

**MINUTES OF THE REGULAR MEETING  
OF JULY 6, 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 6<sup>th</sup> day of July, 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>

**Also present were, Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately twenty (20) other people were present.**

**Mayor Davis called the meeting to order. Alderman Cady led in prayer, followed by the Pledge of Allegiance led by 2 scouts from Troop 97, Chris Wimberley and Adam Kickshaw. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of June 15, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Guy. Motion was put to a vote and passed unanimously.**

**CITIZEN'S AGENDA**

**Next, Lt. Jerald Wheeler, with the Southaven Police Department introduced the Southaven Police Department Law Enforcement Explorer Post. They have just returned from Gulf Port, MS where they graduated from the Southeastern Law Enforcement Law Academy. This is a week- long, military-style boot camp academy. They all did really great in the completions. Their names are, Odom Madden, Taylor Fulcher, Georgia Boven, Holly Wheeler, Amber Russell, Quay Roberts, Hunter Pogue, James and Jack Morris, Lee Riley, Eric Barnett and Kaylon Hailey.**

**BUDGET AMENDMENT**

**Mayor Davis presented a budget amendment. He stated that it is money in and money out. Also, this will re-establish our Sales Tax estimate to 98% before we had to cut the budget last December. Alderman Guy made the motion to approve the FY 2010 budget amendment as presented. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

**ACCEPTANCE OF BIDS:**

Mayor Davis reported that sealed bids were accepted for the Public Works Construction Projects, including but not limited to, Underground Utilities and Related to Construction by City. It is the recommendation of the City Clerk, Sheila Heath to accept Tri-Firma as the lowest and best bid. This is a “as needed only” bid. There were three bidders: Lamb Construction, Tri-Firma and Southern Erosion. Alderman Cady made the motion to accept Tri-Firma for a period of 60 months as the lowest and best bid. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

**EXTENSION OF BIDS:**

It is the recommendation of Ray Tarrance, Public Works Director to extend the bid for Mobile Refuse Containers for an additional twelve (12) months as per bid specifications. There will not be an increase in the price of the containers. Motion was made by Alderman Brooks to extend this bid contract for an additional 12 months as presented. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

**SURPLUS PROPERTY:**

It is the recommendation of the Park Director, Mike Mullins, to dispose of the 1997 Buick Park Ave., Serial # 1G4CW52KV4605215, in accordance to State of MS Law. Motion was made by Alderman Guy to dispose of this vehicle as per state law. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

**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: **1365 Shetland Drive, 1077 Farmington Drive, 1801 Newington Cove, 8067 Ash brook Drive, 6509 Malone Road, 7616 Mill bridge Drive, 1873 Dorchester Drive, 3421 Woodland Trace, 1774 Southaven Circle North, 8550 Darlington Cove, 1809 Central Trails Drive, 1354 Tyler Way, 1391 Houston Loop South, 1410 Ashley Cove, 4068 Hearthstone Cove, 4084 Hearthstone Cove, 4044 Courtyard Drive, 4066 Courtyard Drive, 1374 Gaston Drive, 1244 Gaston Drive, 1272 Walker Cove, 1236 Courtyard Drive, 1351 Houston Loop South, 3841 Houston Loop North, Parcel ID# 1 08 7 26 00 0 00006 03**, 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, July 6, 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, July 6, 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: **1365 Shetland Drive, 1077 Farmington Drive, 1801 Newington Cove, 8067 Ashbrook Drive, 6509 Malone Road, 7616 Millbridge Drive, 1873 Dorchester Drive, 3421 Woodland Trace, 1774 Southaven Circle North, 8550 Darlington Cove, 1809 Central Trails Drive, 1354 Tyler Way, 1391 Houston Loop South, 1410 Ashley Cove, 4068 Hearthstone Cove, 4084 Hearthstone Cove, 4044 Courtyard Drive, 4066 Courtyard Drive, 1374 Gaston Drive, 1244 Gaston Drive, 1272 Walker Cove, 1236 Courtyard Drive, 1351 Houston Loop South, 3841 Houston Loop North, Parcel ID# 1 08 7 26 00 0 00006 03**, 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 Hale. 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
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 **6th day of July, 2010.**

**PLANNING AGENDA**

**No Planning Agenda**

**MAYOR'S REPORT**

**Mayor Davis reported on the State Law regarding Sanitation (garbage) collection. He stated that it is the recommendation of him and Chris Wilson to extend the garbage pickup up contract the extra twelve (12) months. This will make the contract with Red River expire April 30, 2012. Red River has agreed not to raise the price on the pick-up next year. It is in the contract that they receive a CPI increase, and they will not do that. They have agreed to give the City of Southaven 300 garbage cans, at no cost to the City, to replace damaged cans. Alderman Guy made the motion to extend the contract as presented. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

**Next, Mayor Davis reported on the recycling contract. He stated that by the next meeting he should have a copy of the contract for their approval. He stated that they did find a place in Tupelo that they would be taking the recyclables to. He congratulated the Board on being the first City within the State of MS to start this recycle program that offers the awards program.**

**Mayor Davis asked for the Board to give him some dates as to when he can meet with them on the FY 2011 budget. He informed them that he has a balanced budget but would like to meet with each one of them for any questions that may have.**

**He stated that the Parks Department did one of the best jobs ever on the fireworks display. They figured that approximately 12-15 thousand people watched the display this year.**

**COMMITTEE REPORTS:**

**No Committee Report**

**CITY ATTORNEY'S LEGAL UPDATE**

**Mark Sorrell, City Attorney, reported on the Mississippi State Legislature House bill 1157 established two (2) new court assessments in Section 99-19-73 (8) (a) and (b) of the Mississippi Code Annotated (1972) related to Railroad Crossing Violation and Drug Violation effective July 1, 2010. This will raise the "COST" fee's \$25.00 per person, to be collected in Court. The State will get this money. After a short discussion, Mr. Sorrell presented a resolution for the Board to approve.**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SOUTHAVEN, MISSISSIPPI ADOPTING NEW  
COURT ASSESSMENTS ESTABLISHED BY THE MISSISSIPPI STATE  
LEGISLATURE EFFECTIVE JULY 1, 2010**

**WHEREAS, Section 99-19-73 of the Mississippi Code Annotated (1972) establishes the standard state monetary assessments that a Court may assess in addition to any monetary and other penalties imposed by law;**

**WHEREAS, the Mississippi State Legislature in House Bill 1157 established two (2) new court assessments in Section 99-19-73 (8) (a) and (b) of the Mississippi Code Annotated (1972) related to Railroad Crossing Violation and Drug Violation effective July 1, 2010; and**

**WHEREAS, the Mississippi State Legislature in House Bill 1157 established new court assessments in the amount of \$25.00 each for Railroad Crossing Violation and Drug Violation.**

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that effective July 1, 2010, the Municipal Court for the City of Southaven, Mississippi shall be and it is hereby authorized to impose and collect two (2) new court assessments established in Section 99-19-73 (8) (a) and (b) of the Mississippi Code Annotated (1972) for Railroad Crossing Violation and Drug Violation in the amount of \$25.00 each from each person upon whom the Court imposes a fine or other penalty.

After a full discussion of this matter, ALDERMAN GUY moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN PAYNE. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

<i>ALDERMEN</i>	<i>VOTED</i>
ALDERMAN GUY	YEA
ALDERMAN HALE	YEA
ALDERMAN PAYNE	YEA
ALDERMAN HULING	YEA
ALDERMAN CADY	YEA
ALDERMAN BROOKS	YEA
ALDERMAN JOBES	YEA

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 6th day of July, 2010.

**OLD BUSINESS:**

No Old Business

**PROGRESS REPORTS:**

No Progress Reports

**CLAIMS DOCKET:**

A motion was made by Alderman Jobs to approve the Claims Docket of July 6, 2010, including demand checks and payroll in the amount of \$1,987,604.72. Motion was seconded by Alderman Hale. Excluding voucher numbers:

145692, 145731, 145763, 145789, 145904, 146027, 146033, 146034, 146407, 146435, 146911, 146912.

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 Payne to adjourn. Motion seconded by Alderman Cady. Motion was put to a vote and passed unanimously, July 6, 2010 at 6:40 p.m.

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Charles G. Davis, Mayor

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Sheila Heath, City Clerk