

**MINUTES OF THE REGULAR MEETING  
OF MARCH 16, 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 16<sup>th</sup> day of March, 2010 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>Ronnie Hale</b>	<b>Alderman, Ward 2</b>
<b>George Payne</b>	<b>Alderman, Ward 3</b>
<b>William Brooks</b>	<b>Alderman, Ward 4</b>
<b>Ricky Jobs</b>	<b>Alderman, Ward 5</b>
<b>Randall Huling</b>	<b>Alderman, Ward 6</b>

**Alderman Cady and Alderman Payne were present via telecommunication. Also present were Chris Wilson, City Administrator, Sheila Heath, City Clerk, Whitney Choat, City Planner and Bradley Wallace, Director of Operations. Approximately ten (10) other people were present.**

**Mayor Davis called the meeting to order. Alderman Jobs led in prayer. Following the Pledge of Allegiance led by Alderman Huling, a motion was made by Alderman Jobs to approve the minutes of March 02, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion was put to a vote and passed unanimously.**

**CITIZEN'S AGENDA**

**No one for the Citizen's Agenda**

**BID EXTENSION**

**Mayor reported that M & H Construction's bid would expire soon. We are requesting to extend the contract an additional 48 months as allowed by State of Mississippi Law and bid specifications. Motion was made by Alderman Huling to extend the contract the additional 48 months as presented. Motion was seconded by Alderman Jobs. Motion was put to a vote and passed unanimously.**

**SURPLUS EQUIPMENT: SFD & SPD**

**Next, Mayor presented the surplus equipment for the Fire and Police Departments. Alderman Hale made the motion to surplus equipment for the Fire and Police Departments as presented. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously. A copy of this equipment will be made part of these minutes.**

**Planning Agenda**

**Item #1: Application by Michelle Justice for a conditional use permit to allow a full service spa to be located at 910 Goodman Road, Suite F, on the north side of Goodman Road, west of Swinnea. Ms. Choat reported that this was voted unanimously by the Planning Commission. Alderman Huling made the motion to approve Item #1 as presented. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**MAYOR'S REPORT**

**Mayor reported that he has two ordinances that he would like to have go into effect immediately. This is in order to protect the health, safety and welfare of the residents of the City of Southaven.**

**RESOLUTION FOR THE AMENDMENT TO TITLE XIII CHAPTER 12 SECTION 13-1 (b) DEFINITIONS OF THE ZONING ORDINANCE**

**WHEREAS, the governing authorities of the City of Southaven have determined the need to amend the adult entertainment business definition to further protect the public health and welfare of the citizens; and**

**WHEREAS, the governing authorities of the City of Southaven have determined that there is need to define the adult entertainment definition to include entertainment assemblies in the City of Southaven zoning ordinance; and**

**THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT TITLE XIII CHAPTER 12, Sec 13-1(b) DEFINITIONS OF THE CITY OF SOUTHAVEN CODE OF ORDINANCE BE AMENDED BY INSERTING THE FOLLOWING SUBSECTION:**

*Sec. 13(b) (7)*

*Entertainment Assemblies, which are non-secular or non-governmental, that collect monetary funds and/or are considered lewd or lascivious acts shall comport to the rules and regulations of the Adult Entertainment Business definition adopted by City of Southaven, Mississippi.*

**Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Huling for adoption and the Mayor put said Resolution to Roll Call Vote with the following results, to wit:**

<b>ALDERMAN GUY</b>	<b>YEA</b>
<b>ALDERMAN CADY</b>	<b>YEA</b>
<b>ALDERMAN HALE</b>	<b>YEA</b>
<b>ALDERMAN PAYNE</b>	<b>YEA</b>
<b>ALDERMAN BROOKS</b>	<b>YEA</b>

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 16<sup>th</sup> day of March, 2010.

**RESOLUTION FOR THE AMENDMENT TO TITLE XIII CHAPTER 12  
 CHART 4 COMMERCIAL ZONE DISTRICT REGULATIONS IN THE  
 ZONING ORDINANCE**

WHEREAS, the governing authorities of the City of Southaven have determined that there is a growing need to further regulate particular uses allowed in industrial areas; and

WHEREAS, the City of Southaven has identified as adult entertainment, as defined in the City of Southaven zoning ordinance, as needing further regulatory controls for industrial zones; and

THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT TITLE XIII CHAPTER 12, Sec (m) CHART 4- COMMERCIAL ZONE DISTRICTS OF THE CITY OF SOUTHAVEN CODE OF ORDINANCE BE AMENDED AS FOLLOWS:

<i>Uses Permitted</i>	<i>O</i>	<i>RO</i>	<i>CI</i>	<i>C3</i>	<i>C4</i>	<i>PBP</i>	<i>M1</i>	<i>M2</i>	<i>PUD</i>
<i>Adult Entertainment</i>								<i>C</i>	<i>C</i>

Following the reading of this Resolution, it was introduced by Alderman Guy 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 16<sup>th</sup> day of March, 2010.

