

**MINUTES OF THE REGULAR MEETING  
OF NOVEMBER 18, 2008  
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 18<sup>th</sup> day of November, 2008, 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>James Stark</b>	<b>Alderman, Ward 2</b>
<b>James Loftis</b>	<b>Alderman, Ward 3</b>
<b>Paul Ollar</b>	<b>Alderman, Ward 4</b>
<b>Ricky Jobes</b>	<b>Alderman, Ward 5</b>
<b>Randall Huling</b>	<b>Alderman, Ward 6</b>

**Being all of the officials of the City of Southaven. Also present were Mark Sorrell, City Attorney, Glenda Smallwood, City Clerk, Whitney Choat, Planning Director, and Bradley Wallace, Director of Operations. Approximately twenty (20) other people were present.**

**Mayor Davis called the meeting to order. Alderman Loftis led in prayer. The Pledge of Allegiance led by Boy Scout Troop "Ole 97" Timmy McAuliffe, Connor Monroe, Chris Wimberly, Harris Wolf, Parker Monroe, Dylan Clark, Logan Cook, and Reed Williams. Leaders: Daniel Cook, John Wimberly, Barry Williams, and Norm Dowler. A motion was made by Alderman Cady approve the minutes of the Regular Meeting of November 7, 2008 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Stark. Motion was put to a vote and passed unanimously.**

**CITIZEN'S AGENDA**

**Mayor Davis reported Mr. Danny Anderson request to be put on the Citizen's Agenda, but he is not present.**

**RESOLUTON DECLARING THE INTENT -\$3,300,000**

**A motion was made by Alderman Guy to adopt RESOLUTION DECLARING THE INTENTION OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION NOTES OF THE CITY IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION THREE HUNDRED THOUSAND DOLLARS (\$3,300,000) FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING LAND FOR PARKS AND PUBLIC**

**PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME; CONSTRUCTING, REPAIRING AND EQUIPPING OTHER RECREATIONAL FACILITIES; AND RELATE IMPROVEMENTS WITHIN THE CITY. Motion seconded by Alderman Loftis. 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 Stark</b>	<b>Yea</b>
<b>Alderman Loftis</b>	<b>Yea</b>
<b>Alderman Ollar</b>	<b>Yea</b>
<b>Alderman Jobes</b>	<b>Yea</b>
<b>Alderman Huling</b>	<b>Yea</b>

**A copy of aforesaid Resolution is hereby attached to and made a part of these minutes.**

### **RESOLUTON TO CLEAN PRIVATE PROPERTY**

**A motion was made by Alderman Guy to adopt RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY: Property being: 8748 Five Oaks Drive. Motion seconded by Alderman Cady. 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 Stark</b>	<b>Yea</b>
<b>Alderman Loftis</b>	<b>Yea</b>
<b>Alderman Ollar</b>	<b>Yea</b>
<b>Alderman Jobes</b>	<b>Yea</b>
<b>Alderman Huling</b>	<b>Yea</b>

**A copy of aforesaid Resolution is hereby attached to and made a part of these minutes.**

### **BIDS-UTILITY DEPT.**

**A motion was made by Alderman Stark to accept the recommendation of Chris Hadaway, Utility Director, and award the bid for Plant Chemicals to Ideal Chemical and Supply. Awarded contract on the Water Treatment Plant Chemicals are as follows:**

**Lime @ .16 per pound**

**Soda Ash @ .28 per pound**

**Sodium Hypochlorite @ \$2.55 per gallon**

**Hydroflurosilicic Acid @ .55 per pound**

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

## **PLANNING**

**The Planning Agenda was presented by Whitney Choat, Planning Director.**

**Item #1 Request to vacate the Autumnwood Office Park Section 19, Township 1 S, Range 7W , Plat Book 99, Page 39. Ms. Choat reported this is three lots and is being purchased by one owner for a campus like setting. A motion was made by Alderman Jobes to approve item #1 as presented and recommended by the Planning Commission. Motion seconded by Alderman Cady. Following discussion, the motion was put to a vote and passed unanimously.**

**Mayor Davis reported if there is no objection from the Board of Aldermen we will handle #3 on the Planning Agenda at this time.**

**Item #3 -Ms. Choat presented item the Application by Performance Tire and Wheel for a conditional use permit to allow a motor vehicle repair shop just north of Church Road on the west side of Getwell. It did not meet the 5 point contention for CUP specifically that it did adversely the character of the neighborhood. It did abut up directly to Wildwood Subdivision and it was in conflict with the Comprehensive Plan. The Planning Commission did deny on that basis. A motion was made by Alderman Huling to uphold the Planning Commission's recommendation to deny this application. Motion seconded by Alderman Cady. Motion passed unanimously.**

**Item #4- Application by Brown Missionary Baptist Church for a conditional use permit to allow a reader board to be located on the proposed monument sign. Ms. Choat reported this is in compliance with all of the requirements. A motion was made by Alderman to approve item #4 as presented and as recommended by the Planning Commission. Motion seconded by Alderman Loftis. Motion was put to a vote and passed unanimously.**

**Item #2 Application by Snowden Family to rezone 610 acres of property from Agriculture to Planned Unit Development between Tchulahoma Road and Getwell Road, south of Goodman Road to Nail Road. Ms. Choat reported this was broken down in numerous parts. The final 2 points of contention that caused it to be denied at the Planning Commission was the caliber size of trees for landscaping and a commercial use of fast food restaurants be allowed in the commercial zones. She reported that everything else was met or compromised by the Planning Commission. A motion was made by Alderman Ollar to bring the PUD up before the Board for discussion. Motion seconded by Alderman Huling. Mayor Davis reported that the application is before the Board for discussion. He reported there are several people present who are interested in this application . He reported anyone who wants to speak will be allowed to speak.**

**Mr. Bob Dalhoff with Dalhoff, Thomas, Daws, representing the applicant, came before the Mayor and Board of Aldermen asking for a compromise on the number of fast food restaurants. He reported that the current plan generates 116,000 trips per day and the modified plan cuts that in half. This does not include the already captured on the property that don't get on the street. He stated that the west side of Getwell Road is actually the "going home" side. Mayor Davis reviewed the areas where fast food could possibly go. Alderman Ollar asked about the zoning. Alderman Huling stated his concern with the fast food on the east side having curb cuts. Mayor Davis asked how crucial is it to have a fast food on Getwell. Mr. Dalhoff said he will have to defer that question to Mr. Snowden. Mr. Snowden indicated he would like to see 2 or 3 on the Getwell side. Mayor Davis asked for question from the audience. He reported we had received a letter from the Stonehedge Homeowner's Association about drainage that would be going into the lake and possible silting filling it up. He reported there is a heavy segmentation layout for this plan.**

**Mayor Davis reported that this subdivision is uniquely different in that they can not come in and clear the entire lot. Before trees can be cut on a lot, there has to be a tree survey and approval by the owners and developers. He reported that before a house can be built on one of these lots they have to come in and show which trees are taken down.**

**Mayor Davis asked if there were any issue or concerns. Discussion took place on the retention ponds throughout the development. He reported it will all have to be approved through the City Engineer to make sure post construction is the same as pre construction. Mayor Davis reported that we are part of the Storm Water Phase II Program and we have an on call inspector through Neel Schaffer. He reported that the way this drainage flows everyone to the west is somewhat protected because of the lack of disturbance of the land. Before the road can be cut in they will have to give us a tree survey for our approval.**

**Mayor Davis reported that this PUD gives the City the authority to sign off on the architectural look of the house.**

**Alderman Jobs asked about the size of lots and if the natural area will stay natural. Mayor Davis answered that there will be six miles of walking trails. He reported we will require a bond for the walking trails.**

**Alderman Huling reiterated that the tree survey must come back for approval as well as erosion and drainage and roadway to come in for approval after the tree survey has been reviewed. He stated that he thought within the PUD document there was a statement that trees had to be approved as far as removal so we need to make sure that is coming through the PUD side and is controlled.**

**Alderman Huling expressed concern about the fast food restaurants on the east side of Getwell and said he does not want to see them layered. Ms. Choat addressed the fast food restaurants on Goodman. She stated that she doesn't think fast food should be a part of a pinnacle**

development. Alderman Ollar address the issue of traffic. Mayor Davis pointed out the areas which could possibly be fast food.

that restaurant. The drive thru is on their way home anyway. He requested to have 2 or 3 on Getwell and 2 or 3 on Goodman and scatter them. He stated that according to the traffic engineers the east side of Getwell is the opposite of the “going home” side for drive-thru restaurants. Ms. Choat stated there will be a bike lane in the right of way on the west side of Getwell. Mayor Davis stated that the fast food would not be directly accessed from Getwell.

A motion was made by Alderman Ollar to table this item until the end of the meeting. Motion seconded by Alderman Cady. Motion was put to a vote and passed unanimously. The Points of Contention are hereby attached to and made a part of these minutes.

### **MAYOR’S REPORT**

Mayor Davis invited the Aldermen to Thanksgiving lunch tomorrow. Mayor Davis reported Southern Lights will open Thursday night, November 27<sup>th</sup>.

Mayor Davis reported Breakfast with Santa and the Christmas Parade is December 6<sup>th</sup>.

### **CITY ATTORNEY’S LEGAL UPDATES**

Mark Sorrell, City Attorney had no new updates at this time.

### **CLAIMS DOCKET**

A motion was made by Alderman Stark to approve the docket of claims for November 18, 2008 to include demand check with the exception of voucher # 111140-111141, 111145-111168, 111179, 111187-111191, 111244, 111382, 111389, 111397, 111401, 111411, 111711, 111714, 111723-111726, 111728-111822. Motion seconded by Alderman Loftis. Motion was put to a roll call vote and passed unanimously with Alderman Stark being absent.

Roll call was as follows:

Alderman Guy	Yea
Alderman Cady	Yea
Alderman Stark	Yea
Alderman Loftis	Yea
Alderman Ollar	Yea
Alderman Jobs	Yea
Alderman Huling	Yea

Next, Alderman Ollar asked for a review of the stipulations on the Snowden PUD. Mayor Davis reported the tree survies will have to be done before any grading, drainage erosion control comes in. Submittals with the attached dwellings are out of compliance so they were taken out. The minimum square footage has been increased to 2,000 sq. ft. throughout the entire development and goes up to 2,8000 in some areas. There is an enhanced area across from May Blvd. with the keeping of the existing trees and silo. The cottages in the Senior living area will

have to be submitted individually. The bonds will assure that everything including the walking trails, street, water and sewer are to code. The traffic light at May Blvd. will have to be installed.

A motion was made by Alderman Huling, to approve the Snowden Grove PUD notwithstanding the Planning Commission's recommendation accepting all of the things that were presented to the Planning Commission; agreeing to 3 ½ caliber. Trees, with the maximum of three fast food restaurants to be located along Goodman with no direct access to those restaurants from Goodman Road. Motion seconded by Alderman Guy. Alderman Ollar then asked for discussion on the location of fast food restaurants on Getwell. He stated he would not be in favor of any across from the entrance to the Park or south of the existing McDonald's. Mayor Davis then reviewed which restaurants would be considered as fast food. A motion was made by Alderman Guy to amend the aforesaid motion to read 2 fast food restaurants on Goodman and one north of the dual entrance on Getwell. Motion seconded by Alderman Huling. Alderman Ollar asked the question about the style of the North section. Mr. Dalhoff answered that the entire area is to be formed like the Lifestyle Center. He stated that there will be a main street with retail shops below and residential above. He stated the lighting system has a historical flair. Mayor Davis put the amendment to a vote and it passed unanimously.

Alderman Huling stated that at the Planning committee meetings there was some discussion to 6 inch to 8 inch caliber trees. He asked how many and where they would be located. Mr. Dalhoff answered that the design team will locate focal points for larger trees. Mayor Davis stated that if we say 3 to 3 ½ inch with focal point landscaping we will have to define that so we can understand it. A motion was made by Alderman Guy to amend the motion that we will accept 3 to 3 ½ inch caliber trees with 3 inch being used as long as there is a focal tree planting in the same site plan, otherwise 3 ½ inch tree plantings will be required without a focal tree planting as approve by Planning. The motion seconded by Alderman Loftis. Motion was put to a vote and passed unanimously.

Mayor Davis reported the motion as amended reads, To approve the Snowden Grove PUD notwithstanding the Planning Commission's recommendation with all of the agreed changes that we made at the Planning Commission with the stipulation that the larger lot tree clearing clear cutting language be added to the PUD if it is not in there that 3 ½ inch caliber tree plantings will be used or any individual site plans as submitted for tree landscaping purposed in accordance with our Ordinance. A 3 to 3 ½ inch tree may be used on a larger site plan where there are focal tree plantings contained on that site plan. There shall be a maximum of two fast food restaurants located on Goodman Road and one located north of the dual entrance on Getwell Road, none of which will have direct access to either one of the traffic arteries. Motion was put to a roll call vote.

**Roll call was as follows:**

<b>Alderman Guy</b>	<b>Yea</b>
<b>Alderman Cady</b>	<b>Yea</b>
<b>Alderman Stark</b>	<b>Yea</b>
<b>Alderman Loftis</b>	<b>Yea</b>
<b>Alderman Ollar</b>	<b>Yea</b>
<b>Alderman Jobs</b>	<b>Yea</b>
<b>Alderman Huling</b>	<b>Yea</b>

**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 Cady. Motion was put to a vote and passed unanimously. November 18, 2008 at 7:30 p.m.**

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**Charles G. Davis, Mayor**

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**Glenda Smallwood, City Clerk**