

**MINUTES OF THE REGULAR MEETING  
OF JANUARY 3, 2012  
OF THE MAYOR AND BOARD OF ALDERMEN  
OF THE CITY OF SOUTHAVEN, MISSISSIPPI**

Alderman Brooks made the motion to appoint Alderman Cady as Mayor Pro Tempore during the absence of Alderman Guy. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously by the Board members present.

**BE IT REMEMBERED** that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in Regular Session on the 3<sup>rd</sup> day of January, 2012 at six o'clock (6:00) p.m. at City Hall.

Present were:

Lorine Cady	Mayor Pro Tempore
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

Mayor Davis and Alderman Guy were absent. Also present was Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately fifty (50) other people were present.

Mayor Pro Tempore Cady called the meeting to order. Alderman Payne led in prayer, followed by the Pledge of Allegiance led by Alderman Brooks. Next, a motion was made by Alderman Jobes to approve the minutes of the regular meeting of December 20, 2011 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

**CITIZEN'S AGENDA**

Alderman Cady, Mayor Pro Tempore, asked if anyone in the audience would like to speak and no one did. Next, Alderman Hale publicly apologized to everyone for the Citizen's Agenda being skipped over at the last Mayor and Board of Alderman meeting.

**MYERS TIRE SUPPLY DISTRIBUTION, INC. –Resolution Granting  
Exemption From 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 MYERS TIRE SUPPLY DISTRIBUTION, INC. AS  
AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI  
CODE (1972), AS AMENDED**

WHEREAS, MYERS TIRE SUPPLY DISTRIBUTION, 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, MYERS TIRE SUPPLY DISTRIBUTION, 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 2nd day of May, 2011, and that said Company is entitled to the exemption sought for a period of ten (10) years beginning on May 2, 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 MYERS TIRE SUPPLY DISTRIBUTION, INC., for a period of ten (10) years, beginning on May 2, 2011, on the tangible property (other than tagged motor vehicles and finished products) used in, or necessary to, the operation of MYERS TIRE SUPPLY DISTRIBUTION, 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 MYERS TIRE SUPPLY DISTRIBUTION, 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 \$560,670.00 for a period of ten (10) years beginning on May 2, 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 Payne moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN Hale.

Alderman Jobs made the motion to table this matter until the January 20, 2012 meeting. He is asking that someone from Myers Tire Supply Distribution, Inc., be present at that meeting. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

WHEREUPON, the foregoing Resolution was declared tabled until the January 17, 2012 regular meeting of the Mayor and Board of Alderman of the City of Southaven, Mississippi, on this, the 3rd day of January, 2012.

**MYERS TIRE SUPPLY DISTRIBUTION, INC.—Resolution Granting Exemption From Ad Valorem Taxes For Operator Of A Free Port Warehouse.**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF**

**CITY OF SOUTHAVEN, MISSISSIPPI  
GRANTING EXEMPTION FROM AD VALOREM TAXES**

The Board next took up for consideration the matter of granting to MYERS TIRE SUPPLY DISTRIBUTION, INC., hereinafter referred to as “APPLICANT”, operator of a Free Port Warehouse within the City of Southaven, County of DeSoto, State of Mississippi, an exemption from all ad valorem taxes to the full extent permitted by statute on all personal property held in the APPLICANT’S finished good warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to the APPLICANT’S finished goods warehouse for storage in transit to a final destination outside the State of Mississippi, and the following Resolution, having first been reduced to writing was introduced:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE  
CITY OF SOUTHAVEN, MISSISSIPPI GRANTING EXEMPTION FROM  
AD VALOREM TAXES TO THE FULL EXTENT PERMITTED BY  
STATUTE**

TO MYERS TIRE SUPPLY DISTRIBUTION, INC., OPERATOR OF A FREE  
PORT WAREHOUSE, AS AUTHORIZED BY SECTION 27-31-53 OF THE  
MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, the APPLICANT is a corporation organized under the laws of the State of Ohio with a finished goods warehouse located within the City of Southaven, County of DeSoto, and State of Mississippi, which is regularly engaged in the handling and storage of personal property in structures or places adapted for such handling and storage and to which personal property is consigned or transferred for storage and handling in transit to a final destination outside the State of Mississippi; and

WHEREAS, the APPLICANT has negotiated in good faith with the

Mayor and Board of Aldermen as to the ad valorem tax exemption authorized by Section 27-31-53 of the Mississippi Code (1972), as amended;

WHEREAS, the APPLICANT has applied for a license to operate the Free Port Warehouse to be issued by the DeSoto County Tax Assessor and has certified in the application for such license that APPLICANT ships personal property to a destination outside of the State of Mississippi each year and APPLICANT is qualified to apply for the free port warehouse ad valorem tax exemption;

WHEREAS, the APPLICANT currently provides employment in the City of Southaven, County of DeSoto County, State of Mississippi, for approximately 41 persons with an estimated annual payroll of \$431,000.00;

WHEREAS, the APPLICANT is qualified to make application for exemption from ad valorem taxes pursuant to Section 27-31-53 of the Mississippi Code (1972), as amended;

WHEREAS, this Mayor and Board of Aldermen of the City of Southaven, Mississippi, acknowledge the APPLICANT'S major contribution to the economic development of the City of Southaven and the County of DeSoto and State of Mississippi; and believe that it should exercise its discretionary authority to exempt from all ad valorem taxes to the full extent permitted by statute all personal property held in the APPLICANT'S finished goods warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to the APPLICANT'S finished goods warehouse for storage in transit to a destination outside the State of Mississippi.

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 APPLICANT, MYERS TIRE SUPPLY DISTRIBUTION, INC.,

operator of a free port warehouse is hereby granted exemptions to the full extent permitted by statute beginning on the 2nd day of May, 2011, from all ad valorem taxes on all personal property held in APPLICANT'S finished goods warehouse and in transit through the State of Mississippi and which either is moving in interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to APPLICANT'S finished goods warehouse for storage in transit to a final destination outside the State of Mississippi, as authorized by Section 27-31-53 of the Mississippi Code (1972), as amended.

2. That the Clerk of this Board be, and she is hereby directed to spread a copy of this Resolution on the minutes of this Board; and that said Clerk shall forward a certified copy of this Resolution to the DeSoto County Tax Assessor.

After a full discussion of this matter, ALDERMAN Jobes moved that the foregoing Resolution be tabled until the Mayor and Board of Alderman meeting of January 17, 2012. The motion was seconded by ALDERMAN Brooks. Motion was put to vote and passed unanimously.

WHEREUPON, the foregoing Resolution was declared tabled until the regular meeting of the Mayor and Board of Alderman of the City of Southaven, Mississippi, on this, the 17<sup>th</sup> day of January, 2012.

**SOLE SOURCE-IMPROVED CONSTRUCTION METHODS FOR HURCO VALVE MACHINE REPAIR-UTILITY DEPARTMENT:**

**Alderman Cady, Mayor Pro Tempore, stated that Improved Construction Methods of Jacksonville, AR is a sole source provider for the replacement tank for the vacuum tank on the Hurco valve machine. The letter will be attached to these minutes. Alderman Brooks made the motion to accept the recommendation of Ray Humphrey, Utility Director, and accept Improved Construction Methods as a sole source provider. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

**PLANNING AGENDA**

**Item #1 Application by Bankplus for subdivision approval to revise Freeport Industrial Park Subdivision Unit 1 on the south side of Stateline Road, west of Tulane. Mrs. Whitney Choat-Cook stated that the Bank has taken these lots back and they would like to merge the existing lots so they can combine all the lots. This was approved unanimously by the Planning Commission.**

**Alderman Payne made the motion to approve Item#1 as presented to this board. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.**

**Item #2 Application to rezone property located on the west side of Garden Road between Long Street and Church Road requesting to be rezoned agricultural from R-20. Mrs. Whitney Choat-Cook stated that this was approved unanimously by the Planning Commission. Alderman Jobs made the motion to approve Item #2 as presented to this Board. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.**

#### **MAYOR'S REPORT**

**Sheila Heath, City Clerk, asked to introduce a new employee. Chad Hendrix will be working in the City Clerk's Office. He thanked the Board of Alderman as they welcomed him.**

#### **COMMITTEE REPORTS:**

**Alderman Jobs reported that due to a recent motor vehicle accident involving a City employee in a City owned vehicle, we have received an offer from Travelers to settle the claim as a total loss. It would appear to be in the City's best interest to accept this and settle the matter. Pursuant to Mississippi Law regarding such property, Alderman Jobs makes a motion that the City declares the vehicle as surplus property and releases it to the Insurance Company. The vehicle is a 2005 Ford F-250, VN: 1FTNX20515EB03270. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.**

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

**Mark Sorrell, City Attorney, reported on a claim submitted by Mr. Tina Williams of 7435 Charleston Run Cove in Southaven. She is seeking reimbursement for property damage to her vehicle. After receiving the claim he spoke with Mr. Ray Tarrance, Public Works Director, who stated that he was unaware of the claim. He stated that the only place he saw on the street was washed out on the side of the road. He stated that no one informed him or his department of the condition of this area on Stateline Road. Based on the report Mr. Sorrell recommends that the claim be denied. Alderman Payne made the motion to take the recommendation of Mr. Mark Sorrell, City Attorney. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

#### **OLD BUSINESS:**

#### **RESOLUTION CONCERNING MAYOR'S TRAVEL AND REIMBURSEMENT**

**WHEREAS, on November 16<sup>th</sup>, 1999 the Southaven Board of Alderman adopted a resolution, entitled "Resolution Concerning Duties of the Mayor, " which set forth certain "duties" for the Office of the Mayor of Southaven; and**

WHEREAS, the duties of the Mayor specified by the November 16, 1999 Resolution included: general control of the streets, avenues, and sidewalks being in proper repair, constant promotion of the City of Southaven, and being on call 24 hours a day, 7 days a week to respond disasters, police, fire, EMS, and other public safety calls; and

WHEREAS, the November 16<sup>th</sup>, 1999 Resolution allowed for expenditures of funds for promotion of tourism under HB 1618 of the 1993 Mississippi Regular Session; and

WHEREAS, the Resolution dated November 16<sup>th</sup>, 1999 was used by the Mayor as a basis for reimbursement of any and all travel and expenses conducted and incurred by him as part of his duties set forth in the November 16<sup>th</sup>, 1999 Resolution; ; and

WHEREAS, the Resolution dated November 16<sup>th</sup>, 1999 shall be rescinded and new policies consistent with Mississippi law and regulations have been implemented to oversee funds expended for the purposes of travel and tourism under the authority granted of HB 1618 of the 1993 Mississippi Regular Session.

THEREFORE, be it resolved by the Mayor Pro Tempore and Board of Alderman that the Resolution dated November 16<sup>th</sup>, 1999 entitled "Resolution Concerning Duties of the Mayor" is hereby revoked and repealed and all future expenditures for the purposes of travel and tourism shall comply with the recently adopted policies passed by the Mayor and Board of Alderman of Southaven.

Upon motion made from Alderman Hale and seconded by Alderman Brooks, the aforesaid Resolution was voted upon with the following results, to -wit:

Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ronnie Hale	YEA
Alderman Ricky Jobes	YEA
Alderman Randall Huling, Jr.	YEA

The said Resolution having received the affirmative vote of a majority of the members present, the Mayor Pro Tempore declared the motion carried and the Resolution adopted this the 3<sup>rd</sup> day of January, 2012.

Next, Alderman Hale asked to make a statement. He reported on the investigation with the Secretary of State's Office. He stated that on



Wednesday, December 21, 2011, he, Alderman Guy and Alderman Brooks drove to Jackson, MS to hand deliver thousands of dollars of receipts and documents to the Office of the State Auditor. He reported that they met with the State Auditor, Stacy Pickering and members of his staff. He stated that they, meaning this Board, did not accept the vast majority of the receipts submitted by Mayor Davis as valid. They made their judgment known to Auditor Pickering. While a handful of these receipts were submitted by Mayor Davis as deemed valid, the majority of them were personal in nature and did not meet the requirement for reimbursement. The Board will continue to work closely with the investigators with the State Auditor's Office as we move forward with this matter.

Next, Alderman Jobs reported that the Meeting of December 20, 2011 the Planning Item for Clearview Baptist Church sign was tabled, requesting that they come before this Board to ask for a hardship for the new sign located on the Church's property. Alderman Jobs made the motion to remove this from the table and bring it back up. Motion was seconded by Alderman Payne. This issue is now open for discussion. Mrs. Choat-Cook stated that there were a few issues for this variance. She stated that they did have a hardship in some cases. She stated that they do have a temporary structure next to them that could block the sign. They are requesting to put the sign within the 10' ROW. They do have a 25' State ROW. Ron Smith, City Engineer, did go look at this request and stated that it would be a visibility issue. Next, Mr. Cory Nepshield, Pastor of Clearview Baptist Church, spoke to the Board. He stated that he disagrees with the visible issue. He stated that people are having a hard time finding their property because they set so far off the road. He then stated that they would keep the old sign as well. Mrs. Choat-Cook reported that that would be out of ordinance. Alderman Brooks stated that he also did not like the two signs there. Alderman Huling made the motion to table this for the Planning Department to investigate it further. Motion was seconded by Alderman Jobs. Motion was put to vote and passed unanimously. This item is now tabled until the next meeting.

Next, Alderman Brooks made the motion to uphold the termination discussed in Executive Session last meeting for the Parks and Fire Department. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

#### **PROGRESS REPORTS:**

Alderman Jobs requested a report on the Northwest Drive project. Ron Smith, City Engineer, reported that the drainage part of the project is now completed. He stated that at this point they are putting down curbs and driveways. He reported that they are about ready to put the landscape islands in. Alderman Jobs asked if we were in budget with this project. Mr. Smith stated that we are in budget.

#### **CLAIMS DOCKET:**

A motion was made by Alderman Jobs to approve the Claims Docket of January 3, 2011, including demand checks and payroll in the amount of \$458,705.53. Motion was seconded by Alderman Hale. Alderman Cady opened the floor for discussion. There was no discussion, the motion was put

**to vote and passed unanimously.**

**Excluding voucher numbers:**

**174562, 174564, 174611, 174767.**

**Roll call was as follows:**

<b>ALDERMAN</b>	<b>VOTED</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 Alderman Cady declared that the motion was carried and approved for payment on this the 3<sup>rd</sup> day of January, 2012.**

#### **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 Payne to adjourn. Motion was second by Alderman Jobs. Motion was put to a vote and passed unanimously, January 3, 2012 at 6:40 p.m.**

---

**Lorine Cady  
Mayor Pro Tempore**

---

**Sheila Heath, City Clerk**