

**MINUTES OF THE REGULAR MEETING
OF MAY 18, 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 18th day of May, 2010 at six o'clock (6:00) p.m. at City Hall.

Present were:

Charles G. Davis	Mayor
Greg Guy	Alderman, at Large
Loraine Cady	Alderman, Ward 1
Ronnie Hale	Alderman, Ward 2
George Payne	Alderman, Ward 3
William Brooks	Alderman, Ward 4
Ricky Jobs	Alderman, Ward 5
Randall Huling	Alderman, Ward 6

Alderman Jobs and Alderman Cady was present via-telecommunication. Also present were Chris Wilson, City Administrator, Sheila Heath, City Clerk, Bradley Wallace, Director of Operations and Whitney Choat-Cook, City Planning Director. Approximately twenty five (25) other people were present.

Mayor Davis called the meeting to order. Mayor reported that we have some special guests with us who will act as Master of Ceremony tonight. They are Boy Scout Troop #97 from Broadway Baptist Church. Clayton Smith led in prayer, followed by the Pledge of Allegiance led by Logan Cook, Cody Jeppe and Conner Monroe. Next a motion was made by Alderman Guy to approve the minutes of the regular meeting of May 4, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

No Business for Citizen's Agenda

Resolution Of The Mayor And Board Of Aldermen Of The City of Southaven, Mississippi Naming Authorized Representative And Authorizing Application For WPCRLF Loan For Wastewater Treatment Upgrade Project

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI NAMING AUTHORIZED REPRESENTATIVE AND AUTHORIZING APPLICATION FOR WATER POLLUTION CONTROL REVOLVING LOAN FUND (WPCRLF) FOR WASTEWATER TREATMENT UPGRADE PROJECT

RESOLUTION AUTHORIZING MAYOR CHARLES G. DAVIS TO EXECUTE THOSE DOCUMENTS AND AGREEMENTS REQUIRED IN

CONNECTION WITH THE APPLICATION FOR THE WATER POLLUTION CONTROL REVOLVING LOAN FUND PROGRAM THROUGH THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF POLLUTION CONTROL AND NAMING MAYOR CHARLES G. DAVIS AS THE AUTHORIZED REPRESENTATIVE FOR THE CITY OF SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven, Mississippi, makes application for a Water Pollution Control Revolving Loan Fund (WPCRLF) loan in the amount of \$5,151,410.00 from the Mississippi Department of Environmental Quality (MDEQ) for installation of the Summerwood/Whitten Place Subdivisions Sanitary Sewer Project which includes a Low Pressure Sewer System for approximately 435 homes, improvements to an existing pump station adjacent Getwell Road and extension of the Gravity Sewer System to along Nolehoe Creek and Getwell Road;

WHEREAS, in order to apply for such a loan the City of Southaven must submit a WPCRLF Loan Application package in compliance with WPCRLF Program Regulations;

WHEREAS, such regulations require that the City of Southaven, Mississippi, provide as part of the package a certified copy of a Resolution which authorizes submission of the application and which designates an authorized representative to execute the application and to be the authorized representative for the project; and

WHEREAS, Section 21-17-5 of the Mississippi Code Annotated (1972), empowers the governing authorities of a municipality to adopt resolutions with respect to such municipal affairs.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the submission of a WPCRLF Loan application is hereby authorized, with the

proceeds from such loan to be used to finance and implement WPCRLF Loan Program project SRF-C280910-01.

IT IS FURTHER RESOLVED that Mayor Charles G. Davis is authorized to execute and file an application for a WPCRLF loan on behalf of the City of Southaven, Mississippi with full authority to execute all documents pertaining to the project.

IT IS FURTHER RESOLVED that Mayor Charles G. Davis is hereby authorized to be the authorized representative of the project.

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

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 18th day of May, 2010.

Resolution Confirming the Free Port Warehouse Exemption and Extending the Products Exemption, Both Previously Granted To Cooper Lighting, LLC

RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI CONFIRMING THE FREE PORT WAREHOUSE EXEMPTION AND EXTENDING THE PRODUCTS EXEMPTION, BOTH PREVIOUSLY GRANTED TO COOPER LIGHTING, LLC (F/K/A COOPER LIGHTING, INC.) FROM AD VALOREM PERSONAL PROPERTY TAXES FOR ITS PRODUCTS

**INVENTORIES AT ITS WAREHOUSING/DISTRIBUTION ENTERPRISE
LOCATED IN THE CITY OF SOUTHAVEN, MISSISSIPPI, AS
AUTHORIZED BY §§ 27-31-51, *ET SEQ.*, AND § 27-31-7,
RESPECTIVELY, OF THE MISSISSIPPI CODE OF 1972, AS AMENDED**

The Board next took up for consideration the matter of confirming and extending certain tax exemptions from ad valorem personal property taxes previously granted by the City to Cooper Lighting, LLC, and the following Resolution, having first been reduced to writing, was introduced:

**RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF
SOUTHAVEN, MISSISSIPPI CONFIRMING THE FREE PORT
WAREHOUSE EXEMPTION AND EXTENDING THE PRODUCTS
EXEMPTION, BOTH PREVIOUSLY GRANTED TO COOPER
LIGHTING, LLC (F/K/A COOPER LIGHTING, INC.) FROM AD
VALOREM PERSONAL PROPERTY TAXES FOR ITS PRODUCTS
INVENTORIES AT ITS WAREHOUSING/DISTRIBUTION ENTERPRISE
LOCATED IN THE CITY OF SOUTHAVEN, MISSISSIPPI, AS
AUTHORIZED BY §§ 27-31-51, *ET SEQ.*, AND § 27-31-7,
RESPECTIVELY, OF THE MISSISSIPPI CODE OF 1972, AS AMENDED**

WHEREAS, this Board finds as a fact that:

I.

Cooper Lighting, LLC (f/k/a Cooper Lighting, Inc. and, together with Cooper Lighting, LLC, as applicable, “Cooper Lighting”) is, and since 2001 has been, engaged in the business of operating, or causing to be operated on its behalf, a warehousing and distribution facility (“Facility”), located at 100 Airport Industrial Drive in the City of Southaven (“City”), State of Mississippi (“State”), for the receipt, handling, distribution, warehousing, storage and reshipment of the products inventories (“Products Inventories”) of Cooper Lighting (“Enterprise”), with the exception of a brief period following the partial destruction of the Facility by a tornado in March, 2008 until the Facility could be reconstructed and refurbished and operations recommenced thereat in early 2009. As a result of its temporary relocation to another facility outside the State, Cooper Lighting had no Products Inventories in the City subject to ad valorem personal property taxes otherwise leviable by the City (“Taxes”) in 2009.

II.

Cooper Lighting was granted a Free Port Warehouse Privilege License dated July 22, 2002 for the Facility by the Mississippi State Tax Commission (“License”), which License is still valid and in full force and effect.

III.

