

**MINUTES OF THE REGULAR MEETING
OF DECEMBER 07, 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 December, 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
Randall Huling	Alderman, Ward 6

Alderman Cady was absent from this meeting and Alderman Huling came in late. Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately twenty (20) other people were present.

Mayor Davis called the meeting to order. Alderman Guy led in prayer, followed by the Pledge of Allegiance led by Alderman Jobes. Next, a motion was made by Alderman Guy to approve the minutes of the regular meeting of November 16, 2010 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

No Citizen's Agenda

EXEMPTION FROM AD VALOREM TAXES:

Mayor Davis reported that we have four (4) Ad Valorem Freeport Tax Exemption Resolutions to approve, Siemens Industry, Inc., Whitmor Manufacturing Company, Inc., Grandview Gallery, LLC and American Music and Sound. Mayor Davis asked for a consent agenda on these items. Alderman Guy moved to approve the four (4) resolutions by acclamation. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

**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 SIEMENS INDUSTRY, 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 CONIGNED 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 STATUTE

TO SIEMENS INDUSTRY, 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 DELAWARE 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 CONIGNED 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 165 EMPLOYEES WITH AN ESTIMATED ANNUAL PAYROLL OF \$5,400,000.00;

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 CONIGNED 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, SIEMENS INDUSTRY, INC., OPERATOR OF A FREE PORT WAREHOUSE IS HEREBY GRANTED EXEMPTIONS TO THE FULL EXTENT PERMITTED BY STATUTE BEGINNING ON THE 7TH DAY OF DECEMBER, 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 CONIGNED 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 GUY
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:**

ALDERMAN	VOTE
ALDERMAN GREG GUY	YEA
ALDERMAN WILLIAM BROOKS	YEA
ALDERMAN GEORGE PAYNE	YEA
ALDERMAN RANDALL T. HULING, JR	ABSENT
ALDERMAN LORINE CADY	ABSENT
ALDERMAN RONNIE HALE	YEA
ALDERMAN RICKY JOBES	YEA

**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 DECEMBER, 2010.**

**A RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FINALLY
GRANTING WHITMOR MANUFACTURING COMPANY, INC.
EXEMPTION FROM AD VALOREM TAXATION**

**WHEREAS, HERETOFORE, WHITMOR MANUFACTURING
COMPANY, INC., FILED IN TRIPPLICATE ITS APPLICATION FOR EXEMPTION
FROM AD VALOREM TAXATION AS PROVIDED BY SECTION 27-31-101, ET SEQ.,
OF THE MISSISSIPPI CODE (1972), AS AMENDED; AND**

**WHEREAS, BY RESOLUTION ADOPTED AT THE DECEMBER 15, 2009,
MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF**

SOUTHAVEN, MISSISSIPPI, THE APPLICATION WAS APPROVED FOR A PERIOD OF TEN (10) YEARS BEGINNING ON FEBRUARY 11, 2009, FOR EXEMPTION FROM AD VALOREM TAXATION FOR ALL PROPERTY DESCRIBED IN SAID APPLICATION, EXCEPT AD VALOREM TAXES LEVIED FOR SCHOOL DISTRICT PURPOSES (“SCHOOL DISTRICT TAXES”), PARKS AND LIBRARY, AND THE “MANDATED LEVIES” DESCRIBED IN SECTION 27-39-329 OF THE MISSISSIPPI CODE ANNOTATED (1972). THAT THE APPLICATION AND A CERTIFIED COPY OF THE RESOLUTION WAS FORWARDED TO THE MISSISSIPPI STATE TAX COMMISSION; AND

WHEREAS, ON NOVEMBER 5, 2010, THE MISSISSIPPI STATE DEPARTMENT OF REVENUE APPROVED THE APPLICATION FOR EXEMPTION FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER JANUARY 1, 2010, WITH A TOTAL TRUE VALUE OF \$850,107.00; AND

WHEREAS, A CERTIFIED COPY OF THE AFORESAID MISSISSIPPI DEPARTMENT OF REVENUE’S APPROVAL HAS BEEN RECEIVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, AND IS ATTACHED TO THIS RESOLUTION AND MADE A PART OF THIS RESOLUTION BY REFERENCE THERETO;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. THAT WHITMOR MANUFACTURING COMPANY, INC. IS HEREBY GRANTED AN EXEMPTION FROM AD VALOREM TAXATION IN THE AMOUNT OF \$850,107.00 FOR ALL PROPERTY DESCRIBED IN SAID APPLICATION, EXCEPT AD VALOREM TAXES LEVIED FOR SCHOOL DISTRICT PURPOSES (“SCHOOL DISTRICT TAXES”), PARKS AND LIBRARY, AND THE

“MANDATED LEVIES” DESCRIBED IN SECTION 27-39-329 OF THE MISSISSIPPI CODE ANNOTATED (1972), FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER JANUARY 1, 2010, WHICH ARE USED IN, OR NECESSARY TO, THE OPERATION OF APPLICANT’S FACTORY IN DeSOTO COUNTY, MISSISSIPPI.

SECTION 2. THAT A COPY OF THE APPROVAL OF THE MISSISSIPPI DEPARTMENT OF REVENUE SHALL BE RECORDED IN THE MINUTES OF THIS BOARD FOLLOWING THE RESOLUTION.

SECTION 3. THAT THE CLERK SHALL TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION FINALLY GRANTING THE EXEMPTION TO THE MISSISSIPPI DEPARTMENT OF REVENUE AND THE STATE AUDITOR.

SECTION 4. THAT A CERTIFIED COPY OF THIS ORDER AND A COPY OF THE APPLICATION SHALL BE RECORDED IN THE OFFICE OF THE CITY CLERK IN A BOOK KEPT IN THE CITY CLERK’S OFFICE FOR THAT PURPOSE.

FOLLOWING THE READING OF THIS RESOLUTION, IT WAS INTRODUCED BY ALDERMAN GUY AND SECONDED BY ALDERMAN HALE AND THAT A ROLL CALL WAS TAKEN WITH THE RESULTS AS FOLLOWS:

ALDERMEN	VOTED
ALDERMAN GUY	YEA
ALDERMAN BROOKS	YEA
ALDERMAN PAYNE	YEA
ALDERMAN HULING	ABSENT
ALDERMAN CADY	ABSENT
ALDERMAN HALE	YEA
ALDERMAN JOBES	YEA

THE RESOLUTION HAVING RECEIVED THE MAJORITY VOTE OF ALL ALDERMEN PRESENT, THE MAYOR DECLARED THE RESOLUTION CARRIED AND ADOPTED, ON THIS, THE 7TH DAY OF DECEMBER 2010.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FINALLY GRANTING GRANDVIEW GALLERY, LLC EXEMPTION FROM AD VALOREM TAXATION

WHEREAS, HERETOFORE, GRANDVIEW GALLERY, LLC, FILED IN TRIPLICATE ITS APPLICATION FOR EXEMPTION FROM AD VALOREM TAXATION AS PROVIDED BY SECTION 27-31-101, ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED; AND

WHEREAS, BY RESOLUTION ADOPTED AT THE DECEMBER 15, 2009, MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THE APPLICATION WAS APPROVED FOR A PERIOD OF TEN (10) YEARS BEGINNING ON AUGUST 18, 2009, FOR EXEMPTION FROM AD VALOREM TAXATION FOR ALL PROPERTY DESCRIBED IN SAID APPLICATION, EXCEPT AD VALOREM TAXES LEVIED FOR SCHOOL DISTRICT PURPOSES (“SCHOOL DISTRICT TAXES”), PARKS AND LIBRARY, AND THE “MANDATED LEVIES” DESCRIBED IN SECTION 27-39-329 OF THE MISSISSIPPI CODE ANNOTATED (1972). THAT THE APPLICATION AND A CERTIFIED COPY OF THE RESOLUTION WAS FORWARDED TO THE MISSISSIPPI STATE TAX COMMISSION; AND

WHEREAS, ON NOVEMBER 5, 2010, THE MISSISSIPPI STATE DEPARTMENT OF REVENUE APPROVED THE APPLICATION FOR EXEMPTION

**FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER JANUARY 1, 2010, WITH
A TOTAL TRUE VALUE OF \$669,600.00; AND**

**WHEREAS, A CERTIFIED COPY OF THE AFORESAID MISSISSIPPI
DEPARTMENT OF REVENUE'S APPROVAL HAS BEEN RECEIVED BY THE
MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN,
MISSISSIPPI, AND IS ATTACHED TO THIS RESOLUTION AND MADE A PART OF
THIS RESOLUTION BY REFERENCE THERETO;**

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

**SECTION 1. THAT GRANDVIEW GALLERY, LLC IS HEREBY
GRANTED AN EXEMPTION FROM AD VALOREM TAXATION IN THE AMOUNT OF
\$669,600.00 FOR ALL PROPERTY DESCRIBED IN SAID APPLICATION, EXCEPT
AD VALOREM TAXES LEVIED FOR SCHOOL DISTRICT PURPOSES ("SCHOOL
DISTRICT TAXES"), PARKS AND LIBRARY, AND THE "MANDATED LEVIES"
DESCRIBED IN SECTION 27-39-329 OF THE MISSISSIPPI CODE ANNOTATED
(1972), FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER JANUARY 1,
2010, WHICH ARE USED IN, OR NECESSARY TO, THE OPERATION OF
APPLICANT'S FACTORY IN DeSOTO COUNTY, MISSISSIPPI.**

**SECTION 2. THAT A COPY OF THE APPROVAL OF THE MISSISSIPPI
DEPARTMENT OF REVENUE SHALL BE RECORDED IN THE MINUTES OF THIS
BOARD FOLLOWING THE RESOLUTION.**

**SECTION 3. THAT THE CLERK SHALL TRANSMIT A CERTIFIED COPY
OF THIS RESOLUTION FINALLY GRANTING THE EXEMPTION TO THE
MISSISSIPPI DEPARTMENT OF REVENUE AND THE STATE AUDITOR.**

SECTION 4. THAT A CERTIFIED COPY OF THIS ORDER AND A COPY OF THE APPLICATION SHALL BE RECORDED IN THE OFFICE OF THE CITY CLERK IN A BOOK KEPT IN THE CITY CLERK'S OFFICE FOR THAT PURPOSE.

FOLLOWING THE READING OF THIS RESOLUTION, IT WAS INTRODUCED BY ALDERMAN GUY AND SECONDED BY ALDERMAN HALE AND THAT A ROLL CALL WAS TAKEN WITH THE RESULTS AS FOLLOWS:

ALDERMEN	VOTED
ALDERMAN GUY	YEA
ALDERMAN BROOKS	YEA
ALDERMAN PAYNE	YEA
ALDERMAN HULING	ABSENT
ALDERMAN CADY	ABSENT
ALDERMAN HALE	YEA
ALDERMAN JOBES	YEA

THE RESOLUTION HAVING RECEIVED THE MAJORITY VOTE OF ALL ALDERMEN PRESENT, THE MAYOR DECLARED THE RESOLUTION CARRIED AND ADOPTED, ON THIS, THE 7TH DAY OF DECEMBER 2010.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI FINALLY GRANTING AMERICAN MUSIC & SOUND, LLC EXEMPTION FROM AD VALOREM TAXATION

WHEREAS, HERETOFORE, AMERICAN MUSIC & SOUND, LLC, FILED IN TRIPLICATE ITS APPLICATION FOR EXEMPTION FROM AD VALOREM

TAXATION AS PROVIDED BY SECTION 27-31-101, ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED; AND

WHEREAS, BY RESOLUTION ADOPTED AT THE DECEMBER 15, 2009, MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THE APPLICATION WAS APPROVED FOR A PERIOD OF TEN (10) YEARS BEGINNING ON MAY 1, 2009, FOR EXEMPTION FROM AD VALOREM TAXATION FOR ALL PROPERTY DESCRIBED IN SAID APPLICATION, EXCEPT AD VALOREM TAXES LEVIED FOR SCHOOL DISTRICT PURPOSES (“SCHOOL DISTRICT TAXES”), PARKS AND LIBRARY, AND THE “MANDATED LEVIES” DESCRIBED IN SECTION 27-39-329 OF THE MISSISSIPPI CODE ANNOTATED (1972). THAT THE APPLICATION AND A CERTIFIED COPY OF THE RESOLUTION WAS FORWARDED TO THE MISSISSIPPI STATE TAX COMMISSION; AND

WHEREAS, ON NOVEMBER 5, 2010, THE MISSISSIPPI STATE DEPARTMENT OF REVENUE APPROVED THE APPLICATION FOR EXEMPTION FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER JANUARY 1, 2010, WITH A TOTAL TRUE VALUE OF \$625,264.00; AND

WHEREAS, A CERTIFIED COPY OF THE AFORESAID MISSISSIPPI DEPARTMENT OF REVENUE’S APPROVAL HAS BEEN RECEIVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, AND IS ATTACHED TO THIS RESOLUTION AND MADE A PART OF THIS RESOLUTION BY REFERENCE THERETO;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. THAT AMERICAN MUSIC & SOUND, LLC IS HEREBY GRANTED AN EXEMPTION FROM AD VALOREM TAXATION IN THE AMOUNT OF \$625,264.00 FOR ALL PROPERTY DESCRIBED IN SAID APPLICATION, EXCEPT

AD VALOREM TAXES LEVIED FOR SCHOOL DISTRICT PURPOSES (“SCHOOL DISTRICT TAXES”), PARKS AND LIBRARY, AND THE “MANDATED LEVIES” DESCRIBED IN SECTION 27-39-329 OF THE MISSISSIPPI CODE ANNOTATED (1972), FOR A PERIOD OF TEN (10) YEARS FROM AND AFTER JANUARY 1, 2010, WHICH ARE USED IN, OR NECESSARY TO, THE OPERATION OF APPLICANT’S FACTORY IN DeSOTO COUNTY, MISSISSIPPI.

SECTION 2. THAT A COPY OF THE APPROVAL OF THE MISSISSIPPI DEPARTMENT OF REVENUE SHALL BE RECORDED IN THE MINUTES OF THIS BOARD FOLLOWING THE RESOLUTION.

SECTION 3. THAT THE CLERK SHALL TRANSMIT A CERTIFIED COPY OF THIS RESOLUTION FINALLY GRANTING THE EXEMPTION TO THE MISSISSIPPI DEPARTMENT OF REVENUE AND THE STATE AUDITOR.

SECTION 4. THAT A CERTIFIED COPY OF THIS ORDER AND A COPY OF THE APPLICATION SHALL BE RECORDED IN THE OFFICE OF THE CITY CLERK IN A BOOK KEPT IN THE CITY CLERK’S OFFICE FOR THAT PURPOSE.

FOLLOWING THE READING OF THIS RESOLUTION, IT WAS INTRODUCED BY ALDERMAN GUY AND SECONDED BY ALDERMAN HALE AND THAT A ROLL CALL WAS TAKEN WITH THE RESULTS AS FOLLOWS:

ALDERMEN	VOTED
ALDERMAN GUY	YEA
ALDERMAN BROOKS	YEA
ALDERMAN PAYNE	YEA
ALDERMAN HULING	ABSENT
ALDERMAN CADY	ABSENT
ALDERMAN HALE	YEA
ALDERMAN JOBES	YEA

THE RESOLUTION HAVING RECEIVED THE MAJORITY VOTE OF ALL ALDERMEN PRESENT, THE MAYOR DECLARED THE RESOLUTION CARRIED AND ADOPTED, ON THIS, THE 7TH DAY OF DECEMBER 2010.

AMEND SOUTHAVEN CODE OF ORDINANCES TITLE XIII, CHAPTER 7, OFF STREET PARKING.

AMENDMENT TO THE SOUTHAVEN CODE OF ORDINANCES

**TITLE XIII, CHAPTER 7 - REQUIRED OFF-STREET PARKING AND LOADING;
SECTION 13-7 (c) GENERAL RULES AND EXCEPTIONS**

WHEREAS, THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, HAVE DETERMINED THE NEED TO AMEND TITLE XIII, ZONING REGULATIONS OF THE SOUTHAVEN CODE OF ORDINANCES; AND

WHEREAS, PURSUANT TO SECTION 21-13-11 OF THE MISSISSIPPI CODE ANNOTATED (1972), THIS AMENDMENT TO TITLE XIII, ZONING REGULATIONS OF THE SOUTHAVEN CODE OF ORDINANCES IS FOR THE IMMEDIATE AND TEMPORARY PRESERVATION OF THE PUBLIC PEACE, HEALTH, SAFETY AND FOR OTHER GOOD CAUSE 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 AMENDMENT.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT THE FOLLOWING CHANGES AND AMENDMENTS BE MADE TO THE TITLE XIII, ZONING REGULATIONS OF THE SOUTHAVEN CODE OF ORDINANCES, TO-WIT:

- 1. SECTION 13-7 (C). GENERAL RULES AND EXCEPTIONS.
REVISE 13-7 (C), PARAGRAPH (1) TO OMIT THE WORD “FRONT” IN ORDER TO FURTHER DEFINE THE ALLOWABLE OPTIONS FOR PARKING MOTOR VEHICLES ON INDIVIDUAL PROPERTIES WITHIN RESIDENTIAL (R) DISTRICTS – TO READ AS FOLLOWS:**

- (a) IN THE RESIDENTIAL (R) DISTRICTS, NO PARKING OF MOTOR VEHICLES SHALL BE ALLOWED IN ANY YARD WITH THE FOLLOWING EXCEPTIONS:**

ALL EXCEPTIONS LISTED FOR THIS PARAGRAPH SHALL REMAIN.

2. SECTION 13-7 (C). GENERAL RULES AND EXCEPTIONS.

REVISE 13-7 (C), PARAGRAPH (2) TO OMIT THE WORD “FRONT” IN ORDER TO FURTHER DEFINE THE ALLOWABLE OPTIONS FOR PARKING RECREATIONAL EQUIPMENT AND VEHICLES (AS DESCRIBED) ON INDIVIDUAL PROPERTIES WITHIN RESIDENTIAL (R) DISTRICTS – TO READ AS FOLLOWS:

(2) NO MAJOR RECREATIONAL EQUIPMENT SUCH AS BOATS AND BOAT TRAILERS, TRAVEL TRAILERS, CAMPERS, AND SIMILAR ITEMS SHALL BE PARKED OR STORED ON ANY STREET OR ON ANY YARD IN ANY RESIDENTIAL DISTRICT WITH THE FOLLOWING EXCEPTIONS:

ALL EXCEPTIONS LISTED FOR THIS PARAGRAPH SHALL REMAIN.

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 GREG GUY	YEA
ALDERMAN LORINE CADY	ABSENT
ALDERMAN RONNIE HALE	YEA
ALDERMAN GEORGE PAYNE	YEA
ALDERMAN WILLIAM BROOKS	YEA
ALDERMAN RICKY JOBES	YEA
ALDERMAN RANDALL T. HULING, JR.	ABSENT

THE FOREGOING AMENDMENTS TO THE TITLE XIII, ZONING REGULATIONS, OF THE SOUTHAVEN CITY ORDINANCE, WERE DECLARED ADOPTED ON THIS, THE 7TH DAY OF DECEMBER, 2010.

AMEND SOUTHAVEN CODE OF ORDINANCES 10-8,
MISREPRESENTATION:

**AMENDMENT TO THE CITY OF SOUTHAVEN CODE OF
ORDINANCES**

WHEREAS, the Mayor and Board of Alderman of the City of Southaven, Mississippi have determined the need to amend Title X, Chapter 1, Section 10-8 of the Southaven Code of Ordinances; and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), this amendment to Title X, Chapter 1, Section 10-8 of the Southaven Code of Ordinances is for the immediate and temporary preservation of the public peace, health, safety and for other good cause in order to preserve the laws of the municipality and is to be made effective from and after immediately upon its unanimous passage as the best interest of the public will be served.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF SOUTHAVEN THE FOLLOWING AMENDMENT(S) BE MADE TO TITLE X OF THE CITY OF SOUTHAVEN MUNICIPAL CODE, TO WIT:

Sec. 10-8. Making false statements to law enforcement and/or governmental officials.

It shall be unlawful for any person to willfully and knowingly, whether orally or in writing, make or cause to be made, to any law enforcement officer of the city in the course of the officer's duties with regard to any criminal investigation or in the institution of criminal charges, any false or fictitious or fraudulent statement, or to use any false writing or document.

It shall be unlawful for any person to misstate or misrepresent residency to any law enforcement officer or DeSoto County School District employee for the purpose of school enrollment.

It shall be unlawful to aid or abet the misstatement or misrepresentation residency to any law enforcement officer or DeSoto County School District employee for the purpose of school enrollment.

It shall be unlawful to acquire utility connections in an attempt to further assist with any misstatement or misrepresentation residency for the purpose of school enrollment.

Any person so doing will be guilty of the crime of making a false statement, which is created by this section, a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for not more than six (6) months, or by a fine not to exceed one thousand dollars (\$1,000.00,) or by both such fine and imprisonment. Restitution shall be made to the city and the DeSoto County School District for man hours exhausted and expenses incurred due to such false statements or representation.

Should any provision of this ordinance be unenforceable the remaining provisions shall remain fully in force and in effect.

(Ord. of 12-5-00)

Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Hale and that a roll call was taken with the results as follows:

ALDERMEN	VOTED
ALDERMAN GUY	YEA
ALDERMAN BROOKS	YEA
ALDERMAN PAYNE	YEA
ALDERMAN HULING	ABSENT
ALDERMAN CADY	ABSENT
ALDERMAN HALE	YEA
ALDERMAN JOBES	YEA

The Resolution having received the majority vote of all Aldermen present, the Mayor declared the Resolution carried and adopted, on this, the 7th day of December 2010.

AMEND SOUTHAVEN CODE OF ORDINANCES TITLE X, CHAPTER 2, NOISE CONTROL:

AMENDMENT TO THE SOUTHAVEN CODE OF ORDINANCES TITLE X, CHAPTER 2 – NOISE CONTROL; SECTION 10-121 GENERALLY, SECTION 10-143 SPECIAL CONDITION PERMITS,

AND SECTION 10-145 ISSUANCE OF PERMITS

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, have determined the need to amend Title X, Offenses of the Southaven Code of Ordinances; and

WHEREAS, pursuant to Section 21-13-11 of the Mississippi Code Annotated (1972), this amendment to Title X, Offenses of the Southaven Code of Ordinances is for the immediate and temporary preservation of the public peace, health, safety and for other good cause in order to preserve the laws of the municipality and is to be made effective beginning January 1, 2011 from and after its passage as the best interests of the public will be served by the timely effectiveness of this amendment.

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

**FOLLOWING CHANGES AND AMENDMENTS BE MADE TO THE
TITLE X, OFFENSES OF THE SOUTHAVEN CODE OF ORDINANCES,
TO-WIT:**

3. Section 10-121. Generally.

Revise paragraph (a) under this Section to clarify wording to include all persons within the incorporated limits of the City of Southaven within any zoned district in order to omit the apparent implication that only residential districts are covered by this Chapter – to read as follows:

- (a) Notwithstanding any other provisions of this chapter (except the specific exemptions listed in title X, chapter 2, article 1, section 10-93, as amended) and in addition thereto, it shall be unlawful for any person to make or continue or cause to be made or continued any loud, unnecessary or unusual noise which disturbs the peace and quiet of any location within the incorporated limits of the City of Southaven or which causes discomfort or annoyance to any reasonable person of normal sensitiveness occupying such location.**

4. Section 10-143, Special condition permits.

Revise to reflect new term for permits as well as to include cost information – to read as follows:

Notwithstanding any provision of this chapter, the chief of police may grant special condition permits for a period not exceeding one (1) year when the general purpose and intent of this chapter can be carried out by the granting of the special condition permit. The cost of this special condition permit shall not exceed \$500.00.

5. Section 10-145. Issuance of permits.

Revise paragraph (a) under this Section to omit “shall” and replace with “may” in order to allow proper flexibility for use of this Section by the governing authority. Revise item (4) under paragraph (a) under this Section to further define determining factors for issuing special condition permits – to read as follows:

(a) The chief of police may issue a permit only upon a showing that the activity will not disturb the peace of any family or person within the area within which the noise will carry. A permit may be issued or denied within fifteen (15) days of receipt of a completed, signed application. The chief of police may consider the following factors in considering whether to grant such a permit:

(1) The time of day the activity is to take place.

(2) The proximity of the activity to residential areas, schools, churches or other meeting places.

(3) Prior complaints from residents as a result of other similar activities.

(4) General location of activity.

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 Brooks, and a vote was held thereon with the following results, 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 Jobes	YEA
Alderman Randall T. Huling, Jr.	YEA

The foregoing amendments to the Title X, Offenses, of the Southaven City Ordinance, were declared adopted on this, the 7th day of December, 2010.

PLANNING AGENDA:

Planning Agenda was presented by Whitney Choat-Cook, Planning Director.

ITEM #1 Application by Tiffany Powers for a conditional use permit to allow a beauty salon to be located at 7020 Tchulahoma Road. Mrs. Choat-Cook reported that this was approved by the Planning Commission unanimously. Alderman Jobes 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 Rodney Lancaster for a conditional use permit to allow an appliance repair/sell/storage facility at 7563 Highway 51. Mrs. Choat-Cook reported that this business was in existence up until about a year ago and now they want to re-open. She stated that they have been asked to hold outdoor storage down to about 20% of the site and a complete 6' site proof fence go around the rear property and the fence is to be in very good shape. The Planning Commission has approved a one (1) year conditional use with a four (4) year extension. Alderman Guy made the motion to approve item #2 as presented. Motion was seconded by Alderman Payne. The floor then opened for discussion. Alderman Hale stated the fence that is there now will have to be repaired. Mrs. Choat-Cook stated that it is one of the stipulations that a site proof wood fence would have to be installed. Mr. Lancaster stated that he would replace any fencing that is in disrepair. He stated that he would make repairs to the parking lot as well. They are having an issue with standing water in the parking lot. Mayor Davis stated that

there is an amendment to the motion to approve as submitted with a stipulation concerning the fencing and possible landscaping. Alderman Hale made the motion to approve the amendment as presented. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously for the amendment. Next, a motion was made to approve the application, with the amendment; motion was put to vote and passed unanimously.

MAYOR'S REPORT

Mayor Davis reported that he had received an email requesting the City of Southaven to sponsor the WSB (World Series Boxing) event at the Civic Center for \$2,500.00. The City of Southaven logo will appear on the billboards, as a banner at the rink on the advertisements. Alderman Hale made the motion to pay \$2,500.00 sponsorship for the WSB and to be paid from tourism. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that awhile back they had discussed the payment of some of our bills on a credit card. He stated that we have found a company that will do it and pay a percentage back to us. Mayor reported that we will have the Board to approve the vendor that we need to pay, and then we will call and have the credit card company pay the bill for us. This is simply another form of payment for us. Our vendors will receive payment right away and we will have an 80 day grace period before we have to pay the credit card company. We are trying to get away from payment by check and either a direct pay or pay by credit card. This will cut down on the number of checks issued each month. Alderman Huling made the motion to allow Mayor Davis to enter into an agreement with the credit card company as presented to the Board. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Mayor Davis reported to the Board of Aldermen that Sportsman's Warehouse is going to re-open sometime in March 2011. He stated that it would be approximately \$100,000.00 - \$150,000.00 a year in sales tax revenue for the City of Southaven. Also, that was our last big box retail space that is unoccupied at this time. He reported that Southaven Pontiac has been bought by Landers and will re-open this week selling Buick and GMC vehicles.

COMMITTEE REPORTS:

Alderman Guy stated that there would be a personnel committee meeting on Tuesday, December 14th at 6:45.

CITY ATTORNEY'S LEGAL UPDATE

Mark Sorrell, City Attorney, reported that one claim report has been filed against the City. Mrs. Laura Boyer stated that her son was operating the family vehicle on Airways and hit the storm drain causing his tire to blow out. They are asking for reimbursement. Mr. Sorrell had Mr. Tarrance to investigate and he reported that we have not been put on notice of anything

being wrong with the storm drain. Mr. Sorrell's reported that after looking at the pictures, he feels that young Mr. Boyer must have been negligent in operating his vehicle therefore, he ask that the Board deny the claim. Mayor Davis stated that in order for him to hit the storm drain; he would have had to be over the white line and off the road. The drain did not appear to have anything wrong with it. Motion was made by Alderman Huling to deny the claim as presented. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET:

A motion was made by Alderman Jobses to approve the Claims Docket of December 7, 2010, including demand checks and payroll in the amount of \$2,228,752.92 Motion was seconded by Alderman Huling. There was no further discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

154197, 154327, 154403, 154405, 154406, 154407, 154411, 154414, 154442, 154444, 154796, 154958, 154979.

Roll call was as follows:

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

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved for payment on this the 7th day of December, 2010.

Mayor Davis asked Fire Chief Ron White to introduce his new hire. Chief White introduced Michael Vanstory to the Mayor and Board. He is a State Certified Firefighter / EMT Basic.

Next, Mayor Davis asked Chris Shelton, IT Director to introduce his two new hires. Mr. Shelton introduced C. J. Gross and Dominic Crenshaw. Both hold their degree's in IT.

PERSONNEL AND LITIGATION

No Personnel or 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 Hale. Motion was put to a vote and passed unanimously, December 7, 2010 at 6:35 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk

seal