

**MINUTES OF THE REGULAR MEETING  
OF JUNE 7, 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 7<sup>th</sup> day of June, 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>

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 Cady led in prayer, followed by the Pledge of Allegiance led by Alderman Hale. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of May 17, 2011 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 one on the Citizen's Agenda

**RESOLUTION GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A TEN YEAR PERIOD TO SIEMENS INDUSTRY, INC.**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A TEN YEAR PERIOD TO SIEMENS INDUSTRY, INC. AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED**

WHEREAS, SIEMENS INDUSTRY, INC., filed an Application in triplicate for exemption from ad valorem taxation, 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) with this Board; and

WHEREAS, SIEMENS INDUSTRY, INC., has produced written verification and documentation to this Board as to the authenticity and correctness of its Application in regard to the true value of the prayed for exemption and the completion date of said enterprise; and

WHEREAS, this Board finds as a fact that the property described in the aforesaid Application constitutes an industrial enterprise of public utility as enumerated in Section 27-31-101 of the Mississippi Code Annotated (1972), which was completed on the 1st day of May, 2011, and that said Company is entitled to the exemption sought for a period of ten (10) years beginning on January 1, 2011, subject to approval and certification by the Mississippi State Tax Commission.

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 Application for ad valorem tax exemption for SIEMENS INDUSTRY, INC., for a period of ten (10) years, beginning on January 1, 2011, on the real property and tangible property (other than tagged motor vehicles and finished products) used in, or necessary to, the operation of SIEMENS INDUSTRY, INC. operation as described in the Application filed by said Company for tax exemption, be and the same is hereby approved, subject to approval and certification by the Mississippi Department Of Revenue.
2. That SIEMENS INDUSTRY, INC. is hereby granted exemption from ad valorem taxation, except school district taxes, parks and library taxes, and the “mandated levies”, on the real property having a true value of \$15,239,746.00 and the eligible exempt tangible property having a true value of \$6,845,169.00 for

a total true value of \$22,084,915.00 on all property to be exempted and as described more fully in Exhibit “A” of the Application for a period of ten (10) years beginning on January 1, 2011.

3. That the Clerk of this Board is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward the original and one (1) certified copy of the Application and a certified copy of the transcript of this Resolution approving said Application to the Mississippi State Tax Commission for its approval and certification; and said Clerk shall also forward one (1) certified copy to the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the personal property as itemized in the Application has been placed on the appropriate tax roll as “Non-Taxable”, except for school district, parks and library taxes and the “mandated levies” for the duration of the exemption period only.

After a full discussion of this matter, ALDERMAN GUY moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN HULING. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

<b>ALDERMEN</b>	<b>VOTED</b>
ALDERMAN GUY	YEA
ALDERMAN BROOKS	YEA
ALDERMAN PAYNE	YEA
ALDERMAN HULING	YEA
ALDERMAN CADY	YEA
ALDERMAN HALE	YEA
ALDERMAN 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 June, 2011.

**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: **8018 Howard Cove, 848 Rasco Road, 8592 Southaven Circle East, 5314 Russell Drive, 1364 Ashley Cove, 8146 Autumn Woods Cove, 2303 Ansley Park Lane, 351 Sandalwood Drive, 7785 Cherry Valley Boulevard, 8278 Lakeshore Drive West, 7752 Parkwood Cove, 2421 Kindlewood Drive, 1743 Northfield Drive, 3260 Plum Point Drive, 1951 Poole Cove, 5332 Woodchase Drive, 5820 Westminister Lane, 720 Twinwood Cove, 5437 Gibbons Cove, 8735 Carriage 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, June 7, 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 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, June 7, 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: **8018 Howard Cove, 848 Rasco Road, 8592 Southaven Circle East, 5314 Russell Drive, 1364 Ashley Cove, 8146 Autumn Woods Cove, 2303 Ansley Park Lane, 351 Sandalwood Drive, 7785 Cherry Valley Boulevard, 8278 Lakeshore Drive West, 7752 Parkwood Cove, 2421 Kindewood Drive, 1743 Northfield Drive, 3260 Plum Point Drive, 1951 Poole Cove, 5332 Woodchase Drive, 5820 Westminister Lane, 720 Twinwood Cove, 5437 Gibbons Cove, 8735 Carriage 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 Payne. 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	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 **7th day of June, 2011.**

**SURPLUS PROPERTY: SPD**

**Mayor Davis reported that the Police Department is requesting to declare the following as surplus property:**

**1997 Chevrolet Tahoe, brown in color VIN#1GNEK13R1VJ322140**

**2002 Ford Ranger, blue in color VIN#1FTYR44E42TA13812**

**1998 Dodge Neon, red in color VIN#1B3ES42C4WD674671**

**Alderman Brooks made the motion to dispose of these vehicles as surplus property as presented, and dispose of them in accordance to state law. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.**

**ACCEPTANCE OF BIDS-OPERATIONS**

**Bradley Wallace, Operations Director, is requesting for the Board to accept Green Planet Pros, LLC/Upchurch Services for the Project to provide and install internal coil / condenser cleaning, heat transfer and lubricity enhancement products for compressive refrigeration system.**

- **Alternate No. 1-WIN Job Centre \$6,832.50**
- **Alternate No. 3-Municipal Court Building \$7,937.50**
- **Alternate No. 2 was not accepted**

**Alderman Guy made the motion to accept the bids as presented. Motion was seconded by Alderman Cady. Mayor Davis opened the floor for discussion. He stated that this would increase the efficiency of the A/C system. Motion was put to vote and passed unanimously.**

**PLANNING AGENDA:**

**Item #1: Rear yard setback variance – 8252 Spencer Drive. Whitney Choat-Cook reported that this variance was handled through the Building Department. Resident built a large garage in the rear of his house. He had the loft rented out, and we rectified that situation. He is asking to turn the garage into a mother-in-law wing with an attached breeze-way. This would make it non compliance with a rear yard setback, which is 25'. He is now setting at 10'. Alderman Cady made the motion to approve the variance, for the purpose of discussion. Alderman Payne seconded the motion. Mayor Davis then opened the floor for discussion. After a short discussion, the motion was put to a vote to approve the variance. Motion failed with a 4-3 vote. Voting no was Alderman Huling, Alderman Jobs, Alderman Hale and Alderman Cady.**

## **BUDGET REVISION**

Mayor Davis reported that they have been given a budget revision. He stated that we are increasing the ad valorm by \$400,000.00. Alderman Guy made the motion to approve the budget amendment as presented. Motion was seconded by Alderman Jobes. Motion was put to vote and passed unanimously. A copy of this revision is hereby attached to the minutes.

## **MAYOR'S REPORT**

Mayor Davis reported that we have a change order for the Church Road Widening Project. Mayor Davis stated that Church Road has been finished for a while but before the contractor can get paid the City has to approve Change Order number 6. Alderman Huling made the motion to give Mayor Davis permission to sign Change Order number 6. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported on the ROW's for Elmore Road and Autumn Woods Drainage Project. Mayor reported that we are at a standstill with some of the individuals. Part of the ROW's was donated and 19 along Elmore Road have not signed the easements yet, so we had them appraised. The total appraised value was \$116,000.00. In Autumn Woods, there are two that have not signed, and that total appraisal is \$5,000.00. Mayor Davis asked to be given the authority to offer them the appraised value or start the condemnation. Alderman Cady made the motion to give Mayor Davis the authority to offer them the appraised value of the parcel. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously. Next, Mayor Davis asked for the authority to begin eminent domain process in the lack of an agreement on the settlement on the appraised value. Alderman Cady made this motion. Alderman Huling seconded this motion. Motion was put to vote and passed with a 6-1 vote, Alderman Jobes voting "NO".

Next, Mayor Davis stated that we have an agreement with the Corp of Engineers. It is a 50 / 50 agreement on doing an infiltration study of our sewer lines. The Corp of Engineers stated that if we don't have the agreement to them within the next two weeks, they will give our \$50,000.00 away. Alderman Payne made the motion to enter into the PAS, so the Corp will match our \$50,000.00, and we can start our study on the sewer system infiltration. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported on the crime stats. You can now go to the City's website and check crimes in any area of the City. He thanked Chris Shelton and the SPD for all the hard work to make this possible. Mayor Davis then went online to demo how easy it is to search any area you like.

Representative Wanda Jennings wanted Mayor Davis to report that there will be a Republican meeting at her house June 16<sup>th</sup> at 10 a.m. Next, Mayor Davis reported that we have applied for 25 bullet proof vests and 5 full time police officers via the COPS grant.

Next, Mayor Davis reported on 2011 Springfest. He stated that the City made a net profit of \$44,539.00 on Springfest this year. He thanked Kristi Faulkner for all her hard work to make it successful.

Next, Mayor Davis reported that he needed authority to authorize the City Clerk to pay utilities bills, travel and legal notices by demand check. He stated that travel is as per federal and state guidelines. He stated that the City will pay thousands in late fees for utilities if we don't pay them as they come in. Payment is due on legal notices that go to the Chancery Clerk's office for Court cases or to file a record. These are the only three things that he is asking permission to pay by demand. Alderman Huling made the motion to allow the City Clerk's Office to pay utility bills, travel and legal fees. Motion was seconded by Alderman Guy. Mayor Davis opened the floor for discussion. Alderman Jobs expressed his concerns about cutting demand checks. Motion was put to vote and passed unanimously.

#### **COMMITTEE REPORTS:**

Alderman Jobs asked for the Ordinance Committee to look into an ordinance regarding the purchase of gold and silver. He asked that the buyers are required to wait at least two weeks before melting down the gold and silver. Alderman Payne stated that they would look into to this request.

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

No City Attorney's Legal Update

#### **OLD BUSINESS: Duncan Donuts**

Mayor Davis reported that this issue was tabled from May 17th meeting. Mrs. Choat-Cook showed the Board some local Duncan Donut stores that did not have the trademark orange. She stated that she is asking that the City uphold the decision of the Planning Commission, and that we just take the orange out all together. Alderman Guy made the motion to uphold the Planning Commission's decision as presented. Motion was seconded by Alderman Brooks. During discussion Alderman Huling made the motion to modify the motion and that Duncan Donuts mirror the store in Germantown, TN with the lighting and signage as well as the stone face. Alderman Jobs seconded the amendment. The motion to the amendment was put to vote and passed unanimously. Next, the motion to the original motion with the amendment was put to vote and passed unanimously.

#### **PROGRESS REPORTS:**

No Progress Report



**CLAIMS DOCKET:**

A motion was made by Alderman Jobs to approve the Claims Docket of June 7, 2011, including demand checks and payroll in the amount of \$1,814,980.66. Motion was seconded by Alderman Brooks. There was no discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

163022, 163064, 163120, 163174, 163403, 163629, 163721, 163728, 163850, 163939, 164128, 164250, 164263, 164358, 164380, 164396, 164416, 164426, 164428, 163212, 163213, 163214, 163218, 163221, 163228, 163231, 163232, 1632331

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 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 7<sup>th</sup> day of June, 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 Cady to adjourn. Motion seconded by Alderman Payne. Motion was put to a vote and passed unanimously, June 7, 2011 at 6:40 p.m.

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Charles G. Davis  
Mayor

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Sheila Heath, City Clerk