

**MINUTES OF THE REGULAR MEETING
OF JULY 17, 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 17th day of July, 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 and Nick Manley, City Attorney. 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 Guy. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of July 03, 2012 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

RMS CONTRACT

Mayor Davis reported that the City is ready to sign the contract with Reynolds Meter Service. He reported that the City went out for RFP's for the meter reading service a few weeks ago. Reynolds Meter Service (RMS) was the lowest bid for \$0.61 per meter. Baker Services came in at \$1.00 per meter. Alderman Guy stated that the saving will be about 50% of what it cost the City to read meters in house. Alderman Cady made the motion to allow Mayor Davis to sign the meter reading agreement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

SIEMENS FINANCING WITH MDA APPROVAL

Mayor Davis reported that the City requested a RFP for the financing of the Entergy Performance Contract. The financing is for the \$2.5 million and we are guaranteed to get our money back from the savings. The only bidder was Siemens Public, Inc., and their bid came in at 2.396%. Alderman Guy made the motion to enter into the lease purchase agreement with Siemens at 2.936%. Motion was seconded by Alderman Huling. Motion was put to vote and passed unanimously.

ITT GOULDS PUMP, INC: 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 TEN YEAR PERIOD TO ITT GOULDS PUMPS, INC. AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, ITT GOULDS PUMPS, INC., filed an Application in triplicate for exemption from ad valorem taxation, except ad valorem taxes levied for school district purposes (“school district taxes”), parks and library, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972) with this Board; and

WHEREAS, ITT GOULDS PUMPS, INC., 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 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 as enumerated in Section 27-31-101 of the Mississippi Code Annotated (1972), which was completed on the 1st day of October, 2011, and that said Company is entitled to the exemption sought for a period of ten (10) years beginning on October 2, 2011, subject to approval and certification by the Mississippi Department of Revenue.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, as follows, to-wit:

1. That the Application for ad valorem tax exemption for ITT GOULDS PUMPS, INC., for a period of ten (10) years, beginning on October 2, 2011, on the tangible property (other than tagged motor vehicles and finished products) used in, or necessary to, the operation of ITT GOULDS PUMPS, INC. as 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 Department of Revenue.

2. That ITT GOULDS PUMPS, INC. is hereby granted exemption from ad valorem taxation, except school district taxes, parks and library taxes, and the “mandated levies”, on the eligible exempt tangible property as described in Exhibit “A” of the Application having a true value of \$533,090.00 for a period of ten (10) years beginning on October 2, 2011.

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

After a full discussion of this matter, ALDERMAN GUY moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN CADY. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

ALDERMEN	VOTED
ALDERMAN BROOKS	YES
ALDERMAN PAYNE	YES
ALDERMAN HULING	YES
ALDERMAN HALE	YES
ALDERMAN JOBES	YES
ALDERMAN GUY	YES
ALDERMAN CADY	YES

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 17th day of July, 2012.

EXEL: 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 TEN YEAR PERIOD TO EXEL, INC AS AUTHORIZED BY SECTION 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, EXEL, INC. filed an Application in triplicate for exemption from ad valorem taxation, except ad valorem taxes levied for school district purposes (“school district taxes”), parks and library, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972) with this Board; and

WHEREAS, EXEL, INC., 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 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 as enumerated in Section 27-31-101 of the Mississippi Code Annotated (1972), which was completed on the 23rd day of January, 2012 and that said Company is entitled to the exemption sought for a period of ten (10) years beginning on January 24, 2012, subject to approval and certification by the Mississippi Department of Revenue.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, as follows, to-wit:

3. That the Application for ad valorem tax exemption for EXEL, INC. for

period of ten (10) years, beginning on January 24, 2012 on the tangible property (other than tagged motor vehicles and finished products) used in, or necessary to, the operation of EXEL, INC. as 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 Department of Revenue.

4. That EXEL, INC. is hereby granted exemption from ad valorem taxation, except school district taxes, parks and library taxes, and the “mandated levies”, on the eligible exempt tangible property as described in Exhibit “A” of the Application having a true value of \$746,079.00 for a period of ten (10) years beginning on January 24, 2012.

