

**MINUTES OF THE REGULAR MEETING
OF JANUARY 16, 2007
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 sixteenth (16th) day of January, 2007, 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
James Stark	Alderman, Ward 2
Jim Loftis	Alderman, Ward 3
Paul Ollar	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5
Randall Huling	Alderman, Ward 6

Being all of the officials of the City of Southaven. Also present were Mark Sorrell, City Attorney, Glenda Smallwood, City Clerk, Chirs Wilson/CAO, Whitney Choat, City Planner, Bradley Wallace, Director Of Operations, and Ron Smith, City Engineer, Approximately fifteen (15) other people were present.

Mayor Davis called the meeting to order. Alderman Loftis opened the meeting with prayer. Following the Pledge of Allegiance led by Alderman Ollar, a motion was made by Alderman Cady to approve the minutes of the regular meeting of January 2, 2007 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Stark. Motion passed unanimously.

ORDINANCE

Next, a motion was made by Alderman Guy to adopt ORDINANCE AUTHORIZING AUTOMATED TRAFFIC ENFORCEMENT. Motion seconded by Alderman Stark. Mayor Davis reported that recently the Attorney General's Office has issued an opinion which allows for camera automated traffic enforcement as a civil penalty, not as a criminal penalty and he has authorized municipalities to install cameras in places as a civil penalty. The difference is that a criminal penalty will affect a person's driving record. He reported that this is not a revenue producing ordinance. He reported the cameras are expensive as well as the process. He reported this is a life safety measure. He reported with Airways and Goodman being listed as one of the most dangerous intersections in Mississippi; cameras will go there along with Stateline Road , Highway 51, and other locations to encourage drivers in the area to drive more safely. If they do not, they will receive a citation through the mail. The camera will take a picture of the vehicle, the tag, and the traffic light at the time they go through

and the picture is date and time stamped. The only recourse is to prove the vehicle is stolen at the time or that it is a rented vehicle, in which case the rental company has to turn over the documents so the driver can be traced. Mayor Davis reported that if one wreck is prevented and one life saved it will be worth the money spent. The motion was then put to a roll call vote.

Roll call was as follows:

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

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

HAZARAD MITIGATION PLAN

A motion was made by Alderman Guy to adopt RESOLUTION TO ADOPT THE DESOTO COUNTY HAZARD MITIGATION PLAN.

Motion seconded by Alderman Loftis. Mayor Davis reported that basically this plan helps us work together with the County to seek training and funding for hazard mitigation programs and it helps educate the public about precautions to be taken during such emergencies. He reported we already regulate building, planning, and engineering as to flood plane construction and building code. It encourages us to participate in National Flood Insurance Program, to organizes a response team in advance of such emergencies, storm water management for flooding and severe weather, and to provide early warning systems for notifying the public. Mayor Davis reported we have all of these requirements in place, but this Resolution must be adopted in order for us to receive any FEMA funding. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

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

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

TROPHY BIDS

Mayor Davis presented a recommendation from Mike Mullins to accept the bid of Newton Trophy Center for tournament trophies in the amount of \$9,445.22. A motion was made by Alderman Huling to take the recommendation of Mike Mullins, Parks Director and accept the bid of Newton Trophy Center to provide the tournament trophies for the

2007 season in the amount of \$9,445.22. Motion seconded by Alderman Cady. Motion passed unanimously.

UTILITY DEPARTMENT VEHICLE

Mayor Davis presented a recommendation from Chris Hadaway, Utility Director to accept the bid of Country Ford; Tom Bell Leasing, Inc. for 2007 Ford in the amount of \$1,597.02 monthly. A motion was made by Alderman Ollar to take the recommendation of Chris Hadaway, Utility Director and accept the bid of Country Ford; Tom Bell Leasing, Inc. for a 2007 Ford in the amount of \$1, 597.02 monthly. Motion seconded by Alderman Stark. Motion passed unanimously.

SURPLUS PROPERTY

Mayor Davis read a recommendation from Jason Grant, IT Director to surplus the listed PC's and Monitors as they are no longer useful.

<u>PC's</u>	<u>Serial #'s</u>
Compaq	6045DYSZK714
Compaq	MXP41104CR
Compaq	W245KN8ZC646
Compaq	3D17JLT1A0FS
HP	P5285AR
HP	MX208D6315
HP	MX14564691
Compaq	V225KGLXA254
Compaq	U116DYSZB612
Gateway2100	No Serial #

<u>Mointors</u>	<u>Serial #'s</u>
Compaq	227CS80DE116
Compaq	227CS80DE119
Compaq	206GD43QE729
Compaq	CNNHIOU633
Dell	MX0419TG4780123KB037

A motion was made by Alderman Guy to take the recommendation of Jason Grant, IT Director and surplus out the listed equipment to be disposed of in accordance with State Law. Motion seconded by Alderman Cady. Motion passed unanimously.

Next, Mayor Davis presented a recommendation from Steve Pirtle, Deputy Police Chief to surplus the listed vehicles.

