

**MINUTES OF THE REGULAR MEETING
OF DECEMBER 21, 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 21st 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
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
Randall 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 ten (10) other people were present.

Mayor Davis called the meeting to order. Alderman Cady led in prayer, followed by the Pledge of Allegiance led by Alderman Payne. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of December 7, 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

Mayor Davis reported that we needed to take a minute and recognize Captain Leland Quarles who will be retiring after 30 years of service with the City of Southaven Police Department. Mayor thanked him for his years service to the City and the Citizens of Southaven.

Next the following motion was made:

**RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI
AUTHORIZING THE PURCHASE
OF ONE (1) SIDEARM BY CAPTAIN LELAND QUARLES**

WHEREAS, Section 45-9-131 of the Mississippi Code Annotated (1972), provides that upon approval of the governing authorities of the municipality, a member of any municipal law enforcement agency who retires under any state

retirement system or any state-approved retirement system may be allowed to purchase as his personal property one (1) sidearm which was issued to said officer by the law enforcement agency from which he retired;

WHEREAS, LELAND QUARLES, Captain for the Southaven Police Department, after thirty years (30) of exemplary service, has announced his retirement effective December 31, 2010;

WHEREAS, the Mayor and Board of Alderman of the City of Southaven, Mississippi, find and determine that upon his retirement CAPTAIN LELAND QUARLES be allowed to purchase as his personal property that sidearm, being a Glock, Model 23, 40 caliber, semi-automatic police pistol, which was issued to him by the Southaven Police Department;

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven further find and determine that the amount to be paid for the above described firearm by CAPTAIN LELAND QUARLES should be the sum of One Dollar (\$1.00) as in accordance with Section 45-9-131 of the Mississippi Code Annotated (1972).

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, that upon his retirement from the Southaven Police Department, CAPTAIN LELAND QUARLES be allowed to purchase for the sum of One Dollar (\$1.00) as his personal property that sidearm, being a Glock, Model 23, 40 caliber, semi-automatic police pistol, which was issued to him by the Southaven Police Department.

Following the reading of said Resolution, it was introduced by Alderman Guy and seconded by Alderman Huling.

Thereafter, the Resolution was put to a roll call vote, and the results were as follows, to-wit:

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

The said Resolution, having received the majority vote of all of the Aldermen present, was declared adopted on this, the 21st day of December, 2010.

EXEMPTION FROM AD VALOREM TAXES:

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 IMPERIAL TOY, LLC, 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 STATUTE TO IMPERIAL TOY, LLC 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 California 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 101 employees with an estimated annual payroll of \$740,000.00;

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: That the APPLICANT, IMPERIAL TOY, LLC, operator of a free port warehouse is hereby granted exemptions to the full extent permitted by statute beginning on the 1st 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 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.

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 CADY. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

ALDERMEN	VOTED
ALDERMAN GREG GUY	YEA
ALDERMAN WILLIAM BROOKS	YEA
ALDERMAN GEORGE PAYNE	YEA
ALDERMAN RANDALL T. HULING, JR.	YEA
ALDERMAN LORINE CADY	YEA
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 21st day of December, 2010.

PLANNING AGENDA:

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

ITEM #1: Application by Rob Abbays for a conditional use permit to allow a reader board on the east side of Southcrest Pkwy, not of Goodman Road on the Abbays restaurant monument side. Mrs. Choat-Cook reported that this request is in compliance and it was votes unanimously in favor of by the Planning Commission. Alderman Hale made the motion to approve Item #1 as presented to this Board. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

ITEM #2: Application by Renovo Services for a conditional use permit to allow a repossession establishment at 8390 Highway 51 North. Mrs. Choat-Cook reported that this is the building that was the old car auction. They will not be using the office space. Vehicles will be stored in the rear of this property. Planning commission approved for them to use only the rear of the yard for repossession. Alderman Guy made the motion to approve Item #2 as presented to this Board. Motion was seconded by Aldermen Hale. Mayor Davis then opened the floor for discussion. Alderman Hale stated that he did go by and talk to the business owner. They assured him that the property would stay clean. Mrs. Choat-Cook told the Board that she did

have the company checked out with a back ground check through our Police Department and they were ok. Mrs. Choat-Cook reported that the Planning Commission voted unanimously in favor of this. After the discussion, motion was put to vote and passed unanimously.

ITEM #3: Application by Ben Smith requesting to vacate Rasco Hills 1st addition Section A on the south side of Stateline Road just east of Horn Lake Road. Mrs. Choat-Cook reported that this is 9 lots that were under a purchase agreement and the agreement fell through. She reported that Mr. Smith stated that there was no plan for development until sometime next year. Alderman Guy made the motion to approve Item #3 as presented. Motion was seconded by Alderman Cady. Mayor Davis then opened the floor for discussion. Alderman Hale asked if there were any homes already built on any of these lots. Mrs. Choat-Cook stated that there are no homes, just the roads and infrastructure. Others expressed the concern that all builders may try to do this. Mrs. Choat-Cook stated that when he does come back to record the lots again that he will not be allowed to make any changes. After the discussion, Mayor Davis called for a roll call:

Roll call was as follows:

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

Mayor Davis declared motion passed after a roll call vote of 4 -3.

MAYOR'S REPORT

Mayor Davis reported that this claims docket will include some Visa payments. We will be slowly getting vendors moved over to this new method of payment.

Next, Mayor Davis reported that due to the holidays, we will be closed Friday, December 24th and Monday, December 27th. We also will be closed Friday, December 31st for the New Year's Day holiday. He wished them all a Merry Christmas and Happy New Year. He stated that we will not meet again until Tuesday, January 4, 2011.

COMMITTEE REPORTS:

Alderman Jobs stated that the Insurance Committee met concerning the City of Southaven's workman's compensation insurance. Alderman Jobs made the motion that we go with Mississippi Municipal Service Company with the City's workman's compensation insurance policy. Motion was

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

CITY ATTORNEY'S LEGAL UPDATE

No City Attorney Update

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 December 21, 2010, including demand checks and payroll in the amount of \$451,489.25. Motion was seconded by Alderman Brooks. There was no further discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

155067, 155094, 155211, 155236, 155248, 155301, 155302, 155303, 155331, 155363, 155486, 155561, 155481.

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

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved for payment on this the 21st day of December, 2010.

PERSONNEL AND LITIGATION

Next, motion was made by Alderman Guy, to move for a closed determination of the issue on whether or not to declare an Executive Session for the purpose of discussing Personnel citywide and Economic Development.

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

Mayor called the meeting back to order.

ECONOMIC DEVELOPMENT:

Mayor Davis reported that he has had some interest from a couple companies wanting to rent the Amphitheater. Alderman Guy made the motion to allow the City to book entertainment groups. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

PERSONNEL:

Alderman Guy stated that the Personnel Committee had met with all the Department Heads to get some idea of the structure of each department. And these are the recommendations from the committee.

- 1- Alderman Guy made the motion to create a new department to be named, Office of City Development". The department will consist of Planning which will include Code Enforcement, Engineering, and Public Works. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.**
- 2- Alderman Guy made the motion that all inspectors must have their National Certification by July 2, 2011. This will be a mandatory certification for all inspectors. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.**

There being no further business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Guy to adjourn. Motion seconded by Alderman Payne. Motion was put to a vote and passed unanimously, December 21, 2010 at 7:10 p.m.

**Charles G. Davis
Mayor**

Sheila Heath, City Clerk

seal