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

After a full discussion of this matter, ALDERMAN GUY moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN BROOKS. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

ALDERMEN	VOTED
ALDERMAN BROOKS	YES
ALDERMAN PAYNE	YES
ALDERMAN HULING	YES
ALDERMAN HALE	YES
ALDERMAN JOBES	YES

ALDERMAN GUY
ALDERMAN CADY

YES
YES

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 17th day of July, 2012.

KIMBERLY CLARK: 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 TEN YEAR PERIOD AND FREE PORT WAREHOUSE AD VALOREM TAX EXEMPTION TO KIMBERLY-CLARK GLOBAL SALES, LLC AS AUTHORIZED BY SECTION 27-31-53 AND 27-31-101 ET SEQ., OF THE MISSISSIPPI CODE (1972), AS AMENDED

WHEREAS, KIMBERLY CLARK, LLC seeks and exemption for all ad valorem and free port warehouse ad valorem taxes to the fullest extent permitted by statute on all personal property held in the applicant's finished good warehouse and transit through the State of Mississippi and which either is moving interstate commerce through or over the territory of the State of Mississippi or is consigned or transferred to KIMBERLY CLARK, LLC's finished goods warehouse for storage in transit to a final destination outside the State of Mississippi; and

WHEREAS, KIMBERLY CLARK, LLC is a foreign corporation organized under the laws of the State of Delaware and qualified to do business in the State of Mississippi; and

WHEREAS, KIMBERLY CLARK, LLC in conjunction with EXEL, INC. provides employment in the City of Southaven of approximately 269 employees with an estimated annually payroll of \$4,391,600.00; and

WHEREAS, KIMBERLY CLARK, LLC filed an Application in triplicate for exemption from free port tax warehouse ad valorem tax exemption pursuant to Section 27-31-53 of the Mississippi Code (1972), as amended; and

WHEREAS, KIMBERLY CLARK, LLC is qualified to make application

for exemption from ad valorem taxes pursuant to Section 27-31-101, et seq. of the Mississippi Code (1972), as amended; and

WHEREAS, KIMBERLY CLARK, LLC filed an Application in triplicate for exemption from ad valorem taxation and, except ad valorem taxes levied for school district purposes (“school district taxes”), parks and library, and the “mandated levies” described in Section 27-39-329 of the Mississippi Code Annotated (1972) with this Board; and

WHEREAS, KIMBERLY CLARK, LLC 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 prayed for exemption; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, as follows, to-wit:

5. This Mayor and Board of Alderman of the City of Southaven, Mississippi, acknowledge Kimberly Clark, LLC’s contribution to the economic development to Southaven and believe that is should exercise its discretionary authority to exempt from all free port tax warehouse to the full extent permitted by statute as authorized by Section 27-31-53 of the Mississippi Code (1972) as amended.
6. That the Application for ad valorem tax exemption for KIMBERLY CLARK, LLC. for a period of ten (10) years, beginning on January 24, 2012 on all personal property for a period of ten (10) years, beginning on January 24, 2012 on the tangible property (other than tagged motor vehicles and finished products) used in, or necessary to, the operation of KIMBERLY CLARK, LLC. as 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 Department of Revenue.
7. That KIMBERLY CLARK, LLC is hereby granted exemption from ad

valorem taxation, except school district taxes, parks and library taxes, and the “mandated levies”, on the eligible exempt tangible property as described in Exhibit “A” of the Application having a true value of \$2,653,046.00 for a period of ten (10) years beginning on January 24, 2012.

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

After a full discussion of this matter, ALDERMAN GUY moved that the foregoing Resolution be adopted. The motion was seconded by ALDERMAN HALE. Upon the question being put to a vote, Members of the Board of Aldermen voted as follows:

ALDERMEN	VOTED
ALDERMAN BROOKS	YES
ALDERMAN PAYNE	YES
ALDERMAN HULING	YES
ALDERMAN HALE	YES
ALDERMAN JOBES	YES
ALDERMAN GUY	YES
ALDERMAN CADY	YES

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 17th day of July, 2012.

SURPLUS PROPERTY-SFD

Chief Tom Long is requesting to surplus four seized vehicles and dispose of them in accordance to state law.

**#1-2003 Chevrolet S10 Pickup Red in color, VIN: 1GCCS19X338290284
#2-1996 Ford Ranger pickup silver in color, VIN: 1FTCR10U5TTA23577
#3-2001 Ford Taurus red in color, VIN: 1FAFP55U91A296779**

**The following vehicle was purchased in 2004 with local seized funds.
#4-2003 Ford Expedition tan in color, 1FMPU15L93LC37242**

**ORDER OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS
PROPERTY AND GRANTING AUTHORIZATION TO
ADVERTISE FOR AUCTION**

WHEREAS, the City of Southaven is presently in possession of various vehicles, and

WHEREAS, it has been recommended to the Mayor and Board of Aldermen that these vehicles either be declared as surplus and sold and/or disposed of as appropriate and in accordance with state law, or retained and removed from the fixed assets inventory, and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such surplus property, pursuant to Section 21-17-1 of the Mississippi Code (1972), or amending its fixed assets inventory pursuant to State guidelines, and

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the list on the Exhibit attached hereto as Collective Exhibit "A," be declared as surplus and listed on Govdeals.com or sold at public auction or otherwise disposed of as appropriate and in accordance with state law, or deleted from the fixed assets inventory, as appropriate.

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. The various vehicles shown on the attached Collective Exhibit "A" be, and they are hereby declared to be surplus property.
2. The City Clerk, or her designee, be, and she is hereby authorized and directed to advertise the vehicles on Govdeals.com or sell the vehicles at public auction, pursuant to Section 21-17-1, or to otherwise dispose of said property in accordance with state law, or to retain such

items and remove them from the fixed assets inventory pursuant to State guidelines.

ORDERED AND DONE, this 17th day of July, 2012.

Alderman Hale made the motion to surplus the seized vehicle and dispose of in accordance to state law. Motion was seconded by Alderman Guy. Motion was put to vote and pass unanimously.

SURPLUS PROPERTY-UTILITY DIVISION

Ray Humphrey, Utility Director is requesting to surplus two vehicles and dispose of them in accordance to state law.

#1-2002 Jeep Liberty, Unit #815 VIN: 1J4GL48K93W516579

#2-1999 Ford F-250 Truck, #803 VIN: 1FRX27L4XNA79135

**ORDER OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS
PROPERTY AND GRANTING AUTHORIZATION TO
ADVERTISE FOR AUCTION**

WHEREAS, the City of Southaven is presently in possession of various vehicles, and

WHEREAS, it has been recommended to the Mayor and Board of Aldermen that these vehicles either be declared as surplus and sold and/or disposed of as appropriate and in accordance with state law, or retained and removed from the fixed assets inventory, and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such surplus property, pursuant to Section 21-17-1 of the Mississippi Code (1972), or amending its fixed assets inventory pursuant to State guidelines, and

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the list on the Exhibit attached hereto as Collective Exhibit "A," be declared as surplus and listed on Govdeals.com or sold at public auction or otherwise disposed of as appropriate and in accordance with state law, or deleted from the fixed assets inventory, as appropriate.

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. The various vehicles shown on the attached Collective Exhibit "A" be, and they are hereby declared to be surplus property.

2. The City Clerk, or her designee, be, and she is hereby authorized and directed to advertise the vehicles on Govdeals.com or sell the vehicles at public auction, pursuant to Section 21-17-1, or to otherwise dispose of said property in accordance with state law, or to retain such items and remove them from the fixed assets inventory pursuant to State guidelines.

ORDERED AND DONE, this 17th day of July, 2012.

Alderman Guy made the motion to surplus these vehicles in accordance to state law. Alderman Cady seconded the motion. Motion was put to vote and passed unanimously.

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: **8652 Kinard Cove, 1259 Richland Drive, 7457 Wrenwood Drive, 2404 Colonial Hills Drive, 1367 Vicksburg Drive, 8341 Old Forge Road, 743 White Ash 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, July 17, 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, July 17, 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: **8652 Kinard Cove, 1259 Richland Drive, 7457 Wrenwood Drive, 2404 Colonial Hills Drive, 1367 Vicksburg Drive, 8341 Old Forge Road, 743 White Ash 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 Guy and seconded by Alderman Cady. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

ALDERMAN	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 **17th day of July, 2012**.

PLANNING AGENDA

Mrs. Whitney Choat-Cook, Planning Director presented the Planning

Agenda.

Item #1-Application by John Morgan for subdivision approval to revise Pinehurst Sec B lots 16 and 17 on the south side of Church, east of Getwell. Mrs. Choat-Cook reported that they are requesting to take these two lots and reverse the lot lines. They agree to get the required neighbors signatures; they are in compliance. The Planning Commission voted unanimously in favor of this application. Alderman Huling made the motion to approve Item #1 as presented on this date. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Item#2-1st reading for amendments to Sec. 13-11 Chart 4 commercial zone use chart. Mrs. Choat-Cook reported that this is further defining cosmetology definitions and retail shop and services. The plans are to add these definitions to the commercial use chart and showing the proposed locations of where they can go. She reported that this has been before the ordinance committee and will come before the full Board on the 1st meeting of August for approval. She reported that the proposed changes will be on file with the City Clerk for anyone to review before the August Board Meeting.

And Item #3 is a 1st reading for the additions of Sec. 4-36, Sec. 5-34 and 13-4(k), regarding non-conforming structures. Mrs. Choat-Cook reported that this is when a business moves out of a location and another business wants to move in, they will be required to meet all the new codes for that same type business and they will be required to meet all building and fire code requirements.

The 1st Reading was as follows:

PROPOSED AMENDMENTS TO CITY OF SOUTHAVEN ORDINANCE SECTION 13-1 (b) AND SECTION 13-N CHART 4 COMMERCIAL ZONING DISTRICT USE CHART

Cosmetology definitions:

Barber Shop

A licensed establishment with any one or any combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailment and when done for payment either directly or indirectly, or without payment, for the public generally) constitutes the practice of barbering:

- Shaving or trimming the beard or cutting the hair;
- Giving facial or scalp massages or treatments with oils, creams, lotions or other preparations, either by hand or mechanical devices;
- Singeing, shampooing, or dyeing the hair, or beard, or applying hair tonic;
- Applying cosmetic preparations, antiseptics, powders, clays or lotions to scalp, face, neck or upper part of the body.

Spa (full service)

A licensed establishment with three (3) or more amenities all requiring licensed cosmetologist are provided on site to include but not limited to: massage, manicure/pedicure, hair styling, waxing, etc.)

Hair studio

A licensed salon in which only one licensed cosmetologist operates under the rules and regulations of the State of MS Board of Cosmetology.

Hair/Beauty salon

A licensed salon in which more than one licensed cosmetologist operates under the rules and regulations of the State of MS Board of Cosmetology.

Hair braiding

Means the use of techniques that result in tension on hair strands or roots by twisting, wrapping, weaving, extending, locking or braiding of the hair by hand or mechanical device, but does not include the application of dyes, reactive chemicals, or other preparations to alter the color of the hair or to straighten, curl or alter the structure of the hair. (Licensed)

Wigology

Means a service to a wig or hairpiece in any one (1) or combination of the following:

- Arranging, dressing, waving or curling,
- Cleaning
- Bleaching or coloring
- Cutting and shaping

Proposed Conditions:

Footnote #43 shall be amended as follows:

“Barber shops, hair/beauty salons, hair studios, spa (full service), hair braiding establishments and Wigology establishments may locate in the stated zones with the stated requirements so long as an existing establishment of the same classification is not currently located within a half mile (1/2) radius of the newly proposed establishment.”

Retail Definitions:

Retail (Full Price/Discount/Wholesale)

Means the sale of new goods or commodities directly to consumers in a storefront.

Consignment Shop

Establishments that offer for sale goods, new and used, that are owned by others. Consignment shops earn a profit by retaining a portion of the purchase price of the goods that are sold.

Thrift Shop

An establishment that sells secondhand merchandise, including but not limited to clothing, books, and small appliances.

