

**MINUTES OF THE REGULAR MEETING
OF SEPTEMBER 4, 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 fourth day of September, 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
Paul Ollar	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5
Randall Huling	Alderman, Ward 6

Absent was Alderman James Loftis, Ward III. Alderman Ollar was present by telecommunications. Also present were Mark Sorrell, City Attorney, Glenda Smallwood, City Clerk, Chris Wilson, City Administrator, and Bradley Wallace, Director of Operations. Approximately fifteen (15) other people were present.

Mayor Davis called the meeting to order. Alderman Guy opened the meeting with prayer. Following the Pledge of Allegiance led by Alderman Jobes, a motion was made by Alderman Guy to approve the minutes of the regular meeting of August 21, 2007 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Jobes. Motion passed unanimously with Alderman Cady abstaining.

RESOLUTION

A motion was made by Alderman Guy to adopt RESOLUTION RATIFYING, CONFIRMING, AND APPROVING AMENDMENTS TO A RESOLUTION OF THE CITY DATED AUGUST 7, 2007 ENTITLED: A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF NEGOTIABLE INTEREST-BEARING COMBINED WATER AND SEWER SYSTEM REVENUE BONDS, SERIES 2007 (THE "BONDS"), OF THE CITY OF SOUTHAVEN, MISSISSIPPI, IN THE PRINCIPAL AMOUNT OF FIV MILLION FOUR HUNDRED THOUSAND DOLLARS (\$5,400,000) TO RAISE MONEY FOR THE PURPOSE OF IMPROVING, REPAIRING AND EXTENDING THE COMBINED WATER AND SEWER SYSTEM OF THE CITY OF SOUTHAVEN; PRESCRIBING THE FORM OF SAID

BONDS; AND PROVIDING FOR THE COLLECTION AND DISTRIBUTION OF THE REVENUES TO BE DERIVED FROM THE OPERATION OF SAID SYSTEM IN AN AMOUNT SUFFICIENT TO PAY THE COST OF THE OPERATION AND MAINTENANCE TEREOF AND TO PAY THE PRINCIPAL OF AND INTEREST ON SAID BONDS; MAKING PROVISION FOR A SERIES 2007 DEBT SERVICE RESERVE ACCOUNT, A SERIES 2007 DEPRECIATION FUND AND A 2007 CONTINGENT FUND; MAKING PROVISION FOR MAINTAINING THE TAX-EXEMPT STATUS OF SAID BONDS; PAYING COSTS OF ISSUANCE AND FOR RELATED PURPOSES. Motion seconded by Alderman Stark. Motion was put to a roll call vote and passed unanimously with Alderman Loftis being absent.

Roll call was as follows:

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

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

RESOLUTION – BUDGET 2007-2008

A motion was made by Alderman Guy to adopt RESOLUTION FIXING THE AD VALOREM TAX LEVY ON REAL AND PERSONAL PROPERTY FOR TAXES AND ESTABLISING THE BUDGET. Motion seconded by Alderman Stark. Mayor Davis reported the overall numbers are the same. There is no tax increase. There are some increases in tap fees added to this resolution to bring us in line with other cities around us. This still keeps up at or below the next area to us. Motion was put to a roll call vote and passed unanimously with Alderman Loftis being absent.

Roll call was as follows:

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

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

Alderman Guy expressed his appreciation for all of the work that went into presenting a balanced budget without a tax increase. Mayor Davis thanked, the Department Heads and the Department of Finance and Administration for their work on the budget.

MAYOR'S REPORT

1. Mayor Davis presented several ordinance changes to be reviewed. Mayor Davis reported that Alderman Jobes, Chairman of the Ordinance Committee will review these ordinances with Chris Wilson, City Administrator, Mark Sorrell, City Attorney, and Whitney Choat, City Planner and bring back any changes or recommendations to be voted on by the Board. He reported the first one deals with the definition of animals. He reported we did not change our vicious dog portion of the ordinance because it is already the strictest that state law will allow. The second ordinance deals with fire codes and the changes that have been made through the fire department. The third one deals with making false statements to a governmental official. It is already illegal by our City Ordinance to make a false statement to a police officer. This ordinance will make it a misdemeanor to rent a governmental facility under false pretense, to falsify information on a school document so that a child can attend a certain school, to falsify information on a business license, or if a developer comes before the Board promising to meet certain requirements and then making a false statement in order to obtain benefits or services. He reported it is a very broad range ordinance but with the amount of abuse that is coming in, it is time to take this action and it will be up to the discretion of the Judge to determine if the action falls under this ordinance. The fourth is a new ordinance on Loitering. No person shall loiter or prowl in any public or private place in any manner or under any circumstances which warrant alarm for the safety of persons or security of property in the surrounding areas. He reported without limitations the following circumstances may be considered in determining whether such alarm is warranted.

- The flight of a person or persons upon the appearance of a police officer.**
- Attempted concealment by a person upon the appearance of a police officer.**
- The checking of windows or doors or other means of access to buildings, houses, or vehicles.**

The Mayor reported this is a preventative ordinance to stop theft crime or another crime that may occur before it happens.

Mayor Davis reported we are dealing with three traffic ordinances; speeding, running a stop sign, and traffic lights. He reported that currently in Southaven we write tickets for those violations on a uniform citation through the State of MS. When a person is found guilty it is reported on their driving record. Their insurance rates are

affected and we have sent some \$800,000 to the State of MS for their portion of their fines that are collected. If our officers choose to write the ticket under a City Ordinance citation the fine stays the same and the City keeps that \$800,000 and their driving record is not affected.

2. Mayor Davis reported we have a new Christmas tree and need to surplus out our old Christmas tree. A motion was made by Alderman Cady to surplus our old Christmas tree in accordance with State Law. Motion seconded by Alderman Huling. Motion passed unanimously with Alderman Loftis being absent.
3. Mayor Davis reported we will be opening bids on September 19th for Church Road Improvements. The State has to approve those bids. He reported that when they approve the bids he will probably call a Special Meeting to expedite that project.
4. Mayor Davis reported on the improvements being made to City Hall. He reported that all of the improvements are targeted to be finished for the grand opening of the Library. He reported that on that day, City Hall will be open to the public as well as the Library and the Police Station. He thanked Bradley Wallace, and all of the people who have been working on that project.
5. Mayor Davis reported we approved the Cherry Tree P.U.D. He reported a section has been found in the P.U.D. documents which states that all architectural design of housing shall be approved by the governing authorities. He reported there has been some question about one or two houses that have gone up and number of others that may go up. He reported that Lifestyle Homes, LLC met all of the requirements. He recommended approving the Lifestyle Homes, LLC designs for Cherry Tree and to issue a stop work order on any other home permits in any other subdivision that has a requirement of architectural design approval by this Board until such design are presented and approved. A motion was made by Alderman Cady to approve the Lifestyle Homes, LLC designs for Cherry Tree and to issue a stop work order on any other home permits in any other subdivision that has a requirement of architectural design until such designs are presented and approved. Motion seconded by Alderman Huling. Following discussion, the motion was put to a roll call vote and passed unanimously with Alderman Loftis being absent.

Roll call was as follows:

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

COMMITTEE REPORTS

Alderman Jobs, Chairman of the Ordinance Committee asked that all of the Aldermen review the Ordinance drafts and to call him with any comments or concerns.

Alderman Jobs commended Sherry Bennett on the newsletter she prepared for the Forever Young Seniors. Alderman Cady stated that Ms. Bennett is doing an excellent job.

CITY ATTORNEY LEGAL UPDATE

Mayor Davis reported there are three tracts of land we need to run sewer across which will service Central Park and the open vacant land between Tchulahoma and Getwell for the subdivisions. He reported that developers are willing to pay to put the trunk line in. They have diligently tried to obtain the easements. He reported that one of the parcels of land is in an estate that has several heirs. The only way to obtain the right of way will be to go through the court with eminent domain/condemnation process. A motion was made by Alderman Cady to authorize Mayor Davis to begin the condemnation process of any parcel of land to service the City with sewer as designed originally for the northeast sector of the City. Motion seconded by Alderman Stark. Motion was put to the vote and passed unanimously with Alderman Loftis being absent.

Mark Sorrell, City Attorney presented two claims to the Mayor and Board of Aldermen.

1st Claim – Ms. LaDonna Ricks accompanied her husband to the Bancorp South Sports Center watching him taking batting practice. He fouled a ball which came back hitting her on the nose. She claims that the batting net was not tight enough resulting in the ball coming back and hitting her. She is asking for reimbursement for the doctor bills, and her glasses. Mr. Sorrell reported that it is his understanding that the batting nets are constructed that way to keep the ball from hitting the one who is batting. He reported that she probably got too close to the batting net and therefore his recommendation is for the claim to be denied. A motion was made by Alderman Stark to deny the claim of LaDonna Ricks. Motion seconded by Alderman Guy. Motion passed unanimously with Alderman Loftis being absent.

2nd Claim – Mr. Bryant Johnson was traveling east bound on Stateline Road near the Greenbrook Park. A mower picked up a rock or hard object and threw it into his vehicle and damaged his paint. He is asking for reimbursement. Mr. Sorrell recommended denial of this claim. A motion was made by Alderman Stark to deny the claim of Mr. Bryant Johnson. Motion seconded by Alderman Guy. Motion passed unanimously with Alderman Loftis being absent.

OLD BUSINESS

Alderman Cady asked about the progress of the traffic light at Rasco and Canterbury. Mayor Davis reported we are still waiting on the steel cross arms.

Alderman Jobs asked about the cameras being installed at traffic lights. Mayor Davis reported that MDOT will not release those permits at this time.

CLAIMS DOCKET

A motion was made by Alderman Stark to approve docket of claims on this date August 21, 2007 including demand checks, and payroll checks and excluding voucher # 87742,87743,87782,87846 thru87848, 87856, thru 87900, 87949, 87972, 88098, 88188, 88201, 88209, 88261, 88368, 88372, and 88378. Motion seconded by Alderman Guy. Motion was put to a roll call vote and passed unanimously with Alderman Loftis being absent.

Roll call was as follows:

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

Next, there being no more business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Guy to adjourn. Motion seconded by Alderman Huling.

Motion passed unanimously. Time 6:30 on September 4, 2007

Charles G. Davis, Mayor

Glenda Smallwood, City Clerk