By a certain “Resolution of the Board of Aldermen of the City of Southaven, Mississippi, Granting Exemption From Ad Valorem Tax”

previously adopted by this Board on May 07, 2002 (“Free Port Resolution”), a copy of which is on file and of record in the Minutes of its proceedings, this Board, on behalf of the City, approved the Application filed by Cooper Lighting for a free port warehouse exemption from Taxes (“Free Port Exemption”) under §§ 27-31-51, *et seq.* (“Free Port Statutes”) of the Mississippi Code of 1972, as amended (“Code”), and granted a Free Port Exemption to Cooper Lighting on its Products Inventories shipped out of the State (“Out-of-State Inventories”) to the full extent permitted by the Free Port Statutes.

IV.

While Cooper Lighting had no Out-of-State Inventories in the City in 2009, Cooper Lighting nevertheless timely filed its annual free port reports with the Tax Assessor of DeSoto County (“Assessor”). Furthermore, subsequent to its resumption of operations at the Facility, Cooper Lighting timely filed its annual free port reports with the Assessor in 2010.

V.

In addition, by a certain resolution or order previously also adopted by this Board (“Products Resolution”), a copy of which is on file and of record in the Minutes of its proceedings, this Board, on behalf of the City, approved the Application filed by Cooper Lighting for a products exemption from Taxes (“Products Exemption”) under § 27-31-7 (“Products Statute”) of the Code and granted to Cooper Lighting a Products Exemption on its Products Inventories shipped within the State (“In-State Inventories”) for the statutorily limited total term of ten (10) years.

VI.

Since Cooper Lighting also had no In-State Inventories in the City in 2009, the termination of the Products Exemption at the end of its ten (10)-year term as provided for in the Products Resolution would result in Cooper Lighting having received a Products Exemption for only nine (9) years instead of the total term of ten (10) years permitted by the Products Statute.

VII.

The DeSoto City Economic Development Council (“Developer”), as the sales and marketing organization of the City for economic development purposes, has recommended that this Board both confirm the continuation of the Free Port Exemption previously granted to Cooper Lighting for its Out-of-State Inventories at the Facility following Cooper Lighting’s return of its Enterprise to the Facility upon completion of its reconstruction and refurbishment and also extend the term of the Products Exemption previously granted to Cooper Lighting for its In-State Inventories at the Facility for one (1) year in addition to the term otherwise provided for in the Products Resolution due to the lack of benefit received by Cooper Lighting from the Products Exemption in 2009 as a result of circumstances beyond its control.

NOW, THEREFORE, BE IT RESOLVED by this Board of Aldermen of the City of Southaven, State of Mississippi, that, in recognition of the above findings and in consideration for Cooper Lighting relocating the Enterprise back to the Facility in the City upon completion of its reconstruction and refurbishment, this Board hereby:

(A) Finds that the Developer, as the sales and marketing organization of the City for economic development purposes, has recommended that this Board both confirm the continuation of the Free Port Exemption previously granted to Cooper Lighting for its Out-of-State Inventories at the Facility following Cooper Lighting's return of its Enterprise to the Facility upon completion of its reconstruction and refurbishment and also extend the Products Exemption previously granted to Cooper Lighting for its In-State Inventories at the Facility for one (1) year in addition to the term otherwise provided for in the Products Resolution due to the lack of benefit received by Cooper Lighting from the Products Exemption in 2009 as a result of circumstances beyond its control;

(B) Finds that Cooper Lighting is the holder of a valid License for the Facility and timely filed its annual free reports with the Assessor in 2009, even though it had no Out-of-State Products Inventories in the City, and in 2010;

(C) Finds that the Facility thus remains a bona fide free port warehouse within the meaning of the Free Port Statutes;

(D) Finds that Cooper Lighting is, therefore, both eligible for and, pursuant to the Free Port Order, entitled to the continuation of the Free Port Exemption previously granted by this Board, on behalf of the City, to Cooper Lighting with respect to its Out-of-State Inventories located at the Facility within the City following Cooper Lighting's return to the Facility upon completion of its reconstruction and refurbishment, on the same terms upon which the Free Port Exemption was original granted in the Free Port Resolution;

(E) Finds that this Board does, therefore, desire, on behalf of the City, to confirm the continuation of such Free Port Exemption and should exercise its authority to confirm the continuation of such Free Port Exemption to Cooper Lighting for its Out-of-State Inventories located at the Facility within the City;

(F) Confirms the continuation of the Free Port Exemption previously granted by this Board, on behalf of the City, to Cooper Lighting for its Out-of-state Inventories located at the Facility following Cooper Lighting's return to the Facility upon completion of its reconstruction and refurbishment, on the same terms upon which the Free Port Exemption was original granted in the Free Port Order;

(G) Finds that, due to Cooper Lighting's lack of In-State Inventories subject to Taxes by the City in 2009, Cooper Lighting is, therefore, eligible for an extension of the term of the Products Exemption previously granted by this Board, on behalf of the City, to Cooper Lighting with respect to its In-State Inventories located at the Facility within the City for a period of one (1) year in addition to the term otherwise provided for in the Products Resolution in order that Cooper Lighting will receive the benefit, on the same terms otherwise upon which the Products Exemption was original granted in the Products Resolution, of a full ten (10)-year term of the Products Exemption;

(H) Finds that this Board does, therefore, desire, on behalf of the City, to extend such Products Exemption and should exercise its discretionary authority to grant a one (1) year extension of the Products Exemption to Cooper Lighting for its In-State Inventories at the Facility within the City;

(I) Approves the extension of the Products Exemption previously granted by this Board, on behalf of the City, to Cooper Lighting for its In-State Inventories located at the Facility within the City for a period of one (1) year in addition to the term otherwise provided for in the Products Resolution on the same terms otherwise upon which the Products Exemption was originally granted in the Products Resolution;

(J) Requests that the Assessor take all necessary and appropriate actions in preparation of the tax rolls necessary to implement such confirmed Free Port Exemption and extended Products Exemption, including making appropriate notations on the tax rolls so that the Out-of-State Inventories and In-State Inventories will be treated as provided for by such Free Port Exemption and Products Exemption, respectively; and

(K) Directs that the City Clerk record this Resolution in a book kept in the City Clerk's offices for such purposes, to spread a copy of this Resolution on the Minutes of this Board, and to file one (1) copy of this Resolution with the Assessor.

After a full discussion of this matter, Alderman Guy moved that the foregoing Resolution be adopted, and said Motion was seconded by Alderman Hale. The Mayor then put the question to a roll call vote and the result was as follows:

ALDERMAN	VOTED
Alderman Lorine Cady	YEA
Alderman Greg Guy	YEA
Alderman Randall Huling	YEA
Alderman Ricky Jobes	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ronnie Hale	YEA

WHEREUPON, this Resolution having received the affirmative vote of a majority of the members of the Board of Alderman present, the Mayor declared that the foregoing Resolution was passed and adopted, in a regular meeting of the Board of Alderman of the City of Southaven, State of Mississippi, on the 18th day of May, 2010.

Interim Resolution Conditionally Granting To Cooper Lighting, L.L.C. An Additional Exemption From Ad Valorem Property Taxes For The 2009 Additions To/At Its Warehousing/Distribution Enterprise

INTERIM RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, CONDITIONALLY GRANTING TO COOPER LIGHTING, LLC AN ADDITIONS EXEMPTION FROM AD VALOREM PROPERTY TAXES FOR THE 2009 ADDITIONS TO/AT ITS WAREHOUSING/DISTRIBUTION ENTERPRISE LOCATED IN THE CITY OF SOUTHAVEN, MISSISSIPPI, AS AUTHORIZED BY §§ 27-31-105, *INTER ALIA*, OF THE MISSISSIPPI CODE OF 1972, AS AMENDED

The Board next took up for consideration the matter of conditionally granting a certain tax exemption from ad valorem property taxes, and the following Interim Resolution, having first been reduced to writing, was introduced:

INTERIM RESOLUTION OF THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, CONDITIONALLY GRANTING TO COOPER LIGHTING, LLC AN ADDITIONS EXEMPTION FROM AD VALOREM PROPERTY TAXES FOR THE 2009 ADDITIONS TO/AT ITS WAREHOUSING/
DISTRIBUTION ENTERPRISE LOCATED IN THE CITY OF SOUTHAVEN, MISSISSIPPI, AS AUTHORIZED BY §§ 27-31-105, *INTER ALIA*, OF THE MISSISSIPPI CODE OF 1972, AS AMENDED

WHEREAS, this Board finds as a fact that:

I.

Cooper Lighting, LLC ("Cooper Lighting"), by and through Diane Brown, its Manager of Property Taxes, timely filed, in triplicate and under oath, its written Application ("Application") for an additions exemption ("2009 Additions Exemption") from ad valorem personal property taxation ("Taxes") pursuant to Section 27-31-105, *inter alia* (collectively "Statutes"), of the Mississippi Code of 1972, as amended ("Code").

II.

Cooper Lighting is engaged in the business of operating, or causing to be operated on its behalf, a warehouse and distribution facility ("Facility"), located at 100 Airport Industrial Drive in the City of Southaven ("City"), State of Mississippi ("State"), for the receipt, handling, distribution, warehousing, storage and reshipment of Cooper Lighting's inventory of products ("Enterprise").

III.

Cooper Lighting made certain additions of tangible personal property to the Facility in 2009 ("2009 Additions"). As a result, the 2009 Additions constitute additions to/at a warehousing/distribution enterprise in 2009. Cooper Lighting is thus engaged in a warehousing/ distribution enterprise within the meaning of, and as enumerated in, the Statutes, and the 2009 Additions constitute tangible property used in connection with, and necessary to, the operation of a bona fide warehousing/distribution enterprise of Cooper Lighting, as described in an enumerated class of enterprises within the meaning of the Statutes, and is eligible for the 2009 Additions Exemption authorized by the Statutes.

IV.

In addition to all other exemptions granted by the laws of the State, the Statutes authorize and empower this Board, in its discretion, to grant a 2009 Additions Exemption from Taxes on tangible property which is located in the City and used in connection with, or necessary to, the operation of the enterprises described in the classes enumerated therein, specifically including warehousing/distribution enterprises such as the Enterprise, except that the 2009 Additions Exemption does not extend to Taxes on the products of such enterprises, or to Taxes on automobiles and trucks belonging to such enterprises and operating on or over the highways of the State (collectively "Eligible Property"), or to any State Taxes or to Taxes for school district purposes ("School Taxes"). Therefore, as authorized by the Statutes, the 2009 Additions qualify as Eligible Property used in connection with, or necessary to, the operation of the Enterprise and may be exempt from all Taxes imposed thereon by the City, but specifically excepting School Taxes and any State Taxes.

V.

The Eligible Property comprising the 2009 Additions, and used in connection with, or necessary to, the operation of the Enterprise, which is proposed to be exempted by the 2009 Additions Exemption and which does not include any products of Cooper Lighting or any automobiles and trucks of Cooper Lighting operating on and over the highways of the State, is described in Exhibit "A" attached hereto, incorporated herein by reference, and expressly made a part hereof for all purposes as if fully copied herein. The aggregate true value of the Eligible Property comprising the 2009 Additions is Two Million Four Hundred Eighty-Four Thousand Twenty-Six Dollars and Nineteen Cents (\$2,484,026.19), as itemized as required by the Statutes in Exhibit "A," with the 2009 Additions thus constituting a significant additional capital investment in the City with respect to the Enterprise of Cooper Lighting in the City.

VI.

The Enterprise thus constitutes a bona fide warehousing/distribution enterprise, as described in an enumerated class of enterprises within the meaning of the Statutes, and the 2009 Additions to/at the Facility are thus eligible for the 2009 Additions Exemption authorized by the Statutes.

VII.

Cooper Lighting is operating, or causing to be operated on its behalf, the Enterprise in the City.

VIII.

The 2009 Additions were completed by December 31, 2009. Under the Statutes, the 2009 Additions Exemption commences on the completion date of the 2009 Additions, or, specifically, December 31, 2009 (“Commencement Date”) with respect to the 2009 Additions.

IX.

The Statutes require that the Application for the 2009 Additions Exemption be filed on or before June 1st of the year immediately following the year of completion of the additions, *i.e.*, more particularly, June 1, 2010 for the 2009 Additions. Pursuant to the Statutes, Cooper Lighting timely filed with this Board its Application for the 2009 Additions Exemption for the 2009 Additions on or before June 1st of the year immediately following the year of their completion.

X.

The Enterprise, through Cooper Lighting and/or its contract operator, currently provides approximately thirty-two (32) direct jobs for employees at the Facility in the City and an annual payroll and benefits of approximately One Million Two Hundred Sixty-Five Thousand Five Hundred Forty-Four Dollars and Zero Cents (\$1,265,544.00) at the Facility in the City, as well as indirectly results in the creation of other ancillary jobs in the City (collectively “City Jobs”) and an additional overall positive indirect economic benefit to the City (collectively with the 2009 Additions and City Jobs, “Economic Impact”).

XI.

Through such Facility, Cooper Lighting is operating, or causing to be operated on its behalf, the Enterprise in the City which is and will be warehousing/distributing its products and, therefore, has made and will be making a major contribution and continued commitment to the present and future economic development of the City at the Facility.

XII.

Pursuant to the provisions of the Statutes, Cooper Lighting respectfully requested that, in recognition of the fact that the 2009 Additions Exemption constituted an inducement to Cooper Lighting, and thus played a major role in Cooper Lighting's decision, to locate the Facility in the City, this Board grant to Cooper Lighting an 2009 Additions Exemption from all such Taxes, excepting any State Taxes, School Taxes, and Taxes for purposes of roads and bridges, debt service, and municipal parks and libraries ("Local Option Taxes"), imposed by City on the Eligible Property comprising the 2009 Additions to/at the Facility and used by Cooper Lighting in the Enterprise.

XIII.

Under the Statutes the maximum term of the 2009 Additions Exemption is a period of ten (10) years ("Term") from the Commencement Date. Therefore, Cooper Lighting requested that, in accordance with the Statutes, this Board grant such 2009 Additions Exemption for the 2009 Additions for the Term, with such 2009 Additions Exemption, pursuant to the Statutes, to begin on the Commencement Date and to continue for the Term until December 31, 2019 ("Termination Date").

XIV.

