

**MINUTES OF THE REGULAR MEETING  
OF MAY 3, 2011  
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 3<sup>rd</sup> day of May, 2011 at six o'clock (6:00) p.m. at City Hall.

**Present were:**

<b>Charles G. Davis</b>	<b>Mayor</b>
<b>Greg Guy</b>	<b>Alderman at Large</b>
<b>Lorine Cady</b>	<b>Alderman, Ward 1</b>
<b>Ronnie Hale</b>	<b>Alderman, Ward 2</b>
<b>George Payne</b>	<b>Alderman, Ward 3</b>
<b>William Brooks</b>	<b>Alderman, Ward 4</b>
<b>Ricky Jobes</b>	<b>Alderman, Ward 5</b>
<b>Randall Huling, Jr.</b>	<b>Alderman, Ward 6</b>

**Alderman Randall Huling, Jr. and Alderman Payne were via-telecommunication. Alderman Cady and Alderman Jobes were late. Mark Sorrell, City Attorney, was absent. Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, 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 Brooks. Next, a motion was made by Alderman Guy to approve the minutes of the regular meeting of April 19, 2011 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**CITIZEN'S AGENDA**

**No Citizen's Agenda**

**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: **8348 Chesterfield Drive, 7952 Sarah Ann Drive, 4956 Rosebrook Circle East, 1659 Manchester Cove**, 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, May 3, 2011**, 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, May 3, 2011**, 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: **8348 Chesterfield Drive, 7952 Sarah Ann Drive, 4956 Rosebrook Circle East, 1659 Manchester Cove** 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:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Greg Guy	YEA
Alderman Lorine Cady	ABSENT
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ricky Jobes	ABSENT
Alderman Randall T. Huling, Jr.	YEA

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **3rd day of May, 2011**.

**PLANNING AGENDA:**

**Item #1- Appeal to sign variance for the DeSoto Civic Center monument sign on the south side of Church Road, in the Boiling Point parking lot. Mrs. Choat-Cook reported that we have an appeal on a Planning Commission denial of a variance of a sign ordinance regulation concerning a LED color board being placed on a monument sign. The ordinance states that it has to be 8" letters, amber coloring and lighting, and this one is not. They are asking for a hardship variance. They do not meet the requirements for the hardship; therefore, the Planning Commission denied it unanimously. Todd Mastry, Executive Director of the DeSoto Civic Center, stated that they have already been issued a sign permit for the signage at the I-55 side. He stated that the new sign will sit on an easement that has been granted to them. He stated that the City has granted it on variance for the sign at Snowden Grove. Alderman Brooks made the motion to table the appeal. Motion failed due to no second. Alderman Huling made a motion to uphold the Planning Commission's recommendation and deny the application. Motion was seconded by Alderman Brooks. Mayor Davis opened the floor for discussion. Alderman Brooks stated that he felt like we should allow our ordinance committee go and look at it. Alderman Guy asked what their time line is on the sign. At that time Tony Novak, legal counsel for the Civic Center, stated that the DeSoto County Civic Center is a governmental entity**

and this sign project is being funded by a 2% tourism tax. Mayor Davis asked for any other discussion to uphold the Planning Commission's recommendation to deny the variance. Alderman Hale stated that his concern is that if we approve this sign, then tomorrow it will be two more then on and on. He is asking this Board to hold off on making this decision until we have had a chance to look into it. Alderman Brooks made a motion to table the motion in front of this Board to uphold the Planning Commission's recommendation. Motion was seconded by Alderman Guy. Motion was put to vote with passed with a 5 – 2 vote. Alderman Jobs and Alderman Cady voting no. This motion is tabled to the next meeting.

Alderman Cady and Alderman Jobs came in at this time.

Mayor Davis stated that they should fall under government, and that they should be given the same exception the City does.

#### **MAYOR'S REPORT**

Mayor Davis reported that we have the option to lease the 10 acres north of Fire Station #4 on Getwell for \$1.00 per year. This will be used for baseball teams to practice. He stated that he needs permission to sign the lease. Alderman Guy made the motion to allow Mayor Davis to sign the lease. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

Next, Mayor Davis reminded everyone that tonight is Groovin' in the Grove with Gabby Johnson performing.

Mayor Davis reported that we are taking donations for the tornado victims in Smithville, MS. We will be accepting donations until noon Friday, May 6, 2011. We have sent four police officers to Smithville to assist them. They are now back, and there will be some firemen going as well.

#### **COMMITTEE REPORTS:**

No Committee Reports

#### **CITY ATTORNEY'S LEGAL UPDATE**

No City Attorney's Legal Update

#### **OLD BUSINESS:**

No Old Business

#### **PROGRESS REPORTS:**

Mayor Davis reported that the Summerwood / Whitten Place sewer line is going great. We awarded the contract for the main gravity line to be installed at the last Board of Aldermen meeting. We have 330 residents to sign the easement, 48 have rejected, 52 have not responded and 11 are in

foreclosure or death or other circumstances. A very large percentage of the residents are ready for this project.

Alderman Cady reported that Thursday, May 5<sup>th</sup> is National Day of Prayer, and we will be holding a ceremony in the Board of Aldermen Room at noon.

Alderman Brooks reminded everyone that Friday, May 6<sup>th</sup> will be a ceremony for the Falling Officers in Hernando at 10 a.m.

**CLAIMS DOCKET:**

A motion was made by Alderman Guy to approve the Claims Docket of May 5, 2011, including demand checks and payroll in the amount of \$667,099.57 Motion was seconded by Alderman Brooks. There was no further discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

16132,161337-161405, 161527, 161528, 161531, 161636, 161837, 161842, 161843, 161844, 161845, 161846, 161933, 16134, 161935, 161936.

Roll call was as follows:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Guy	YEA
Alderman Cady	YEA
Alderman Hale	YEA
Alderman Payne	YEA
Alderman Brooks	YEA
Alderman Jobes	Left the room
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 5<sup>th</sup> day of May, 2011.

**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 Hale. Motion was put to a vote and passed unanimously, May 3, 2011 at 6:20 p.m.

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Charles G. Davis  
Mayor

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**Sheila Heath, City Clerk**