

**MINUTES OF THE REGULAR MEETING
OF JUNE 5, 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 5th day of June, 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

Alderman Payne was present via-telecommunication. Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator and Nick Manley , Interim City Attorney. 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 Hale. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of May 15, 2012 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Guy. 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 May 30, 2012 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Jobes. Motion was put to vote and passed unanimously.

RESOLUTION APPROVING DONATION OF SURPLUS PROPERTY TO

THE NORTH EAST COMMUNITY COLLEGE POLICE DEPARTMENT.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
APPROVING DONATION OF SURPLUS PROPERTY
TO THE NORTH EAST MISSISSIPPI COMMUNITY
COLLEGE POLICE DEPARTMENT

WHEREAS, on April 17, 2012, at a regularly scheduled meeting, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, declared the following described motor vehicle, formerly used by the Southaven Police Department, to be surplus property as it is no longer needed for municipal or related purposes and is not to be used in the operation of the municipality, to-wit:

2004 Ford Crown Victoria
VIN # 2FAFP71W94X134147
Asset/Tag # 2257, Police Unit # 2257

WHEREAS, Section 21-17-1 of the Mississippi Code Annotated (1972) provides that in case any of the real or personal property belonging to a municipality shall cease to be used for municipal purposes, the governing authorities of the municipality may sell, convey or lease the same on such terms as the municipal authorities may elect;

WHEREAS, the North East Mississippi Community College Police

Department has expressed a desire to receive the above described motor vehicle for use in its police department, and the governing authorities of the City of Southaven find and determine that the use of such personal property for the purpose for which it is to be donated will promote and foster the development and improvement of the City of Southaven and will be helpful towards advancing the civic, social, educational, cultural, moral, economic and industrial welfare of the City of Southaven.

THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, pursuant to the general powers granted to municipalities in Section 21-17-1 of the Mississippi Code Annotated (1972), that the above described surplus personal property be donated to the North East Mississippi Community College Police Department for use in its police department.

Following the reading of this Resolution, it was introduced by Alderman Guy and seconded by Alderman Cady. This Resolution was then put to a roll call

vote and the results were as follows:

ALDERMAN

VOTED

Alderman Greg Guy	YEA
Alderman Lorine Cady	YEA
Alderman Ronnie Hale	YEA
Alderman George Payne	YEA
Alderman William Brooks	YEA
Alderman Ricky Jobes	YEA
Alderman Randall T. Huling, Jr.	ABSENT

The said Resolution, having received the unanimous vote of all of the Aldermen present, was declared adopted on this, the 5th day of June, 2012.

RESOLUTION TO CLEAN PRIVATE PROPERTY

RESOLUTION GRANTING AUTHORITY 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: **8530 Highway 301, 8105 Elmbrook Drive, 8161 Loden Cove, 8202 Mary Payton Drive, 1322 Annesdale Drive, 5983 Alexandria Lane**, 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, June 5, 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 uncleanliness 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, June 5, 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: **8530 Highway 301, 8105 Elmbrook Drive, 8161 Loden Cove, 8202 Mary Payton Drive, 1322 Annesdale Drive, 5983 Alexandria Lane**, 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 Guy and seconded by Alderman Hale. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	VOTED
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 **5th day of June, 2012.**

SURPLUS PROPERTY-SFD

Mayor Davis reported that the Southaven Fire Department is requesting permission to surplus the list of items and have them removed from inventory. Alderman Hale made the motion to accept the recommendation

of Chief White to surplus the inventory items and dispose of them in accordance with state law and regulations. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

ITEM	City ID	Serial/Model Number	Description
Life Jack	992	no number found	20 + years old - does not run
Life Jack	2745	90-14004470-1	20 + years old - does not run
Life Jack	n/a	89-1396609-12 GX340 MAX -	20 + years old - does not run
Honda Engine	n/a	G0051347231 7.5JBFL -	20 + years old - does not run 20 + years old - does run
Onan Generator	3318	E910390954	correctly
Push Mower	990	42-S26B - 019384	20 + years old - does not run
Push Mower	991	42-S26B - 019387 2539768312 -	20 + years old - does not run worked when taken out of
Kenmore Refrigerator	1213	BA71580234 3639605881 - L111	service worked when taken out of
Kenmore Refrigerator	3287	40561 3639605881 - L111	service worked when taken out of
Kenmore Refrigerator	3621	40539 2539768422 -	service worked when taken out of
Kenmore Refrigerator	n/a	BA73602163	service
Samsung Dishwasher	n/a	A32R69MQ500708B	does not work
GE Dryer	n/a	VF766160A	does not work
Dryer	n/a	MT1014449	does not work
Whirlpool Washer	n/a	C51F87645	does not work
Kero Heater	n/a	74727	may be useable
Computer Desk	1824	none	broken Not useable - must be
Vector Torch Set	n/a	none	discarded Not useable - must be
Ferno Stretcher	n/a	L-553126	discarded Not useable - must be
Ferno Stretcher	n/a	07-065706	discarded
Ferno Stretcher	n/a	L-625652	Not useable - must be

			discarded
Ferno Stretcher	n/a	L-645926	Not useable - must be discarded
Ferno Stretcher	2658	L-794763	Not useable - must be discarded
Ferno Stretcher	n/a	L-432900	Not useable - must be discarded
Luxfer SCBA Bottle	n/a	OT 2761	Not useable - must be discarded
Luxfer SCBA Bottle	n/a	OT 2776	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT28981	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT31604	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT82657	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT10921	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT86265	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT33311	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT84789	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT82738	Not useable - must be discarded
MSA Composite SCBA Bottle	n/a	ALT82439	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D160032	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D186922	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D174505	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D163611	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D152734	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D168205	Not useable - must be discarded

			discarded
MSA Steel SCBA Bottle	n/a	D147300	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D119551	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D168497	Not useable - must be discarded
MSA Steel SCBA Bottle	n/a	D160804	Not useable - must be discarded
LG370 CELL PHONE	n/a	907CYZP0013781	Dated
LG370 CELL PHONE	n/a	911CYTB0060113	Dated
MOTOROLA RAZOR PHONE	n/a	G305J03M4G	Dated
MOTOROLA PHONE	n/a	H416LS2GLG	Dated
MOTOROLA PHONE	n/a	G296JD3Q7G	Dated
MOTOROLA V3231 PHONE	n/a	115112105	Dated
MOTOROLA V3231 PHONE	n/a	1115131640	Dated
MOTOROLA V3231 PHONE	n/a	1115107594	Dated
MOTOROLA V3231 PHONE	n/a	1151300322	Dated
MOTOROLA V3231 PHONE	n/a	1115129180	Dated
MOTOROLA V3231 PHONE	n/a	1115131877	Dated
POLAROID CAMERA	n/a	E9E 4547 VH	Not in use; cannot purchase film
LCD PROJECTOR PJ875	n/a	B0C0300077	Cost to repair exceeds replacement
SENTRY SAFE	n/a		Broken-Scrap
BIO SYSTEM			
RESPIRATOR TESTER	1649	L01244	Removed from service
Garlin Stove	2810	burned off	Old and replaced

BAD DEBT COLLECTION CONTRACT AND DELINQUENT ACCOUNT FEES-SFD

Mayor Davis reported that this Board had authorized him and Chief White to negotiate a contract for delinquent account collection service. Chief White recommends Credit Bureau Systems of Paducah, Kentucky to provide these services to the City. Mayor Davis stated that this would not cost the City any money. This company will collect a fee from all accounts collected on. Mayor Davis said that the contract has been reviewed by Mr. Nicholas H. Manley with the law firm of Butler Snow. Alderman Cady made the motion to allow Mayor Davis to sign the contract between the City of Southaven and Credit Bureau Systems. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that under Mississippi Code 24-17-1, subsection (6), the City can charge an additional collection fee of (25%) of the payment which has been delinquent for (90) days to cover the cost of collection fees. Mayor Davis is requesting that this Board adopt a policy to charge the (25%) for those accounts that are (90) days delinquent. The 25% fee will be maintained in a separate account and paid to the Credit Bureau Systems after collection by City. Alderman Guy made the motion to charge the (25%) on (90) day delinquent accounts. Motion was seconded by Alderman Huling. After a short discussion, the motion was put to vote and passed unanimously.

FBLA SPONSORSHIP- CONNOR DONOVAN

Mayor Davis reported that Connor Donovan is a student at DeSoto Central High School. Connor will be competing in the National Leadership Conference. He is requesting a donation to help with the cost. Mayor Davis recommends that the City donate \$250.00 from the tourism fund. Alderman Cady makes the motion due to the favorable recognition and promotion of the City of Southaven to donate the \$250.00 and pay for it through funds from tourism. Motion was seconded by Alderman Brooks. Alderman Cady made the motion to amend the original motion by adding “to allow for a

demand check, if required". Motion for the amendment was seconded by Alderman Hale. Motion was put to vote and passed unanimously. Motion was put to vote for the original motion as amended and passed unanimously.

PLANNING AGENDA

Planning Agenda is presented by the City Planner, Whitney Choat-Cook.

Item # 1 Tabled- Application by Andy's Auto Sales for a conditional use permit to allow a minor vehicle repair shop at 1420 Brookhaven Drive. Mrs. Choat-Cook stated that this item was tabled from the last Board meeting. Alderman Hale made the motion to bring Item #1 Andy's Auto Sales off the table and bring it back to this Board for discussion. Motion was seconded by Alderman Guy. Motion was put to vote and passed unanimously. Mrs. Choat-Cook reported that Andy's Auto Sales is on the corner of Brookhaven and Highway 51. She stated that we are dealing with the structure behind it, and it is on Brookhaven. The applicant is asking for a minor vehicle repair shop on this site. He is doing specifically oil changes, brake jobs and detailing on the vehicles that he sells at the dealership that he has in front of the shop. She stated that code enforcement has had some issues with them. They were piling up car parts, tires and debris. Code enforcement did go to the site, and they had cleaned up the area. It is the recommendation of her office, as well as Planning Commission, to do the one and four and renew the conditional use annually, and that his minor vehicle repair be restricted to the vehicles that are sold or purchased for his lot only and not to be retailed or accept walk-ins. The owner has agreed to all the stipulations and Planning Commission voted unanimously in favor of Item #1. Alderman Hale made the motion to approve Item #1 as presented to this Board. Motion was seconded by Alderman Cady. After a short discussion, motion was put to vote and passed unanimously.

MAYOR'S REPORT

Mayor Davis stated that after reading the Commercial Appeal, it reminded him that this Board has not given him the authority to attend MML in Biloxi this month. Alderman Cady made the motion to allow Mayor Davis to travel to MML. Motion was seconded by Alderman Huling. Motion was put to

vote and passed unanimously.

Next, Mayor Davis reported that Entergy Performance Contract was approved by MDA. Mayor Davis asked for permission to advertise for the financing of this project. He stated that this is just the advertising for the financing and that he would come back to them with the actual bids. Alderman Guy made the motion to advertise for RFP's for the financing of the Entergy Performance Contract. Motion was seconded by Alderman Huling. Alderman Hale asks what are the estimated costs. Mayor Davis stated that it is \$2.59 million. Mayor Davis stated that we will be advertising for interest rates. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that the bid came in for the water meter readers. He stated that the bids have been handed out to the Infrastructure Committee for their review, and he asked that they come back before this Board as soon as possible in order to move forward with this project.

Next, Mayor Davis reported on the Road Improvements 2012. He stated that this is the list with the cost estimate for each street.

Road Improvements 2012

154,000	Cherry Tree
50,000	Rutland
350,000	Stateline (Hwy 51 to Horn Lake Road)
1,100,000	Milling overlay streets north of Stateline (Hwy 51-Millbranch)
120,000	Swinnea Road (302 to Greencliff)
280,000	Greencliff (Tchulahoma to Plum Point Road)
90,000	College Road, Brackett, Esrey, Frances
12,000	Clarington Cove

31,000	Chippendale and Ann Marie Drive
37,000	Millbridge and Millbridge Place (Hugh Lane to Woodsmoke)
20,000	Clarington (Overlook to Graham Wood Cove)
37,000	Guthrie (Lynnease to Greenbriar)
150,000	Traffic Light (Tchulahoma and Stateline)
200,000	Road Improvements (Tchulahoma and Stateline)
80,000	Pipe along Stateline (Replacement)
<hr/>	
2,711,000	TOTAL
289,000	Contingency Fund
<hr/>	
3,000,000	TOTAL

He reported this is the recommendation of the Public Works Director as well as his office. He stated that these also came from this Board as well. The project is roughly \$3,000,000.00. He reported that we do have enough money in cash to pay for this project. It is his recommendation that we never finance asphalt. He also recommends that we pull this \$3,000,000 out of reserves and pay cash for this project. Alderman Cady made the motion to approve the Road Improvements of 2012 as presented. Motion was seconded by Alderman Guy. After a short discussion, the motion was put to vote and passed unanimously.

Next, Mayor Davis shared a video about the City. Southaven was selected by the “Today In America with Terry Bradshaw” show. There was only one

other City in the State of Mississippi selected for this show, and it was Flowood. This will attract people who will come here to visit as well as people to move here.

CITIZEN'S AGENDA:

Mrs. Linda Temple. She reported on the neighborhood block party at the Vicksburg Park. She thanked everyone for the support. She asked if the City could get some trash barrels there as well as a picnic table. Mayor Davis said that he would turn that over to the Parks Committee. Mrs. Temple thanked the great turn out from the Fire Department. She did say that there was no one from the Police Department.

Mr. Dodd. He stated that the repairs have been made to his park. He has talked to Mr. Mullins about some other repairs. Mayor Davis also stated that the City is working on a bike plan. Mr. Dodd was excited to know that. He thanked everyone for the help.

PERSONNEL DOCKET

Personnel Docket
6/5/2012

Payroll Additions

<u>Name</u>	<u>Position</u>	<u>Department</u>	<u>Date of Hire</u>	<u>Rate of Pay</u>
Mackenzie Higgins	Gates	Parks Tournaments - 412	5/19/2012	\$7.50
Madilyn Stone	Gates	Parks Tournaments - 412	5/19/2012	\$7.50
Candice Monteith	Gates	Parks Tournaments - 412	5/19/2012	\$7.50
Michael Landry	Gates	Parks Tournaments - 412	5/19/2012	\$7.50
Charli Farrow	Gates	Parks Tournaments - 412	5/19/2012	\$7.50
Breanna Madero	Gates	Parks Tournaments - 412	5/19/2012	\$7.50
Ian Greene	Gates	Parks Tournaments - 412	5/19/2012	\$7.50
Colin Tucker	Gates	Parks Tournaments - 412	5/19/2012	\$7.50

Cody Andrada	Gates	Parks Tournaments - 412	5/25/2012	\$7.50
Darby Turman	Grounds	Parks Tournaments - 412	5/25/2012	\$7.25

Payroll Deletions

Name	Position	Department	Date of Termination	Rate of Pay
Johnathan Rogers	Police Officer	Police -211	6/1/2012 - resigned	\$18.21
Judith Lebo	Gates	Parks Tournaments - 412	5/13/2012 - resigned	\$7.50
Lester Lebo	Gates	Parks Tournaments - 412	5/13/2012 - resigned	\$7.50
Kenneth Gordon	Gates	Parks Tournaments - 412	5/13/2012 - resigned	\$7.50
Justin Chambliss	Gates	Parks Tournaments - 412	5/13/2012 - resigned	\$7.50
Kenneth Akins	Gates	Parks Tournaments - 412	5/13/2012 - resigned	\$7.50
Benjamin Green	Gates	Parks Tournaments - 412	5/13/2012 - resigned	\$7.50
Vaylen Alsobrook	Gates	Parks Tournaments - 412	5/13/2012 - resigned	\$7.50
Destiny Maxwell	Concessions	Parks Tournaments - 412	5/13/2012 - resigned	\$7.25
Hunter Eavenson	Concessions	Parks Tournaments - 412	5/13/2012 - resigned	\$7.25
Angel Richardson	Concessions	Parks Tournaments - 412	5/13/2012 - resigned	\$7.25

Promotions

Name	Position Promoted To	Department	Effective Date	Rate of Pay
Angela Redden	Cash Control Supervisor - Greenbrook	Parks Tournamnet - 412	5/14/2012	\$11.00
Connie Sockwell	Cash Control Supervisor - Snowden	Parks Tournamnet - 412	5/14/2012	\$11.00
Mary C. Purvis	Cash Control	Parks Tournamnet - 412	5/14/2012	\$9.00

Alderman Hale made the motion to approve the Personnel Docket as presented to this Board. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

Mayor Davis asked if anyone had objections to moving the Claims Docket forward. No objections stated.

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of June 5, 2012, including demand checks and payroll in the amount of \$2,294,573.14. Motion was seconded by Alderman Huling. Motion was put to vote:

Excluding voucher numbers:

182055, 182063, 182309, 182310, 182311, 182315, 182316, 182317, 182318, 182320, 182437, 182438, 182614, 182625, 182777, 182800, 183192, 183205.

Roll call was as follows:

ALDERMAN	VOTED
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 5th day of June, 2012.

COMMITTEE REPORTS:

Alderman Jobs stated that after a review of insurance carriers, he made a motion to stay with Travelers Insurance for a period of July 1, 2012 through June 30, 2013 as our property and casualty carrier. Motion was seconded by Alderman Brooks. Alderman Jobs reported that we had about 10 vendors to review our needs. He stated that there will be an increase of about \$70,000.00 this year. After a short discussion, the motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

No City Attorney's Legal Update

OLD BUSINESS:

Mayor Davis reported that there were two (2) proposals submitted to serve as legal counsel for the City. They will be offering legal counsel advice. The two proposals were from Butler Snow and Rozier Hayes. Both firms are here tonight, so Mayor Davis asked them to give a 3-5 minute presentation on their Firm.

Butler Snow:

Mr. Nick Manley and Mr. Tommie Cardin made the presentation for Butler Snow. He reported that in their presentation they have experience in Government representation. They have a large staff of attorneys with the experience the City needs. Mr. Manley stated that they would have many lawyers assigned to the City, but he would be the primary lawyer.

Rozier Hayes:

Mr. Robbie Hayes and Dave Rozier made the presentation for Rozier Hayes. Mr. Hayes stated that their firm had three things to offer. First being affordability, second being accessibility, and third being dependability.

After a discussion on this matter, Alderman Hale made the motion to hire Butler Snow as the City's legal counsel. Motion was seconded by Alderman Guy. Mayor Davis called for a roll call:

Roll call was as follows:

**ALDERMAN
Alderman Guy
Alderman Cady**

**VOTED
YEA
ABSTAINED**

Alderman Hale	YEA
Alderman Payne	YEA
Alderman Brooks	YEA
Alderman Jobes	YEA
Alderman Huling	NAY

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved to hire Butler Snow as legal counsel, on this the 5th day of June, 2012.

PROGRESS REPORTS:

No Progress reports

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 potential litigation. Motion was seconded by Alderman Huling. Motion was put to a vote and passed unanimously.

Mayor Davis called the meeting back to order.

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, June 5, 2012 at 7:20 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk