

**MINUTES OF THE REGULAR MEETING
OF JUNE 21, 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 21st day of June, 2011 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, Jr.	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 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 June 7, 2011 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Guy. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

Mr. Brad Lantrip came before the Board to ask for a variance for a covered awning for his RV. He stated that it would be 18 X 36 and 12' high and will be in his back yard on a concrete pad. He stated that he has a garage in the back yard now and it will be next to it. Mrs. Choat-Cook stated that the City code states that the total sq feet cannot be more than half the sq footage of the house and he will be over by 133.5 sq feet. This does include the garage. Alderman Jobes made the motion to allow the variance as presented. Motion was seconded by Alderman Guy. Motion was put to vote and passed with Alderman Huling abstaining because he came in a little late.

Next, Mr. Steve Beene with the Filling Station to discuss the noise ordinance. He stated that they have outdoor live bands a couple nights a week and have to shut them down at midnight. Mayor Davis stated that the ordinance to allow outdoor bands has been in effect since 1993. This allows business to have live entertainment outdoors. They have to get a special permit from the Chief of Police. He stated that the ordinance has a midnight stop time. Mr. Bean stated that his business is not close to any residential homes and they are asking to be allowed to let them play till 2 a.m. Chief Tom Long stated under the current ordinance they are allowed to have live music indoors till

the close of the business. Alderman Huling made the motion to table this item to allow the ordinance committee to evaluate this request. Motion was seconded by Alderman Cady. Motion was put to vote and passed with a 6-1 vote, Alderman Jobes voting no.

FUTURE ELECTRONICS CENTER L.P. APPLICATION GRANTING EXEMPTION FROM AD VALOREM TAXES.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A FIVE YEAR PERIOD TO FUTURE ELECTRONICS DISTRIBUTION CENTER, LP, AS AUTHORIZED BY SECTION 27-31-105 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, FUTURE ELECTRONIC DISTRIBUTION CENTER, LP, filed an Application in triplicate for exemption from ad valorem taxation, except school district taxes, parks and library taxes, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972) with this Mayor and Board of Aldermen; and

WHEREAS, FUTURE ELECTRONICS DISTRIBUTION CENTER, LP, 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 the additions to, expansions of, or replacements with respect to the industrial enterprise; and

WHEREAS, the Applicant has produced written verification and documentation to this Board that the prayed for exemption, being granted by Section 27-31-105 of the Mississippi Code Annotated (1972) is with respect to additions to, expansions of, or replacements with respect to an enterprise of public utility described in Section 27-31-101 of the Mississippi Code Annotated (1972); and that such additions, expansions or replacements will promote the industrialization of the State of Mississippi, will supply employment to the

citizens of Mississippi and will promote the development of the City of Southaven, DeSoto County, Mississippi; and

WHEREAS, the Mayor and Board of Aldermen find as a fact that the true value of all property to be exempted is \$606,882.00 as shown in the itemized list attached to the Application as Exhibit "B" and that constitutes an addition to, expansion of, or replacement with respect to an industrial enterprise of public utility as enumerated in Section 27-31-105 of the Mississippi Code Annotated (1972), and that such additions, expansions or replacements were completed within the meaning of the applicable laws on November 23, 2010, and

WHEREAS, said Applicant is entitled to the exemption sought for a period of five (5) years beginning on November 23, 2010, subject to approval and certification by the Mississippi Department of Revenue

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 FUTURE ELECTRONICS DISTRIBUTION CENTER, LP for a period of five (5) years, beginning on November 23, 2010, on the various property items described in the Application filed by said Applicant for tax exemption, said property having a true value of \$606,882.00 used in, or necessary to the operation of such enterprise as described in the Application, be and the same is hereby approved, subject to approval and certification by the Mississippi Department of Revenue.
2. That FUTURE ELECTRONICS DISTRIBUTION CENTER, LP, is hereby granted exemption pursuant to Section 27-31-105 of the Mississippi Code Annotated (1972) from ad valorem taxation, except school district taxes, parks and library taxes, and the "mandated levies" described in Section 27-39-329 of the Mississippi Code Annotated (1972), on the eligible exempt property as

described in Exhibit “B” of the Application and having a true value of \$606,882.00 for a period of five (5) years beginning on November 23, 2010.

