

**MINUTES OF THE REGULAR MEETING
OF OCTOBER 05, 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 5th day of October, 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

Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately forty (40) 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 September 21, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Jobs. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

Mayor Davis thanked the Mayor's Youth Council for attending the Board of Aldermen Meetings. He stated they are creating the By-Laws for the Council.

BUDGET AMENDMENT FOR FY 2011

Mayor Davis reported that the FY 2011 budget revision is for funds brought forward for projects from the FY 2010. Alderman Guy made the motion to approve the budget revision as presented. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously. A copy of this budget revision is attached and made part of these minutes.

**RESOLUTION OF INTENT TO ISSUE GENERAL OBLIGATION
REFUNDING BONDS NOT TO EXCEED \$3,500,000.00.**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City") took up for consideration the matter of issuing General Obligation Refunding Bonds, Series 2010 (the "Series 2010 Bonds") of the City for the purpose of providing funds to pay for the cost of (i) prepaying and currently

refunding the outstanding balance of the City's \$5,000,000 Promissory Note, dated June 7, 2002 (the "Note"), originally issued 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; and (ii) paying the costs of issuing the Series 2010 Bonds.

Thereupon Alderman Cady offered and moved the adoption of the following resolution:

RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION REFUNDING BONDS OF THE CITY IN A MAXIMUM PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$3,500,000) FOR THE PURPOSE OF PROVIDING FUNDS TO PAY FOR THE COST OF (I) PREPAYING AND CURRENTLY REFUNDING THE OUTSTANDING BALANCE OF THE CITY'S \$5,000,000 PROMISSORY NOTE, DATED JUNE 7, 2002 (THE "NOTE"), ISSUED 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; AND (II) PAYING THE COSTS OF ISSUING THE SERIES 2010 BONDS.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "Governing Body" of the "City"), does hereby find, determine, adjudicate, and declare as follows:

1. The City is authorized by Sections 31-15-1 through 31-15-19, Mississippi Code of 1972 (the "Code"), as amended, to issue general obligation refunding bonds for the purpose of providing funds to pay for the cost of (i) prepaying and currently refunding the outstanding balance of the City's \$5,000,000 Promissory Note, dated June 7, 2002 (the "Note"), originally issued 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; and (ii) paying the costs of issuing the Series 2010 Bonds. (the "Refunding Project").

2. It is now necessary and in the public interest for the City to issue one or more series of general obligation refunding bonds in a principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) (the "Series 2010 Bonds") to provide funds to pay for the cost of the Refunding Project.

3. The assessed valuation of all taxable property within the City as of October 1, 2010, according to the last completed assessment for taxation, is the sum of Four Hundred Forty-Six Million Five Hundred Eighteen Thousand Twenty-Three Dollars (\$446,518,023). The total amount of general obligation bonds that may be issued for any purpose is generally limited, in the aggregate, to twenty percent (20%) of the assessed value of the City, and for purposes of the 20% limitation, the City has Thirty-Nine Million Two Hundred Twenty-Five Thousand (\$39,225,000) principal amount of general obligation bonds outstanding. The bonds issued for the proposed purposes herein are subject to a limitation of fifteen percent (15%) of the assessed value of the City. For purposes of the 15% limitation, the City has Thirty-Nine Million Two Hundred Twenty-Five Thousand (\$39,225,000) principal amount of general obligation bonds outstanding. Accordingly, the issuance of said Series 2010 Bonds for these purposes will not exceed any debt limitation prescribed by law, including the limitations imposed by Section 21-33-303, Mississippi Code of 1972, as amended.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. The Governing Body of the City does hereby declare its intention to issue one series of general obligation refunding bonds of the City in the principal amount not to exceed Three Million Five Hundred Thousand Dollars (\$3,500,000) to be used for the purpose of providing funds to pay for the cost of (i) prepaying and currently refunding the outstanding balance of the City's \$5,000,000 Promissory Note, dated June 7, 2002 (the "Note"), originally issued 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; and (ii) paying the costs of issuing the Series 2010 Bonds.

SECTION 2. The Series 2010 Bonds will be general obligations and will be secured by a special tax levied annually on all taxable property within the City in an amount which will be sufficient to pay the principal of and interest on the Series 2010 Bonds as each becomes due and payable.

SECTION 3. The Governing Body proposes to direct the issuance of all or any portion of the Bonds in the amount and for the aforesaid purposes at a meeting of the Governing Body to be held at its regular meeting place at City Hall, located at 8710 Northwest Drive, Southaven, Mississippi 38671 at 6:00 o'clock p.m. on Tuesday, November 2, 2010, or at some meeting held subsequent thereto. If ten percent (10%) or fifteen hundred (1,500), whichever is less, of the qualified electors in the City shall file a written protest with the Clerk of the City against the issuance of the Bonds on or before the aforesaid date and hour, then the Bonds shall not be issued unless authorized at an election on the question of the issuance of the Bonds. Such election shall be called and held as provided by law. If no protest is filed, then the Bonds may be issued without an election on the question of the issuance thereof at any time within a period of two (2) years after the date above specified.

SECTION 4. This Resolution shall be published once a week for at least three (3) consecutive weeks in *The DeSoto Times-Tribune*, a newspaper having a general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972. The first publication of this Resolution shall be made not less than twenty-one (21) days prior to November 2, 2010, and the last publication shall be made not more than seven (7) days prior to such date, said Resolution to be published on October 12, 19, and 26, 2010.

SECTION 5. The Clerk of the City shall be and is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of said publication of this Resolution and have the same before the Governing Body on the date and hour specified in Section 3 hereof.

Alderman Huling seconded the motion to adopt the foregoing resolution after the same had been read and considered section by section, and, 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 Jobs	voted: YEA
Alderman Randy Huling	voted: YEA

The motion having received the affirmative vote of a majority of all of the Aldermen present, the Mayor declared the motion carried and the Resolution adopted on this the 5th day of October, 2010.

AMENDMENT TO CODE OF ORDINANCES

AMENDMENT TO THE SOUTHAVEN CODE OF ORDINANCES

TITLE III.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, have determined the need to amend previously approved Title III of the Southaven Code of Ordinances with its current language; and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), the amendments to Title III of the Animal Control Ordinance are for the immediate and temporary preservation of the public peace, health and safety in order to preserve the laws of the Municipality and such amendments to Title III of the Animal Control Ordinance are 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 these amendments.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT THE FOLLOWING AMENDMENTS BE MADE REGARDING THE

REFERENCED SECTIONS OF TITLE III OF THE SOUTHAVEN CODE OF ORDINANCES, TO-WIT:

1. Section 3-1. Definitions.

Replace existing definition of Animal Control with definition of Animal Control to update supervisor information - to read as follows:

Animal Control Division means the review and enforcement authority under the supervision of the Director of Operations (in direct cooperation with the Police Department when requested) and empowered to administer this Title.

Revise existing definition of Public Nuisance, which does not include provision for aggressive actions by an animal constituting a nuisance but not meeting the standard of “vicious” set by State law – to read as follows:

Public Nuisance means any animal which: . . .

(9) Acts aggressively toward people or animals on its Owner’s property or on the property of others (regardless of whether or not the animal is located on its Owner’s property at the time of the aggressive actions).

Add a definition for aggressive to further clarify revised nuisance definition above – to read as follows:

Aggressive means actions by an animal toward another animal or a person deemed inappropriate by an Animal Control or Police Officer that rise to the definition of nuisance as defined in this Title.

2. Section 3-2. Enforcement.

Revise existing wording of item (b) in order to clarify the authority of an Animal Control Officer and the requirement to follow their directions for corrective action – to read as follows:

(b) An Animal Control Officer as defined by this Title is hereby granted the authority to direct corrective actions to the general public intended to correct violations of this Title; any failure by the general public to heed such direction from an Animal Control Officer shall constitute a misdemeanor offense with the City of Southaven punishable by arrest and/or fine. Furthermore, any Police Officer or Animal Control Officer having probable cause that a person has violated a section of this Title may, in lieu of obtaining a misdemeanor warrant for incarceration of such suspect, issue to the person a written citation requiring the person to appear at a date and time in the Municipal Court to answer the charge or charges specified in the citation.

WHEREAS, the foregoing amendments to the Southaven City Ordinance were read, discussed and voted upon in a public meeting, and whereas a motion was duly made by Alderman Payne, seconded by Alderman Hale, and a vote was held thereon with the following results, to-wit:

ALDERMAN

VOTED

Alderman Guy	YEA
Alderman Cady	YEA
Alderman Hale	YEA
Alderman Payne	YEA
Alderman Brooks	YEA
Alderman Jobes	YEA
Alderman Huling	YEA

The foregoing confirmation of the Title III of the Southaven City Ordinance, was declared adopted on this, the 5th day of October, 2010.

SURPLUS PROPERTY: IT DEPARTMENT:

Mayor Davis reported that IT has an Apple IMAC 21.5 inch, all in one computer to be surplused. After it is surplused, it will be donated to DeSoto Central High School. They will be running the City's TV on channel 19. Alderman Cady made the motion to surplus the IMAC 21.5 inch all in one computer as presented. Motion was seconded by Alderman Brooks. 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: **7701 Chesterfield Drive South, 7710 Chesterfield Drive South, Parcel ID# 2081120000000701**, 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, October 5,**

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, October 5, 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: **7701 Chesterfield Drive South, 7710 Chesterfield Drive South, Parcel ID# 2081120000000701**, 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:

ALDERMAN	VOTE
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 **5th day of October, 2010.**

PLANNING AGENDA

No Planning Agenda

MAYOR'S REPORT

Mayor Davis reported that he was given a petition from 49 of the 57 lot owners on the Greenbrook Lake. They are asking for some special assessments, to make some repairs to the dam. Mayor Davis stated that we would have that resolution drafted by the next Board of Aldermen meeting. This work has to be done as soon as possible. We cannot do the work due to the fact that Greenbrook Lake is a private lake, but we can do an assessment.

COMMITTEE REPORTS:

No Committee Reports

CITY ATTORNEY'S LEGAL UPDATE

No City Attorney report

OLD BUSINESS:

Mayor Davis reported on the Fire Department promotions:

Firefighter, Bill Stoddard to Driver on October 16, 2010
Driver, Steve Noel to a Lt. on October 14, 2010
Lt. Danny Scallion to 'A Shift' Captain on October 11, 2010

Chief Ron White introduced John Sinn. He holds his certification as a Mississippi State Fire Fighter. He also will be graduating Paramedic School in December. John has HAZMAT certification as well as driver operator.

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of October 5, 2010, including demand checks and payroll in the amount of \$2,669,214.66. Alderman Hale asked about the Lehman Roberts invoice for over lay of Snowden Grove and Mayor stated that this subdivision is almost completely sold out. The contractor's bond would not cover this, and we overlaid the streets and will be paid back as the money comes in on the lots. Mayor Davis stated that this does not happen a lot, but we will need to do

this on occasion. Motion was seconded by Alderman Guy. Excluding voucher numbers:

151488, 151490, 151492, 151538, 151540, 151650, 151785, 151868, 151913, 151915, 151923.

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

No Personnel and Litigation

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 Payne. Motion was put to a vote and passed unanimously, October 05, 2010 at 6:15 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk

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