This Board is authorized and empowered by the provisions of the Statutes to grant the 2009 Additions Exemption to Cooper Lighting with respect to the 2009 Additions being used in the Enterprise located within the City.

XV.

The 2009 Additions Exemption available to Cooper Lighting under the laws of the State constituted an inducement to Cooper Lighting upon which it relied in making its, and thus played a major role in Cooper Lighting's, decision to make the 2009 Additions to/at the Facility in the City, and sufficient consideration in the form of the Economic Impact and certain other good and valuable nonmonetary consideration (collectively "Consideration") has been and will be received by the City in order to support the granting of the 2009 Additions Exemption by this Board.

XVI.

The Enterprise is providing and will provide employment and a payroll at the Facility in the City, and this Board should acknowledge Cooper Lighting's contribution and continued commitment to the economic development of the City by exercising its discretionary authority to grant to Cooper Lighting such 2009 Additions Exemption for the Eligible Property comprising the 2009 Additions to/at the Facility for the Term.

XVII.

Therefore, pursuant to the provisions of the Statutes, Cooper Lighting respectfully requested that this Board grant to Cooper Lighting an 2009 Additions Exemption from all such Taxes, excepting any State Taxes, School Taxes, and Local Option Taxes (collectively "Excluded Taxes"), imposed by the City on the Eligible Property utilized in the 2009 Additions.

XVIII.

The DeSoto County Economic Development Council ("Developer"), as the sales and marketing organization for the City for economic development purposes, has recommended that this Board approve and grant, on behalf of the City, the 2009 Additions Exemption to Cooper Lighting for the 2009 Additions used in its Enterprise located within the City.

NOW, THEREFORE, BE IT RESOLVED by this Board of Aldermen of the City of Southaven, State of Mississippi, that, in recognition of the above findings and the Consideration, this Board hereby:

(A) Finds that the Developer, as the sales and marketing organization for the City for economic development purposes, has recommended that this Board approve and grant, on behalf of the City, the 2009 Additions Exemption to Cooper Lighting for the 2009 Additions used in its Enterprise located within the City;

(B) Finds that the Enterprise is in fact a bona fide enterprise described in a class of enterprises enumerated by the Statutes, being, more specifically, a warehousing/distribution enterprise within the meaning of the Statutes;

(C) Finds that this Board should exercise its discretionary authority to grant such 2009 Additions Exemption to Cooper Lighting for the 2009 Additions to/at the Facility and used in the Enterprise;

(D) Finds that this Board should grant the 2009 Additions Exemption to Cooper Lighting for the 2009 Additions to/at the Facility used in the Enterprise;

(E) Finds that this Board does, therefore, desire, on behalf of the City, to grant the 2009 Additions Exemption to Cooper Lighting for the 2009 Additions to/at the Facility used in the Enterprise;

(F) Finds that the 2009 Additions were completed in 2009 within the meaning of the Statutes and that the Term of the 2009 Additions Exemption should begin on the Commencement Date;

(G) Finds that Cooper Lighting is eligible for a 2009 Additions Exemption from all such Taxes imposed by the City on the Eligible Property comprising the 2009 Additions, excepting the Excluded Taxes, in an amount to be determined annually by the appropriate taxing authorities, as provided by State law, beginning with the Commencement Date, continuing for the Term, and ending on the Termination Date;

(H) Approves conditionally, subject to the appropriate investigation, approval, and certification by the State Tax Commission (“Commission”), the Application for the 2009 Additions Exemption for Cooper Lighting, beginning with the Commencement Date and continuing thereafter for the Term until the Termination Date, for the Eligible Property in the City comprising the 2009 Additions described in Exhibit ”A” used in connection with, or necessary to, the operation of the Enterprise in the City;

(I) Finds that Exhibit "A" contains an itemized listing of the true value of the Eligible Property comprising the 2009 Additions to be exempted, as required by the Statutes;

(J) Directs that the original and three (3) certified copies of the filed Application and a certified transcript of this conditional approval by this Board of the Application, including a certified transcript of this Interim Resolution of approval thereof, be forwarded by the City Clerk to the Ad Valorem Division of the Commission within thirty (30) days of the date of the certified transcript of this Interim Resolution, in order for the Commission to investigate and determine that the Eligible Property is eligible for exemption under, and should be exempted in accordance with, the Statutes; and that a certified copy of the filed Application and a certified transcript of this conditional approval by this Board of the Application, including this Interim Resolution of approval thereof, also be forwarded by the City Clerk to the Tax Assessor of DeSoto County (“Assessor”);

(K) Declares the intention and agreement of this Board, upon approval of the Application by the Commission and receipt by the City of the certificate of approval of the Commission, to enter a final order on its Minutes:

(i) declaring that the Eligible Property comprising the 2009 Additions to/at the Facility and used by Cooper Lighting in the Enterprise is exempt under the 2009 Additions Exemption and establishing the Commencement Date and Termination Date;

(ii) actually finally granting to Cooper Lighting the 2009 Additions Exemption applied for in the Application by Cooper Lighting for the 2009 Additions;

(iii) requesting that the Assessor take all necessary and appropriate actions in preparation of the tax rolls necessary to implement such 2009 Additions Exemption, beginning with the Commencement Date and continuing for the Term and until the Termination Date thereof, including making appropriate notations on the tax rolls so that the Eligible Property comprising the 2009 Additions will be treated as provided for in such final order and the Statutes;

(iv) agreeing, and indicating the intention of the Board, if permissible under the Statutes, Code and Laws, either that the 2009 Additions Exemption will continue in effect following a subsequent transfer, by merger or otherwise, of the Enterprise by Cooper Lighting to an affiliate thereof or that the Board will, if necessary,

grant a new additions exemption to any such affiliate of Cooper Lighting subsequently acquiring the Facility following such a transfer of the Enterprise thereto for the remaining balance of the Term of, and upon the same terms and conditions under which, the 2009 Additions Exemption was originally granted to Cooper Lighting; and

(v) directing the City Clerk to spread a copy of the final order on the Minutes of this Board and to record the final order approving the Application in a book kept in the City Clerk's office for such purposes; to file one (1) copy of the Application, this Interim Resolution, and the final order approving the Application with the State Auditor of Public Accounts; and to file one (1) copy of the final order approving the Application with the Commission; and

(L) Directs that the City Clerk record the filed Application, together with this Interim Resolution conditionally approving the Application, in a book kept in the City Clerk's office for such purposes and spread a copy of this Interim Resolution on the Minutes of this Board.

After a full discussion of this matter, Alderman Guy moved that the foregoing Interim Resolution be adopted, and said Motion was seconded by Alderman Hale. The Mayor then put the question to a roll call vote, and the result was as follows:

ALDERMAN	VOTED
Alderman Lorine Cady	YEA
Alderman Greg Guy	YEA
Alderman Randall Huling	YEA
Alderman Ricky Jobs	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ronnie Hale	YEA

WHEREUPON, this Interim Resolution having received the affirmative vote of a majority of the members of the Board of Aldermen present, the Mayor declared that the foregoing Interim Resolution was passed and adopted, in a regular meeting of the Board of Aldermen of the City of Southaven, State of Mississippi, on the 18th day of may, 2010.

