

**MINUTES OF THE REGULAR MEETING
OF SEPTMEBER 7, 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 7th day of September, 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 Jobes	Alderman, Ward 5
Randal Huling	Alderman, Ward 6

Alderman Guy was present via-telecommunication during part of the meeting. Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately fifty (50) other people were present.

Mayor Davis called the meeting to order. Alderman Cady led in prayer, followed by the Pledge of Allegiance led by the Chairman and Vice-Chairman of the Mayor's Youth Council, Ashely Page, Chairman and Tate Richards, Vice-Chairman. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of August 17, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

MAYOR'S YOUTH COUNCIL INDUCTION

Mayor Davis reported that there were several people here for the Mayor's Youth Council. It is made up of 10 students from DeSoto Central High School and 10 students from Southaven High School. They were each selected by their sponsor, principal and staff of their school. The sponsors from Southaven High School are Alicia Stafford and Tim Gardner. The sponsor from DeSoto Central High School is Emily Faulkner. Mayor Davis swore each of them in with the Oath of Office. The students were:

Southaven High School

Zack Buchanan, Kaitlyn Bryant, Tate Richards, Jessica Johnson, Jonathan Billingsley, Kaylynn Gaines, Amy Southern, Russell Copeland, Kirby Rogers and Jessica Higgins.

DeSoto Central High School

Ty Butler, Maria Bittick, Kendyl Davis, Michael Landry, Tommy Allmon, Morgan McIntyre, Calley Whyte, Parth Amin, Lacey Barnett and Ashely Page.

CITIZEN'S AGENDA

Sheriff Rasco thanked the Mayor and Board for allowing him to come before them. He stated that the DeSoto County Jail was overcrowded and asked to speak to them about early release for non-violent criminals. They would be released under house arrest with an ankle bracelet. This would be for DeSoto County prisoners only. The cost is \$10.00 a day, and this cost would be paid by the prisoner. Mayor Davis stated that the City of Southaven Court does the house arrest program. He stated that we do more than any city in DeSoto County. Mayor Davis stated that our judges have given 183 people house arrest since January. He stated that he does not feel we should be telling our judges what kind of sentencing they should be giving the defendant in Court. Mayor Davis stated that he felt like our court was doing all they could do with the house arrest program. Mayor Davis stated that Sheriff Rasco would have to take this up with the judges of DeSoto County, not the Board of Aldermen.

Next, Jamie Grant asked to speak to this Board regarding Snowden Grove Subdivision. He stated that when they have an event at Snowden Grove, the people don't want to pay the parking fee, and they are parking in the Snowden Grove Subdivision for free. He stated that they are parking all over the subdivision; empty lots are being used for parking lots. Mr. Grant brought a petition signed by 96 of the residents of the north end. He stated that there are 200 residents in the whole subdivision. Mayor Davis reported that at the last concert we shut off the north entrance coming from the shopping plaza. Mayor Davis recommended that the traffic committee change the "No Parking" signs to "NO PARKING, VIOLATORS WILL BE TOWED". He also recommends that the traffic committee have the authority to close streets, as well as, tow vehicles. The traffic committee members are Ron Smith, Chief Tom Long and Ray Tarrance. Alderman Huling made the motion to allow the traffic committee the authority to close streets and tow vehicles during events at Snowden Grove. Motion was seconded by Alderman Jobes. Motion was put to vote and passed unanimously.

FY 2010 BUDGET AMENDMENT

Mayor Davis reported that this budget amendment simply reflects \$375,000.00 already in the budget and \$375,000.00 going out. Alderman Cady made the motion to approve the FY 2010 Budget Amendment as presented. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously. A copy of this amendment will be made a part of these minutes.

Alderman Guy entered the meeting via-telecommunications.

FY 2011 BUDGET ADOPTION

**RESOLUTION FIXING THE AD VALOREM TAX LEVY ON
REAL AND PERSONAL PROPERTY FOR TAXES
AND ESTABLISHING THE BUDGET**

**Appropriations and Expenditures for the Fiscal Year 2010-2011
FOR THE CITY OF SOUTHAVEN, MISSISSIPPI**

**BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF
THE CITY OF SOUTHAVEN, MISSISSIPPI**

SECTION 1. That for the Fiscal Year beginning October 1, 2010, there shall be and there is hereby levied on all taxable property, Real and Personal, within the corporate limits of the City of Southaven, Mississippi for Ad Valorem taxes for municipal purposes as indicated, the following levies to be collected upon each dollar of assessed value as shown upon the Real and Personal Ad Valorem assessment rolls of the City of Southaven as to such property within the city limits, to-wit:

