

**MINUTES OF THE REGULAR MEETING
OF AUGUST 16, 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 16th day of August, 2011 at six o'clock (6:00) p.m. at City Hall.

Present were:

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 Jobs	Alderman, Ward 5
Randall Huling, Jr.	Alderman, Ward 6

Alderman Payne was present via-telecommunication. 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 Guy. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of August 2, 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

Fire Chief Ron White introduced his new hires for the fire department. Lisa McIntire and Grant Volner as paramedics.

Next, Mrs. Barbara Evans, Assistant Director for Public Services of the M. R. Davis Public Library, asked to speak to this Board and thank them for all the support they give the Southaven Library. Next, Mrs. Caroline Arnett who is head librarian spoke to the Board. She gave a short report on the functions of the library.

SURPLUS PROPERTY

Southaven Fire Department: Alderman Guy made the motion to approve the recommendation of Deputy Fire Chief, Roger Thornton, to dispose of the following items.

- **25- 50' sections of 1.75" attack line**
- **6- 50' sections of 2.5" attack line**
- **7- 50' sections of 3" supply line**

- 14- 100' sections of 5" supply line

Mayor Davis stated that these do not meet current NFPA requirements and should be declared surplus property and discarded as unsafe/unusable, in accordance to State Law. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

Southaven Police Department: Alderman Guy made the motion to approve the recommendation of Chief Tom Long and surplus the follow seized vehicle and dispose of it in accordance to State Law.

- 2000 Ford Contour, 4-doorm red in color, VIN # 1FAFP68GYK114665.

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

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: **5762 Alexandria Lane, 6480 Swinnea Road**, 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, August 16, 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, August 16, 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: **5762 Alexandria Lane, 6480 Swinnea Road** 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 Cady. 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 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 **16th day of August, 2011**.

PLANNING AGENDA

Item #1: Resolution for the Release of Bank Plus Obligation for Road and Infrastructure Improvements in the Snowden Grove Subdivision. Mrs. Choat-Cook reported that they are paying the City back for any improvements to the subdivision as well as paying off the letters of credit for the three unpaved areas. This is a safety net for them stating that we will not require anything further from the Bank.

RESOLUTION FOR THE RELEASE OF BANKPLUS OBLIGATION FOR ROAD AND INFRASTRUCTURE IMPROVEMENTS IN THE SNOWDEN GROVE SUBDIVISION.

WHEREAS, the governing authorities of the City of Southaven have determined that it is in the City of Southaven's best interest to accept repayment from Bank plus for road and infrastructure improvements in the Snowden Grove Subdivision; and

WHEREAS, it is further determined to be in the best interest of the City of Southaven to accept payment in lieu of renewing letters of credit for the remaining three platted sections of the subdivision;

WHEREAS, acceptance of the two monetary amounts will release Bank plus, the institution issuing the letters of credit, of any and all obligations for road improvements within the Snowden Grove Subdivision. Furthermore, no assessments will be placed on lots within the subdivision to obtain fees for road improvements in the future;

THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT BANKPLUS IS RELEASED FROM OBLIGATION FOR ROAD IMPROVEMENTS IN THE SNOWDEN GROVE SUBDIVISION PENDING THE PASSAGE OF THIS RESOLUTION WITH PAYMENT REIMBURSEMENT AND PAYMENT IN LIEU OF FUTURE IMPROVEMENTS.

Following the reading of this Resolution, it was introduced by Alderman Huling and seconded by Alderman Cady for adoption and the Mayor put said Resolution to Roll Call Vote with the following results, to wit:

ALDERMAN	VOTE
ALDERMAN GUY	RECUSED
ALDERMAN CADY	YEA
ALDERMAN HALE	YEA
ALDERMAN PAYNE	YEA

ALDERMAN BROOKS	YEA
ALDERMAN JOBES	YEA
ALDERMAN HULING	YEA

The Resolution having received the proper vote of all Aldermen present was declared to be carried and adopted on the 16th day of August, 2011.

ITEM #2: Application by Richard Wilkerson for a conditional use permit to allow an indoor recreational facility to go in at 549 Jennings Drive, on the east side of Elmore Road, south of Goodman Road. Mrs. Choat-Cook reported that this is the Bounce Zone off of Elmore Road. It is under new ownership and they will be doing childrens indoor parties. This item was voted unanimously, in favor of, by the Planning Commission. Alderman Huling made the motion to approve Item #2 as presented to this Board and with a one year conditional use permit with a four year extension pending compliance. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

MAYOR'S REPORT

Mayor Davis reported on the Budget Revision. He stated that it deals with new revenues in the Utility Department for \$165,000.00 and that is money that is already in the bank, and then showing the expense side going out. Mayor Davis then reported that the next would be on the General Fund for \$193,000.00. He stated that the \$193,000.00 is going into the 412 budget then being spent in the 412 budget. Alderman Huling made the motion to approve the budget revision as presented to this Board. The motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported on the Grant Application that the Office of Planning and Development is submitting through MDOT for a Traffic Enhancement Program which by design will add bike paths and sidewalks from Central Park, south on Tchulahoma to the future Nail Road, then extend east to Snowden Grove Park. This proposal will allow an alternative mode of transportation between the two largest park systems in the City as well as an interconnect access to DeSoto Central School Systems.

Alderman Cady made the motion to allow Mayor Davis to sign an agreement that hereby certifies that no known foreseeable legal impediments exist that would prohibit completion of the project and that the project complies with applicable codes, standards and / or regulations required for completion. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that he has received the 2010 Audit. He reported some highlights of the audit. He stated that they would have the full bound copies this week. After a short discussion, Alderman Guy made the motion to accept Audit Report for FY ending September 2010 as presented to the Board. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Mayor Davis gave each Alderman a copy of a letter that he will be sending out in the utility bill September 1st. It details the Penny For Your Parks election. This will reach all the residents of our City.

Next, Mayor Davis reported that we will be having a Special Meeting, August 30, 2011 at 6 p.m. This will be the public hearing for the FY 2012 Budget.

COMMITTEE REPORTS:

No Committee Reports

CITY ATTORNEY'S LEGAL UPDATE

Mr. Mark Sorrell, City Attorney, reported that he has two claims to report to them tonight.

The first claim was from Mrs. Kristen Owens. She is requesting reimbursement from the City of Southaven for damage to her tire. She stated that she was traveling eastbound on Stateline Road near Greenbrook Pkwy. on July 18, 2011 when a Southaven Police squad car with its blue lights on was traveling westbound on Stateline. She states that when she moved over for the squad car, her vehicle struck an uneven area of blacktop resulting in her vehicle being thrown into the curb, damaging her tire. After a short discussion, Mr. Sorrell recommends that the city deny the claim. A motion was made by Alderman Guy to take the recommendation of the City Attorney and deny the claim. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

The second claim is from Ms. Tammy Brown. She is requesting reimbursement in the sum of \$980.08. He stated that on July 28th she was traveling on Executive Drive, and her vehicle struck a water valve in the street. She states that it damaged her transmission pan, causing her to lose fluids. After meeting with Ray Tarrance, Public Works Director, he stated that he was unaware of any problems in the area. After review of all the facts of the claim, Mr. Sorrell recommends that the city deny the claim. A motion was made by Alderman Guy to take the recommendation of Mr. Sorrell and deny the claim. Motion was seconded by Alderman Huling. 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 Jobs to approve the Claims Docket of August 16, 2011, including demand checks and payroll in the amount of \$1,261,234.23. Motion was seconded by Alderman Guy. There was no discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

167842, 167850, 167916, 168110, 168128, 168141, 168147, 168530, 168534.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	YEA
Alderman Cady	YEA
Alderman Hale	NAY
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 16th day of August, 2011.

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. Motion was put to vote and passed unanimously. Alderman Guy made the motion to go into executive session for the purpose of discussing personnel. Motion was put to a vote and passed unanimously.

Mayor called the meeting back to order.

Alderman Huling made the motion to uphold the recommendation of Fire Chief, Ron White and terminate Jeff Hood from his position with the Southaven Fire Department. Motion was seconded by Alderman Guy. 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 Cady. Motion was put to a vote and passed unanimously, August 16, 2011 at 7:20 p.m.

**Greg Davis,
Mayor**

Sheila Heath, City Clerk