

**MINUTES OF THE REGULAR MEETING  
OF OCTOBER 4, 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 4<sup>th</sup> day of October, 2011 at six o'clock (6:00) p.m. at City Hall.

**Present were:**

<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>

**Present was 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 Jobes. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of September 20, 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**

**No Citizens Agenda.**

**MAYOR'S YOUTH COUNCIL INDUCTION FOR NEW MEMBERS**

**Mayor Davis stated that we would take a break and he swore in two new members to the Mayor's Youth Council:**

**Logan Davidson  
Taylor Billingsly**

**RESOLUTION GRANTING FUTURE ELECTRONICS TAX EXEMPTION**

**A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF SOUTHAVEN, MISSISSIPPI FINALLY GRANTING  
FUTURE ELECTRONICS DISTRIBUTION CENTER, LP  
EXEMPTION FROM AD VALOREM TAXATION**

WHEREAS, heretofore FUTURE ELECTRONICS DISTRIBUTION CENTER, LP, filed in triplicate its Application for exemption from ad valorem taxation as provided by Section 27-31-105, et seq., of the Mississippi Code (1972), as amended; and

WHEREAS, by Resolution adopted at the June 21, 2011, meeting of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, the Application was approved for a period of five (5) years beginning on November 23, 2010, for exemption from ad valorem taxation for all property described in said Application, 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). That the Application and a certified copy of the Resolution was forwarded to the Mississippi State Department of Revenue; and

WHEREAS, on September 12, 2011, the Mississippi State Department of Revenue approved the Application for exemption for a period of five (5) years from and after January 1, 2011, with a total true value of \$606,882.00; and

WHEREAS, a certified copy of the aforesaid Mississippi Department Of Revenue’s approval has been received by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, and is attached to this Resolution and made a part of this Resolution by reference thereto.

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. That FUTURE ELECTRONICS DISTRIBUTION CENTER, LP, is hereby granted an exemption from ad valorem taxation in the amount of \$606,882.00 for all property described in said Application, 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), for a period of five (5) years from and after January 1, 2011, which are used in, or necessary to, the operation of Applicant's factory in DeSoto County, Mississippi.

Section 2. That a copy of the approval of the Mississippi Department Of Revenue shall be recorded in the Minutes of this Board following the Resolution.

Section 3. That the Clerk shall transmit a certified copy of this Resolution finally granting the exemption to the Mississippi Department Of Revenue.

Section 4. That a certified copy of this Order and a copy of the Application shall be recorded in the office of the City Clerk in a book kept in the City Clerk's office for that purpose.

Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Brooks and that a roll call was taken with the results 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

The Resolution having received the majority vote of all Aldermen present, the Mayor declared the Resolution carried and adopted, on this, the 4th day of October, 2011.

**RESOLUTION GRANTING SIEMAN'S TAX EXEMPTION**

**A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF  
THE CITY OF SOUTHAVEN, MISSISSIPPI FINALLY GRANTING  
SIEMEN'S INDUSTRY, LLC  
EXEMPTION FROM AD VALOREM TAXATION**

WHEREAS, heretofore, SIEMEN'S INDUSTRY, INC., filed in triplicate its Application for exemption from ad valorem taxation as provided by Section 27-31-101, et seq., of the Mississippi Code (1972), as amended; and

WHEREAS, by Resolution adopted at the June 7, 2011, meeting of the Mayor and Board of Aldermen of the City of Southaven, Mississippi, the Application was approved for a period of ten (10) years beginning on January 1, 2011, for exemption from ad valorem taxation for all property described in said Application, 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). That the Application and a certified copy of the Resolution was forwarded to the Mississippi State Department of Revenue; and

WHEREAS, on September 20, 2011, the Mississippi State Department of Revenue approved the Application for exemption for a period of ten (10) years from and after January 1, 2011, with a total true value of \$22,084,915.00; and

WHEREAS, a certified copy of the aforesaid Mississippi Department Of Revenue's approval has been received by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, and is attached to this Resolution and made a part of this Resolution by reference thereto;

**NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

Section 1. That SIEMEN'S INDUSTRY, INC. is hereby granted an exemption from ad valorem taxation in the amount of \$22,084,915.00 for all

property described in said Application, 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), for a period of ten (10) years from and after January 1, 2011, which are used in, or necessary to, the operation of Applicant’s factory in DeSoto County, Mississippi.

Section 2. That a copy of the approval of the Mississippi Department Of Revenue shall be recorded in the Minutes of this Board following the Resolution.

Section 3. That the Clerk shall transmit a certified copy of this Resolution finally granting the exemption to the Mississippi Department Of Revenue.

Section 4. That a certified copy of this Order and a copy of the Application shall be recorded in the office of the City Clerk in a book kept in the City Clerk’s office for that purpose.

Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Huling and that a roll call was taken with the results 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

The Resolution having received the majority vote of all Aldermen present, the Mayor declared the Resolution carried and adopted, on this, the 4th day of October, 2011.

**SURPLUS PROPERTY-PUBLIC WORKS DEPARTMENT**

**Mayor Davis reported that Ray Tarrance, Public Works Director, is requesting permission to surplus 250 damaged rubbish bins. He has received two quotes for the purchase of the cans for recycling. Alderman Huling made the motion to surplus the 250 rubbish bins as per state law and allow him to sell them to the highest bidder. Motion was seconded by Alderman Guy. 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: **2183 Heather Ridge, 8752 Arendale Drive, 5224 Wildwood Drive, 41 Torbrook Cove, 1486 Staunton Drive, 2749 Greencliff Drive, 904 Acorn Cove, 7701 Chesterfield Drive South, 7710 Chesterfield Drive South**, 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, October 4, 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, October 4, 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: **2183 Heather Ridge, 8752 Arendale Drive, 5224 Wildwood Drive, 41 Torbrook Cove, 1486 Staunton Drive, 2749 Greycliff Drive, 904 Acorn Cove, 7701 Chesterfield Drive South, 7710 Chesterfield Drive South** 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 Brooks and seconded by Alderman Huling. 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 Jobses YEA

Alderman Randall T. Huling, Jr. YEA

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **4th day of October, 2011.**

### **PLANNING AGENDA**

**Mayor Davis asked to approve the Planning Agenda, Items 1-5, under a consent agenda.**

**ITEM #1- Application by Memphis-Church Rd., LLC for subdivision approval of a two lot subdivision on the north side of Church road, west of Pepper chase Drive.**

**ITEM #2- Review of elevation design for a Fred's Store to be located on lot 1 of the Fred's Subdivision on the north side of Church Road, west of Pepperchase Drive.**

**ITEM #3- Review of elevation design for Holiday Inn Express on lot 16a of the Southcrest PUD on the north side of Goodman Road, east of I-55.**

**ITEM#4- Request for scrivener's error revision for the Hamilton Road Subdivision on the south side of Stateline Road, west side of Hamilton Road concerning the legal descriptions on pages 4-5 Plat Book page 54.**

**ITEM#5- Request for name change due to E911 confusion for 1. Lakes of Nicholas (changing Enclave Drive to Enclave Drive West); 2. Cherry Tree "H" and "G" (changing Champion Hills Drive to Champion Hills Drive West and North) to allow dispatch to differentiate addresses.**

**Alderman Cady Made the motion to approve Items #1 - #5 as presented to this Board. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.**

### **MAYOR'S REPORT**

**Mayor Davis reported that Mississippi Development Authority sent the City a payoff amount of \$238,880.85 for CAP Loan #10-346-CP-02 (Road Improvements). The early payoff will save the City between \$40,000.00 to \$50,000.00 in interest. He is asking that this Board approve the payoff. Alderman Cady made the motion to allow us to payoff this loan as presented to the Board. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.**

**Next, Mayor Davis reported that the City has received the appraisal of the property that we need to put up a traffic light up at Tchulahoma and Stateline Road. The appraisal came in at \$49,500.00 for the property.**



**Alderman Jobs made the motion to offer the \$49,500.00 to the property owners of Stateline and Tchulahoma for the necessary ROW for the new traffic signal to be installed. They will have until October 30, 2011 to accept the offer or the City will start the eminent domain process. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.**

**Next, Mayor Davis reported that he is presenting them the Personnel Docket.**

Personnel Docket  
9/20/2011

**Payroll Additions**

<b>Name</b>	<b>Position</b>	<b>Department</b>	<b>Date of Hire</b>	<b>Rate of Pay</b>
Marco Resendiz	Foreman	Utility	9/26/2011	\$16.60
Daryl Williams	Laborer	Parks	10/10/2011	\$11.00

**Payroll Deletions**

<b>Name</b>	<b>Position</b>	<b>Department</b>	<b>Termination Date</b>	<b>Rate of Pay</b>
Morgan Wilson	P/T Front Desk	Parks	9/14/2011 - resigned	\$7.25

**Alderman Brooks made the motion to approve the Personnel Docket as presented to this Board. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

**Next, Mayor Davis reported on the budget amendment. He stated that we had a very good year. He stated that this is the vacation time buy back and we will need a budget amendment. The cost is \$682,445.00. Alderman Huling made the motion to approve the amendment as presented. Motion was seconded by Alderman Payne. After a short discussion the motion was put to vote and passed unanimously.**

**Next, Mayor Davis reported that we have a partial of land that a title company has taken and split up between 10 or 12 different lots. He stated that this is totally against our ordinances. Mayor reported that there is an attorney firm, Listen and McCastle, who is willing to include the City in their lawsuit at no cost to the City, to have the lot put back in a single parcel. They will ask for the City to be paid a \$500.00 per day fine. This is due to the title company subdividing the land and breaking our rules. This could total well over a \$100,000.00. Alderman Guy made the motion to allow Mayor Davis to enter into an agreement with Listen and McCastle on the law suit. Motion was seconded by Alderman Cady. After a short discussion the motion was put to vote and passed unanimously.**

**COMMITTEE REPORTS:**

**NO COMMITTEE REPORTS**

**CITY ATTORNEY'S LEGAL UPDATE**

**NO CITY ATTORNEY'S UPDATE**

**OLD BUSINESS:**

**No Old Business**

**PROGRESS REPORTS:**

**No Progress Reports**

**CLAIMS DOCKET:**

**Mayor Davis reported that this docket is the last docket of the 2011 FY. A motion was made by Alderman Jobs to approve the Claims Docket of October 4, 2011, including demand checks and payroll in the amount of \$1,284,583.16. Motion was seconded by Alderman Brooks. There was no discussion, the motion was put to vote and passed unanimously.**

**Excluding voucher numbers:**

**170233, 170413, 170414, 170415, 170418, 170419, 170421, 170480, 170587, 170673, 170708, 170739.**

**Roll call was as follows:**

<b>ALDERMAN</b>	<b>VOTED</b>
<b>Alderman Guy</b>	<b>YEA</b>
<b>Alderman Cady</b>	<b>YEA</b>
<b>Alderman Hale</b>	<b>YEA</b>
<b>Alderman Payne</b>	<b>YEA</b>
<b>Alderman Brooks</b>	<b>YEA</b>
<b>Alderman Jobs</b>	<b>YEA</b>
<b>Alderman Huling</b>	<b>YEA</b>

**Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved for payment on this the 4<sup>th</sup> day of October, 2011.**

**Mayor Davis reported that this docket is the first docket of 2012 FY. A motion was made by Alderman Jobs to approve the Claims Docket of October 4, 2011, including demand checks and payroll in the amount of \$1,943,875.27. Motion was seconded by Alderman Guy. There was no discussion, the motion was put to vote and passed unanimously.**

**Excluding voucher numbers:**

**170893**

**Roll call was as follows:**

<b>ALDERMAN</b>	<b>VOTED</b>
<b>Alderman Guy</b>	<b>YEA</b>
<b>Alderman Cady</b>	<b>YEA</b>
<b>Alderman Hale</b>	<b>YEA</b>
<b>Alderman Payne</b>	<b>YEA</b>
<b>Alderman Brooks</b>	<b>YEA</b>
<b>Alderman Jobs</b>	<b>YEA</b>
<b>Alderman Huling</b>	<b>YEA</b>

**Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved for payment on this the 4<sup>th</sup> day of October, 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, October 4, 2011 at 6:20 p.m.**

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**Charles G. Davis,  
Mayor**

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**Sheila Heath, City Clerk**