

**MINUTES OF THE REGULAR MEETING  
OF JULY 20, 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 20<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>Lorine Cady</b>	<b>Alderman, Ward 1</b>
<b>Ronnie Hale</b>	<b>Alderman, Ward 2</b>
<b>George Payne</b>	<b>Alderman, Ward 3</b>
<b>William Brooks</b>	<b>Alderman, Ward 4</b>
<b>Ricky 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 Guy led in prayer, followed by the Pledge of Allegiance led by Boy Scout Troop 73, Chris Williams, Matthew Mills, Sam Farris, Luke Robbins, Davis Stringfield and Noah Sondag. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of July 6, 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**

**Caroline Barnett and Barbara Evans came before the Board to give them an update on the activities of the M. R. Davis Library. Mrs. Evans spoke first. She stated that there are about 4,000 people a week coming into the library. She stated that approximately 81,000 people have come to use the computers. She invited the Board to come to the Library and check out the new summer decorations. She just wanted them to know that Southaven has a beautiful facility, and she thanked them for all their support. Next, Mrs. Caroline Barnett spoke again, thanking them for all their support. She reported on the activities of the library. Mayor Davis thanked them for all the hard work they have done.**

**RESOLUTION AMENDING MISSISSIPPI PUBLIC RECORDS ACT OF 1983.**

**Mayor Davis reported that the amendment to the Public Records Act is having the information to the requestor within 7 days, instead of 14 days. The fees will be the same.**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF SOUTHAVEN, MISSISSIPPI, AMENDING RESOLUTION  
ADOPTING THE  
MISSISSIPPI PUBLIC RECORDS ACT OF 1983**

**WHEREAS, on February 21, 1984, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, passed a Resolution Adopting the Mississippi Public Records Act of 1983,**

**WHEREAS, the Mayor and Board of Aldermen of the City of Southaven have determined the need to amend the aforesaid Resolution as the Mississippi Legislature amended the Mississippi Public Records Act of 1983 during the regular 2010 session, being Chapter 25-61 of the General Laws of the State of Mississippi;**

**WHEREAS, the Mississippi Public Records Act of 1983 as amended provides access by any person to the records of all public bodies of government and requires standard procedures be established by all public bodies by which persons may become aware of their rights to examine and/or copy public records;**

**WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi hereby re-adopt and implement the following policies and procedures for the compliance with Mississippi Public Records Act of 1983 as amended.**

**NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, as follows, to-wit: That it shall be the policy of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, that the terms, conditions and mandates contained in the Mississippi Public Records Act of 1983 as amended shall strictly be adhered to in the operation of this government and no policy or policies in contravention of such statutes shall be condoned. The Mississippi Public Records Act of 1983 as amended by Chapter 25-61 of the General Laws of the State of Mississippi is hereby incorporated by reference and each and every term and condition set forth therein is adopted for the use of this municipality.**

**That the following procedures in the implementation of the aforesaid Act are hereby and herein adopted and shall be complied with by the City of Southaven and by any person exercising the right to inspect, copy or mechanically reproduce or obtain a production of any public record held and controlled by the City of Southaven.**

**1. A person requesting any public record held or controlled by the City of Southaven, hereinafter referred to as City, may do so either in writing on forms provided by the City or in person on forms provided by the City. In either event, any such request shall be clear and concise and shall include only one subject matter. The date of the request shall be the date such request on proper forms is received by the City Clerk or the Southaven Police Department. The City Clerk or the Southaven Police Department**

shall see that each request bears the date of its receipt in a prominent place on its face.

2. The City shall produce or deny all requests for production of documents or records within seven (7) working days from the receipt of each individual request. Within that period, the City Clerk or Southaven Police Department shall notify the person requesting such information as to whether or not such request shall be honored. If the request is to be honored, the notice of such shall contain an estimate of the total cost of compliance with such request. The party requesting production must tender payment in the amount of that estimate before the requested records are produced. Cost for such records are,

<u>Copies</u>	<u>black/white</u>	<u>color</u>
8 ½ x 11”	0.25 per side	0.50 per side
8 ½ x 14”	0.25 per side	0.50 per side
11 x 17”	0.50 per side	1.00 per side

\*Any larger size required by plotter/scanner will be assessed a charge of \$10.00 for black/white and \$15.00 for color. CD-digital format \$10.00.