EXHIBIT A

SCHEDULE OF PROPERTY COMPRISING 2009 ADDITIONS

<u>DESCRIPTION</u>	<u>AMOUNT</u>
Machinery - Racking	\$596,305.98

<u>DESCRIPTION</u>		<u>AMOUNT</u>
Machinery - Forklifts		
- 1997 Forklifts	\$19,558.00	
- 1999 Forklifts	21,711.00	
- 2003 Forklifts	421,017.47	
- 2006 Forklifts	<u>179,798.41</u>	
Subtotal - Forklifts		\$642,084.88
 Machinery - Other Machinery & Equipment		
- 2002 M & E	\$940,420.86	
- 2004 M & E	85,394.30	
- 2006 M & E	67,446.94	
- 2008 M & E	<u>55,824.02</u>	
Subtotal - Other M & E		<u>1,149,086.12</u>
Subtotal - Machinery		2,387,476.98
Furniture and Equipment		17,203.59
Office Equipment		9,099.00
Computer Equipment		<u>70,246.62</u>
Total - 2009 Additions		\$2,484,026.17

Resolution Of Intent And Resolution Declaring The Intention And Agreement To Grant Certain Ad Valorem Personal Property Tax Exemptions As Inducements For The Location By Cooper Wiring Devices, Inc. Of A New Warehousing/Distribution Enterprise

RESOLUTION OF INTENT

The Board of Aldermen then took up for consideration the matter of declaring its intention and agreement to the granting of certain exemptions from ad valorem personal property taxes which would otherwise be leviable by the City of Southaven, Mississippi, upon certain personal property, as inducements for the relocation by Cooper Wiring Devices, Inc., of its warehousing/distribution enterprise into the City of Southaven, Mississippi. After a full and thorough discussion of the subject, the following Resolution of Intent, having first been reduced to writing, was introduced, offered, moved and seconded for adoption:

RESOLUTION DECLARING THE INTENTION AND AGREEMENT OF THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO GRANT CERTAIN AD VALOREM PERSONAL PROPERTY TAX EXEMPTIONS AS

**INDUCEMENTS FOR THE LOCATION BY
COOPER WIRING DEVICES, INC. OF A NEW
WAREHOUSING/DISTRIBUTION ENTERPRISE IN
SUCH CITY**

WHEREAS, the Mayor and Board of Aldermen (collectively the "Board") of the City of Southaven ("City"), State of Mississippi ("State"), acting for and on behalf of the City, do hereby find, determine, and adjudicate as follows:

1. Cooper Wiring Devices, Inc. ("Cooper Wiring") is considering operating a new warehousing/distribution enterprise ("Enterprise") to be located in the warehousing/distribution facility currently operated by its affiliated entity, Cooper Lighting, LLC ("Cooper Lighting"), at 100 Airport Industrial Drive in the City ("Facility"), for the handling, processing, storage, warehousing, distribution and shipment by Cooper Wiring of its inventories of finished goods (collectively "Inventories") by relocating its Enterprise from its current location which is outside of the State ("Relocation"); and
2. Cooper Wiring's proposed Enterprise in the City would consist of certain fixtures, machinery, equipment, furniture, furnishings, and other items of personal property to be acquired, relocated, transferred, constructed, installed, and owned and/or leased by Cooper Wiring (collectively "Project"), as well as its Inventories; and
3. Cooper Wiring presently estimates that the total true value of the personal property comprising the Project would be approximately One Million Dollars and Zero Cents (\$1,000,000.00), which estimated total true value includes the value of the fixtures, machinery, equipment, furniture, furnishings, and other items of personal property owned and/or leased by Cooper Wiring and constituting the Project (collectively "Capital Investment"), but such Capital Investment excludes the value of its Inventories, which Inventories themselves would have an estimated value of approximately Twenty-Five Million Dollars and Zero Cents (\$25,000,000.00); and
4. The Project will be operated as a storage facility for the handling, storage, warehousing, distribution, and shipment of the Inventories; and
5. Subject to the economic and other uncertainties under which all businesses operate, Cooper Wiring, currently estimates that the Enterprise, through Cooper Wiring, Cooper Lighting, and/or the contract operator of the Facility, will directly provide approximately one hundred thirty (130) new jobs for employees in the City and an additional annual payroll, excluding benefits, of approximately Two Million Nine Hundred Seventy-Five Thousand Dollars and Zero Cents (\$2,975,000.00) in the City, as well as indirectly result in the creation of numerous other ancillary jobs in the City (collectively "City Jobs") and in an additional overall positive indirect economic

benefit to the City (together with the Capital Investment, City Jobs, and Inventories, collectively the "Economic Impact"); and

6. Through such Project and Inventories, Cooper Wiring will be operating, or causing to be operated on its behalf, a warehousing and distribution enterprise located in the City and will thus be making a major contribution and commitment to the present and future economic development of the City by the location of the Enterprise in the City; and
7. This Board is authorized and empowered by the provisions of § 27-31-51, *et seq.* ("Free Port Statutes"), of the Mississippi Code of 1972, as amended ("Code"), to grant a certain exemption from ad valorem personal property taxes ("Taxes"), including Taxes for school district purposes ("School Taxes") to Cooper Wiring for its Inventories stored in a licensed free port "warehouse" in the City ("Free Port Exemption") for shipment outside of the State ("Out-of-State Inventories"), with Cooper Wiring estimating that its Out-of-State Inventories will constitute approximately ninety-nine percent (99%) of its Inventories stored at the Facility in the City; and
8. Cooper Lighting has previously been issued by the State Tax Commission ("Commission") a certain "Free Port Warehouse License" dated July 22, 2002 for the Facility, and this Board is thus authorized and empowered to grant the Free Port Exemption to Cooper Wiring with respect to its Out-of-State Inventories stored at the Facility within the City; and
9. This Board is also authorized and empowered by the provisions of § 27-31-101, *et seq.* ("New Enterprise Statutes" and, together with the Free Port Statutes, collectively the "Statutes") of the Code to grant a certain exemption from Taxes, excluding Taxes on finished goods inventories and State Taxes and School Taxes, in connection with the location of new warehousing and distribution enterprises in the City ("New Enterprise Exemption" and, together with the Free Port Exemption, collectively the "Exemptions"), and is thus authorized and empowered by the New Enterprise Statutes to grant the New Enterprise Exemption to Cooper Wiring with respect to the Project within the City; and
10. The New Enterprise Statutes provide that the New Enterprise Exemption has a maximum term of ten (10) years ("Ten Year Term"), while the Free Port Statutes provide that the maximum term of the Free Port Exemption is unlimited ("Unlimited Term" and, together with the Ten-Year Term, collectively the "Maximum Terms"), with the Free Port Statutes thus permitting the granting of the Free Port Exemption for such period of time as shall be determined by this Board; and
11. Provided, however, that the May 25, 2006 tax policy of the City provides that, notwithstanding the permitted scope of - and in addition to any exclusions from - the New Enterprise Exemption

stated in the New Enterprise Statutes, there shall also be excluded from the New Enterprise Exemption the "road and bridge and debt service taxes" and "municipal parks and libraries taxes" (collectively "Local Option Taxes"); and

12. This Board, on behalf of the City, is thus authorized and empowered to grant: (i) the New Enterprise Exemption for the Ten-Year Term, excepting, however, School taxes, State Taxes and Local Option Taxes (collectively "Excluded Taxes"), with respect to the Project, with the intention of the City being that the New Enterprise Exemption will be granted for the maximum Ten-Year Term as permitted by the New enterprise Statutes, and (ii) the Free Port Exemption on the Out-of-State Inventories, including the Excluded Taxes for the Unlimited Term, with the intention of the City being that the Free Port Exemption will be granted for the maximum Unlimited Term as permitted by the Free Port Statutes; and
13. Without the granting by the City of the Exemptions to Cooper Wiring for the Project and Out-of-State Inventories, the Relocation by Cooper Wiring of its Enterprise to the Facility in the City would not be economically feasible to Cooper Wiring; and
14. Consequently, Cooper Wiring wishes to obtain satisfactory assurances from the City that, upon its Relocation of its Enterprise to the Facility in the City, completion of the Project and proper and complete applications and proof of qualification for the Exemptions being filed with this Board by Cooper Wiring, the City will grant the New Enterprise Exemption for the Project, excepting the Excluded Taxes, for the Ten-Year Term, and the Free Port Exemption for the Out-of-State Inventories, including the Excluded Taxes, for the Unlimited Term; and
15. This Board recognizes and acknowledges that the Exemptions available to Cooper Wiring constitute inducements to Cooper Wiring and will thus play a major role in Cooper Wiring's decision to relocate the Enterprise to the City and that sufficient consideration in the form of the Economic Impact and certain other good and valuable nonmonetary consideration (collectively "Consideration") will be received by the City in order to support its agreement to grant and the actual subsequent granting of the Exemptions, pursuant to this Resolution of Intent, on behalf of the City; and
16. The Enterprise will provide increased employment and increased payroll in the City, and this Board should acknowledge Cooper Wiring's contribution and commitment to the economic development of the City by exercising its discretionary authority by agreeing to grant to Cooper Wiring the Exemptions for the applicable Maximum Terms; and
17. The present and future health, safety, convenience, prosperity, pursuit of happiness and of gainful employment, public interest, and general welfare of the citizens of the City necessitate, as a public purpose, that

the City continue to encourage a program of economic development in order to further both the present and future long-term economic development of the City through the improvement of its tax base by attracting and assisting commercial, manufacturing, warehousing, and distribution enterprises providing employment to its citizens, through the approval of the Exemptions to assist businesses which are deemed necessary or desirable for the economic development and advancement of the City; and

- 18. In order to promote the industrial and economic development of the City so as to provide additional gainful employment for its citizens, this Board should declare its intention and agreement, upon proper and complete applications and proof of qualification therefor being filed with this Board by Cooper Wiring, to grant to Cooper Wiring the New Enterprise Exemption for the Project, excepting the Excluded Taxes, for the Ten-Year Term, and the Free Port Exemption for the Out-of-State Inventories, including the Excluded Taxes, for the Unlimited Term; and**
- 19. The DeSoto Council ("Developer"), as the sales and marketing organization for the City for economic development purposes, has recommended that this Board approve this Resolution of Intent on behalf of the City; and**
 - A. This Board does, therefore, desire, on behalf of the City, to declare its intention and to agree, upon proper and complete applications and proof of qualification therefor being filed with this Board by Cooper Wiring, to grant to Cooper Wiring the New Enterprise Exemption for the Project for the Ten-Year Term and the Free Port Exemption for the Out-of-State Inventories for Unlimited Term.**

NOW, THEREFORE, BE IT HEREBY RESOLVED AND AGREED by this Board, acting for and on behalf of the City and by virtue of such authority as may now or hereafter be conferred upon it by the Statutes, the Code, and any other applicable laws of the State (collectively "Laws"), that, in consideration of the above premises and the Consideration and, expressly recognizing its understanding that Cooper Wiring will be making its business decisions and expending its funds in reliance upon the terms and agreements of this Board contained herein, in order to induce Cooper Wiring to locate the Enterprise, as contemplated by this Resolution of Intent and as recommended by the Developer, in the City, this Board does, to the extent authorized by the Laws, hereby:

Declare its intention and agree as follows and as more specifically hereinafter described, subject to the filing by Cooper Wiring of both proper and complete applications with respect to the New Enterprise Exemption, as well as further subject to proof of qualification with all applicable requirements of the New Enterprise Statutes and Laws therefor:

- A. In order to exempt all or any portion of the Project qualifying for the New Enterprise Exemption from all Taxes which would**

otherwise be leviable, assessable, and collectible by the City and from which the New Enterprise Exemption may be granted under the New Enterprise Statutes and Laws, with the exception of the Excluded Taxes, to grant to Cooper Wiring for the Ten-Year Term, pursuant to the New Enterprise Statutes, the New Enterprise Exemption from Taxes, excepting, however, the Excluded Taxes, upon receipt of any required certifications of approval of eligibility therefor from the State Tax Commission ("Commission"), which will exempt all of Cooper Wiring's personal property qualifying therefor and constituting all or part of the Project from all Taxes, excepting the Excluded Taxes, for the Ten-Year Term as follows:

- i. either under a single application for the Enterprise upon completion of the Relocation in a single calendar year or under multiple applications for portions or phases of the Project upon the separate completion of portions of the Relocation in different calendar years, with any applications for portions of the Project completed after completion and commencement of operations of the initial portion thereof and not covered by the initial application being treated as separate additions to or expansions of such Enterprise qualifying for the expansion exemption under Section 27-31-105, *inter alia*, of the New Enterprise Statutes ("Expansion Exemption") and with any such New Enterprise Exemption or Expansion Exemption for each such portion to commence with the applicable statutory date of commencement for that particular portion, in order to exempt each such portion of the Project as soon as permissible under the Statutes; and
- ii. both upon the filing by Cooper Wiring of such application or applications for the Enterprise and upon the subsequent filing by Cooper Wiring of additional applications for other additions to or expansions of the Enterprise or any enterprise similar or related to the Enterprise or for the replacement of equipment used in connection with or necessary to the operation of the Enterprise or any enterprise similar or related to the Enterprise, with any applications subsequent to the Relocation of the Project being treated as either additions to or expansions of, or replacements of equipment of, the Enterprise and with such subsequent Expansion Exemptions to commence with the applicable date of commencement for that particular addition to or expansion of, or replacement of equipment of, the Enterprise.

In order to exempt for the Unlimited Term all of Cooper Wiring's Out-of-State Inventories qualifying for the Free Port Exemption from all Taxes, including the Excluded Taxes,

which would otherwise be leviable, assessable, and collectible by the City and from which the Free Port Exemption may be granted under the Laws, declare its intention and agrees as follows and as more specifically hereinafter described, subject to the filing by Cooper Wiring of a proper and complete application with respect to the Free Port Exemption for its Out-of-State Inventories, as well as further subject to proof of qualification with all applicable requirements of the Free Port Statutes and Laws therefor:

- A. To grant to Cooper Wiring, pursuant to § 27-31-53, *inter alia*, of the Free Port Statutes, a Free Port Exemption which will be exempt for the Unlimited Term all of Cooper Wiring's Out-of-State Inventories located in the Facility of Cooper Lighting licensed as a "free port warehouse" and qualifying therefor from all Taxes, including the Excluded Taxes, with such Free Port Exemption to begin on January 1st of the initial year for which Cooper Wiring has Inventories stored in such Facility which would otherwise be subject to Taxes.
- B. To provide in such grant of the Free Port Exemption that the Inventories of Cooper Wiring which are subject to the Free Port Exemption:
 - i. shall not be deemed to have acquired a situs in the State for the purpose of the Taxes; and
 - ii. shall not be deprived of the Free Port Exemption because they are bound, divided, broken in bulk, labeled, relabeled, or repackaged while in the Facility; and

Agrees to grant, to the extent authorized by the Statutes and the Laws, the Exemptions to Cooper Wiring and to provide in the grants of the Exemptions either that the Exemptions will continue in full force and effect following a subsequent transfer, by merger or otherwise, of the Enterprise by Cooper Wiring to an affiliate thereof or that the Board will, if necessary and permissible, transfer the Exemptions or grant new Exemptions to such affiliate following a subsequent transfer of the Enterprise thereto for the remaining balance of the original Maximum Terms for, and upon the same terms and conditions under, which the original Exemptions were granted.

Recognizing and acknowledging that certain of the Exemptions may be effective only from the date of grant by this Board, agree to grant the Exemptions at the earliest possible date such Exemptions may lawfully be considered by this Board, with the Ten-Year Term of the New Enterprise Exemption to begin upon completion of the Project; with the Ten-Year Term of any Expansion Exemption to begin on the last day of the calendar year of completion of the expansion of/addition to/replacement at the Enterprise (as required by the New Enterprise Statutes and Laws); and with the Unlimited Term of the

Free Port Exemption to begin with the earliest dates permitted by the Free Port Statutes and Laws.

Agree to grant such Exemptions for the Maximum Terms.

Acknowledging that the intention of this Board is for Cooper Wiring to receive the maximum benefit of such Exemptions from the Taxes allowed by the Statutes and Laws, for the Maximum Terms and effective at the earliest date allowed thereby, and for Cooper Wiring, to the extent allowed thereby, not to be subject to any Taxes from which it is eligible for the Exemptions, excepting the Excluded Taxes under the New Enterprise Exemption, from the first date on which Cooper Wiring would otherwise first be subject to Taxes following completion of the Relocation, for the entire Maximum Terms during which such Exemptions are available, and until after the expiration of such Exemptions, agrees that the City will interpret and implement this Resolution of Intent consistent with and in order to give full effect to this stated intention of this Board upon the filing by Cooper Wiring of its applications for the Exemptions and the consideration by this Board thereof and of any subsequent matters related thereto.

Acknowledging that Cooper Wiring will be locating its Enterprise in the City on the basis of its reliance on the agreements and representations made by this Board and City and contained herein, agree to liberally interpret this Resolution of Intent in the future, and to take all future actions in the implementation of this Resolution of Intent, in a manner which is designed to give full effect to the intent hereof and which is consistent with such reliance by Cooper Wiring on the agreements and representations herein made and contained.

Agree to cooperate with and to use its best efforts to assist, as authorized by the Laws, Cooper Wiring with respect to any other matters, issues or actions reasonably necessary in connection with the establishment of the Enterprise upon Cooper Wiring's satisfaction of any legal requirements with respect thereto.

Directs the City Clerk to spread a copy of this Resolution of Intent on the Minutes of this Board.

After a full and thorough discussion of the matters, Board Member Alderman Guy moved that the foregoing Resolution of Intent be adopted, and said Motion was seconded by Board Member Alderman Huling. The Mayor then put the question to a roll call vote, and the result was as follows:

ALDERMAN	VOTED
Alderman Lorine Cady	YEA
Alderman Greg Guy	YEA
Alderman Randall Huling	YEA
Alderman Ricky Jobs	YEA

Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ronnie Hale	YEA

Whereupon, this Resolution of Intent having received the affirmative vote of a majority of the Board present, the Mayor declared that the Motion had carried and that the foregoing Resolution of Intent was passed and adopted, in a regular meeting of the Board of Alderman of the City of Southaven, State of Mississippi, on the 18th day of May, 2010.

RESOLUTION TO CLEAN PRIVATE PROPERTY

WHEREAS, the governing authorities of the City of Southaven, Mississippi, have received numerous complaints regarding the parcel of land located at the following address, to-wit: 2179 Coral Hills Drive, 1188 McGowan Drive, 1814 Conerly Drive, 8340 Linda Shore Cove, 8697 Whitworth Street, 4181 Triple Crown Loop South, 2011 Coral Hills Drive, to the effect that the said parcel of land has been neglected whereby the grass height is in violation and there exist other unsafe conditions and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on Tuesday, May 18, 2010, by publishing two (2) weeks notice of such hearing in *The DeSoto Times Tribune*, a newspaper having a general circulation in the municipality, to determine whether or not the said parcel of land were in

such a state of uncleanness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on Tuesday, May 18, 2010, to voice objection or to offer a defense.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the above described parcel of land located at: 2179 Coral Hills Drive, 1188 McGowan Drive, 1814 Conerly Drive, 8340 Linda Shore Cove, 8697 Whitworth Street, 4181 Triple Crown Loop South, 2011 Coral Hills Drive is deemed in the existing condition to be a menace to the public health and safety of the community.

BE IT FURTHER RESOLVED that the City of Southaven shall, if the owners of the above described parcel of land do not do so themselves, immediately proceed to clean the respective parcel of land, by the use of municipal employees or by contract, by cutting weeds and grass and removing rubbish and other debris.

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

ALDERMAN	VOTED
Alderman Greg Guy	YEA
Alderman Lorine Cady	YEA
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA

Alderman William Brooks	YEA
Alderman Ricky Jobes	YEA
Alderman Randall T. Huling, Jr.	YEA

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 18th day of May, 2010.

ACCEPTANCE OF BIDS

Bradley Wallace reported that we have received bids for the Contract Laborer, Craftsmen & Supervisors for General Construction Purposes. Murphy & Sons, Inc. was the lowest and best bid. Rates are:

**\$13.00 per hour regular and \$19.00 per hour overtime for basic laborers
\$21.50 per hour regular and \$32.25 per hour overtime for basic laborers
\$24.50 per hour regular and \$36.75 per hour overtime for supervisors**

Alderman Jobes made the motion to except Murphy & Sons as recommended by Bradley Wallace, Operations Director. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

SURPLUS PROPERTY

Mayor reported that we have approximately 141 sets of blinds that were taken down when we replaced the windows in the Municipal Complex Tower. (2nd through 4th floors). Bradley Wallace is requesting permission to surplus out this property, because they do not fit the new windows and list it on GovDeals. Alderman Guy made the motion to Surplus the blinds as recommended by Bradley Wallace, Operations Director, in accordance to state law. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

Next, Deputy Chief, Steve Pirtle asked to surplus a 1993 Crown Victoria, white in color, VIN# 2FACP71W1PX127152. He stated that this vehicle has passed its usable and mechanical life. Alderman Guy made the motion to surplus the 1993 Crown Victoria in accordance to state law. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

PLANNING AGENDA

Item #1 OLD BUSINESS Application by Gail Carter for a conditional use permit to allow a spa facility to be located at 7090 Malco Blvd. in the Desoto Station PUD. Mayor Davis stated that this is a tabled motion from the last meeting. Alderman Guy made the motion to approve Item #1 as presented. Motion was seconded by Alderman Brooks. Mrs. Gail Carter spoke on behalf of the application and she stated she would not become a hair style shop. Mayor Davis told her that her permit would be pulled if the majority

of her business turned into a styling shop. After a short discussion, motion was put to vote and passed unanimously.