3. That the Clerk of this Board is hereby directed to spread a copy of this Resolution and the Application on the minutes of this Board; and that said Clerk shall forward the original Application and a certified copy of the transcript of this Resolution approving said Application to the Mississippi Department of Revenue for its approval and certification; and upon approval of this Application by the Mississippi Department of Revenue and the issuance of its certificate of approval, the Board of Aldermen shall enter a Final Order on its minutes granting the prayed for exemption; and said Clerk shall also forward one (1) certified copy of transcript of the Final Order and Application to the Tax Assessor of DeSoto County, Mississippi, and obtain the Certificate of said Tax Assessor stating that the 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; and file one copy of the Final Order with the Mississippi Department of Revenue.

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

ALDERMEN	VOTED
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 21st 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: **1080 Parkview Circle North, 2435 Cumberland Drive, 1676 Custer Drive, 8892 Yorktown Drive, 5066 Pepperchase Drive**, 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 21, 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, June 21, 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: **1080 Parkview Circle North, 2435 Cumberland Drive, 1676 Custer Drive, 8892 Yorktown Drive, 5066 Pepperchase Drive** 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:

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

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **21st day of June, 2011**.

PLANNING AGENDA:

Item #1. Application by Days Inn for a conditional use permit to allow a reader board sign to be erected at 8792 Stateline Road. Mrs. Choat-Cook

stated that this was approved unanimously by the planning commission. Alderman Cady made the motion to approve Item #1 as presented to this Board. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Item #2. Application by Veronica Raiteri for a conditional use permit to allow an indoor recreational complex at 2010 Stateline Road. Mrs. Choat-Cook reported that this is the old movie theater. They plan to put a dinner theater, laser tag, paint ball and keep shows running. This will be a multi function complex. She stated that they will resurface the parking lot and repair all outdoor lighting and extra security outdoors. Anyone 17 and under must be with a guardian after 9 o'clock p.m. This was voted unanimously in favor of, by the Planning Commission with the stipulations. Alderman Cady made the motion to approve Item # 2 as presented. Motion was seconded by Alderman Hale. After a short discussion the motion was put to vote and passed unanimously.

Item # 3. Application by TV6-W for a conditional use permit to allow a monopole communication tower at 6717 Airways Blvd. Mrs. Choat-Cook stated that any tower proposed over 75 feet in height must be structurally and electrically designed to allow four antennas. The tower must be structurally designed to comply with fall zone requirement with state that the tower must be designed to where in an act of falling; the tower shall fall on the property it is erected on only. Weakening of certain aspects of the tower will allow a directional fall and/or a break in the pole so as to keep all debris on the owner's own property. The Planning Commission voted unanimously in favor of this with the tower being dropped to 160 feet. Mrs. Brenda Salaminto spoke with the Board and stated that this is a vacancy in this area for cellular service. Alderman Payne made the motion to approve Item # 3 as presented to this Board. Motion was seconded by Alderman Guy. Alderman Huling asked to make an amendment to the motion that the flag must be discussed and approved by the City Planner. Alderman Payne seconded the motion to the amendment. Motion to the amendment was put to vote and motion carried with a 7-1 vote. Alderman Jobses voting no. Mayor Davis stated that they are on the original motion to approve with the amendment. Motion was put to vote and passed with a 5-2 vote. Alderman Brooks and Alderman Jobses voting no.