**Unit #1372 – 1997 Ford Crown Victoria, VIN#2FALP71W3VX212233
Asset #996**

**Unit#1385 - 1999 Ford Crown Victoria, VIN#2FAFP71W7YX121385,
Asset #1012**

**Unit#1391 – 2000 Ford Crown Victoria, VIN #2FAFP71W2YX121391,
Asset #1017**

**Unit#1447 – 2002 Ford Crown Victoria, VIN#2FAFP71W72X149002,
Asset #1051**

A motion was made by Alderman Stark to take the recommendation of Steve Pirtle, Deputy Police Chief and surplus the listed vehicles and to dispose of in accordance with State Law. Motion seconded by Alderman Loftis. Motion passed unanimously.

PLANNING

Next, Whitney Choat, City Planner presented to the Mayor and Board of Aldermen:

Item #1 Application by Gouro Sall for a conditional use permit to allow a hair braiding salon to be located at 9070 Millbranch Road. A motion was made by Alderman Cady to approve item #1 as a conditional use for one year with each year being an extension for a five year total as recommended by the Planning Commission. Motion seconded by Alderman Loftis. Motion passed unanimously.

Next Mayor Davis reported that if there is no objection, item#3 will be handled next.

Item #3 Application by Ann Motz to revise the existing Trinity Place PUD subdivision on the east side of Swinnea Road, north of Greencliff. Ms Choat reported this is a revision to Trinity Place. She reported that turnaround capability is shifted from the north end of the property to the entrance of the development. Alley way access has been removed and front access to the lots has been added. Lot size minimums have increased from 6,000 sq. ft. to 9,627 sq. ft. The culdesec that was planned for the north end has been removed and placed on the south end. A motion was made by Alderman Guy to approve item #3 as recommended by the Planning Commission. Motion seconded by Alderman Stark. Motion passed unanimously.

Item #2 Application by Joe and Paul Whitfield to rezone 72.4 acres of property between Elmore Road and Airways Road, south of Marathon Way from C-4 to PUD. A motion was made by Alderman Cady to approve item #2 on the Planning Agenda with the staff recommendations. Motion seconded by Alderman Guy. Mayor Davis reviewed the list of approved uses. He reported there are 23 differences between the staff recommendations and the Planning Commission recommendations. He reported that out of the 23 differences the staff along with the Mayor's Office removed 21 uses that the Planning Commission had approved. There was one use which was Wholesale Merchandising which was removed by the Planning Commission. The staff recommends it be allowed in Area A only. The other change is Automobile Dealership was removed by the Planning Commission.. Staff recommendation is that Automobile Dealership be approved but only in Section A, not in the parcel next to Elmore. Mayor Davis reported that unlike what the newspaper article stated today there is no Elmore or Airways frontage for Automobile Dealerships by the Planning Commission or the Staff recommendations. He reported the other uses that were taken out were Telephone Servicing or Switching Center, Utility Sub Stations, Automotive Truck and Trailer Rental, Bowling Alley, Contractor Storage Yard, Funeral Homes, Laboratories, Lawn Service, Miniature Golf Course, Parking Garages, Party or Reception Hall, Radio or TV Station, Recreational

Facilities, Skating Rink, Special Even Tent, Grocery Stores, Gymnasium or Sports Complex, Emergency Medical Facility, Hotel, Churches, and Green Nursery. The Staff recommendation other than one item is 21 times more restrictive than what the Planning Commission brought forth. Alderman Ollar asked Ms. Choat what the vote was from the Planning Commission concerning the Car Dealerships. She stated that four Commissioners vote to remove it. Alderman Ollar stated he will have to stand in favor of his Planning Commissioners. A motion was made by Alderman Ollar to amend the original motion to exclude new Automobile Dealerships from this PUD text. Motion seconded by Alderman Jobes. Alderman Guy asked Ms. Choat about the objections of the Planning Commissioners to the Automobile Dealerships. She stated the main concern was traffic control. She stated there was some concern with noise. Ms. Choat reported PA Systems are conditional use now and they are not allowed by right on these sites. Mayor Davis then showed the different areas and the allowed usages for each. He reported that area B has to be Neighborhood Commercial, area A-1 will have no Automobile Dealers. He reported the only place new automobile dealers are recommended by the staff are area A. Alderman Huling asked Ms. Choat if section A was the only section originally proposed to have car dealerships. Ms. Choat answered that it was always addressed for Section A. She stated it was never proposed for A-1 or B. Alderman Jobes asked if there was someone at the Planning Commission meeting representing the Applicant. Mr. Chuck Roberts came before the Mayor and Board. He stated that part of the reason this was important to be inside the PUD was for architectural control. They want buildings to be 2/3 brick, pitched roofs, a similar design that would carry over from the Towne Center and the Cypress Development as well. He said areas were picked that had nothing behind them. He stated the south side of the road has nothing but flood plane. The north side of the road has a million square feet of warehouses. He stated that is the reason they left it off of anything east of that mid point of Nail Road to keep it away from anything that will be Neighborhood Commercial. Alderman Huling asked Mr. Roberts if the number of acres could be limited. Mr. Roberts answered that a limit could be put on the acreage in the text. Alderman Ollar asked Mr. Roberts and Mayor Davis what other areas a car dealership can be located in. Mayor Davis reported there are no current zoning approved for the location of car dealerships. Mr. Roberts stated there is no other place in the City suitable for them to locate. Mr. Roberts stated that when he heard the concerns about traffic he called some of the local dealerships and found out that on the average the dealerships see about 40 to 50 cars on a week day and 50 to 100 cars on a weekend day. He stated that a big box retailer would have up to 2000 vehicles per day. He stated that traffic is no an issue. He stated new car dealerships generally follow new development. Alderman Ollar stated he is only following the Planning Commissioner's recommendations. He

stated he is voting in favor of the residents who have contacted him with their concerns about car dealerships going into that area. The amendment to exclude new car dealerships from the text was put to a roll call vote and failed by 5 “nays” and 2 “yeas”.

Roll call was as follows:

Alderman Guy	Nay
Alderman Cady	Nay
Alderman Stark	Nay
Alderman Loftis	Nay
Alderman Ollar	Yea
Alderman Jobes	Yea
Alderman Huling	Nay

The original motion to accept the staff recommendation was put to a roll call vote and passed unanimously.

Roll call was as follows:

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

MAYOR’S REPORT

Mayor Davis reported on the E-Cycle Day on January 6th. He reported we collected over 6 tons of electronics.

Mayor Davis reported there has been a proposed ban on smoking in public places which is being endorsed by the Hotel/Motel/Restaurant Associations. He reported he may have a report and potentially a draft ordinance for review at the next Board meeting concerning that issue.

Mayor Davis reported there is a Resolution in front of the Board that his office is recommending passage on that basically states that in order to increase millage(property tax) in the City of Southaven, it not only takes a majority of those present but a super majority which is a 2/3 vote. Mayor Davis reported it would require a minimum of 5 members if everyone is present. He reported it does exclude the Sanitation millage because that is the only millage increase voted on by the citizens.

A motion was made by Alderman Guy to adopt **RESOLUTION ESTABLISHING A SUPER MAJORITY VOTE NECESSARY TO INCREASE THE MILLAGE RATE FOR THE CITY OF SOUTHAVEN, MISSISSIPPI**. Motion seconded by Alderman Cady. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

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

CITY ATTORNEY UPDATE

Mark Sorrell, City Attorney brought three claims before the Mayor and Board of Aldermen.

- 1. Mr. Sorrell reported that while work was being done on Emily Frayser's home, sewage backed up into the home. He reported Chris Hadaway, Utility Director took action to clean and sanitize the house; however there were personal items damaged as well. He stated Mr. Hadaway recommended paying for this damage in the amount of \$754.00. A motion was made by Alderman Stark to take the recommendation of the City Attorney and the Utility Director and pay the damages in the amount of \$754.00 to Emily Frayser. Motion seconded by Alderman Loftis. Motion passed unanimously.**
- 2. Mr. Sorrell reported that Billy Valentine was driving on Guthrie and hit a pot hole and sustained damage to his vehicle. Mr. Sorrell reported this was investigated by Ray Tarrance, Public Works Director. He reported that Mr. Tarrance did not find any evidence that would hold the City liable. Mr. Sorrell reported that as a gesture of good will he recommends offering Mr. Valentine the insurance deductible amount of \$500. A motion was made by Alderman Cady to accept the recommendation of the City Attorney and the Public Works Director to deny the claim but to offer Mr. Valentine the insurance deductible amount of \$500 as a good will gesture. Motion seconded by Alderman Jobs. Motion passed unanimously with Alderman voting nay.**
- 3. Mr. Sorrell reported that Mary Session lives at 8144 Manhattan. Her neighbor heard her house alarm and called 911. Southaven responded and could not get anyone to answer the door. Fearing someone was in harm's way, they kicked the door in. No one was in the house. The door was damaged, but Mr. Sorrell stated he does not feel the City if liable, because all action was taken based on the faulty alarm. A motion was made by Alderman Stark to take the recommendation of the City Attorney and deny the claim of Mary Session. Motion seconded by Alderman Guy. Motion passed unanimously.**

CLAIMS DOCKET

A motion was made by Alderman Stark to approve the docket of claims as presented on January 16, 2007 including demand checks, and payroll checks. Motion seconded by Alderman Loftis. Motion was put to a roll call vote and passed unanimously.

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, there being no further business to come before the Mayor and Board of Alderman, a motion was made by Alderman Guy to adjourn. Motion seconded by Alderman Loftis. Motion passed unanimously, Time 7:00, January 16, 2007.

**Glenda Smallwood
City Clerk**

Charles G. Davis, Mayor