Personnel assistance in processing request shall be charged @ a rate of 20.00 per hour or portion thereof with a minimum of a \$10.00 fee. A deposit of estimated cost may be collected prior to granting this request.

The notice shall be timed so as to allow the requested production within seven (7) working days from the receipt of each individual request.

3. if any public record contains material which is not exempted under this chapter, the public agency shall redact the exempted and make the nonexempted material available for examination. Such public agency shall be entitled to charge a reasonable fee for the redaction of any exempted material, not to exceed the agency’s actual cost.

4. The City Clerk or the Southaven Police Department shall maintain at all times a file showing all requests made, the subject of the request, whether the same was honored or not, the time frames involved in compliance or in response to the request, and if the request was denied, a written response to the person requesting the same shall be forwarded detailing the reasons for failure to respond favorably to the request. Any such denial and the reasons therefore shall also be kept and maintained as a part of the record system of the City Clerk or the Southaven Police Department. All records kept and maintained hereunder shall be preserved for a period of three (3) years from the compliance with or denial of a request.

5. The City shall receive requests for information, on forms prescribed by the City, at the address shown next below: CITY CLERK, 8710 NORTHWEST DRIVE, SOUTHAVEN, MS 38671

The Southaven Police Department shall receive requests for information, on forms prescribed by the City, at the address shown next below:

**SOUTHAVEN POLICE DEPARTMENT, 8691 NORTHWEST DRIVE,  
SOUTHAVEN, MS 38671.**

**If computer records are requested, an additional charge according to the number of entries shall be made. Requests made in person shall be made during normal business hours (8:00 A. M. to 5:00 P. M.) on normal working days, legal holidays, Saturdays and Sundays accepted.**

**6. When in possession of a law enforcement agency, investigative reports shall be exempt from the provisions of this chapter; however, a law enforcement agency, in its discretion, may choose to make public all or any part of any investigative report.**

**Adoption of the above and foregoing amended Resolution was moved by Alderman Guy and seconded by Aldermen Huling.**

**Thereafter, the amended Resolution was put to a roll call vote, and the results were as follows, to-wit:**

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

**The said Motion, having received the unanimous vote of all of the Aldermen present, was declared adopted on this the 20th day of July, 2010.**

**RESOLUTION FOR THE DESIGNATION OF A PUBLIC NUISANCE.**

**Mayor Davis reported that there is a Resolution in front of them declaring a place of business at 8980 Hamilton Road a public nuisance and ordering the immediate closure of this business. This is in accordance with the Southaven Ordinance 13-16-9. Alderman Cady made the motion to approve the resolution. Motion was seconded by Alderman Brooks. Mayor opened the floor for discussion.**

**Whitney Choat-Cook reported that in 2005 they had changed the ordinance where head shops were broken out of retail shops. She stated that they have had numerous complaints on this establishment. The two violations are signage and illegal uses of the property. Southaven Police Department has gone in twice to warn them about the K2 and paraphernalia ordinance, they have been warned at least four times about the illegal signage. Therefore, she and Chief Tom Long feel like the business needs to be closed.**

**Next, Chief Tom Long spoke concerning the Police Department action. Chief Long stated the Southaven Police Department made a call to all the businesses after the Ordinance was passed. The owner did tell them at that time he would comply with the ordinance. Chief Long stated that they did**

send some undercover officers in and they did make K2 purchases. Chief Long read the list of items seized from the property.

**ITEMIZED INVENTORY FROM SAM'S SNACK EXPRESS 8980**

**HAMILTON ROAD**

**Name: Abdullah Aqlan Mohammed  
Barbara M. Camburn**

**Date: 07108/10 Incident #: 201000021263**

- 1-FORTY TWO SETS OF ELECTRONIS SCALES.**
- 2-FORTY TWO SETS OF HAND SCALES.**
- 3-SIXTY SIX GLASS SMOKING PIPES.**
- 4-FORTY THREE METAL SMOKING PIPES.**
- 5-SEVEN HOOKAH PIPES.**
- 6-TWENTY THREE METAL GRINDERS.**
- 7-SEVENTY FOUR GLASS PIPES CONTAINING ROSES.**
- 8-NINETEEN GLASS CIGARETTE PIPES.**
- 9-FORTY THREE GLASS PIPES WITH INK PEN INSERTED.**
- 10-FIVE METAL LOOK CIGARETTE PIPES.**
- 11-ONE WOODEN PIPE WITH SCREEN.**
- 12-ONE CIGAR BOX CONTAINING HAND-ROLLED PIECES OF STEEL WOOL AND LOOSE CIGARETTES.**
- 13-ONE PACK OF SYNTHETIC MUSHROOMS.**
- 14-TWO HUNDRED AND FOUR PACKAGES OF K-3 SPICE.**
- 15-SEVEN PLASTIC CONTAINERS OF K-3 SPICE.**
- 16-EIGHT PACKAGES OF DIRTY SOUTH SPICE.**
- 17-TWO CANISTERS OF DAGON SPICE.**
- 18-ONE PACKAGE OF TRIBE SPICE.**
- 19-FOUR PACKAGES OF MEGA BOMB SPICE.**
- 20-THIRTY FIVE PACKAGES OF SYNTHETIC COCAINE (DIAMOND DOVE).**
- 21-ONE HUNDRED THIRTY SIX PORNOGRAPHIC VIDEOS (DVDs WITH CASE).**

After Chief Long read the list off, Mayor Davis asked for questions from the Aldermen or from the audience. No one had a question. Mayor Davis asked for a roll call.

<b>ALDERMAN</b>	<b>VOTED</b>
<b>Alderman Guy</b>	<b>YEA</b>
<b>Alderman Cady</b>	<b>YEA</b>
<b>Alderman Hale</b>	<b>YEA</b>
<b>Alderman Payne</b>	<b>YEA</b>
<b>Alderman Brooks</b>	<b>YEA</b>
<b>Alderman Jobs</b>	<b>YEA</b>
<b>Alderman Huling</b>	<b>YEA</b>

**The said Motion, having received the unanimous vote of all of the Aldermen, was declared adopted on this the 20th day of July, 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: **8408 Charleston Drive, 813 Autumn Woods Cove, 7267 Kinston Drive, 494 Windridge Point, 808 Trafalgar Drive, 5786 Keebler Drive West, 5800 Keebler Drive West, 5814 Keebler Drive West, 5828 Keebler Drive West, 5863 Keebler Drive West, 5835 Keebler Drive West, 5809 Keebler Drive West, 5795 Keebler Drive West, 5765 Keebler Drive West, 2964 South Cherry Drive, 2950 South Cherry Drive, 2918 South Cherry Drive, 2888 South Cherry Drive, 2842 Calico Rock Cove, 2824 Calico Rock Cove, 2820 Calico Rock Cove, 2816 Calico Rock Cove, 2800 South Cherry Drive, 2766 South Cherry Cove, 2742 South Cherry Cove, 2714 South Cherry Cove, 2655 South Cherry Cove, 2683 South Cherry Cove, 2965 South Cherry 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, July 20,**

**2010**, by United States mail and by posting said notice, 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, July 20, 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: **8408 Charleston Drive, 813 Autumn Woods Cove, 7267 Kinston Drive, 494 Windridge Point, 808 Trafalgar Drive, 5786 Keebler Drive West, 5800 Keebler Drive West, 5814 Keebler Drive West, 5828 Keebler Drive West, 5863 Keebler Drive West, 5835 Keebler Drive West, 5809 Keebler Drive West, 5795 Keebler Drive West, 5765 Keebler Drive West, 2964 South Cherry Drive, 2950 South Cherry Drive, 2918 South Cherry Drive, 2888 South Cherry Drive, 2842 Calico Rock Cove, 2824 Calico Rock Cove, 2820 Calico Rock Cove, 2816 Calico Rock Cove, 2800 South Cherry Drive, 2766 South Cherry Cove, 2742 South Cherry Cove, 2714 South Cherry Cove, 2655 South Cherry Cove, 2683 South Cherry Cove, 2965 South Cherry 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 Huling. 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 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 **20th day of July, 2010**.

**SURPLUS PROPERTY: SPD**

**Mayor reported that the Police Department has two vehicles to declare surplus in accordance to State of MS Law.**

**2000 Ford Crown Victoria Unit #1383. VIN # 2FAFP71WXYX121381  
2002 Ford Crown Victoria Unit #1448. VIN # 2FAFP71W92X149003**

**Alderman Guy made the motion to approve these items to be declared surplus property and donated to the City of Lexington, MS. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.**

**PLANNING AGENDA**

**Item #1: Subdivision application by RSS, LLC to revise Rasco Hills Subd, Sect "A" and Sect "B" on the south side of Stateline Road, east of Horn Lake Road. Whitney Choat-Cook, City Planning Dir., stated that this would be adding 29 more lots. The Planning Commission voted in favor of Item #1. After a short discussion, Alderman Brooks made the motion to approve Item #1 as presented. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.**

**Item#2: Conditional use application by Whitney Brewer for a full service salon and spa to be located at 3825 Goodman Road. Mrs. Choat-Cook stated**



that they are in compliance with the 1 mile rule and that the Planning Commission did approve Item #2. Alderman Huling made a motion to approve Item #2 as presented. Motion was seconded by Alderman Guy. Motion as put to vote and passed unanimously.

#### **MAYOR'S REPORT**

Mayor Davis reported that he had given the Board copies of the contract for the recycling program. He stated that he needs permission to sign this contract. Alderman Cady made the motion to allow Mayor Davis to sign the contract for the Recycling Program. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Mayor Davis reported that there would be 2 budget hearings this week. First one will be held Thursday from 10:30 am -12:00 pm. The second one will be held Friday 9:00 am -11:00 am, on the 4<sup>th</sup> floor in the conference room. These are open to the public and press.

Next, Mayor Davis reported that the City of Southaven has been providing the City of Olive Branch with water for Bridgetown area. He is needing permission to enter into an agreement with Olive Branch to sell the water to them. Alderman Cady made the motion to allow Mayor Davis permission to enter into an agreement with the City of Olive Branch to sell the water. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

#### **COMMITTEE REPORTS:**

No Committee Report

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

Mr. Mark Sorrell, City Attorney reported that he has a claim from Mr. Lawrence Armstrong for damage to vehicle from hitting a pot hole. The incident happened on or about July 5, 2010 at Stateline Road and Swinnea Road. Mr. Armstrong stated that the pot hole was hidden by a big grass bush. Mr. Ray Tarrance, Public Works Director, did investigate the complaint and did not find where anyone called concerning this pot hole, prior to Mr. Armstrong hitting it. Mr. Sorrell stated that by case law, before a City can be held responsible, we must be placed on notice. Therefore, he recommends that the Board deny this claim. After a discussion, Alderman Guy made the motion to deny the claim as recommended by the City Attorney. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

#### **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 20, 2010, including demand checks and payroll in the amount of \$2,264,894.36. Motion was seconded by Alderman Guy. Excluding voucher numbers:

147029, 147086, 147143, 147147, 147148, 147257, 147291, 147327, 147420, 147692, 147701, 147703, 147789.

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.

Mayor Davis called the meeting back to order. Alderman Brooks made the motion to give Mayor Davis permission to sign the necessary financial documents as required by State Law for the approval of the 2009 FY audit. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Alderman Guy made the motion to amend the promotional requirements for a fire captain to allow for a 24 month moratorium on an EMT basic. Motion was seconded by Alderman Hale. Motion was put to 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, July 20, 2010 at 6:45 p.m.

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**Charles G. Davis, Mayor**

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**Sheila Heath, City Clerk**