**Both Ordinances will take effect immediately.**

**RESOLUTION FOR THE FUTURE AMENITIES OF THE  
WORTHINGTON ESTATES SUBDIVISION**

**WHEREAS, the governing authorities of the City of Southaven have determined that the following requirements shall be required with the development of final three sections G, H, and I of the Worthington Estates Subdivision due to the fact that the following were part of the approval of the Worthington PUD:**

- **Swinnea Road widening (east of the center line)**
- **Park area**
- **Future park expenses for maintenance and upkeep**
- **Entrances to future phases of subdivision; and**

**WHEREAS, these costs will be absorbed by Sections G, H and I of the Worthington Estates Subdivision via the percentages associated with each phase of the overall area shown below:**

- **Area G 27 lots (17%)**
- **Area H 66 lots (43%)**
- **Area I 59 lots (38%)**

**The cost will be assessed per lot in each individual phase. No cost shall be accrued on a phase until such time that a plat is approved and recorded through the Office of Planning and Development;**

**THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI THAT THE ABOVE DESCRIBED AMENITIES REQUIREMENTS AND COST WILL BE MANDATED BEFORE ANY PLAT RECORDING OR BUILDING PERMIT ARE ISSUED.**

**Following the reading of this Resolution, it was introduced by Alderman Huling and seconded by Alderman Hale for adoption and the Mayor put said Resolution to Roll Call Vote with the following results, to wit:**

<b>ALDERMAN GUY</b>	<b>YEA</b>
<b>ALDERMAN CADY</b>	<b>YEA</b>
<b>ALDERMAN HALE</b>	<b>YEA</b>
<b>ALDERMAN PAYNE</b>	<b>YEA</b>
<b>ALDERMAN BROOKS</b>	<b>YEA</b>
<b>ALDERMAN JOBES</b>	<b>YEA</b>
<b>ALDERMAN HULING</b>	<b>YEA</b>

**The Resolution having received the proper vote of all Aldermen present was declared to be carried and adopted on the 16<sup>th</sup> day of March, 2010, and will go into effect immediately.**

**COMMITTEE REPORTS:**

**RESOLUTION FOR THE AMENDMENT TO TITLE 3 ANIMAL CONTROL CITY OF SOUTHAVEN CODE OF ORDINANCES**

WHEREAS, the governing authorities of the City of Southaven have determined that roadside sales of household animals may cause public health concerns due to inadequate disposal of animal waste; and

WHEREAS, roadside sales of household animals may cause further public health concerns for both humans and other animals due to exposure to unvaccinated animals; and

WHEREAS, vehicles pulling on or off roadways may have site visibility and visual concerns;

**THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT THE NEW SECTION 3-23 OF THE CITY OF SOUTHAVEN CODE OF ORDINANCE BE AMENDED AS FOLLOWS:**

**Sec. 3-23 Prohibition of roadside animal sales.**

**(a) Definitions**

**“Household Animal” a domesticated animal traditionally kept within the home or on the private grounds of the home for the purpose of companionship, which include dogs, cats, birds, reptiles and rodents.**

**(b) It shall be unlawful for any person, firm or corporation, to attempt to sell, exchange, trade, barter, donate or display any household animal on any roadside, public right-of-way, parkway, median, park, playground, other recreational areas, or any private parking lot that is generally accessible by the public, regardless of whether such access is authorized.**

**(c) City animal shelters shall be excluded from this section. Non-profit organizations founded for the purpose of providing humane sanctuary or shelter for abandoned or unwanted animals shall have rights to interior parking areas associated with commercial/retail stores and with written permission from both the store as well as the City of Southaven.**

**(d) Enforcement shall be primarily the duty of the Animal Control Office with Code Enforcement and the Police Department as secondary enforcement departments.**

**(e) Violation and Penalties: Any person found guilty of violating this section shall be subject to municipal citation and/or fines to be determined by the municipal court.**

Following the reading of this Resolution, it was introduced by Alderman Hale and seconded by Alderman Payne 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 16<sup>th</sup> day of March, 2010.

#### **CITY ATTORNEY'S LEGAL UPDATE**

#### **RESOLUTION GRANTING THE RIGHT TO OPERATE A MOTOR VEHICLE FOR HIRE SERVICE WITHIN THE CITY OF SOUTHAVEN, MISSISSIPPI, TO JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES**

WHEREAS, Section 21-27-131 et seq. of the Mississippi Code Annotated (1972) provides for the licensing of operators of motor vehicles for hire in municipalities of the State of Mississippi; and

WHEREAS, on or about July 28, 2009, JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES filed an Application For Obtaining Permit To Operate Motor Vehicles For Hire In The City Of Southaven, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen approved the Application For Obtaining Permit To Operate Motor Vehicles For Hire In The City Of Southaven, Mississippi submitted by JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES at the regularly scheduled meeting on March 16, 2010; and

WHEREAS, the City of Southaven desires to grant such rights to JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES; and

NOW, THEREFORE, IT IS RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, that the right to operate a limousine service within the corporate municipal boundaries of the City of Southaven shall be granted unto JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES , under the following terms and conditions, to-wit:

1. That JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall comply with all of the laws of the State of Mississippi.
2. That JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall establish and maintain a permanent office within the City of Southaven.

3. That each limousine operated by JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall pay a privilege license.
4. That each limousine driver who shall operate a limousine for JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall possess a Mississippi Chauffeur's driver's license or the equivalent of a Mississippi Chauffeur's driver's license.
5. That JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall pay a permit fee of \$50.00 per limousine per year.
6. That each limousine operated by JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall be numbered with such number prominently displayed.
7. That each limousine operated by JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall be inspected on an annual basis.
8. That JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall post a \$500.00 performance bond with the City of Southaven.
9. That JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall maintain liability insurance coverage in the amount of One Million Five Hundred Thousand and 001/000 Dollars (\$1,500,000.00). Further, that the liability insurance policy purchased by JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall be filed within thirty (30) days with the City of Southaven and shall contain a provision or endorsement to the affect that the same shall not be cancelled for any cause by JOSEPH J. MILLS or his insurance company thereto unless and until ten (10) days written notice thereof shall have been given to the City of Southaven.
10. That JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall charge comparable rates as charged in the industry.
11. That the JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall properly display within each limousine a privilege license and a photograph of each driver.
12. That prior to commencement of his business, JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall furnish the City of Southaven with a statement of the name, age, driving experience, moral character as well as the physical and mental condition of each operator.
13. That prior to commencement of his business, JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall furnish the City of Southaven with a list of each vehicle to be used in his limousine service.

**BE IT FURTHER RESOLVED** by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, that JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall have the right to operate a motor vehicle for hire service within the corporate boundaries of the City of Southaven, Mississippi, for a period of two (2) years commencing on the 1st day of April, 2010, and terminating two (2) years from said date. At the end of the two (2) year period, JOSEPH J. MILLS, d/b/a STRETCH LIMOUSINE SERVICES, shall be allowed to request an extension of the period of operation, and said request shall be considered by the Mayor and Board of Aldermen for the City of Southaven, Mississippi, at that time.

Following the reading of this Resolution, it was introduced by Alderman Guy, and seconded by Alderman Brooks. This Resolution was then put to a roll call vote and the results were as follows:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Lorine Cady	YEA
Alderman Greg Guy	YEA
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ricky Jobs	YEA
Alderman Randall T. Huling, Jr.	YEA

The said Resolution, having received the unanimous vote of all of the Aldermen present, was declared passed, adopted and approved on this, the 16th day of March, 2010.

#### **OLD BUSINESS**

No Old Business

#### **PROGRESS REPORTS**

#### **CLAIMS DOCKET**

A motion was made by Alderman Jobs to approve the Claims Docket of March 16, 2010, including demand checks and payroll in the amount of \$1,366,729.75. **Excluding voucher numbers:**

Motion seconded by Alderman Guy. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

<b>ALDERMAN</b>	<b>VOTED</b>
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 personnel city wide. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**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 Hale. Motion was put to a vote and passed unanimously, March 16, 2010 at 6:45 p.m.**

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**Charles G. Davis, Mayor**

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**Sheila Heath, City Clerk**