***FOR GENERAL REVENUE PURPOSES:
TWENTY POINT THREE EIGHT ZERO (20.380) MILLS
SECTION 27-39-307 AND 83-3-37 PARAGRAPH 5 OF THE
MISSISSIPPI CODE OF 1972***

***FOR DEBT RETIREMENT OF GENERAL OBLIGATION BONDS:
SIXTEEN POINT SIX ZERO (16.60) MILLS
SECTION 21-33-45 OF THE MISSISSIPPI CODE OF 1972***

***FOR LIBRARY:
ZERO POINT SEVENTY FIVE (0.75) MILLS
SECTION 39-3-7 OF THE MISSISSIPPI CODE OF 1972***

***FOR SANITATION:
SIX POINT ZERO (6.0) MILLS
SECTION 27-39-321 OF THE MISSISSIPPI CODE OF 1972***

***TOTAL FOR SAID MUNICIPAL PURPOSES:
FORTY-THREE POINT SEVENTY THREE (43.73) MILLS***

***FOR PARKS AND LIBRARY DEBT MILLAGE APPLIED TO
EXEMPT BUSINESS AS PER AD VALOREM TAX ABATEMENT
PURPOSES:
THIRTY POINT SEVEN ZERO (30.70) MILLS
SECTION 27-39-329 OF THE MISSISSIPPI CODE OF 1972***

WHEREAS, the Mayor and the Board of Aldermen of the City of Southaven, Mississippi, wish to prepare and publish a summarized budget of the municipal revenues and expense estimated for the fiscal year 2010-2011; and

WHEREAS, the budget herein shall be for the period beginning from October 1, 2010 and ending September 30, 2011; and

WHEREAS, the "Municipal Budget Law" of the State of Mississippi provides that said budget shall be adopted and approved as finally

determined by governing authorities being the Mayor and Board of Aldermen of the City of Southaven, Mississippi; now therefore,

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, DESOTO COUNTY, MISSISSIPPI, AS FOLLOWS

SECTION 2. It is hereby authorized by the Mayor and Board of Aldermen the funds as herein provided shall be appropriated for the provision of municipal services in the City of Southaven, DeSoto County, Mississippi, for the fiscal period 2010-2011:

the <u>GENERAL FUND BUDGET:</u>	\$32,740,000.00
the <u>TOURIST & CONVENTION FUND BUDGET:</u>	\$ 442,000 .00
the <u>DEBT SERVICE FUND BUDGET:</u>	\$ 7,697,000.00
the <u>UTILITY FUND BUDGET:</u>	\$ 9,266,000.00
the <u>SANITATION FUND BUDGET:</u>	\$2,583,500.00
the <u>LIBRARY FUND BUDGET:</u>	\$ 314,000.00

SECTION 3. It is hereby authorized by the Mayor and Board of Aldermen that the expenditures as herein provided shall be authorized for the provision of municipal services in the City of Southaven, DeSoto County, Mississippi, for the fiscal period 2010-2011: said expenditures being \$32,740,000.00 in sum total for the **General Fund Budget**, said appropriation being \$442,000.00 in sum total for the **Tourist and Convention Fund Budget**, said appropriation being \$7,697,000.00 in sum total for the **Debt Service Fund Budget**, said appropriation being \$9,266,000.00 in sum total for the **Utility Fund Budget**, said appropriation being \$2,583,500.00 in sum total for the **Sanitation Fund Budget**, said appropriation being \$314,000.00 in sum total for the **Library Fund Budget**.

SECTION 4. The above funds are set forth herein in the budget summary concerning both appropriations and expenditures.

SECTION 5. The Utility Rates for the City of Southaven shall be:

Residential

- Water: \$1.70/100 cubic feet
- Sewer: \$1.05/100 cubic feet
- Interceptor Sewer: \$1.15/100 cubic feet
- System Improvement: \$0.42/100 cubic feet
- ¾" Tap Fee: \$525
- 1" Tap Fee: \$630
- 2" Tap Fee: \$1,315
- Irrigation Tee: \$175

Commercial

- Water: \$2.10/100 cubic feet
- Sewer: \$1.55/100 cubic feet
- Interceptor Sewer: \$1.55/100 cubic feet
- System Improvement: \$0.65/100 cubic feet
- DCRUA Sewer Fee: \$2.50/100 cubic feet
- ¾" Tap Fee: \$850.00
- 1" Tap Fee: \$850.00
- 2" Tap Fee: \$1,700.00

3" Tap Fee: \$1,900.00
4" Tap Fee: \$3,400.00
6" Tap Fee: \$5,000.00
Irrigation Tee: \$200.00

Sewer Tap Fees

Inside Basin: \$1,350.00
Outside Basin: \$1,950.00

These rates are to be effective October 1, 2010 and shall only be amended by the Southaven Board of Alderman or by an agreement entered into by the Mayor, the Southaven Utility Committee Chairman and the Southaven Utility Division Director.

