

**MINUTES OF THE REGULAR MEETING  
OF APRIL 3, 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 3<sup>rd</sup> day of April, 2012 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 Jobs</b>	<b>Alderman, Ward 5</b>
<b>Randall Huling, Jr.</b>	<b>Alderman, Ward 6</b>

Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately thirty (30) 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 Brooks. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of March 20, 2012 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. 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 March 26, 2012 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Guy. Motion was put to a vote and passed unanimously.

**FY 2012 JAG GRANT APPLICATION**

The City of Southaven has been allocated \$15,366.00 in grant funds from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program from FY 2012. Funds from the program may be used by our local law enforcement agency (Southaven Police Department) for technical assistance, training, personnel, equipment, supplies, contractual support, and information systems for criminal justice, as well as research and evaluation activities that will improve or enhance law enforcement programs related to criminal justice. Mr. Chris Wilson, CAO, is requesting permission to apply for the funds and support our application. Mayor Davis stated to this Board that the City of Southaven is lead agency. Alderman Cady made the motion to enter into the JAG grant application program. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

**TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF  
AMERICA, A REAL INVESTMENT COMPANY: RESOLUTION  
GRANTING EXEMPTION FOR AD VALOREM TAXES FOR A PERIOD**

**OF TEN YEARS.**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A PERIOD OF TEN (10) YEARS TO TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, FOR THE BENEFIT OF ITS REAL ESTATE ACCOUNT, AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED**

**WHEREAS,** TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, a Real Estate Investment Company, has filed in triplicate with this Board its Application for exemption from ad valorem taxation, except ad valorem taxes levied for school district purposes (“school district taxes”), roads and bridges and debt service, parks and library taxes, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972) with this Board; and

**WHEREAS,** TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, a Real Estate Investment Company, 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 property 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 within the meaning of Section 27-31-101 et seq. of the Mississippi Code Annotated (1972), which was completed on the 1st day of August, 2005, and that said Company is entitled to the exemption on the real property described in Exhibit “A” having a true value in the amount of \$15,186,738.00 for a period of ten (10) years beginning on January 1, 2012, subject to approval and certification by the Mississippi State Department of Revenue.

**NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN,**

**MISSISSIPPI**, as follows:

1. That the Application for ad valorem tax exemption for TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, a Real Estate Investment Company, for a period of ten (10) years, beginning on January 1, 2012, on the real property 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 State Department of Revenue.
2. That TEACHERS INSURANCE AND ANNUITY ASSOCIATION OF AMERICA, a Real Estate Investment Company, is hereby granted exemption from ad valorem taxation, except school district taxes, roads and bridges and debt service, parks and library taxes, and the “mandated levies”, on the real property having a true value of \$15,186,738.00 as described in the Application filed by said Company for a period of ten (10) years beginning on January 1, 2012.
3. That the Clerk of this Board is hereby directed to spread a copy of this Order 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 Order approving said Application to the Mississippi State 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 real property as itemized in the Application has been placed on the appropriate tax roll as “Non-Taxable”, except for school district, roads and bridges and debt services, parks and library taxes and the “mandated levies” for the duration of the exemption period only.

4. Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Payne 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

**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 3rd day of April, 2012.

**US INDUSTRIAL REIT II, A TEXAS REAL ESTATE INVESTMENT TRUST: RESOLUTION GRANTING EXEMPTION FOR AD VALOREM TAXES FOR A PERIOD OF TEN YEARS**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, GRANTING EXEMPTION FROM AD VALOREM TAXES FOR A PERIOD OF TEN (10) YEARS TO US INDUSTRIAL REIT II, A TEXAS REAL ESTATE INVESTMENT TRUST, AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED**

**WHEREAS**, US INDUSTRIAL REIT II, a Texas Real Estate Investment Trust, has filed in triplicate with this Board its Application for exemption from ad valorem taxation, except ad valorem taxes levied for school district purposes (“school district taxes”), roads and bridges and debt service, parks and library

taxes, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972) with this Board; and

**WHEREAS**, US INDUSTRIAL REIT II, a Texas Real Estate Investment Trust, 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 property 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 within the meaning of Section 27-31-101 et seq. of the Mississippi Code Annotated (1972), which was completed on the 1st day of May, 2005, and that said Company is entitled to the exemption on the real property described in Exhibit “A” having a true value in the amount of \$7,623,584.00 for a period of ten (10) years beginning on January 1, 2012, subject to approval and certification by the Mississippi State Department of Revenue.

**NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI**, as follows:

1. That the Application for ad valorem tax exemption for US INDUSTRIAL REIT II, a Texas Real Estate Investment Trust, for a period of ten (10) years, beginning on January 1, 2012, on the real property 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 State Department of Revenue.
2. That US INDUSTRIAL REIT II, a Texas Real Estate Investment Trust, is hereby granted exemption from ad valorem taxation, except school district taxes, roads and bridges and debt service, parks and library taxes, and the “mandated levies”, on the real property having a

true value of \$7,623,584.00 as described in the Application filed by said Company for a period of ten (10) years beginning on January 1, 2012.

3. That the Clerk of this Board is hereby directed to spread a copy of this Order 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 Order approving said Application to the Mississippi State 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 real property as itemized in the Application has been placed on the appropriate tax roll as “Non-Taxable”, except for school district, roads and bridges and debt services, parks and library taxes and the “mandated levies” for the duration of the exemption period only.

Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Payne 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

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 3rd day of April, 2012.

**ACCEPTANCE OF BIDS-PUBLIC WORKS DEPARTMENT**

**Mayor Davis reported that the City accepted sealed bids for the 2012 Asphalt contract. It is the recommendation of Ray Tarrance, Public Works Director to accept Lehman Roberts as the lowest and best bid. He is also recommending that the City accept APAC Tennessee as the alternate bidder.**

**Alderman Cady made the motion to accept Lehman Roberts as the lowest and best bid. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

**Next, Alderman Cady made the motion to accept APAC Tennessee as the alternate bidder. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

**At this point Alderman Guy recessed himself from the meeting and left the room.**

**Next, Alderman Payne made the motion to remove the vacation of lot 16A from the table. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.**

**Next, Mrs. Whitney Choat-Cook reported that there are two lots in this subdivision, and they are requesting to vacate lot 16A. Mayor Davis stated that the motion was made and seconded to vacate lot 16A at the last meeting (March 20, 2012). Mr. Ben Smith stated that he had a drawing that he needed to hand out that showed that it was just two lots. He stated that when lot 18A is vacated, the next item will be to add it to lot 18. Alderman Jobes asked if the Planning Commission approved. Mrs. Choat-Cook stated that they did. Next, Mayor Davis opened the floor for discussion from the audience. Mr. Vincent from 3366 Woodland Trace asked what it meant to revise. Mayor Davis stated that it would be vacated from that lot and would not be a part of section A. Mr. Vincent asked what this lot was zoned. Mayor Davis stated that lot 16A is zoned R30 and lot 16B is zoned R30 and the current lot 18 is zoned AG, and the land in the back is now zoned AG. Mr. Claney came forward and asked why the residents were not notified of this change. Mrs. Choat-Cook stated that there was signage posted on the property. She reported that people from the area as well as a bank that owns the property adjacent to this property did come to the Planning Commission meeting. Alderman Jobes stated that he still hears concerns from the audience. Mr. Claney lives on Long Street, and he stated that this is the first they have heard of this. Mr. Claney stated that this would cause the value of his home to decrease. Alderman Hale stated that the sign was placed as required by State Law, and it was big enough to be seen from the 175' set back. He stated that the sign is a 4' X 4' sign with 6" letters. Mrs.**

Choat-Cook left the room to print off pictures to prove the signage was there. Alderman Jobs made the motion to table this item until Mrs. Choat-Cook returned with the pictures. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

**PLANNING AGENDA**

“SEE BELOW”

**MAYOR’S REPORT**

Mayor Davis reported that the Police Department is requesting permission to surplus two Ford Crown Vics that were wrecked and totaled by the State Farm Insurance Company. Once State Farm pays, they will take the vehicles.

Unit #3037-2008 Ford Crown Victoria V#2FAHP71V78X159433 (ASSET #3716)  
 Unit #3061-2010 Ford Crown Victoria V#2FABP7BV3AX130711 (ASSET#4549)

Alderman Cady made the motion to surplus the two vehicles as presented to this Board. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

**CITIZEN’S AGENDA:**

No Citizen’s Agenda

**PERSONNEL DOCKET**

Personnel Docket  
 4/3/2012

Payroll Additions				
Name	Position	Department	Date of Hire	Rate of Pay
		Parks Tournaments -		
Chris Van Tuyl	Data Entry	412	3/23/2012	\$9.00
	Seasonal			
Tyrone Scott	Laborer	Parks	3/26/2012	\$7.50
	Seasonal			
Gary Gregg	Laborer	Parks	3/26/2012	\$7.50
	Seasonal			
Arlbon Crudup	Laborer	Parks	3/26/2012	\$7.50
	Seasonal			
Anthony Tucker	Laborer	Parks	4/2/2012	\$7.50
	Golf Center			
Joshua Houck	Laborer	Parks	3/30/2012	\$7.50
		Parks Tournaments -		
Kelsey Roberts	Concessions	412	3/30/2012	\$7.25



Emily Maddux	Concessions	Parks Tournaments - 412	3/30/2012	\$7.25
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**Payroll Deletions**

Name	Position	Department	Date of Termination	Rate of Pay
David Shepherd	P2	Police	03/25/2012 - resigned	\$18.21
Steven Adams	Sergeant	Police	04/08/2012 - resigned	\$19.98
Paula Jolly	Deputy Clerk	Court	03/28/2012 - resigned	\$10.20

**Alderman Hale made the motion to accept the Personnel Docket as presented on this date. Motion was seconded by Alderman Jobs. Motion was put to vote and passed unanimously.**

**COMMITTEE REPORTS:**

**Alderman Huling reported that the Parks Committee met, and they sent out two policies for the Board to review. One was on the facility fees, and the other was the contract with Green Machine Concerts. Mr. Mark Sorrell, City Attorney, is also reviewing this contract. Alderman Huling stated that they will be presented to this Board at the next Board meeting.**

**Alderman Jobs asked Edi McIlwain to come before the Board and give her report. She stated that she went to the Parks Dept. during a tournament to review their cash controls. She stated that they did make some good positive changes, but over all they were doing a good job.**

**Alderman Jobs asked to meet after the Board meeting with the Insurance Committee.**

**Tabled Item:**

**At this point, Alderman Jobs made the motion to bring the tabled item back from the previous table. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously. Mrs. Choat-Cook came in with the picture she had taken with the sign in place. She stated that the sign was erected December 3, 2011 for the Planning Commission meeting in December 2011. Alderman Hale asked if there was a reason it was put so far off the road. Mrs. Choat-Cook stated that there were two lots in front of it that abutted the road.**

**Mayor Davis called for a vote on the motion to approve to vacate lot "A". There were 3 voting "yes" (Alderman Cady, Alderman Hale and Alderman Jobs) and 3 voting "no" (Alderman Payne, Alderman Brooks and Alderman Huling) ending in a tie vote. Mayor Davis declared the motion had failed.**

**PLANNING AGENDA**

**(REMOVED)**

**Item #1- Application by Greg and Jill Guy for subdivision approval to revise Ole Meadow's Sec "C" west of Swinnea Road, between Church and Starlanding. Mrs. Choat-Cook asked to remove this item.**

**Item #2-Application by CRS Investments, LLC for subdivision approval of Liam Subdivision on the east side of Highway 51, north of Whitworth Street. She stated that these lots went into bankruptcy and and these lots were sold to six different companies. Planning Commission does not have a problem with sub-dividing these lots, and they are all in compliance. Alderman Cady made the motion to approve item #2 with the necessary utility easements being placed on the plat on the final recording. Motion was seconded by Alderman Payne. Motion was put to vote and unanimously.**

**Alderman Guy came back into the meeting**

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

**No City Attorney's Legal Update**

#### **OLD BUSINESS:**

**Alderman Jobs asked to come back to Old Business to discuss the tabled item on Lot 16-A. He stated that Ben Smith was asking for that lot to be taken out of his subdivision, and there was a vote taken. Alderman Jobs is asking to get a roll call. Mayor Davis stated that when the vote came up, he should have asked for a roll call vote at that time. Mayor Davis stated that he heard four (4) "NO's". Alderman Jobs stated that he heard three (3) to three (3). Mayor Davis stated that if they wanted to reconsider, it could be done.**

#### **PROGRESS REPORTS:**

**Mayor Davis reported that sewer service should be going out to the individual houses at Summerwood/Whitten Place sometime this month.**

**Next, Mayor Davis reported that the City will have a land closing and that the contract was approved last year in May. He reported that he will bring them two or three financing options to close on the land for the Senior Adult Building at the next Board meeting.**

**Next, Mayor Davis reported on Springfest. He stated that the Springfest Prayer Breakfast is April 14<sup>th</sup>. It is put on by the Heritage Home & Garden Club and will be held at Dale's Restaurant. He stated that Kix Brooks of the former group Brooks & Dunn will be at Springfest Friday night, and Easton Corbin will perform Saturday night. Also, the Annual Easter Egg Hunt is Saturday April 7<sup>th</sup> at Snowden Grove Park.**

**Alderman Hale asked Mayor Davis to repeat what he stated about the land closing. Mayor Davis stated that the contract is closing in May. Alderman Hale asked when it came up that we had to close in May. Mayor stated that it was in the contract that they approved in November. Alderman Hale stated that according to the contract we have six (6) months after the title search to close. Mayor Davis reported that he would check into that.**

**CLAIMS DOCKET:**

A motion was made by Alderman Jobs to approve the Claims Docket of April 3, 2012, including demand checks and payroll in the amount of \$1,108,278.30. Motion was seconded by Alderman Payne. Motion was put to vote:

Excluding voucher numbers:

178322, 178346, 178445, 178446, 178447, 178450, 178451, 178452, 178455, 178459, 178793, 178994, 178997, 179284.

Roll call was as follows:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Guy	YEA
Alderman Cady	YEA
Alderman Hale	YEA
Alderman Payne	YEA
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 3<sup>rd</sup> day of April, 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 Economic Development and Potential Litigation. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously. Executive Session:

Alderman Cady made a motion to approve the MOU for a 3<sup>rd</sup> party distributor on Commerce Drive in Southaven. Company name to be released at a later date. A press release is scheduled next week. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Alderman Hale made the motion to allow Mark Sorrell, City Attorney to respond to the State Auditor's request. Motion was seconded by Alderman Payne.

Roll Call:

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

**Alderman Huling**

**NAY**

**Having received a majority of affirmative votes, the Mayor Pro Tempore declared that the motion was carried and approved on this the 3<sup>rd</sup> day of April, 2012.**

**Alderman Cady, Mayor Pro Tempore called the meeting back to order out of executive session into regular session.**

**There being no further business to come before the Board of Aldermen, a motion was made by Alderman Guy to adjourn. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously, April 3, 2012 at 8:20 p.m.**

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**Charles G. Davis**  
**Mayor**

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**Sheila Heath, City Clerk**