

**MINUTES OF THE REGULAR MEETING  
OF MAY 1, 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 1<sup>st</sup> day of May, 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 Jobes</b>	<b>Alderman, Ward 5</b>
<b>Randall Huling, Jr.</b>	<b>Alderman, Ward 6</b>

**Alderman Cady was present via-telecommunication. 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 Guy led in prayer, followed by the Pledge of Allegiance led by Alderman Jobes.**

**PERSONNEL & 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 city-wide Personnel and Potential Litigation. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.**

**Mr. Sorrell left the room after consulting with the Mayor. Mayor Davis stated that he is using his duties as Mayor to reassign Mark Sorrell's, City Attorney duties. He will be full time prosecutor and take care of all the forfeitures. Salary will stay the same. This recommendation comes with the personnel committee's approval.**

**Alderman Cady joined the meeting telecommunication, and Mr. Sorrell came back in the room.**

**Mayor Davis reported that Rozier Hayes reported the Fillin Station Grille wants to settle and meet mid-way. Alderman Brooks made a motion not to settle the Fillin Station Grille law suit. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.**

**Next, under personnel, Deputy Chief Steve Pirtle reported that he has an employee who has filed an appeal on a termination. Officer Greg Hayes was**

terminated. Officer Hayes came in and asked for this board not to terminate his employment. After a discussion Alderman Guy made the motion to uphold the termination as presented to this Board. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously. Alderman Cady is absent at this point.

Next, Alderman Guy made the motion to terminate Louise Smith. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously. Alderman Cady is absent at this point.

Next, a motion was made by Alderman Guy to approve the minutes of the regular meeting of April 17, 2012 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion was put to a vote and passed unanimously. Alderman Cady is absent at this point.

**INTERLOCAL AGREEMENT BETWEEN DESOTO COUNTY AND THE CITIES OF HERNANDO, HORN LAKE, OLIVE BRANCH AND SOUTHAVEN FOR RECIPROCAL USE OF ANIMAL SHELTER.**

This agreement is an interlocal agreement between the cities and their animal shelters in case there is an outbreak and how we will support each other. Alderman Huling made the motion to enter into this agreement as presented to the Board. Motion was seconded by Alderman Brooks. Motion was put to vote:

Roll call was as follows:

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Guy	YEA
Alderman Cady	ABSENT
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 on this the 1<sup>st</sup> day of May, 2012. A copy of the agreement will be attached to these minutes.

Alderman Cady came into the meeting via telecommunication.

**PUBLIC MEETING- DESOTO COUNTY HAZARD MITIGATION PLAN**

Mayor Davis recessed the regular meeting at 6:50 p.m.

Mayor Davis called to order the meeting of the DeSoto County Hazard Mitigation Plan. This is a plan that deals with our Police and Fire Department in the event of a catastrophe in our County. This is the same plan we have had in place every year. This agreement has been reviewed by our Police and Fire Department, as well as our City Attorney. This sets the standards and procedures in the event of a hazard. No questions asked, Mayor Davis closed the Public Hearing on the Mitigation Plan. (6:52 p.m.)

Next, Mayor Davis called the regular meeting of the Mayor and Board of Alderman back to order.

Alderman Guy made the motion to enter into the Hazard Mitigation Plan with DeSoto County and the Cities of Hernando, Olive Branch, Horn Lake and Walls. Motion was seconded by Alderman Hale. Motion was put to vote:

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 Jobes	YEA
Alderman Huling	YEA

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved on this the 1<sup>st</sup> day of May, 2012.

#### **ACCEPTANCE OF BIDS**

Mayor Davis reported that quotes were received for the lawn maintenance for Fire & Police Training Center. Quotes were as follows:

GBS:	\$1,050.00 per cut
COMPLETE LAWN CARE:	\$1,350.00 per cut
TRI FIRMA:	\$1,668.32 per cut

Alderman Hale made the motion to accept GBS as the lowest and best bid for the mowing of the Fire and Police training center. Motion was seconded by Alderman Huling. Alderman Brooks stated that GBS was about \$618.00 per cutting cheaper than the other quotes. Motion was put to vote and passed unanimously.

#### **BID APPROVAL AUTUMN WOODS DRAINAGE**

It is the recommendation of Neel-Schaffer to accept Civil Concepts, Inc. to be awarded the contract as the lowest and best bid. Alderman Payne made the motion to accept Civil Concepts as the lowest and best bid. Motion was seconded by Alderman Huling. Alderman Payne asked when they would start this project. Mayor Davis stated it would be sometime this summer. Motion was put to vote and passed unanimously.

#### **RESOLUTION 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: **3272 Chateau Circle South, 26 Hillbrook Drive, 380 Garden Walk North, 1140 Haleville Drive, 1998 Colonial Hills Drive, 8842 Shellflower Drive, 3393 Jacob Lane, 1134 Cedar Circle South, 1458 Bennington Drive, 1897 Southaven Circle North, 5961 Appian Way, 5959 Sheffield Drive, 8415 Scheffield Terrace, 8217 Jamesbrook Drive**, 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, May 1, 2012**, 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, May 1, 2012**, 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: **3272 Chateau Circle South, 26 Hillbrook**

**Drive, 380 Garden Walk North, 1140 Haleville Drive, 1998 Colonial Hills Drive, 8842 Shellflower Drive, 3393 Jacob Lane, 1134 Cedar Circle South, 1458 Bennington Drive, 1897 Southaven Circle North, 5961 Appian Way, 5959 Sheffield Drive, 8415 Scheffield Terrace, 8217 Jamesbrook Drive** 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 Hale 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 Jobs	YEA
Alderman Randall T. Huling, Jr.	YEA

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **1st day of May, 2012.**

**METER READING OUTSOURCING AND BID DOCS FOR METERS**

**Mayor Davis reported that the the Infrastructure Committee is requesting**

permission to go out for RFP for private companies to read the water meters. Mayor stated that the RFP would not give them permission to do it but would give them the base line to compare any cost savings and efficiencies that might be improved. Alderman Payne made the motion to move forward with the RFP for meter reading. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

#### **PLANNING AGENDA**

Planning Agenda was presented by Mrs. Whitney Choat-Cook, Planning Director.

**Item #1.** Application by Toney Banks for minor subdivision on the west side of Nottaway Drive, south of Church Road. Mrs. Choat-Cook reported that this is 31 acres and the majority of it is in a flood. They are requesting to pull out one acre to allow it to be a buildable lot and the remainder will remain as is. There is an easement there for Nottaway. Planning Commission voted unanimously in favor of this application. Alderman Huling made the motion to accept Item #1 as presented. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

**Item #2.** Application by Pope Investments, LLC subdivision approval to revise Deerchase North Commercial lot 6 on the south side of Nail Road, west of Getwell Road. The existing lot platted at the county encompasses 1.10 acres; however, the applicant is requesting to further subdivide it into a condominium type development. Alderman Huling made the motion to approve Item #2 as presented. Motion was seconded by Alderman Jobs. Alderman Payne asked if anyone was at the Planning Commission meeting to complain about this. She stated that they had not. Motion was put to vote and passed unanimously.

**Item #3.** Zaxby's Restaurant design criteria in the Getwell Road special corridor. Mrs. Choat-Cook just wanted them to see the design of the new Zaxby's. Alderman Payne asked how big the building is. She stated that it is 3,700 sq ft. No action was required on this Item.

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

Mayor Davis reported that the new sanitation company started today picking up garbage.

Next, Mayor Davis reported that the National Day of Prayer is Wednesday at noon. It will be held in the Board room at City Hall. The Fallen Hero's Memorial will be held on the Square in Hernando, Friday morning at 10 a.m. Governor Phil Bryant will be the guest speaker.

Next, Mayor Davis asked the Board to send him an email by Friday, suggesting any roads that they want overlaid in their wards. He plans to come back to them soon with a master list of streets to be overlaid.

Alderman Guy left the meeting.

Next, the Board was presented with a resolution concerning Cherry Tree

**Park South Subdivision about calling the bond and assessing each vacant lot before building permits are issued. The assessment will be \$1,750.00 to cover the difference between the bond that the developers have and the cost it will be to fix the road. Alderman Huling made the motion to call the bond and make a special assessment for Cherry Tree Park South Subdivision. Motion was seconded by Alderman Jobs. Alderman Jobs asked if this would affect the homeowners there now. Mayor stated that it would not. Only when the builder comes in to get a permit to build a new home. Mayor stated that this is for the road repairs, so they will be brought up to the city's standards. Alderman Hales asked if the streets will belong to the city once the work is done, and Mayor stated that they would be. With no further questions, Mayor Davis asked for a roll call:**

**Roll call was as follows:**

<b>ALDERMAN</b>	<b>VOTED</b>
Alderman Guy	ABSENT
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 on this the 1<sup>st</sup> day of May, 2012.**

**Next, Mayor Davis reported that he had passed out a budget amendment dealing with tourism funds. This is to make sure that all of our MML expenses are covered. Alderman Huling made the motion to accept the budget amendment as presented. Motion was seconded by Alderman Brooks. Motion was put to a vote and motion was a 3-3 vote:  
Alderman Huling, Cady and Brooks voting –YES  
Alderman Payne, Jobs and Hales voting – NO  
Mayor Davis broke the tie, Mayor declared the motion passed.**

**Next, Mayor Davis stated that he had met with Alderman Jobs and Alderman Brooks, and they have asked to switch committee assignments. Effective immediately, Alderman Brooks will be assigned to the Parks Committee and Alderman Jobs will be assigned to the Personnel Committee.**

**CITIZEN'S AGENDA:**

**No Citizen's Agenda**

**PERSONNEL DOCKET**

Personnel Docket 05/01/2012

Payroll Additions

Name	Position	Department	Date of Hire	Rate of Pay
Cathi Faxon	Clerk	Court	4/23/2012	\$10.20
Georgia Ann Hamblin	Part Time Clerk	Arts and Culture	4/23/2012	\$9.00
Gary Willoughby	P/T Golf Course Clerk	Parks	4/30/2012	\$9.40

Promotions

Name	Position Promoted To	Department	Effective Date	Rate of Pay
George McCoy	Driver	Fire	5/1/2012	\$15.37
James McClain	Lieutenant	Fire	5/1/212	\$17.41

Payroll Deletions

Name	Position	Department	Date of Termination	Rate of Pay
Michael Britt	Field Service	Utility	4/27/2012 - resigned	\$10.20

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

**COMMITTEE REPORTS:**

**Alderman Huling reported that the personnel committee met regarding legal assistance for the City. Alderman Huling made the motion that the City seek proposals for the individuals and firms who wish to assist the City in legal assistance. This request shall be submitted to the Mayor's Office no later than May 18, 2012. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.**

**CITY ATTORNEY'S LEGAL UPDATE**

**No City Attorney's Legal Update**

**OLD BUSINESS:**

**Alderman Hale made the motion to accept the recommendation of Bradley**



**Wallace, Operations Director, for the Cleaning and Janitorial Services.**

**Patsy Cleen Commercial Cleaning: Package No. 1.**

**D & J's Cleaning Services: Package No 2 & 3.**

**Motion was seconded by Alderman Huling. Alderman Hale stated that Mr. Wallace did an excellent job on this project, and we are looking at saving about 40%. Motion was put to vote and passed unanimously.**

**PROGRESS REPORTS:**

**Alderman Jobs stated that Edi McIlwain and Chris Wilson have done a great job by getting everything together for our outside auditor to come in and do our annual audit. He reported that she is doing a great job.**

**CLAIMS DOCKET:**

**A motion was made by Alderman Jobs to approve the Claims Docket of May 1, 2012, including demand checks and payroll in the amount of \$1,310,475.54. Motion was seconded by Alderman Hale. Motion was put to vote:**

**Excluding voucher numbers:**

**180233, 180237, 180246, 180315, 180512, 180512, 180514, 180518, 180519, 180520, 180696, 180728, 180747, 180748, 180785, 180798, 180810, 180811, 18012.**

**Roll call was as follows:**

<b>ALDERMAN</b>	<b>VOTED</b>
<b>Alderman Guy</b>	<b>ABSENT</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 1<sup>st</sup> day of May, 2012.**

**There being no further business to come before the Board of Aldermen, a motion was made by Alderman Hale to adjourn. Motion was seconded by Alderman Cady. Motion was put to a vote and passed unanimously, May 1, 2012 at 7:15 p.m.**

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

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**Sheila Heath, City Clerk**