SECTION 6. The municipal salary and pay rate shall be effective for the 2010-2011 budget year (FY 2011) beginning in October 2010.

SECTION 7. That the Municipal Budget for the City of Southaven, DeSoto County, Mississippi, presented and reviewed at this public meeting for the fiscal year 2010-2011 shall be published according to law and be in full force and effect after passage.

SECTION 8. The Motion to adopt the budget and establish the millage rate as presented being made by Alderman Huling with a second by Alderman Cady with the following aldermen being present and voting thereon as follows:

“for the approval and adoption of proposed budget and voting YEA”

ALDERMAN	VOTE
Alderman Brooks	YEA
Alderman Guy	YEA
Alderman Cady	YEA
Alderman Huling	YEA
Alderman Jobs	YEA
Alderman Payne	YEA
Alderman Hale	YEA

“opposed and voting NAY”

None

RESOLVED THIS 7th DAY OF SEPTEMBER 2010

Charles G. Davis, Mayor

Sheila Heath, City Clerk

CERTIFICATE

I, Sheila Heath, clerk of the City of Southaven, Mississippi do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted at a Regular Meeting of the Mayor and Board of Aldermen on Tuesday, September 7, 2010, and duly appears of record in Minute Book 24 of the proceedings of the said Mayor and Board of Aldermen. This the 8th day of September, 2010

City Clerk

RESOLUTION OF INTENT TO EMPLOY PROFESSIONALS IN CONNECTION WITH ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010.

Mayor Davis reported that this is a \$5,000,000.00 Bond that is already there and this resolution will allow us to get a lower interest rate. We will be getting away from the variable rate and get a lower fixed rate.

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), took up for consideration the matter of employing professionals in connection with the issuance of General Obligation Refunding Bonds, Series 2010, of said City. After a discussion of the subject, Alderman Jobes offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI (THE "CITY"), DECLARING THE INTENTION OF THE CITY TO EMPLOY PROFESSIONALS IN CONNECTION WITH THE ISSUANCE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010, TO RAISE MONEY FOR THE PURPOSE OF PREPAYING AND CURRENT REFUNDING CERTAIN OUTSTANDING AMOUNTS OF THE CITY'S \$5,000,000 PROMISSORY NOTE, DATED JUNE 7, 2002, SECURING THE LOAN BETWEEN THE CITY AND THE MISSISSIPPI DEVELOPMENT BANK (THE "BANK") UNDER THE LOAN AGREEMENT, DATED AS OF JUNE 7, 2002, BY AND BETWEEN THE CITY AND THE BANK, SAID LOAN BEING FUNDED FROM A PORTION OF THE PROCEEDS OF THE BANK'S SPECIAL OBLIGATION BONDS (CAPITAL PROJECTS AND EQUIPMENT ACQUISITION PROGRAM), SERIES 2001A, DATED MARCH 6, 2001, AND THE BANK'S SPECIAL OBLIGATION BONDS (CAPITAL PROJECTS AND EQUIPMENT ACQUISITION PROGRAM), SERIES 2001B, DATED MARCH 6, 2001.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, acting for and on behalf of said City of Southaven, Mississippi (the "Governing Body" of the "City"), hereby finds, determines, adjudicates and declares as follows:

1. The City has heretofore issued its \$5,000,000 Promissory Note, dated June 7, 2002 (the "Note"), under the terms and provisions of a Loan Agreement, dated June 7, 2002 (the "Loan Agreement"), by and between the City and the Mississippi Development Bank (the "Bank"), which Note and Loan Agreement secure a portion of the proceeds of the Mississippi Development Bank Special Obligation Bonds (Capital Projects and Equipment Acquisition Program), Series 2001A (the "2001A Bank Bonds"), dated March 6, 2001 (the "2001 Bank Bonds") and the Bank's Special Obligation Bonds (Capital Projects and Equipment Acquisition Program), Series 2001B, dated March 6, 2001 (the "2001B Bank Bonds") (together, the 2001A Bank Bonds and the 2001B Bank Bonds are the 2001 Bank Bonds"), which 2001 Bank Bonds were each issued pursuant to an Indenture of Trust, dated February 1, 2001 and February 1, 2001, respectively, by and between the Bank and Hancock Bank, Jackson, Mississippi (the "2001 Indenture Trustee") (the "2001 Indenture").

2. The Governing Body has determined that the City can realize financial benefits by prepaying and currently refunding certain outstanding amounts of the Note under the terms and provisions of the Loan Agreement.

3. That in order to analyze a restructure and prepayment of the outstanding Note and to effectuate the issuance of general obligation refunding bonds in connection therewith and to prepare the necessary offering documents it is in the best interest of the City to authorize the law firm of Harris Jernigan & Geno, PLLC, Ridgeland, Mississippi, as Bond Counsel, and Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor, to analyze a restructure and prepayment of the Note and to prepare and distribute all necessary documents and to do all things required for the issuance of General Obligation Refunding Bonds, Series 2010 (the "Bonds") and to effectuate the issuance of such Bonds.

4. Pursuant to the terms of the Loan Agreement, thirty (30) days written notice of such prepayment, unless waived, shall be provided to Ambac Assurance Corporation (the "Bond Insurer"), the 2001 Indenture Trustee and Government Consultants, Inc., Jackson, Mississippi, formerly known as Holley, Grubbs, Mitcham & Phillips (the "Administrator").

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. The Governing Body hereby declares its intention to issue Bonds, of the City to raise money for the purpose of prepaying and currently refunding certain outstanding amounts of the Note under the Loan Agreement.

SECTION 2. The Governing Body herein employs the law firm of Harris Jernigan & Geno, PLLC, Ridgeland, Mississippi, as Bond Counsel, and Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor and authorizes them (i) to analyze the restructure and prepayment of the Note and (ii) to prepare and distribute all necessary documents and to do all things required for the issuance of the Bonds, and to effectuate the issuance of such Bonds subject to the approval of the Governing Body of the City. No fee will be due to Harris Jernigan & Geno, PLLC or Government Consultants, Inc. unless the Governing Body approves the issuance of said Bonds.

SECTION 3. That the Governing Body, in accordance with the Loan Agreement, hereby gives notice to the Bond Insurer, the 2001 Indenture Trustee and the Administrator of the City's intent to prepay a portion of the Note with the proceeds of the Bonds, and the Clerk of the Governing Body is hereby authorized to provide a copy of this resolution to each party as a means of providing the proper notice of the City's intent to prepay a portion of the Note.

Alderman Cady seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Alderman Greg Guy	voted: YEA
Alderman Lorine Cady	voted: YEA
Alderman Ronnie Hale	voted: YEA
Alderman George Payne	voted: YEA
Alderman William Brooks	voted: YEA
Alderman Ricky Jobes	voted: YEA
Alderman Randy Huling	voted: YEA

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 7th day of September, 2010.

Alderman Guy left the meeting.

FISKARS BRANDS, INC.---Resolution Granting Exemption From Ad Valorem Taxes to Fiskars Brands, Inc. Operator Of A Free Port Warehouse

**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 FISKARS BRANDS, 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 FISKARS BRANDS, 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 organized under the laws of the State of Wisconsin and 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 96 employees with an estimated annual payroll of \$2,797,000.00;

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, FISKARS BRANDS, INC., operator of a free port warehouse is hereby granted exemptions to the full extent permitted by statute beginning on the 1st day of August, 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 JOBES 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:

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

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 7th day of September, 2010.

RESOLUTION DECLARING STORMWATER AWARENESS WEEK

**RESOLUTION OF THE SOUTHAVEN BOARD OF ALDERMEN,
DECLARING SEPTEMBER 27TH-OCTOBER 1ST 2010 STORMWATER
AWARENESS WEEK**

WHEREAS, the citizens of the City of Southaven, Mississippi desire and deserve a safe and clean environment in which to live and raise their families; and

WHEREAS, it is known that the streams of Southaven are adversely impacted by the introduction of man-made pollutants; and

WHEREAS, Southaven has been designated as a Storm water Phase II Entity; and

WHEREAS, Southaven has developed a Storm water Runoff Management Program to meet the requirements established by the Clean

Water Act and mandated by the United States Environmental Protection Agency and the Mississippi Department of Environmental Quality; and

WHEREAS, public education about the causes, effects, and prevention measures of and for storm water and non-point source pollution of our streams is essential to Southaven's efforts to return its streams to their natural pollution-free condition; and

WHEREAS, Southaven has adopted Public Education and Public Involvement as part of their Storm water Runoff Program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of Southaven, Mississippi:

That the Week of September 27th - October 1st 2010 be, and it is hereby declared to be "Storm water Awareness Week".

The foregoing resolution was introduced by Alderman Cady, who moved its adoption. The motion was duly seconded by Alderman Payne. Motion was put to vote and passed unanimously.

The motion having received the affirmative vote of a majority of all of the members of the Board present, the Mayor declared the motion carried and the Resolution adopted on this the 7th day of September, 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: 8106 Pinebrook Drive, 5765 Kayla Drive, 5625 Steffani Drive, 5787 Alexandria Lane, 1760 Northfield Drive, 8640 Bunker Hill Drive, 5828 Alexandria Lane, 1020 Worthington Drive, 8324 Greenbrook Parkway, 9181 Triple Crown Loop East, 725 White Oak Road, 2630 Greencliff Drive, 776 Grant Drive, Parcel ID# 108515000000100, Parcel ID# 1086140000001900, 3171 John Michael Drive, 3209 John Michael Drive, 3225 John Michael Drive, 3241 John Michael Drive, 3257 John Michael Drive, 3180 John Michael Drive, 3198 John Michael Drive, 3274 John Michael Drive, 3382 John Michael Drive, 594 Chateau Pointe Boulevard, 3327 Chateau Pointe Boulevard, 630

Bouldercrest Drive, 610 Bouldercrest Drive, 3334 St. Augustine Cove, 3411 St. Augustine Cove, 3393 St. Augustine Cove, 794 Rockbridge Cove, 3291 John Michael Drive, 3273 John Michael Drive, 3189 John Michael Drive, 3125 John Michael Drive, 3086 John Michael Drive, 3093 John Michael Drive, 3061 John Michael Drive, 3345 Mary Claire Lane, 612 Chateau Pointe Boulevard, 3419 Chateau Pointe Boulevard, 3381 Chateau Pointe Boulevard, 661 Chateau Pointe Boulevard, 677 Chateau Pointe Boulevard, 624 Chatfield Cove, 608 Barrymore Cove, 590 Bouldercrest Drive, 570 Bouldercrest Drive, 550 Bouldercrest Drive, Parcel ID# 108726090000200, Parcel ID# 1087260900000700, Parcel ID# 1087260900000800, Parcel ID# 1087260900001000, Parcel ID# 1087260900001100, Parcel ID# 1087260900001200, Parcel ID# 1087260900001300, Parcel ID# 1087260900001400, 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, September 7, 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 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, September 7, 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: **8106 Pinebrook Drive, 5765 Kayla Drive, 5625 Steffani Drive, 5787 Alexandria Lane, 1760 Northfield Drive, 8640 Bunker Hill Drive, 5828 Alexandria Lane, 1020 Worthington Drive, 8324 Greenbrook Parkway, 9181 Triple Crown Loop East, 725 White Oak Road, 2630 Greycliff Drive, 776 Grant Drive, Parcel ID# 1085150000000100, Parcel ID# 1086140000001900, 3171 John Michael Drive, 3209 John Michael Drive, 3225 John Michael Drive, 3241 John Michael Drive, 3257 John Michael Drive, 3180 John Michael Drive, 3198 John Michael Drive, 3274 John Michael Drive, 3382 John Michael Drive, 594 Chateau Pointe Boulevard, 3327 Chateau Pointe Boulevard, 630 Bouldercrest Drive, 610 Bouldercrest Drive, 3334 St. Augustine Cove, 3411 St. Augustine Cove, 3393 St. Augustine Cove, 794 Rockbridge Cove, 3291 John Michael Drive, 3273 John Michael Drive, 3189 John Michael Drive, 3125 John Michael Drive, 3086 John Michael Drive, 3093 John Michael Drive, 3061 John Michael Drive, 3345 Mary Claire Lane, 612 Chateau Pointe Boulevard, 3419 Chateau Pointe Boulevard, 3381 Chateau Pointe Boulevard, 661 Chateau Pointe Boulevard, 677 Chateau Pointe Boulevard, 624 Chatfield Cove, 608 Barrymore Cove, 590 Bouldercrest Drive, 570 Bouldercrest Drive, 550 Bouldercrest Drive, Parcel ID# 1087260900000200, Parcel ID# 1087260900000700, Parcel ID# 1087260900000800, Parcel ID# 1087260900001000, Parcel ID# 1087260900001100, Parcel ID#**

1087260900001200, Parcel ID# 1087260900001300, Parcel ID#

1087260900001400, 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 Brooks. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
Alderman Greg Guy	ABSENT
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 **7th day of September, 2010**.

INTERLOCAL AGREEMENT FOR FIRE PROTECTION SERVICES

Mayor Davis reported that we need to enter into an Interlocal Agreement for Fire Protection Services with DeSoto County and the surrounding Cities. This will be in the event that we need to assist other Cities or they need to assist us with fire protection. This agreement will give us the authority. Alderman Brooks made the motion to give Mayor Davis the authority to sign the Interlocal Agreement for Fire Protection Services. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously. A copy of this agreement will become apart of these minutes.

**INTERLOCAL GOVERNMENTAL AGREEMENT BETWEEN DESOTO
COUNTY, MISSISSIPPI, THE TAX COLLECTOR OF DESOTO
COUNTY, MISSISSIPPI, AND THE CITY OF SOUTHAVEN PROVIDING
FOR THE COLLECTION OF CITY TAXES BY DESOTO COUNTY**

**This agreement is entered into by DeSoto County, Mississippi (the
“County”) and the City of Southaven, Mississippi (the “City”) as of the 7th
day of September, 2010.**

Witnesseth

WHEREAS, the City, under the authority of Mississippi Code Annotated §21-33-1 et seq., 1972, as amended; and the County, under the authority of Mississippi Code Annotated, Title 21, Chapter 1 and Chapters 29 through 53, 1972, as amended, have the authority to maintain offices for the purpose of ad valorem tax collection; and

WHEREAS, the City desires to have its taxes collected by the DeSoto County Tax Collector, as in past years, and County agrees to permit its Tax Collector to collect the City’s taxes; and

WHEREAS, the County and City believe that their desires may best be accomplished by a formal agreement pursuant to the authority of the “Interlocal Cooperation Act of 1974”; and

WHEREAS, the purpose of this agreement is to allow the County to collect ad valorem taxes for the City;

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, and pursuant to the authority of M.C.A. §17-13-1 et seq., the parties agree as follows:

1. This agreement shall take effect upon the date of approval by the Attorney General of the State of Mississippi, and replace the prior agreement between the parties approved by the Attorney General on or about January 9, 2008, after first being approved and executed by the County and the City, which approval is to be entered onto the minutes of the Board meetings of both parties.

2. The County Tax Collector shall assume the responsibility of the collection of all City ad valorem taxes on real, personal, and public service properties, as well as mobile home taxes. The County Tax Collector, on any tax statement he issues, will show City and County separately. Additionally, the County Tax Collector shall collect all special assessments allowed and provided for pursuant to Miss. Code Ann. § 21-19-11, as amended.

3. The City ad valorem taxes on real, personal, and public service property shall be collected as soon as reasonably practical, after October 1st each year, to insure that operating funds are available to the City prior to the tax delinquency date of February 1st of the subsequent calendar year.

4. All sums collected by the County Tax Collector shall be delivered to the City on or before the 20th of the month following that in which said funds are collected. The settlements shall be allocated by proper City funds and submitted to the City based on the individual mill rates within the City.

5. The County Tax Collector shall collect all homestead exemption charge backs and all damages and interest authorized by law on City taxes, which shall be distributed within the same time limitations and in the same manner as described in the next above section.

6. The County Tax Collector shall collect all municipal special assessments imposed pursuant to the authority granted by Miss. Code Ann. § 21-19-11 and, as necessary, conduct sales of property for non-payment of those assessments imposed by Miss. Code Ann. § 21-19-11, as allowed by the authority granted in Miss. Code Ann. §§ 17-13-9(2) and 27-41-2.

7. The County Tax Collector will conduct land tax sales for the City at the same time and place as land tax sales for the County are now held, and the City will receive all interest, damages, and other fees from such sales that the City may be entitled to in accordance with the laws of the State of Mississippi. The City will be furnished with a list of all land sold for taxes on its behalf or struck

off to the City within twenty days after said sale. The DeSoto County Chancery Clerk will continue to be responsible for receiving and receipting tax redemption payments, notifying owners of the time for expiration of redemption, and issuing tax deeds for such tax sales, as required by law.

8. Prior to settlement of City taxes to the City, the County Tax Collector will make refunds of all taxes erroneously collected for the City and will make proper adjustment to the monthly distribution reports. The City agrees to allow the County Tax Collector credit for the list of delinquent or insolvent taxpayers properly presented to it in the same manner as prescribed by Mississippi Code annotated § 27-49-1 et seq., 1972, as amended.

9. The County Tax Collector agrees to provide the following reports to the City:

(a) A monthly report separated by real estate, personal property, and public service showing total assessed value, total taxes collected, and total interest collected.

(b) A yearly trial balance on real estate, personal property, and public service should be furnished to City shortly after September 30th of each fiscal year showing assessed values, senior or disabled citizen homestead value, regular homestead value, total regular homestead credit, taxes collected, and interest collected.

