

**MINUTES OF THE REGULAR MEETING
OF FEBRUARY 7, 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 Regular Session on the 7th day of February, 2012 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 Jobes	Alderman, Ward 5
Randall Huling, Jr.	Alderman, Ward 6

Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately two hundred (200) other people were present.

Mayor Davis called the meeting to order. Mayor Davis led in prayer, followed by the Pledge of Allegiance led by Alderman Payne. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of January 17, 2012 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 January 19, 2012 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion was put to vote and passed with 6-1 vote, Alderman Huling abstained.

Alderman Guy asked to read a statement at this time. He stated that due to time constraints with his chosen career path and in conjunction with his announcement at the last meeting dated January 17, 2012, he hereby officially announced his resignation as Mayor Pro Tempore, effective today, February 7, 2012. And, he appreciates the opportunity to serve as Mayor Pro Tempore, but that position is elected by the Board. He stated that he will continue to serve as the elected position by the public as Alderman At Large.

Mayor Davis reported that at this time they needed to elect a Mayor Pro-Tempore. Alderman Huling made the motion to nominate Alderman Lorine Cady as Mayor Pro-Tempore. Motion was seconded by Alderman Payne. No other nomination was made; therefore, Alderman Huling made the motion to close the nominations. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously to close the nomination. The motion to elect Alderman Cady as Mayor Pro-Tempore was put to vote and passed with a 6-1 vote with Alderman Brooks voting no.

Next, Alderman Hale made the motion to allow citizens to speak under the Citizen's Agenda for a maximum of 3 minutes. They ask that they not be vindictive. Also, any citizen who speaks needs to speak their name and address and only Southaven residents will be allowed to speak. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

CITIZEN'S AGENDA

Mayor Davis opened the floor for citizens to speak.

Mr. Mike Smith of Southaven. Mr. Smith spoke on several issues, but he asked Mayor Davis to step down and restore the confidence to the City.

Mr. Steve Dodd, 841 Cloverleaf Dr. – Mr. Dodd asked the Board to look into making repairs to the Park in Southern Pines Subd. The playground is in desperate need of repair. He passed out pictures for the Board to look at. Copies will be attached to these minutes.

Mayor recessed the meeting due to the live feed to the old court room being down. Citizens are chanting in the hall.

Mayor Davis called the meeting back to order.

Allen Carpenter is asking that everyone work together. He stated that all the Department Heads are doing a great job. He is asking to drop the issues and get back to running this City.

Mrs. Betty Farmer and Mr. Joshua Filtz were unable to make the meeting.

Tony Gardner stated that he is the Chairman of the Concerned Citizens of Southaven. He stated that the citizens of Southaven want Mayor Davis' resignation. He talked about the \$35,000.00 stipend as well as the education stipend and the longevity pay. Alderman Hale stated that it is only clear that we give the attorney time to research these questions, and we do intend to answer these questions.

Tommy Hurst, Summerwood Subdivision. He expressed concerns on the Fire Station rental at Swinnea and Rasco.

Mayor Davis recessed meeting. The live feed went down again. 6:45 p.m.

Mayor Davis called the meeting back to order at 6:50 p.m.

Glen Stroup, Greencliff Drive. He expressed concern that the State of MS has stopped funding due to the audit. He asked that they as a group (Alderman) straighten this out and get back the respect and the integrity that Southaven has always had.

Linda Temple- she stated that she is concerned about the money owed from the audit. Also, the MDOT money that has not been released. We don't want to lose this money.

Mayor Davis had to recess the meeting again due to the live feed going down.

6:50 p.m.

Mayor Davis called the meeting back to order at 7:15 p.m.

Oriana Hill, Davis Parkway. Ask that Mayor Davis step down.

Moses Truelove, 5616 Kayla. He asked that the Mayor and the Board to work together for the best of the City. He stated that this City would not move on until we come together and pray.

Mr. Wayne Pitalo, he stated that he has witnessed first hand this Board rubber stamping everything. He feels like there are no checks and balances. He asked the Mayor to resign.

David Turner, Ross Point Subdivision. He stated that he is very disappointed in the Mayor, Board of Aldermen and the Department Heads.

BUDGET AMENDMENT

Line Item	CURRENT	AMENDED	AMENDED AMOUNT
REVENUES			
0010 450 100 Police Grant	\$ 1,346,466	\$ 1,414,545	\$ 68,079
0010 582 100 Street Bond	\$ -	\$ 265,000	\$ 265,000
0010 410 100 Sales Tax	\$ 11,200,000	\$ 11,500,000	\$ 300,000
TOTAL			\$ 633,079
EXPENDITURES			
211 630 400 Police Equipment	\$ 213,574	\$ 281,653	\$ 68,079
180 622 100 Engineer Prof Fees	\$ 150,000	\$ 415,000	\$ 265,000
290 626 700 Rentals	\$ 12,000	\$ 312,000	\$ 300,000
			\$ 633,079
BALANCE			\$ -

Alderman Jobs made the motion to approve the budget amendment as presented to the Board. Motion was seconded by Alderman Guy. Alderman Guy stated that this item has not been rubber stamped. They have had the

opportunity to review this amendment. Motion was put to vote and passed unanimously.

RESOLUTION AUTHORIZING “OFFICE OF THE MAYOR” TO EXECUTE DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION WITH THE APPLICATION FOR THE WATER POLLUTION CONTROL REVOLVING LOAN FUND

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI NAMING AUTHORIZED REPRESENTATIVE AND AUTHORIZING APPLICATION FOR WATER POLLUTION CONTROL REVOLVING LOAN FUND (WPCRLF) FOR WASTEWATER TREATMENT UPGRADE PROJECT

RESOLUTION AUTHORIZING THE “OFFICE OF THE MAYOR” TO EXECUTE THOSE DOCUMENTS AND AGREEMENTS REQUIRED IN CONNECTION WITH THE APPLICATION FOR THE WATER POLLUTION CONTROL REVOLVING LOAN FUND PROGRAM THROUGH THE MISSISSIPPI DEPARTMENT OF ENVIRONMENTAL QUALITY, OFFICE OF POLLUTION CONTROL AND NAMING THE “OFFICE OF THE MAYOR” AS THE AUTHORIZED REPRESENTATIVE OF THE CITY OF SOUTHAVEN, MISSISSIPPI

WHEREAS, the City of Southaven, Mississippi, makes application for a Water Pollution Control Revolving Loan Fund (WPCRLF) loan in the amount of \$5,151,410.00 from the Mississippi Department of Environmental Quality (MDEQ) for installation of the Summerwood/Whitten Place Subdivisions Sanitary Sewer Project which includes a Low Pressure Sewer System for approximately 435 homes, improvements to an existing pump station adjacent Getwell Road and extension of the Gravity Sewer System to along Nolehoe Creek and Getwell Road;

WHEREAS, in order to apply for such a loan the City of Southaven must submit a WPCRLF Loan Application package in compliance with WPCRLF Program Regulations;

WHEREAS, such regulations required that the City of Southaven, Mississippi provide as part of the package a certified copy of a Resolution which authorizes submission of the application and which designates an authorized

representative to execute the application and to be the authorized representative for the project; and

WHEREAS, Section 21-17-5 of the Mississippi Code Annotated (1972), empowers the governing authorities of a municipality to adopt resolutions with respect to such municipal affairs.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, and the submission of a WPCRLF Loan application is hereby authorized, with the proceeds from such loan to be used to finance and implement WPCRLF Loan Program project SRF-C280910-02.

IT IS FURTHER RESOLVED that the “Office of the Mayor” is authorized to execute and file an application for a WPCRLF loan on behalf of the City of Southaven, Mississippi with full authority to execute all documents pertaining to the project.

IT IS FURTHER RESOLVED that the “Office of the Mayor” is hereby authorized to be the authorized representative of the project.

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:

ALDERMEN	VOTED
Alderman Greg Guy	YES
Alderman Lorine Cady	YES
Alderman Ronnie Hale	YES
Alderman George Payne	YES
Alderman William Brooks	YES
Alderman Ricky Jobs	YES
Alderman Randall T. Huling, Jr.	YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this the 7 day of February, 2011.

ADVERTISE FOR BIDS-FIRE DEPARTMENT

Mayor Davis reported that the Fire Department is requesting permission to seek bids for a fire and lite safety education trailer. This will be paid by a grant at 90% and the City will be responsible for the other 10%. The total cost is estimated to be \$84,250.00, and the city's part will be approximately \$8,425.00. We will also be given some smoke detectors for the hearing impaired in our City. Alderman Guy made the motion to allow the Fire Department to go out for bids for the trailer as presented to the Board. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

MOU-GETWELL ROAD

Mayor Davis reported that this is the MOU with MDOT for the widening of Getwell Road. The Board will need to approve the MOU to be signed by Mayor Davis, so the City can move forward with this project. Alderman Cady made the motion to enter into the MOU with MDOT as presented to this Board. Motion was seconded by Alderman Huling. Alderman Payne asked if this is that MDOT needed for us to receive the funding for the project and Mayor Davis stated that it is.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	YES
Alderman Cady	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Brooks	YES
Alderman Jobs	YES
Alderman Huling	YES

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved on this the 7th day of February, 2012.

SOLE SOURCE-ENGINEERING DEPT.

Mayor Davis reported that M J Contracting, LLC is a sole source supplier for the cemented treated base material. This is a recycled material that is supplied to be used on the Northwest Drive project. It is a concrete treated base. Alderman Hale made the motion to make M J Contracting, LLC a sole source supplier for the CTB as presented to the Board. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

PLANNING AGENDA

No Planning Agenda

MAYOR'S REPORT

Mayor Davis reported that there is an agreement between the City of Southaven and DeSoto County for the School Resource Officers. This agreement allows them to pay the City \$12,000.00. Alderman Cady made the motion to allow Mayor Davis to enter into the agreement with DeSoto County. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported on Springfest 2012. He stated that he needs to start the planning of the festival. He reported that Springfest is a revenue event and usually is a revenue producing event. Mayor Davis said he needs them to authorize the Springfest event to be paid through the tourism fund, as it always has been in the past and move forward with the signing of the contract to make that event happen. Alderman Payne made the motion to allow the tourism funds to be paid on the Springfest event. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that the Beau Rivage has opened up the blocks of rooms for the MML, Statewide conference in June. He reported that if any of the Aldermen are going, we can book the room but will need their credit card information. He stated that we could do a credit application as a whole, but he suggests that each "elected official" book their own and submit it for reimbursement. And, the Department Heads will follow procedures as they have adopted. Alderman Payne made the motion for each elected official to book their own rooms individually. Motion was seconded by Alderman Jobs. Alderman Brooks asked that they would be able to vote on each individual "elected official" going. Mayor stated that they would be able to do that. Motion was put to vote and passed with a 6-1 vote, Alderman Guy abstained. Alderman Cady made the motion to allow each elected official to attend the MML Conference so they all can book their rooms and that they stay within their budget. Motion was seconded by Alderman Hale.

Roll Call was as follows:

ALDERMAN	VOTED
Alderman Guy	ABSTAINED
Alderman Cady	YES
Alderman Hale	NO
Alderman Payne	NO
Alderman Brooks	NO
Alderman Jobs	NO
Alderman Huling	YES

Motion failed with a 4-2 vote and Alderman Guy abstaining.

After a discussion on the Resolution previously set by this Board for Elected Official's travel, Alderman Hale made the motion for each Alderman, who plans to attend the MML Conference, give their names now. Motion was

seconded by Alderman Guy.

Aldermen Planning to attend and will need rooms:

Alderman Payne	Yes
Alderman Hale	Yes
Alderman Huling	Yes
Alderman Cady	Yes
Alderman Jobs	Yes

Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that we have a permanent drainage easement for \$690.00 from the Bean family. This is for the FEMA project. He reported that he will need permission to enter into this agreement with the Bean family for the \$690.00 on a permanent drainage easement. Alderman Jobs makes a motion to accept. Motion was seconded by Alderman Hale. Alderman Brooks asked Mark Sorrell, City Attorney, if he has reviewed this. Mr. Sorrell stated that he has not seen this easement. Alderman Payne made the motion to table this item until Mr. Sorrell has had a chance to review the easement. Motion was seconded by Alderman Brooks to table. Motion to table was put to vote and passed with a 6-1 vote, Alderman Huling voting no. At this point, Mr. Sorrell realized that he has seen this easement and that it was ok. Alderman Payne made the motion to remove this item from the table. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously. Next, a motion was made by Alderman Jobs to approve the drainage easement and pay the \$690.00. Motion was seconded by Alderman Hale. Motion was then put to vote and passed unanimously.

Next, Mayor Davis reported that we have an Energy Performance contract that has been done. He reported that he will appoint the following to the Energy Performance Contract Committee:

**Alderman Cady, Chairman
Alderman Guy
Alderman Payne
Chris Wilson
Bradley Wallace**

Next, Mayor Davis reported that Chief Tom Long has released his 2011 crime stats, and they will be released this week. He reported the violent crimes reported in 2011 were 73. That is a violent crime index of 1.49 per 1,000 residents. This compares to a national index of 4.03, a Mississippi index of 2.7 and a Memphis, TN index of 15.43. He thanked Chief Long and the men and women in blue for keeping our streets safe.

Next, Mayor reported new businesses coming to Southaven. There is a 41,225 sq ft. multi tenant building that has submitted plans to go into the Southaven Towne Center. This will be two anchor stores going in that are new to the Southaven market and some stores in the middle. There is a new Express Market and Deli Shop going in on Church Road, east of Getwell. There is a 5,000 sq ft. retail building at Flower Creek on Goodman Rd., Superlow is renovating and will soon open its doors and C-Spire will have a

new building on Goodman at the old Merchant and Farmers building. Bids were opened today for the final phase of the Summerwood and Whitten Place project. The Getwell Road gravity project is complete.

Next, Mayor Davis reported on the MDOT projects.

Getwell Road widening from Highway 302 to Stateline - the City has received formal activation for this project. It will proceed as normal.

Tchulahoma and Stateline traffic signals, the MPO Board approved to add that traffic signal to the improvement plan that is now with MDOT. Then, it will be added to the Mississippi Transportation Plan, then that project will be funded.

The Safe Routes to School grants with MDOT reported that they had received more applications than funds were available. After ranking the applications, the City of Southaven's application was not rated high enough to merit an award at this time. The current events in this City played no part of this decision.

And for the Bike peddling project, they stated that the project will be activated when they have a resolve with the MS State Auditor's Office investigation.

PERSONNEL DOCKET

Personnel Docket
02/07/2012

Payroll Additions
None

Payroll Deletions

<u>Name</u>	<u>Position</u>	<u>Department</u>	<u>Date of Termination</u>	<u>Rate of Pay</u>
Trina Farley	Paramedic	Fire	2/6/2012 - resigned	\$14.77

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

COMMITTEE REPORTS:

Alderman Jobs asked to make a motion to appoint a committee to look into hiring an outside auditor for an independent audit of the City's finances. He stated that this would help the Board and the citizens with a better understanding of the City finance process. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Next, Mayor Davis appointed Alderman Jobs, Chairman, Alderman Hale

and Alderman Guy as members of that committee.

Next, Alderman Hale asked that the City Attorney look into eliminating the education stipend of \$5,000.00 and the longevity stipend of \$2,700.00 that is currently being paid to the Mayor. These stipends are considered a benefit to our City employees, and therefore, do not apply to the Office of the Mayor who is not classified as an employee. The law is clear that anything above the salary of the Office of the Mayor is considered an extra bonus which is not allowed by State Law.

CITY ATTORNEY'S LEGAL UPDATE

No City Attorney's Legal Update

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

No Progress Report

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of February 7, 2012, including demand checks and payroll in the amount of \$2,110,412.72. This amount is after voucher #176402 for Tri-Firma in the amount of \$2,525.80 is removed. This invoice was entered in error. Alderman Hale made the statement that as he reviewed the claims docket this time, he found a copy of invoices that he made the City Clerk aware of that have late fees on them. He asked that the Department Heads to get them turned in a little sooner to eliminate these late fees and penalties. Motion was seconded by Alderman Payne.

Excluding voucher numbers:

175743, 176097, 176230, 176254, 176264, 176265, 176275, 176370-176398, 176408, 176410 and 176402.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	YES
Alderman Cady	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Brooks	YES
Alderman Jobs	YES
Alderman Huling	YES

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved for payment on this the 7th day of

February, 2012.

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

There being no further business to come before the Mayor and Board of Alderman, a motion was made by Alderman Brooks to adjourn. Motion was second by Alderman Hale. Motion was put to a vote and passed unanimously, February 7, 2012 at 8:15 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk