

**MINUTES OF THE REGULAR MEETING
OF SEPTEMBER 20, 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 20th day of September, 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
William Brooks	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5
Randall Huling, Jr.	Alderman, Ward 6

Alderman Payne was absent. Present was Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately forty (40) 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 September 6, 2011 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Next, a motion was made by Alderman Cady to approve the minutes of the special meeting of September 9, 2011 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion was put to a vote and passed 6-1 vote, Alderman Guy abstaining.

CITIZEN'S AGENDA

No one for the Citizens Agenda.

MAYOR'S YOUTH COUNCIL INDUCTION FOR NEW MEMBERS

Mayor Davis stated that we would take a break and swore in three new members of the Mayor's Youth Council.

**Briantae Maddox
Jade Hubbard
Morgan Sockwell**

BUDGET AMENDMENT

Mayor Davis reported that the budget amendment was money in-money out. A motion was made by Alderman Guy to approve the budget amendment as presented to this Board. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously. A copy of this amendment is attached to the minutes.

FISKARS BRAND, INC. RESOLUTION GRANTING EXEMPTION FOR AD VALOREM TAXES FOR A TEN YEAR PERIOD.

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 FISKARS BRANDS, INC. AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, FISKARS BRANDS, 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, FISKARS BRANDS, 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 31st day of July, 2011, and that said Company is entitled to the exemption sought for a period of ten (10) years beginning on September 8, 2011, 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 FISKARS BRANDS, INC., for a period of ten (10) years, beginning on September 8, 2011, on the tangible property (other than tagged motor vehicles and finished products) used in, or necessary to, the operation of FISKARS BRANDS, INC. 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 FISKARS BRANDS, INC. is hereby granted exemption from ad valorem taxation, except school district taxes, parks and library taxes, and the “mandated levies”, on the eligible exempt tangible property as described in Exhibit “A” of the Application having a true value of \$2,734,273.00 for a period of ten (10) years beginning on September 8, 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 Department of Revenue 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:

ALDERMEN	VOTED
ALDERMAN GUY	YEA
ALDERMAN BROOKS	YEA
ALDERMAN PAYNE	ABSENT
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 20th day of September, 2011.

FORMAL POLICY STATEMENT OF COMMITMENT FOR “enhance for Municipalities”

Mayor Davis reported that the recommendation for a statement of policy regarding the City of Southaven’s commitment to effective management of environmental resources as requested for membership in the enhance for Municipalities program promoted by the Mississippi Department of Environmental Quality. Alderman Cady made the motion to adopt our policy statement. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

RESOLUTION 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: **2645 Markston 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, September 20, 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, September 20, 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: **2645 Markston 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 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	ABSENT
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 **20th day of September, 2011.**

PLANNING AGENDA

ITEM #1: Application by Meredith Hill for a conditional use permit to allow a beauty salon to be located at 1926 First Commercial Drive on the west side of Hwy. 51, south of Stateline Road. Mrs. Whitney Choat-Cook, Planning Director presented this Item. Mrs. Choat-Cook stated that they were 2 feet from the 1 mile radius required. She stated that this application was approved unanimously by the Planning Commission. Alderman Cady made the motion to approve Item #1 as presented. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

MAYOR'S REPORT

Mayor Davis reported that we are moving forward with the retail project at Church and Airways. He stated that there is a lot of legal work to be done. He asked for the City to enter into an attorney / client agreement with Butler Snow. They are the company issuing the bonds. Alderman Huling made the motion to enter into the agreement with Butler Snow. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that he hereby proclaims September 26 – September 30, 2011 as Storm Water Awareness Week and asked that this proclamation be entered into these minutes. Alderman Guy made the motion to proclaim the Storm Water Awareness Week as presented to this Board.

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

Next, Mayor Davis presented the Personnel docket to the Board.

**Personnel Docket
9/20/2011**

Payroll Additions

Name	Position	Department	Date of Hire	Rate of Pay
	Meter			
Michael Lepre	Reader	Utility	9/12/2011	\$11.50
Michael Downs	Laborer	Parks	9/26/2011	\$11.00
Michael Scucchi	Laborer	Parks	9/26/2011	\$11.00
James Stallcup	Laborer	Parks	9/26/2011	\$11.00
Jeff Hyde	Laborer	Parks	9/26/2011	\$11.00
Steven Shanas	Laborer	Parks	9/26/2011	\$11.00

Payroll Deletions

Name	Position	Department	Termination Date	Rate of Pay
	Meter		9/9/2011 -	
Joan McCammon	Reader	Utility	terminated	\$16.81
Cody Cotner	Operator	Utility	9/9/2011 - resigned	\$13.14
	Parks			
Drexel Johnson	Seasonal	Parks	9/12/2011 - resigned	\$7.50
	Parks		9/12/2011 -	
Matthew Schoggen	Seasonal	Parks	terminated	\$7.50

Alderman Huling made the motion to approve the personnel docket as presented. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that he received a letter from the State of Mississippi Auditor concerning the Southaven Mall Project. He reported that there were some funds / requirements from the State that had to be met. They had to invest \$150,000,000.00 and the audit showed they invested \$152,000,000.00. They also had to employ 700 full time jobs, and they employed 1,527. They stated in the letter that the goals have been met by the State and just under 3 years the shopping center has generated \$14.2 million dollars in sales tax revenue for the state. They were to pay off the loan in 15 years and were able to pay it off in three years. This is according to the State Auditor's Office.

COMMITTEE REPORTS:

Alderman Jobs reported that he had met with Fox Everett, the City's insurance provider. He reported that the City's recent loss ratio was very good, our premium should stay stable and we have a very large roll over. He

reported that 75% of the employees will be rolling over money in their fund, 75 % of the employees still have money in the fund for this year. The insurance committee will be meeting on October 13, 14 or 17.

CITY ATTORNEY'S LEGAL UPDATE

NO CITY ATTORNEY'S 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 September 20, 2011, including demand checks and payroll in the amount of \$1,814,614.40. Motion was seconded by Alderman Hale. There was no discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

169559, 169735, 169876, 170136.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	YEA
Alderman Cady	YEA
Alderman Hale	YEA
Alderman Payne	ABSENT
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 20th day of September, 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 seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Mayor called the meeting back to order.

During executive session, the Board discussed the personal docket. Alderman Huling made the motion to allow the Personal Docket to be presented to this Board for approval. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Next, the Board discussed the termination of Joan McCammon. Mrs. McCammon came into executive session to ask for the termination to be reconsidered. After a short discussion, Alderman Huling made the motion to uphold the termination as presented to this Board. 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 Hale. Motion was put to a vote and passed unanimously, September 20, 2011 at 7:00 p.m.

**Charles G. Davis,
Mayor**

Sheila Heath, City Clerk