

**MINUTES OF THE REGULAR MEETING
OF OCTOBER 19, 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 19th 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
Ronnie Hale	Alderman, Ward 2
George Payne	Alderman, Ward 3
William Brooks	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5

Alderman Cady and Alderman Huling were absent. Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director.

Approximately fifteen (15) 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 Jobes. Next, a motion was made by Alderman Guy to approve the minutes of the regular meeting of October 5, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion was put to a vote and passed unanimously. Next, Alderman Jobes made the motion to approve the minutes of the special meeting of October 16, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

No Citizen's Agenda

RESOLUTIONS REQUESTING LEGISLATURE OF THE STATE OF MS TO ENACT CERTAIN LOCAL AND PRIVATE LEGISLATION.

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), took up the matter of the need for local and private legislation authorizing the City to levy an additional one percent (1%) sales tax from the gross income of restaurants within the City limits for the promotion of the City through its parks and recreation. After full discussion of the subject, Alderman Guy offered and moved the adoption of the following resolution.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, REQUESTING THE LEGISLATURE OF THE STATE OF MISSISSIPPI TO ENACT CERTAIN LOCAL AND PRIVATE LEGISLATION.

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

1. For the benefit of the people of the City, the City desires to levy an additional one percent (1%) sales tax from the gross revenues from restaurants within the City limits for the purpose of promoting the City; and

2. A referendum was held on October 5, 2010 by the City whereby the Citizens of the City did overwhelming approve the measure authorizing the City to levy the additional 1% sales tax on the gross revenues of the restaurants within the City; and

3. Based on the desire of the citizens of the City, the Governing Body of the City desires to request the Legislature of the State of Mississippi to enact local and private legislation authorizing the City to levy an additional 1% sales tax from the gross income of restaurants within the City limits for the promotion of the City and its parks and recreation.

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

SECTION 1. The Governing Body of the City hereby requests that the Legislators, representing the City, draft and introduce, and that the Legislature of the State of Mississippi enact, local and private legislation authorizing the City to levy an additional 1% sales tax from the gross income of restaurants within the City limits for the promotion of the City and its parks and recreation.

SECTION 2. That the Clerk is hereby directed to provide a certified copy of this resolution to the Legislators representing the City.

Following the reading of the foregoing resolution, Alderman Brooks seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman Greg Guy	voted: YEA
Alderman Loraine Cady	voted: ABSENT
Alderman Ronnie Hale	voted: YEA
Alderman George Payne	voted: YEA
Alderman William Brooks	voted: YEA
Alderman Ricky Jobs	voted: YEA
Alderman Randall Huling	voted: ABSENT

Having received a majority of affirmative votes, the Mayor declared that the resolution was carried and adopted as set forth above on this the 19th day of October, 2010.

GREENBROOK HOMEOWNERS SPECIAL ASSESSMENT DISTRICT

RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO ADJUDICATE AND DECLARE FINAL COST OF THE REPAIR AND MOBILIZATION FOR EROSION CONTROL AND DRAINAGE ISSUES AT THE SOUTH END OF GREENBROOK LAKE; DIRECT AND LEVY SPECIAL ASSESSMENT FOR SAME; SET A PUBLIC HEARING IN CONNECTION THEREWITH; AUTHORIZE PUBLICATION OF NOTICE OF SAME; AND FOR RELATED PURPOSES.

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), took the matter of special assessments in connection with the repair and mobilization for erosion control and drainage issues and related improvements to the South End of Greenbrook Lake, located in the Greenbrook Lake Subdivision located along east and southern boundary of said lake in the City.

Thereupon Alderman Guy 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 ADJUDICATE AND DECLARE FINAL COST OF THE GREENBROOK DRAINAGE PROJECT; DIRECT AND LEVY SPECIAL ASSESSMENT FOR SAME; SET A PUBLIC HEARING IN CONNECTION THEREWITH; AUTHORIZE PUBLICATION OF NOTICE OF SAME; AND FOR RELATED PURPOSES.

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. In accordance with Section 21-41-1 et seq., Mississippi Code of 1972, as amended (the "Act"), the Governing Body of the City desires to ascertain and determine final cost of the improvements; declare the same by resolution; cause an assessment roll to be prepared for the Project; and set a public hearing in connection therewith.

NOW, THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Governing Body of the City as follows:

SECTION 1. The prefatory paragraph are found and determined to be accurate and true and are incorporated herein.

SECTION 2. The final cost of the Project which shall be assessed to the benefited property owners in a manner consistent and pursuant to the Act, is hereby ascertained, determined and declared not to exceed \$27,000.00 Dollars, which shall be apportioned as set forth in the attached assessment roll.

SECTION 3. In accordance with the Act, benefited property owners which are assessed the cost of the Project as set forth herein, may pay the full amount assessed within ninety days (90) of the date of the final assessment or pay the assessment in approximately equal annual installments for a term not to exceed twenty (20) years; provided, however, if paid in installments, the special assessment shall be in an amount sufficient to cover cost of issuance and principal and interest payments each year for any potential special assessment bonds issued as authorized by the Act.

SECTION 4. The assessment roll in form and substance substantially as attached hereto as **EXHIBIT A**, showing the names of the property owners benefited, and opposite each name, a description of each parcel of land and the proposed special assessment, is hereby delivered to the City Clerk to be on file at the office of the City Clerk available for public inspection.

SECTION 5. On the 7th day of December, 2010, at 6 o'clock p.m., in the regular meeting room of the Governing Body of the City, in Southaven, Mississippi, the Governing Body will hold a public hearing on the matter to hear and determine any objection or defense, and will, subsequent to said hearing, adjudicate the final costs of the special assessment Project and levy and apportion the special assessment as set forth in this resolution.

SECTION 6. The City Clerk is authorized and directed pursuant to Section 21-41-13, Mississippi Code of 1972, as amended, to cause publication of the "Notice of Public Hearing" attached hereto as **EXHIBIT B**, once each week for three ("3") consecutive weeks in the **DESOTO TIMES**, a newspaper published in and of general circulation in the City, which publication shall not be less than fifteen (15) days before December 6, 2010. The City Clerk is further directed to secure a publisher's proof of publication and to present the same before the Governing Authority at the aforesaid time and place.

SECTION 7. On or before the publication date of the Notice of Public Hearing, the City Clerk shall mail a copy of the Notice of Public Hearing by certified mail to the last known address of each of the owners of property affected by this resolution as identified in **EXHIBIT A** attached hereto.

The foregoing resolution was seconded by Alderman Hale and brought to a vote as follows:

Alderman Greg Guy	voted: YEA
Alderman Lorine Cady	voted: ABSENT
Alderman Ronnie Hale	voted: YEA
Alderman George Payne	voted: YEA

Alderman William Brooks
Alderman Ricky Jobs
Alderman Randall Huling

voted: YEA
voted: YEA
voted: ABSENT

Having received a majority of affirmative votes, the Mayor declared that the resolution was carried and adopted as set forth above on this the 19th day of October, 2010.

EXHIBIT A
ASSESSMENT ROLL

EXHIBIT B

FORM OF NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
ON SPECIAL ASSESSMENT ROLL FOR
GREENBROOK LAKE SUBDIVISION LOCATED IN
THE CITY OF SOUTHAVEN, MISSISSIPPI**

NOTICE IS HEREBY GIVEN that a public hearing, pursuant to Section 21-41-13, Mississippi Code of 1972, as amended, will be held by the Mayor and Board of Aldermen (the "Governing Body") of the City of Southaven, Mississippi (the "City"), on the 7th day of December, 2010, at 6 o'clock P.M., at their meeting place in the City Hall of the City, for the purpose of hearing and determining any objection or defenses, and providing a reasonable opportunity for interested individuals to express their views, either orally or in writing, on the assessment roll for the Greenbrook Lake Project located in the City. The assessment roll has been delivered to the City Clerk of the City and is open for inspection in the offices of the City Clerk in the City Hall of the City. This notice shall be published once each week for three ("3") consecutive weeks in a newspaper of general circulation in the City, which publication shall be at least fifteen (15) days prior to said hearing date.

DATED this the 19 day of October, 2010.

Sheila Heath
City Clerk

PUBLISH: Tuesday, October 26, 2010
Tuesday, November 2, 2010 and
Tuesday, November 9, 2010.

Mr. Johnny Highlander, President of the Greenbrook Home Owners Association, stated that they got a petition for the assessment and received 49 out of 56 signatures. Mayor Davis reported that this project will repair the dam drainage structure, on the south end of the lake. The City does have some sewer pipes exposed down stream and this repair will bring the dam up to the High Hazard Standards Act. The total project cost will be \$75,000.00 - \$80,000.00. The assessment will pay for a third, the City will pay for a third and the Drainage District will pay for a third.

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: **1924 Nottingham Drive, Parcel ID# 107834000000206, Parcel ID# 207417000000100, Parcel ID# 207417000000105**, 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 19, 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, October 19, 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: **1924 Nottingham Drive, Parcel ID# 107834000000206, Parcel ID# 207417000000100, Parcel ID# 207417000000105**, 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 Brooks. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
Alderman Greg Guy	YEA
Alderman Lorine Cady	ABSENT
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ricky Jobs	YEA
Alderman Randall T. Huling, Jr.	ABSENT

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **19th day of October, 2010.**

PLANNING AGENDA

No Planning Agenda

MAYOR'S REPORT

Mayor Davis reported that this Board did approve the Health Insurance for city employees on October 16th and he wanted to let them know that they did find the funds in the budget to pay for the 8% increase. Therefore, he stated that we did not have to do a budget amendment to cover this cost. He stated that on one of the Entergy Grants, we paid a bill in 2010 FY and the money came in on the 2011 FY.

COMMITTEE REPORTS:

Alderman Hale reported that there would be an ordinance committee meeting Wednesday, October 20, 2010, at 9 a.m. This will be held in the 4th floor conference room.

CITY ATTORNEY'S LEGAL UPDATE

No City Attorney report

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 October 19, 2010, including demand checks and payroll in the amount of \$166,304.30 for the 2010 FY. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

A motion was made by Alderman Jobs to approve the Claims Docket of October 19, 2010, including demand checks and payroll in the amount of \$1,933,815.73 for the 2011 FY. Motion seconded by Alderman Guy. Alderman Hale made the motion to remove voucher number 152804 from the claims docket. With no objection, motion was so ordered. Making the Claims Docket of October 19, 2010, \$1,902,728.98.

Excluding voucher numbers:

152024, 152025, 152026, 152120, 152121, 152214, 152385, 152394, 152398, 152460, 152576

Roll call was as follows:

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

Alderman Brooks made the motion to approve voucher number 152804 to Tri-Firma in the amount of \$31,086.75. Motion was seconded by Alderman Guy. Motion was put to roll call:

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

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved for payment on this the 19th day of October, 2010.

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 19, 2010 at 6:15 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk

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