

**MINUTES OF THE REGULAR MEETING  
OF JUNE 15, 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 15<sup>th</sup> day of June, 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>Loraine 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 Jobes</b>	<b>Alderman, Ward 5</b>
<b>Randall Huling</b>	<b>Alderman, Ward 6</b>

**Alderman Huling and Alderman Guy were present via-telecommunications. Also present were, Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately ten (10) other people were present.**

**Mayor Davis called the meeting to order. Alderman Cady led in prayer, followed by the Pledge of Allegiance led by Alderman Jobes. Next a motion was made by Alderman Cady to approve the minutes of the regular meeting of June 1, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Jobes. Motion was put to a vote and passed unanimously.**

**CITIZEN'S AGENDA**

**Mayor Davis reported that this will be Fire Chief Mike Brackin's last meeting. Mayor reported that he has worked for the City of Southaven the last 3 ½ years and has done a great job. Mayor stated that on behalf of the City of Southaven and her citizens, along with the Mayor and Board of Aldermen, they would like to thank Chief Brackin for all his hard work and dedication. He was then presented with a plaque. Chief Brackin made a short speech.**

**BUDGET REVISION**

**This budget revision is for the CAP Loan Proceeds for fire trucks, Tulane Road and Venture Drive. This revision is to add the funds to the budget, so we can pay for the above referenced items. Alderman Cady made the motion to approve budget revision as presented. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.**

**ORDINANCE PROHIBITING SYNTHETIC CANNABINOIDS**

**ORDINANCE PROHIBITING THE USE, PURCHASE, POSSESSION, DISTRIBUTION, SALE OR OFFERING FOR SALE OF SYNTHETIC CANNABINOIDS OR OTHER SYNTHETIC PRODUCTS**

**WHEREAS**, the Mayor and Board of Alderman of the City of Southaven, Mississippi have determined that certain businesses within the City of Southaven, Mississippi are selling certain substances when ingested, produce intoxicating effects similar to THC or marijuana and/or Methcathinone; and

**WHEREAS**, the substances described below are not yet categorized as illegal controlled substances under state or federal law; and

**WHEREAS**, the substances described below are often used as an alternative to marijuana and other controlled substances and are potentially dangerous to users; and

**WHEREAS**, it has been determined that the effects of these substances are a health concern to the citizens of the City of Southaven, Mississippi;

**WHEREAS**, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, have determined the need to establish regulations preventing the use, possession, purchase, distribution, sale or attempt to use, possess, purchase, distribute or sale or publicly display for sale any one or more of the following chemicals within the city limits of the City of Southaven, Mississippi; and therefore adopt the following regulations and penalties in conjunction with Title X of the Southaven Code Of Ordinances, and

**WHEREAS**, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), this Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale Or Offering For Sale Of Synthetic Cannabinoids Or Other Synthetic Products is for the immediate and temporary preservation of the public peace, health and safety and shall become effective immediately upon its adoption, and prior to being recorded and published, as the best interests of the public will be served by the immediate effectiveness of this Ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT THE FOLLOWING BE ADDED AND MADE A PART OF THE SOUTHAVEN CODE OF ORDINANCES, TO-WIT:**

**SECTION 10-9:**

1. No person shall use, possess, purchase, distribute, sale or attempt to use, possess, purchase, distribute or sale or publicly display for sale any one or more of the following chemicals within the city limits of the City of Southaven, Mississippi:
  - (A) Salviadivinorum or salvinorum A: all parts of the plant presently classified

botanically as salvia divinorum, whether growing or not, the seeds thereof an extract from any part of such plant, and every compound, manufacture salts derivative, mixture or preparation of such plant, its seeds or extracts;

- (B) (6aR,10aR)-9-(hydroxymethyl)-6,6dimethyl-3-(2-methyloctan-2-yl)-6a7, 10, 10a-tetrahydrobenzo[c]chromen-1-01 some trade or other names: HU-210;
- (C) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;
- (D) 1-Butyl-3-(1-naphthoyl) indole-some trade or other names: JWH-073;
- (E) 1 -(3-[trifluoromethylphenyl]) piperazine-some trade or other names: TFMIP;
- (F) 4-methoxymethcathione and Ethylcathinone
- (H) or any similar structural analogs.

2. If any of the aforementioned substances shall be found in the possession of any person, unless specifically excluded herein, the substances shall be confiscated and destroyed by law enforcement officials.

3. It shall not be an offense under Section 1 above of this Ordinance if a person shall be acting at the direction of an authorized agent of the City of Southaven, Mississippi to enforce or ensure compliance with this law prohibiting the use, possession, purchase, distribution or sale or the attempt to use, possess, purchase, distribute or sale or publicly display for sale the aforementioned substances.

4. This Ordinance shall not apply to any person who shall commit any act described in this Ordinance pursuant to the direction or prescription of a duly licensed physician or dentist authorized to direct or prescribe such act. This Ordinance shall not apply to the inhalation of anesthesia for a medical or dental purpose which inhalation of anesthesia shall be administered by or under the supervision of a duly licensed physician or dentist.

5. Any person found to be guilty of violating this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or imprisoned in the county jail not to exceed six (6) months or both.

WHEREAS, the Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale Or Offering For Sale Of Synthetic Cannabinoids Or Other Synthetic Products was read, discussed and voted upon in a public meeting, and whereas a motion was duly made by Alderman Payne, seconded by Alderman Cady and a vote was held thereon with the following results, 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 foregoing Ordinance Prohibiting The Use, Purchase, Possession, Distribution, Sale Or Offering For Sale Of Synthetic Cannabinoids Or Other Synthetic Products passed by a unanimous vote of all members of the governing body, was declared adopted and shall become effective immediately on this, the 15th day of June, 2010.

#### **SOLE SOURCE PURCHASE**

**Equipment for Saucier Park: Meglio-Unionland is an exclusive provider for the X-fitness equipment in the park at City Hall. We will be replacing 2 defective pieces of equipment. Alderman Huling made the motion to accept Meglio-Unionland, Inc. as a sole source provider as recommended by Mike Mullins, Parks Director. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.**

#### **ACCEPTANCE OF BIDS:**

**Parks Department: Mike Mullins, Parks Director recommends that we accept BWI as the lowest and best bid for Turf Chemicals. Motion was made by Alderman Huling to accept BWI as recommended by Mike Mullins. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.**

**Director of Operations: Recycle Program. It is the recommendation of Bradley Wallace to accept the sole bidder, Waste Connection for the collection and delivery of residential recyclable materials. (As Per RFP Specification). Mayor Davis reported that Waste Connection will pick up the recyclable materials twice a month at the cost of \$6.25 per month, per can. The City will pay October, November and December 2010 pick-up per house hold. This will make the first three months free for all of the City's residents. In December 2010 the residents will have to opt-out of the program if they do not want to continue the recycle program. In January 2011, a charge of \$6.25 will be charged on the water bill for those who did not opt out. For the customers that are not on the City's water system, the City will have to make other arrangements for payment. Once the cans are emptied, they are weighed and scanned, you get credit for an award system. These rewards can be used at several local stores in Southaven. Alderman Cady made the**

**motion to accept Waste Connection as the lowest and best bid for the collection and delivery of residential recyclable materials. They were also the only bidder. The floor was then opened for discussion. Alderman Brooks asked what would happen once the items are picked up. The reps from Waste Connection stated that it would be shipped to an acceptable recycle company. Alderman Brooks also asked what would be accepted as recyclable material. He stated that it would be written into the contract but it will be glass, aluminum, paper, plastics 1-7 and any other items that we put in the contract. He stated that it is guaranteed that these items will not go into a landfill. Alderman Jobs then asked if all items had to be separated and Mayor Davis stated that everything would go into one container and sorted at the Waste Connection plant. Motion was then seconded by Alderman Payne. Motion was put to vote and passed unanimously.**

**RESOLUTION GRANTING EXEMPTION FROM AD VALOREM TAXES TO TRI-ANIM HEALTH SERVICE, IN**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF  
CITY OF SOUTHAVEN, MISSISSIPPI  
GRANTING EXEMPTION FROM AD VALOREM TAXES**

**The Board next took up for consideration the matter of granting to TRI-ANIM HEALTH SERVICES, INC. hereinafter referred to as “APPLICANT”, operator of a Free Port Warehouse within the City of Southaven, County of DeSoto, State of Mississippi, an exemption from all ad valorem taxes to the full extent permitted by statute on all personal property held in the APPLICANT’S finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to the APPLICANT’S finished goods warehouse for storage in transit to a final destination outside the State of Mississippi, and the following Resolution, having first been reduced to writing was introduced:**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI GRANTING EXEMPTION FROM AD VALOREM TAXES TO THE FULL EXTENT PERMITTED BY STATUTETO TRI-ANIM HEALTH SERVICES, INC. OPERATOR OF A FREE PORT WAREHOUSE, AS AUTHORIZED BY SECTION 27-31-53 OF THE MISSISSIPPI CODE (1972), AS AMENDED**

**WHEREAS, the APPLICANT is a foreign corporation qualified to do business in the State of Mississippi with a finished goods warehouse located within the City of Southaven, County of DeSoto, and State of Mississippi, which is regularly engaged in the handling and storage of personal property in structures or places adapted for such handling and storage and to which personal property is consigned or transferred for storage and handling in transit to a final destination outside the State of Mississippi; and**

**WHEREAS, the APPLICANT has negotiated in good faith with the Mayor and Board of Aldermen as to the ad valorem tax exemption authorized by Section 27-31-53 of the Mississippi Code (1972), as amended;**

**WHEREAS, the APPLICANT has applied for a license to operate the Free Port Warehouse to be issued by the DeSoto County Tax Assessor and has certified in the application for such license that APPLICANT ships personal property to a destination outside of the State of Mississippi each year and APPLICANT is qualified to apply for the free port warehouse ad valorem tax exemption;**

**WHEREAS, the APPLICANT currently provides employment in the City of Southaven, County of DeSoto County, State of Mississippi, for approximately four (4) persons with an estimated annual payroll of \$125,000.00;**

**WHEREAS, the APPLICANT is qualified to make application for exemption from ad valorem taxes pursuant to Section 27-31-53 of the Mississippi Code (1972), as amended;**

**WHEREAS, this Mayor and Board of Aldermen of the City of Southaven, Mississippi, acknowledge the APPLICANT'S major contribution to the economic development of the City of Southaven and the County of**

**DeSoto and State of Mississippi; and believe that it should exercise its discretionary authority to exempt from all ad valorem taxes to the full extent permitted by statute all personal property held in the APPLICANT'S finished goods warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to the APPLICANT'S finished goods warehouse for storage in transit to a destination outside the State of Mississippi.**

**NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, as follows, to-wit:**

- 1. That the APPLICANT, TRI-ANIM HEALTH SERVICES, INC., operator of a free port warehouse is hereby granted exemptions to the full extent permitted by statute beginning on the 3rd day of May, 2010, from all ad valorem taxes on all personal property held in APPLICANT'S finished goods warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to APPLICANT'S finished goods warehouse for storage in transit to a final destination outside the State of Mississippi, as authorized by Section 27-31-53 of the Mississippi Code (1972), as amended.**
- 2. That the Clerk of this Board be, and she is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward a certified copy of this Resolution to the DeSoto County Tax Assessor.**

**After a full discussion of this matter, ALDERMAN GUY moved that the foregoing Resolution be adopted. The motion was seconded by**

**ALDERMAN HALE. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:**

<b><i>ALDERMEN</i></b>	<b><i>VOTED</i></b>
<b>ALDERMAN GREG GUY</b>	<b>YEA</b>
<b>ALDERMAN WILLIAM BROOKS</b>	<b>YEA</b>
<b>ALDERMAN GEORGE PAYNE</b>	<b>YEA</b>
<b>ALDERMAN RANDALL T. HULING, JR.</b>	<b>YEA</b>
<b>ALDERMAN LORINE CADY</b>	<b>YEA</b>
<b>ALDERMAN RONNIE HALE</b>	<b>YEA</b>
<b>ALDERMAN RICKY JOBES</b>	<b>YEA</b>

**WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the Mayor and Board of Alderman of the City of Southaven, Mississippi, on this, the 15th day of June, 2010.**

**RESOLUTION TO CLEAN PRIVATE PROPERTY**

**RESOLUTION GRANTING AUTHORITY 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: 1676 Custer Drive, 7802 Cotton Lane, 3418 John Michael Drive, 2435 Cumberland Drive, 2984 Black Rock Road, 2946 Black Rock Road, 2898 Black Rock Road, 2854 Black Rock Road, 2828 Black Rock Road, 2806 Black Rock Road, 2784 Black Rock Road, 2768 Black Rock Road, 1655 Rutherford Cove, 1647 Rutherford Cove, 1621 Rutherford Cove, 1622 Rutherford Cove, 1630 Rutherford Cove, 1646**



**Rutherford Cove, 1664 Rutherford Cove, 1686 Rutherford Cove, 1669 Imboden Cove, 1647 Imboden Cove, 1631 Imboden Cove, 1648 Imboden Cove, 1688 Imboden Cove, 1689 Farindale Cove, 1667 Farindale Cove, 1649 Farindale Cove, 1633 Farindale Cove, 1625 Farindale Cove, 1626 Farindale Cove, 1634 Farindale Cove, 1650 Farindale Cove, 1668 Farindale Cove, 1690 Farindale Cove, 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, June 15, 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 uncleanliness 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, June 15, 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: 1676 Custer Drive, 7802 Cotton Lane, 3418 John Michael Drive, 2435 Cumberland Drive, 2984 Black Rock Road, 2946 Black Rock Road, 2898 Black Rock Road, 2854 Black Rock Road, 2828 Black Rock Road, 2806 Black Rock Road, 2784 Black Rock Road, 2768 Black Rock Road, 1655 Rutherford Cove, 1647 Rutherford Cove, 1621 Rutherford Cove, 1622 Rutherford Cove, 1630 Rutherford Cove, 1646 Rutherford Cove, 1664 Rutherford Cove, 1686 Rutherford Cove, 1669 Imboden Cove, 1647 Imboden Cove, 1631 Imboden Cove, 1648 Imboden Cove, 1688 Imboden Cove, 1689 Farindale Cove, 1667 Farindale Cove, 1649 Farindale Cove, 1633 Farindale Cove, 1625 Farindale Cove, 1626 Farindale Cove, 1634 Farindale Cove, 1650 Farindale Cove, 1668 Farindale Cove, 1690 Farindale Cove, 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 Hale and seconded by Alderman Payne. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Greg Guy	YEA
Alderman Lorine Cady	YEA
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA



**COMMITTEE REPORTS:**

No Committee Report

**CITY ATTORNEY'S LEGAL UPDATE**

No Attorney's Report

**OLD BUSINESS:**

No Old Business

**PROGRESS REPORTS:**

Mayor reported that we have expanded the parking at the Arena. Alderman Cady recommends that the City advertise the Arena a little better.

**CLAIMS DOCKET**

A motion was made by Alderman Jobs to approve the Claims Docket of June 15, 2010, including demand checks and payroll in the amount of \$3,424,073.82. Motion was seconded by Alderman Brooks. Excluding voucher numbers:

144567, 144871, 145076, 145078, 145087, 145216, 145226, 145230, 145317, 145320, 145324, 145479, 145656.

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 and Economic Development Prospects. 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 Brooks. Motion was put to a vote and passed unanimously, June 15, 2010 at 7:00 p.m.

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**Charles G. Davis, Mayor**

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**Sheila Heath, City Clerk**