(c) A detailed listing of all unpaid taxes shall be furnished with totals by real estate, personal property, and public service no later than September 30th of each year.

10. The City will provide to the County Tax Collector a list of all special assessments to be collected pursuant to Miss. Code Ann. § 21-19-11, and include such information as the County Tax Collector reasonably requests, by October 1 of each year, or such other time as established by the County Tax Collector, so the collections of the special assessments described in paragraph 6 can be conducted the following year, in conjunction with the collection of unpaid ad valorem taxes.

11. Upon termination of this agreement, any real and personal property acquired under the auspices of this agreement shall be distributed to the party assuming the cost of such acquisition.

12. The City agrees the County Tax Collector shall retain, from the collected taxes of the City, a fee of Seventeen Thousand Nine Hundred Seventy Two Dollars (\$17,972.00) per year. In addition to the foregoing fee, The City agrees the County Tax Collector shall retain, from the collected taxes of the City, a fee of 3% net collection not exceed One Hundred Thousand Dollars (\$100,000.00) per year. The aforementioned fees shall be settled to the County general fund and, together, constitute the fee payable to the County for the County Tax Collector collecting, and the County Tax Assessor assessing, the City's taxes whether real, personal, public service, or mobile home. Such fees are exclusive of and separate from any fees retained by the County for the County Tax Collector collecting motor vehicle taxes.

13. This agreement shall be in force and in effect from and after its approval by the Attorney General pursuant to section 17-13-11, Mississippi Code of 1972. A copy of said agreement and Attorney General's approval shall be filed with all concerned governmental authorities.

14. Pursuant to M.C.A. §17-13-9, the parties set forth the following:

(a) Term: This agreement will have an initial term of one year beginning January 01, 2010 and thereafter shall be automatically renewed on an annual basis unless terminated by one of the parties hereto in accordance with the terms of this agreement.

(b) Duration: This agreement shall take effect upon the date of approval by the Attorney General of the State of Mississippi after first being approved and executed by the County and the City, which approval is to be entered onto the minutes of the Board meeting of both parties;

(c) Purpose: The purposes of this agreement are set forth in paragraphs 1-11 above;

(d) Separate Legal Entity: There is no separate legal or administrative entity created pursuant to this agreement;

(e) Statutory Authorities: Statutory authority for DeSoto County to take the actions required of it, as set forth above, is contained in Mississippi Code Annotated Title 27, Chapters 1 and Chapters 29 through 53. Statutory authority for City to take the actions required of it, as set forth above, is contained in Mississippi Code Annotated §21-33-1 et seq;

(f) Financing: Financing of this venture is through the budgets of the County and the City;

(g) Person to Account for Funds: The County Tax Collector and County Comptroller are designated by this agreement to receive, disburse and account for all funds of the joint undertaking set for herein;

(h) Methods of Termination: This agreement may be terminated by either the County or City upon the giving of written notice to the other party nine (9) months prior to any renewal term beginning. This agreement may be terminated at any time upon the mutual written agreement of the County and City.

(i) Amendments: Neither this agreement nor any of its terms may be changed or modified, waived, or terminated except by an instrument in writing, approved by the governing body of each party, with such approval spread upon its official minutes, and signed by each party's authorized representative.

(j) Administration: This project will be administered through the DeSoto County Board of Supervisors in cooperation with the Board of Aldermen for the City of Southaven.

(k) Disposal of Property: The agreement does not provide for the acquiring, holding or disposing of real or personal property, however, should any real or personal property be acquired by either party under the auspices of this agreement, such property shall be distributed to the party paying the costs of acquisition upon termination of this agreement.

(l) Any other necessary and proper matters are set forth in paragraphs 1-11 above;

15. Should it become necessary, pursuant to Federal or State law, it is hereby deemed by the parties that the County shall be the sponsoring subdivision for such purposes as necessary including, but not limited to, the procurement of grants and/or federal or state funds.

16. This agreement may be executed in two or more counterparts, each of which shall be deemed an original but all of which shall constitute one and the same instrument. In addition, this agreement may contain more than one counterpart of the signature page and this agreement may be executed by the affixing of the signatures to such counterpart signature pages; in which case each counterpart signature page shall constitute an original, but all of which, taken together, shall constitute a single signature page.

WITNESS the signature of the parties hereto after first being approved by the respective governing authorities.

DESOTO COUNTY, MISSISSIPPI

CITY OF SOUTHAVEN

By: _____
_____, President of
DeSoto County Board of Supervisors

By: _____
GREG DAVIS, Mayor

DATE: _____

DATE: _____

ATTEST: _____
CLERK OF THE BOARD
(Seal)

ATTEST: _____
CITY CLERK
(Seal)

DESOTO COUNTY TAX COLLECTOR:

BY: _____
JOEY TREADWAY,
DeSoto County Tax Collector

SURPLUS PROPERTY-SPD

Alderman Payne made the motion to dispose of surplus property as required by State Law, for the Southaven Police Department.

- 1- Trek Manitou bicycle S/N GH287765**
- 1- Fuji Police Bicycle S/N TF3H04713**

Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

PLANNING AGENDA

Item #1 Application by R and J Development for subdivision approval for Lakeview Business Center Section 4 on the south side of Stateline Road east of Airways Blvd. Whitney Choat-Cook reported that there was a little concern from the Greenbrook residents. Applicant has agreed to push the set back another 15' and put a no disturbed area on the back side of it abutting the lake and decrease the front yard set back. Planning Commission approved this item, with the exception. Alderman Cady 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 Application by Marion Chapman for a conditional use permit to allow a beauty salon to be located at 3075 Getwell Road in The Bob White Subdivision on the south side of Goodman Road and east side of Getwell Road. Mrs. Choat-Cook reported that the Planning Commission did approve this item. Alderman Hale 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 Laurie McCammon for a conditional use permit to allow a motor vehicle repair shop to be located at 1396 Brookhaven Drive on the east side of Hwy. 51, north side of Brookhaven. Mrs. Choat-Cook reported that it is the old Brewers Automotive Shop that is transferring ownership. Planning Commission did approve this item. Motion was made by Alderman Hale to approve Item #3 as presented. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

Item #4 Application by Tommy Hart for a conditional use permit to allow an indoor commercial recreational facility on the northwest corner of Stateline Road and Hwy. 51. Mrs. Choat-Cook reported that this is the Lolly Pops skating rink. There were some stipulations put in this from the Police and Fire Department.

1. They will not be allowed to rent out the entire facility at one time. They will be allowed to rent out party rooms.
2. No one will be allowed on the skating floor without skates on. No dance floor allowed.
3. All lighting in the parking lot to be replaced and well lit.

Planning commission did approve this item, with the stipulations. After a short discussion, Alderman Payne made the motion to approve Item #4 as presented. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

MAYOR'S REPORT

Mayor Davis reported that Bradley Wallace's father had passed away, and he shared a thank you letter from Mr. Wallace addressed to the Mayor and Board of Aldermen.

Next, Mayor Davis reported that he needed authority to sign a lease agreement with T-Mobile for the Getwell Water Tower and the Greenbrook Water Tower. This will be a 40 year lease, and it is about to expire. Alderman Cady made the motion to allow Mayor Davis to enter into an agreement with T-Mobile as presented. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that this Board and our Southaven Police Department should be very proud of the auction taken in the State of Mississippi Legislature during a special session. Southaven was the first city in the State to outlaw and ban the use of "Spice". It has received statewide attention and is now a State of Mississippi Law.

Next, Mayor Davis presented them with a proposal to perform our annual audit. He, along with Chris Wilson, recommends F. O. Givens & Co., Certified Public Accountants. Alderman Cady made the motion to accept F. O. Givens & Co. as the official auditor for the City of Southaven. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

COMMITTEE REPORTS:

Alderman Payne reported that the ordinance committee met with Animal Control and Bradley Wallace, Director of Operations, and they should have the ordinance changes ready soon. He stated that there were some very minor changes to be made.

CITY ATTORNEY'S LEGAL UPDATE

No City Attorney report

OLD BUSINESS:

Alderman Jobs asked Mayor Davis about the traffic signal at Stateline and Tchulahoma. Mayor stated that due to right of way issues, it was dead. Alderman Jobs stated that Ray Tarrance, Public Works Director, is looking at the east side of Greenbrook at Tchulahoma on Greencliff to overlay. Mayor Davis stated that he would look at the quotes and get back with him on the cost.

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of September 7, 2010, including demand checks and payroll in the amount of \$1,243,083.00. Motion was seconded by Alderman Brooks. Excluding voucher numbers:

149556, 149565, 149734, 149887, 149965, 150116, 150260, 150364, 150372, 150446, 150502.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	ABSENT
Alderman Cady	YEA
Alderman Hale	YEA
Alderman Payne	YEA
Alderman Brooks	YEA
Alderman Jobs	YEA
Alderman Huling	YEA

PERSONNEL AND LITIGATION

No Personnel and Litigation

There being no further business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Jobs to adjourn. Motion seconded by Alderman Payne. Motion was put to a vote and passed unanimously, September 7, 2010 at 6:45 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk

Seal