MAYOR'S REPORT

Mayor Davis reported that he had given them a memo concerning an EAP service from a company called Concern. Chief White, Wes Brown and Chris Wilson brought this company to us. It will cost \$1.10 per month per employee. This is an employee assistance program. The City will save about \$20,000.00 per year on our workman's comp. Alderman Guy made the motion to approve the contract with Concern Services. Alderman Cady seconded the motion. Motion was put to vote and passed with a 6-1 vote. Alderman Jobses abstained.

Next, Mayor Davis reported on a \$5,192.00 change order for Summer Wood / Whitten Place project. Alderman Hale made the motion to allow Mayor Davis to approve and sign change order #1. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that the Justice Department did approve the House Bill for the “Penny for your Parks”. You now have the resolution in front of you to set a date for the election on October 4, 2011. This is the first Tuesday in October and this will give us 90 days to get the 60 day Justice Department preclearance and the 30 days mandatory advertisement that’s required in the bill. The resolution is as follows:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, DESIGNATING THE DATE FOR THE REFERENDUM ON THE “PENNY FOR YOUR PARKS” BILL

WHEREAS, the City of Southaven’s *“Penny for Your Parks”* bill has received clearance from the U. S. Justice Department; and

WHEREAS, the Mayor and Board of Aldermen desire to designate a specific date on which to set the referendum; and

WHEREAS, the designated referendum date must be submitted to the U. S. Justice Department for its approval;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the date for the referendum on the *“Penny For Your Parks”* bill shall be and it is hereby set on Tuesday, the 4th day of October, 2011, in accordance with established municipal voting regulations. All appropriate funds for said referendum shall be appropriated and paid from the City of Southaven’s general fund. All registered voters within the municipal limits of the City of Southaven are encouraged to participate and vote in this referendum.

IT IS FURTHER RESOLVED that the designated polling locations for this referendum shall be SOUTHAVEN CITY HALL located at 8710 Northwest Drive and BANCORPSOUTH SPORTS CENTER located at 3335 Pine Tar Alley.

Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Huling. 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	YEA
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA
Alderman Paul William Brooks	YEA
Alderman Ricky Jobes	YEA
Alderman Randall T. Huling, Jr.	YEA

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 21st day of June, 2011.

Next, Mayor Davis reported that he needs permission to sign the annual JAG Grant. This grant is with the City of Southaven, City of Olive Branch and Desoto County. He is requesting for this Board to accept the JAG Grant in the amount of \$15,000.00 and then giving him permission to sign the agreement. Alderman Brooks made the motion to accept the JAG Grant as presented and allow Mayor Davis to sign all the necessary paper work. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Mayor Davis told the Board he would not be at the next meeting. He has a vacation scheduled with his girls.

The Department Heads have submitted their 2012 budgets to him and Chris Wilson. Mayor Davis stated that they should have a copy of it within a couple weeks, for their review.

Mayor Davis reported that the Rotary Club will have their luncheon and if anyone is interested in attending to please let him know.

Next, Mayor introduced the new Assistant Park Director, Jared Assoze.

COMMITTEE REPORTS:

No Committee Report

CITY ATTORNEY'S LEGAL UPDATE

Mark Sorrell, City Attorney stated that earlier this year Impact Mission requested an additional \$20,000.00 for the Shelter. Alderman Brooks made the motion to give them the \$20,000.00 provided that they give us a copy of a full audit and a clearance letter with the Secretary of State. Mr. Sorrell stated that he has received this information. He stated he has also received a letter of good standings with the State of Mississippi. Alderman Guy made the motion to allow the payment to Impact Mission as approved on March 1, 2011. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

No Progress Report

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of June 21, 2011, including demand checks and payroll in the amount of \$1,842,887.64. Motion was seconded by Alderman Guy. There was no discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

164612, 164722, 165206, 165294, 165346-165413, 165425-165447, 165470-165470, 164438-164456, 164458-164483, 164789, 164790.

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 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 Guy to adjourn. Motion seconded by Alderman Payne. Motion was put to a vote and passed unanimously, June 21, 2011 at 6:40 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk