

**MINUTES OF THE SPECIAL MEETING  
OF JANUARY 6, 2012  
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 Special Session on the 6<sup>th</sup> day of January, 2012 at six o'clock (12:00) p.m. at City Hall.

**Present were:**

<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>

**Alderman Guy** chaired the meeting as Mayor Pro Tempore. Mayor Davis was absent. Also present was Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately one hundred (100) other people were present.

**Mayor Pro Tempore Guy** called the meeting to order. Reverend Jonathon Ritchie led in prayer, followed by the Pledge of Allegiance led by Alderman Cady.

**Alderman Huling** made an objection to the consideration of the question to adoption of the request for Mayor Greg Davis' resignation. Alderman Guy, Mayor Pro Tempore, called for a vote.

**Roll call was as follows:**

<b>ALDERMAN</b>	<b>VOTED</b>
<b>Alderman Cady</b>	<b>NAY</b>
<b>Alderman Hale</b>	<b>NAY</b>
<b>Alderman Payne</b>	<b>NAY</b>
<b>Alderman Brooks</b>	<b>NAY</b>
<b>Alderman Jobes</b>	<b>NAY</b>
<b>Alderman Huling</b>	<b>YEA</b>

**Alderman Guy, Mayor Pro Tempore** stated that the motion dies with a 5-1 vote.

**RESOLUTION ADOPTING REQUEST FOR RESIGNATION OF MAYOR CHARLES G. DAVIS**

**RESOLUTION OF THE MAYOR AND BOARD OF  
ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI  
CALLING FOR THE IMMEDIATE RESIGNATION OF  
CHARLES G. DAVIS FROM THE OFFICE OF MAYOR OF  
THE CITY OF SOUTHAVEN, MISSISSIPPI**

**WHEREAS**, on or about November 2, 2011, Mississippi State Auditor Stacey Pickering did submit a formal demand for payment in the amount of \$170,782.28 in funds whereby Auditor Pickering stated “clothing purchases, counseling and personal meals and entertainment are in no way authorized expenses for the City and should not be paid for on the taxpayers’ dime”;

**WHEREAS**, Auditor Pickering further stated that such purchases and expenses served as a “betrayal of the public’s trust”;

**WHEREAS**, as of Tuesday, January 3, 2012, the full balance of such funds has not been submitted by Mayor Davis to the Office of State Auditor;

**WHEREAS**, the Mississippi Department of Transportation (MDOT) has informed the City of Southaven that funds appropriated to the City for various public work projects have been indefinitely suspended due to the nature of the ongoing investigations relative to Mayor Davis;

**WHEREAS**, on Tuesday, December 20, 2011, Mayor Davis informed all the members of the Southaven Board of Aldermen that he had in fact deliberately misled and lied to the Board for his own reasons.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** that we the members of the Board of Aldermen of the City of Southaven, Mississippi, after having reviewed and contemplated the above mentioned factors and after having reviewed thousands of dollars in receipts and spending records produced by Mayor Davis, do hereby call for the immediate resignation from the Office of Mayor of the City of Southaven, Mississippi, by Charles G. Davis and that a special election to fill the vacancy in the Office of the Mayor of the City of

Southaven, Mississippi, take place as in accordance with Mississippi state law. Following the reading of said Resolution, it was introduced by Alderman Hale and seconded by Alderman Brooks.

Alderman Guy, Mayor Pro Tempore, opened the floor for discussion. Alderman Cady asked has this been reviewed by the Attorney. Alderman Hale stated that it has been reviewed by the Attorney. Next, she asked if the receipts were available to the public. Alderman Guy stated that they are if the Public Records Request procedure is done. Alderman Huling stated that a motion of resignation is not an official Board action. The Board has no authority to take this action and if this Board continues this, it shows that this Board is taking this action that's not a legal action. He further states that the only way a Mayor can be removed from Office is if he is charged and convicted in a court of law. These are quotes from the State of Mississippi Attorney Generals options. He feels like this should have been handled in Committee meeting when Mayor returns. He stated that all of the comments he has made in no way, shows that he approves of what Mayor Davis has done, the charges that have accrued or actions that have yet to be determined. Alderman Huling states that the only way the Mayor can leave office is for him to turn in his resignation. And, if he changes his mind, there is nothing this Board can do. He asked this Board to withdraw this resolution and demonstrate true leadership. Alderman Guy stated that we have been quiet too long about what's gone on and the action we are taking. He hopes that the action they are taking will show the citizens of Southaven that we are willing to take action. Alderman Hale stated that we are aware of the fact that we can't make the Mayor resign, but we are saying that he is no longer effective as Mayor at this point. Alderman Cady stated that we need to work with the Mayor when he returns, and we need team work.

Next, Alderman Guy asked for comments from the public. The following spoke:

Kelly Jacobs of Hernando

Dr. Grishion of North Creek Subdivision

Mr. Mike Smith of Southaven

Mr. Billy Sasser of 2009 Starlanding Rd

Mr. Samuel Williams of 4855 Swinnea Rd

Mr. James Sparkman of Maplewood Lane

All were upset this has been allowed to take place and asked the Board to accept some blame for this and don't make a show for the press. Do not let the press run this action. After discussion, Alderman Greg Guy, Mayor Pro Tempore calls for a roll call.

Thereafter, the Resolution was put to a roll call vote, and the results were as follows, to-wit:

<b>ALDERMAN</b>	<b>VOTED</b>
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.	NAY

The said Resolution, having received the majority vote of all of the Aldermen present, was declared adopted on this, the 6th day of January, 2012.

**WASTE CONNECTIONS OF TENNESSEE, INC. RECYCLING FEES**

**Alderman Guy, Mayor Pro Tempore stated that the City has received notification that the fees for recycling in Southaven will increase. He is asking that the Sanitation Committee review. No action was taken.**

**MDOT GRANT FUNDING OF MUNICIPAL PROJECTS**

**Alderman Guy, Mayor Pro Tempore, stated that Mrs. Whitney Choat-Cook, Planning Director, received an email from MDOT stating that the funds have been delayed pending the outcome of the investigation with the State Auditor. We have been told last Thursday that the funds have been approved for release. Alderman Hale made the motion to table this item until the City confirms that these funds have been released to the City. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.**

**PERSONNEL AND LITIGATION**

**Next, motion was made by Alderman Payne, 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 Payne made the motion to go into Executive Session for the purpose of discussing possible Litigation, Personnel City Wide Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**Alderman Guy, Mayor Pro Tempore called the meeting back to order.**

**There being no further business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Huling. Motion was put to a vote and passed unanimously, January 6, 2012 at 1:15 p.m.**

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**Lorine Cady  
Mayor Pro Tempore**

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**Sheila Heath, City Clerk**