

**MINUTES OF THE REGULAR MEETING
OF AUGUST 17, 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 17th day of August, 2010 at six o'clock (6:00) p.m. at City Hall.

Present were:

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

Alderman Huling was present via-telecommunication. Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately twenty five (25) other people were present.

Mayor Davis called the meeting to order. Alderman Guy led in prayer, followed by the Pledge of Allegiance led by Alderman Cady. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of August 3, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

POLICE PRESENTATIONS:

Police Chief Tom Long asked to present two officers with life saving commendations.

Officer Greg Stacks entered a burning house and rescued the lady that lived there. Therefore, saving her life.

Officer Steven Hodges answered a call where a young man had hanged himself. Upon arriving Officer Hodges started CPR while they awaited EMS. The young man started breathing again on his own. Therefore, Officer Hodges saved his life.

CITIZEN'S AGENDA

Mayor Davis introduced the Honorable Merle Flowers. Senator Flowers thanked this Board for allowing him to speak to them. He also thanked them for all they do for the citizens of Southaven. He stated that he wanted to brag on our Mayor. He stated that Mayor Davis was the best Mayor in the State of Mississippi and that he is very well respected through out the State. Senator Flowers stated that he is proud to say that he has his business and

his Senate office here in Southaven. He commended the Board of Aldermen for giving all the City Departments the resources they need to do such a great job. He passed out his business cards and asked that they call him anytime they need him. Mayor Davis thanked him for all he does for us.

FY 2011 BUDGET HEARING

Mayor Davis presented the FY 2011 budget. He stated that he would present the budget and then open the floor for discussion.

Mayor Davis reported that Southaven's overall assessed value decreased by \$1.4 million dollars. Real property increased by \$4.7 million and personal, utility, mobile homes and motor vehicle assessed values decreased. Sales tax revenue is back to the pre 2007 levels. With our last check from the State Tax Commission, we are only \$12,000.00 behind as to where we were a year ago. Mayor Davis stated that Southaven's property base remains solid. We can continue to offer low taxes, low costs of living, and solid tax incentives. Our commitment to Public Safety has never been stronger.

Mayor Davis reported that the FY 2011 budget is balanced. There will be no property tax increase, no reductions or reduced services, no employee layoffs, and no reduction in force. We will be purchasing one new ambulance, hiring 2 new patrol officers and these expenses will be offset by spending cuts made elsewhere in the budget. 74% of total General Fund budget is dedicated to Public Safety and Parks. Mayor then reported on the percentage for the general fund revenues and expenditures as well as the property tax rate from 2000 until now. Mayor Davis reported that our GO Debt is going down. As presented we do have a balanced budget.

Mayor Davis opened the floor to the public. Mr. David Turner, Ross Point Subdivision, stated that he would like to thank all the City employees but would like to know if they are going to get a pay raise. Mayor Davis reported that this budget did include a 2% pay increase for all City employees. Mr. Turner also asked if our employees could get better insurance. Mayor Davis said that we could at a huge cost to the citizens.

Mayor Davis asked for any further questions concerning this budget from the audience or the Aldermen, and there were none. At this time Mayor Davis closed the budget hearing and told the Board of Aldermen that we would vote to accept this budget at the September 7th, 2010 meeting.

DESIGNATION OF POLLING LOCATIONS

Mayor Davis reported that this would change the polling places for the City elections. Ward 1, 2 and 3 will vote at Southaven City Hall and Ward 3, 4 and 5 will vote at the BancorpSouth Parks Office. Mayor Davis stated that this would stop the confusion for the citizens on Election Day.

Alderman Guy made the motion in Designation of Polling Locations. Motion was seconded by Alderman Brooks. Mayor Davis opened the floor for discussion.

Mr. David Turner also objected to this. He feels like it will be an inconvenience for him. Mayor Davis told him his polling place will be moving anyway, due to the redistricting. Mr. David Turner stated he was still against this. Next, Mr. Mike Smith spoke and asks that the Board not move the polling places. He felt like we could do a better marketing job to help let the citizens know where to go vote. Both thanked the Mayor and Board for allowing them to speak.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DESIGNATING POLLING LOCATIONS FOR MUNICIPAL ELECTIONS

WHEREAS, the Mayor and Board of Aldermen have determined that it would be in the best interests of the citizens of the City of Southaven, Mississippi, to designate two (2) specific and permanent polling locations for municipal elections;

WHEREAS, the Mayor and Board of Aldermen desire to designate SOUTHAVEN CITY HALL located at 8710 Northwest Drive and the BANCORPSOUTH SPORTS CENTER located at 3335 Pine Tar Alley as the two (2) specific and permanent polling locations for municipal elections;

WHEREAS, the polling location for municipal elections for those citizens residing in Wards 1, 2 and 3 will be SOUTHAVEN CITY HALL;

WHEREAS, the polling location for municipal elections for those citizens residing in Wards 4, 5 and 6 will be the BancorpSouth Sports Center.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that SOUTHAVEN CITY HALL and the BANCORPSOUTH SPORTS CENTER be designated as the two (2) specific and permanent polling locations for municipal elections.

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:

| Aldermen | 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 17th day of August, 2010.

RESOLUTIONS ESTABLISHING TO DATE FOR A MUNICIPAL REFERENDUM

Alderman Guy made the motion to adopt a Resolution establishing the date for a municipal referendum. Motion was seconded by Alderman Jobs. Mayor Davis stated that this resolution is to set a date for October 5, 2010 for the referendum on a 1% tourism tax. This referendum, even if we pass this, will still has to go before the Mississippi Legislator to be authorized. This election will be held at the two new voting places, Southaven City Hall and Southaven Parks Office. Mayor Davis opened the floor for discussion and there being no discussion, a roll call was made.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI ESTABLISHING THE DATE FOR A MUNICIPAL REFERENDUM

WHEREAS, the Mayor and Board of Alderman of the City of Southaven, Mississippi in accordance with Mississippi Code Section 21-17-5, do hereby desire to initiate a public referendum on the establishment of a 1% tourism tax on restaurants; and

WHEREAS, it has been established by the City of Southaven that certain improvements and enhancements to the City of Southaven Parks and Recreation department and facilities are needed in order to maintain the long-term viability and sustainability of the City's tourism; and

WHEREAS, the City of Southaven Parks programs and facilities generate more than \$2 million in revenue for the City of Southaven and the entire Park and Recreational department and programs are funded 100% by the tax payers of the City of Southaven, Mississippi; and

WHEREAS, it has been determined by the Mayor and Board of Alderman of the City of Southaven, that a proposed 1% tourism tax on restaurants will generate approximately \$1 million a year to be used specifically for tourism related projects and expenditures and this funding may lead to a reduction in the property tax rate for City of Southaven property owners.

THEREFORE, IT IS HEREBY RESOLVED by the Mayor and Board of Alderman of the City of Southaven, Mississippi that the date for a municipal referendum shall be held on Tuesday, October 5, 2010, in accordance with established municipal voting regulations. All appropriate funds for said referendum shall be appropriated from and paid for by the City of Southaven's general fund. All registered voters within the municipal limits of the City of Southaven are encouraged to participate and vote in this referendum. Polling places for said referendum shall be located at Southaven City Hall and BancorpSouth Sports Center, Southaven, Mississippi. Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Jobs. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

| ALDERMEN | VOTED |
|---------------------------------|-------|
| 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 17th day of August, 2010.

EMERGENCY PURCHASE-WATER WELLS-UTILITY DEPT

Mayor Davis reported that we have had a multitude of wells to be repaired. This would be due to all the hot weather we are having.

**Getwell Plant/East Well, DeSoto County Electric \$5,500.00.
Getwell Plant/East Well, Parks & Parks Water Well Service \$13,613.60.
Greenbrook Water Plant/West, Parks & Parks Water Well Service \$871.10.
Whitworth North Well, Parks & Parks Water Well Service \$12,426.50.**

Alderman Cady made the motion to approve these repairs as presented and enter this emergency purchase into the minutes. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

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: **250 Stateline Road, 3565 Henry Drive, 2273 Ashland Drive, 5768 Westminister Lane, 8323 Dottley Drive, 8279 Highway 51, 3776 Liscott Road, 2973 Glennbury Lane, 7773 Cherry Valley Boulevard, 8803 Yorktown 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, August 17, 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, August 17, 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: **250 Stateline Road, 3565 Henry Drive, 2273 Ashland Drive, 5768 Westminister Lane, 8323 Dottley Drive, 8279 Highway 51, 3776 Liscott Road, 2973 Glennbury Lane, 7773 Cherry Valley Boulevard, 8803 Yorktown 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 Hale. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

| ALDERMEN | 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 **17th day of August, 2010**.

SURPLUS PROPERTY: SPD

Mayor Davis reported that Deputy Chief Steve Pirtle is requesting permission to declare surplus property a 2003 Ford Crown Victoria, VIN # 2FAHP71W33X168737. Alderman Cady made the motion to dispose of this property in accordance to state law. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

PLANNING AGENDA

No Planning Agenda

MAYOR'S REPORT

Mayor Davis reported on Court fees. Code 21-17-1 deals with the collection of Court fines and privatization of it. The Mississippi Legislators this year will allow municipalities to collect the fee in-house. Mayor Davis recommended that the City of Southaven adopt a policy and charge the collection fees in accordance to Section 21-17-1. The fees are 25% in-state and 50% out of state. This is for people who will not pay their fines and are 90 days delinquent. Alderman Cady made the motion to start collecting the Court Collection fees in accordance to Section 21-17-1. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Mayor Davis reported on the traffic light at Church and Swinnea, a part of the Church Road expansion, stating the poles and materials have been ordered. This light should be in service around mid-November to the first of December.

Mayor Davis stated that he had a complaint from a lady at Barrett and Tchulahoma about the noise from the amphitheater during concerts. He stated that we have about 6 to 9 days a year we have concerts and the concert must end by 11 p.m. He will have them to tilt the speakers down a little more so the sound will not bounce and hope this will help. Mayor Davis told her that he would inform this Board of the complaint and he has done so.

Mayor Davis did a presentation of "A Penny For Your Parks". He stated that the City of Southaven has come a long way with the Parks Department. He would like to expand the Parks. In his presentation he showed them some ideas on this expansion, if the 1% tourism tax passes.

COMMITTEE REPORTS:

Alderman Payne reported that the ordinance committee met and they are currently working on some minor changes in the animal ordinance. He stated that they have met with Perry Mason, Animal Control and Bradley Wallace, Director of Operations, and they are working on some ideas and changes. He hopes to bring it before this Board soon.

CITY ATTORNEY'S LEGAL UPDATE

No City Attorney report

OLD BUSINESS:

Mayor Davis reported that we tabled an ordinance from the August 3, 2010 meeting against violation of the City of Southaven Parks Policy. Ordinance reads:

ORDINANCE AGAINST VIOLATION OF SOUTHAVEN PARK POLICIES

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, have determined the need to establish regulations regarding written and posted policies of the City of Southaven Parks and Recreation Department within the City of Southaven, Mississippi, and therefore adopt the following regulations and penalties in conjunction with Title X of the Southaven Code Of Ordinances, Offenses; and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), this Ordinance Against Violation Of Southaven Park Policies is for the immediate and temporary preservation of the public peace, health, safety in order to preserve the laws of the municipality and is to be made effective immediately from and after its passage as the best interests of the public will be served by the immediate effectiveness of this Ordinance.

**THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT THE FOLLOWING NEW SECTION SHALL BE MADE A PART OF THE SOUTHAVEN CODE OF ORDINANCES, TO-WIT:
SECTION 10-5. VIOLATION OF PARK POLICIES.**

(1) It shall be unlawful for any person to violate the policies of the City of Southaven Park And Recreation Department as posted in any Southaven park and/or recreational area.

(2) Any person violating this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than One Hundred Dollars (\$100.00) or be imprisoned in the county jail not more than thirty (30) days, or both.

WHEREAS, the Ordinance Against Violation Of Southaven Park Policies was read, discussed and voted upon in a public meeting, and whereas a motion was duly made by Alderman Guy, seconded by Alderman Huling and a vote was held thereon with the following results, to-wit:

| ALDERMEN | VOTED |
|--|--------------|
| 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 foregoing Ordinance Against Violation Of Southaven Park Policies to the Southaven City Ordinance, passed by a unanimous vote of all members of the governing body, was declared adopted and shall become effective immediately on this the, 17th day of August, 2010.

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of August 17, 2010, including demand checks and payroll in the amount of \$958,183.71. Motion was seconded by Alderman Hale. Excluding voucher numbers:

148761, 148871, 148910, 148974, 148981, 149328, 149335, 149368, 149435, 149452, 149468.

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 |

PERSONNEL AND LITIGATION

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 citywide and Economic Development. Motion was seconded by Alderman Payne. 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 Cady. Motion was put to a vote and passed unanimously, August 17, 2010 at 7:15 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk

