOUTHAVEN PROVIDING FOR THE COLLECTION OF CITY TAXES BY DESOTO COUNTY.

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

ALDERMAN	VOTED
Alderman Guy	Yea
Alderman Cady	Yea
Alderman Hale	Yea
Alderman Payne	Yea

Alderman Brooks	Yea
Alderman Jobs	Yea
Alderman Huling	Yea

Next Mayor reported on Southern Lights. He stated that attendance was down a little. He reported that each non profit group that worked will get \$900.00 per night for working the gates.

Chief Long introduced two new police officers to the Mayor and Board, Adam Landers and Luke Sheppard.

COMMITTEE REPORTS:

Alderman Cady reported that there will be a Water and Sewer Committee next Monday, if needed.

CITY ATTORNEY'S LEGAL UPDATE

No Attorney's Report

OLD BUSINESS:

Last Board meeting the RESOLUTION FOR THE AMENDMENT TO CHAPTER 6. SIGN REGULATIONS IN THE ZONING ORDINANCE was tabled and now it is back in front of this Board. Alderman Huling made the motion for a strike all amendment. For the purpose of discussion, Alderman Brooks seconded the motion. The strike all amendment still makes the bandit signs illegal. It adds a section on who is in charge of the sign ordinance and gives the city the right to go and remove the signs. Alderman Cady called for previous questions. Motion was put to a vote and passed unanimously. Mayor made a call for a point of personnel privilege to allow the audience to speak.

Wayne Pitello wanted to speak on the ordinance. He was concerned that it would affect the builders of the city. He was happy to see the limit per sign per intersection, but by putting a two mile limit on the signs is his biggest concern. He stated it would be cutting off the accessibility of the builders from the traffic.

Motion was put to a vote and passed unanimously in favor of the strike all amendment.

Next, is the amendment to the sign ordinance with the strike all amendment. Mayor called for a roll call for the amendment with the strike all.

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

This Resolution having received the proper vote of all Aldermen present was declared to be carried and adopted this the 5th day of January, 2010.

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET

A motion was made by Alderman Jobs to approve the Claims Docket of January 5, 2010, including demand checks and payroll in the amount of \$1,812,432.03. Excluding voucher numbers:

136283, 136284, 136294, 136303, 136306, 136307, 136314, 136334, 136340, 136345, 136434, 136503, 136648, 136711, 136793, 136834, 136839, 136841, 136866, 136912, 136930, 136964, 136990, 136993, 136994, 137051

Motion seconded by Alderman Guy. 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

There being no further business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Guy adjourn. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously, January 5, 2010 at 6:45 p.m.

Charles G. Davis, Mayor

Sheila Heath, City Clerk