Item #2 Application by Desoto Bank for a conditional use permit to allow a reader board sign to be erected on the monument sign at the new Desoto Bank site in the Snowden Grove Office Park. Mrs. Choat-Cook stated that they are in compliance, and the planning commission approved this item. Alderman Jobs made the motion to approve Item #2 as presented. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Item #3 Application by Angela Miller for a conditional use permit to allow a banquet hall/reception hall to be located at 9061 Millbranch Road. Mayor Davis reported that this item has been removed from the agenda until we get some fire department issue addressed.

MAYOR'S REPORT

Mayor Davis reported on an emergency purchase request. He stated that the west well at the Greenbook Plant had to be replaced. The cost will be \$43,740.00 and he needed this emergency repair to be recorded in the minutes. Alderman Guy made the motion to approve the emergency purchase to Parks and Parks Well Service, Inc., in the amount of \$43,740.00. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Next, Mayor reported that we would need a voting delegate for the election of the position at MML second vice-present.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DESIGNATING ONE VOTING DELEGATE AND TWO ALTERNATES FROM THE CITY OF SOUTHAVEN FOR THE ELECTION OF THE POSITION OF MISSISSIPPI MUNICIPAL LEAGUE SECOND VICE-PRESIDENT

WHEREAS, on Tuesday, June 29, 2010, at the Mississippi Municipal League Annual Conference, an election will be held to select the Mississippi Municipal League Second Vice-President;

WHEREAS, to participate in the election, a city must be a member in good standing and must also identify a voting delegate and two alternates;

WHEREAS, the voting delegate will vote the will of the city in voting for the Mississippi Municipal League Second Vice-President;

WHEREAS, the City of Southaven is a member in good standing and desires to designate a voting delegate and two alternates for the election of the Mississippi Municipal League Second Vice-President;

WHEREAS, the Mayor and Board of Aldermen desire to designate Alderman Lorine Cady as the City of Southaven's voting delegate and Alderman Ronnie Hale and Alderman George Payne as the City of Southaven's alternates for the election of the Mississippi Municipal League Second Vice-President.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that Alderman Lorine Cady be designated as the City of Southaven's voting delegate and that Alderman Ronnie Hale and Alderman George Payne be designated as the City of Southaven's alternates for the election of the Mississippi Municipal League Second Vice-President.

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

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 18th day of May, 2010.

Next, Mayor Davis reported on a Recycle Program. He stated that he would like to start a recycle program in Southaven. Mayor is asking for permission go out for Request for Proposal's for this and the City can evaluate the different programs and see if it something we could do. Alderman Cady made the motion to allow Mayor Davis to go out for RFP's on a recycling program. Motion was seconded by Alderman Huling. Motion was put to a vote and passed unanimously.

COMMITTEE REPORTS:

No Committee Report

CITY ATTORNEY'S LEGAL UPDATE

No Attorney's Report

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

CLAIMS DOCKET

A motion was made by Alderman Guy to approve the Claims Docket of May 18, 2010, including demand checks and payroll in the amount of \$1,474,300.59. Motion was seconded by Alderman Hale. Excluding voucher numbers:

142873, 142890, 143045, 143217, 143242, 143340, 143376, 143417, 143508.

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

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 in the fire department, Economic

Development Prospects and Potential Litigation. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Mayor Davis called the meeting back to order. Alderman Guy made the motion to appoint Captain Roger Thornton as Deputy Fire Chief. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

A motion was made by Alderman Huling to create a standard policy to promote Captains for the City of Southaven. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Subject:	Captain Promotion
Reference Number:	Administrative SOG 4 E
Effective Date:	May 19, 2010
Last Revision Date:	May 19, 2010
Signature of Approval	
Page Number 1 of 2	Chief Mike Brackin

Purpose:

The purpose of this guideline is to outline the department's policies and requirements for promotion to the level of Fire Department Captain.

Background:

In 2003 the department developed and implemented a promotional rating system. In October 2008 the system was revised to meet the current needs of the department and to allow additional credit for certain levels of higher education and certifications. In 2010 after review by the Mayor and Board of Aldermen and fire department Command Staff additional revisions were made.

Guideline:

1. Individual must have completed 10 years of continuous fire suppression experience with the department and 5 years experience and rank as a Lieutenant with the department. Individual must have served in the "Out of Rank Captain" position for at least 2 years.
2. The individual must not have any disciplinary actions pending in their personnel file.

Subject	Captain Promotion
Page 2 of 2	May 19, 2010

3. The individual **must** successfully score a 75% or better on the written exam.
4. The individual **must** successfully complete a practical skills exam developed and administered by the training officer or fire administration. The exam will consist of 3 “hands-on” applicable skills related to the position applied for. This is a pass or fail event.
5. The individual will receive seniority points beginning with the actual date of promotion to Lieutenant. The individual will receive 1-point for each full year of consecutive service and .25 points for every full 90 days of service within the rank of Lieutenant.
6. Individual will go before an oral interview panel (fire department). An average of the raters scores are added to the individuals overall score. The score is rounded up or down for a potential total of 5 points.
7. The City of Southaven Personnel Committee will conduct candidate interviews. An average of the raters scores are added to the individuals overall score. The score is rounded up or down for a potential total of 6 points.
8. The interview panel/promotional committee will review the last 3 consecutive employee evaluations and award an average score of up to 3 points for each evaluation. The score is rounded up or down for a potential total of 9 points.
9. Fire Officer 1021 I & II and Instructor 1041 I are required to be considered for promotion. Fire Officer III is required to be successfully completed within 24 months of being promoted to Captain
10. Points will be added to the overall score as follows:
 - a. Approved technical certification* 1.5 points each up to 2 certifications for a total - 3 points
 - b. Paramedic - 3 points
 - c. Associate Degree-3 points or Bachelor Degree - 6 points or Master Degree - 8 points**

*Note: Certification must be in area of assessment.

**Note: Degree must be in a fire science, EMS, or other pre-approved related field.

NOTE: Individual must successfully complete the 75% required in the written exam process to advance to the other steps.

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 Brooks. Motion was put to a vote and passed unanimously, May 18, 2010 at 7:45 p.m.

Charles G. Davis, Mayor

Sheila Heath, City Clerk