Antique

A collectible object such as a piece of furniture or work of art that has a high value because of its considerable age.

Antique Shop

An antique shop is a retail store specializing in the selling of antiques.

Proposed conditions:

Retail allowed per existing zoning ordinance. No changes other than definition.

Consignment shops shall be allowed by conditional use permit in the 51 and Main Street District

Thrift Shops shall be allowed by conditional use permit in the 51 and Main Street District

Antique Shops shall be allowed by right in the 51 and Main Street District.

Antique Shops shall be allowed by conditional use permit in Residential Office and Neighborhood Commercial districts of the city.

***Commercial use chart and footnote #43 will need to be amended as well as definitions.**

PROPOSED AMENDMENTS TO CITY OF SOUTHAVEN ORDINANCE FOR FIRE SECTION 5-34, BLDG SECTION 4-36 AND ZONING SECTION 13-4(k)

Nonconforming Structures

All structures referenced in the Occupancy Classifications listed below that become vacant (un-occupied for one 24 hour period or longer) or have a change in ownership shall be evaluated prior to re-occupation of the structure.

Where the occupancy classification is designated as Assembly Group A-2 or A-3, Educational Group E or Institutional Group I-1, I-2, I-3 or I-4, the structure shall be brought into compliance with the current adopted Building Code and Fire Code. No such nonconforming structure may be enlarged or altered in any way which further affects its nonconformance.

Other applicable city ordinances may apply within the building and fire codes. Where city ordinances and codes both apply, the most restrictive shall be enforced.

The Use and Occupancy Classification shall be determined by the Building Official and Fire Official or designee. The following is a list of Use and Occupancy Classifications that shall be affected by this ordinance:

Assembly Group A occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions; recreation, food or drink consumption; or awaiting transportation.

Exceptions:

1. A building used for assembly purposes with an occupant load of less than 50 persons shall be classified as Group B occupancy.
2. A room or space used for assembly purposes with an occupant load of less than 50 persons and accessory to another occupancy shall be classified as Group B occupancy or classified as part of that occupancy.
3. A room or space used for assembly purposes that is less than 750 square feet in area and is accessory to another occupancy shall be classified as a

Group B occupancy or classified as part of that occupancy.

Assembly Group A-2

- Banquet halls
- Night Clubs
- Restaurants
- Taverns and bars

Assembly Group A-3

- Amusement arcades
- Art galleries
- Bowling alleys
- Community halls
- Courtrooms
- Dance halls (not including food or drink consumption)
- Exhibition halls
- Funeral parlors
- Gymnasiums (without spectator seating)
- Indoor swimming pools (without spectator seating)
- Indoor tennis courts (without spectator seating)
- Lecture halls
- Libraries
- Museums
- Places of religious worship
- Pool and billiard parlors
- Waiting areas in transportation terminals

Educational Group E

- Day cares (more than 5 children older than 2 1/2 years of age)
- Educational rooms and buildings (occupied by 6 or more persons at any one time through the 12th grade)

Institutional Groups I-1, I-2, I-3 and I-4

Group I-1 shall include the following:

- Alcohol and drug centers
- Assisted living facilities
- Congregate care facilities
- Convalescent facilities
- Group homes
- Half-way houses
- Residential board and care facilities
- Social rehabilitation facilities

Group I-2 shall include the following:

- Hospitals
 - Nursing Homes
 - Mental Hospitals
 - Detoxification Facilities
- Child care facility that provides care on a 24-hour period basis to more than 5

children
2 ½ years of age or less

Group I-3 shall include the following:

- Correctional centers
- Detention centers
- Jails
- Prerelease centers

Group I-4 shall include the following:

- Daycare facilities
- Adult care facilities

For more complete Occupancy Classification definition, refer to the current Building and Fire codes.

MAYOR'S REPORT

Mayor Davis reported that he has appointed a Southaven Tree Board. They are George Payne, Renee Havens, Peggy Young, Stephanie Miller, Betty Pruitt, Tim Hadaway and Debbie Bounds.

Next, Mayor Davis updated the Board on the street overlay program. He stated that if you have been on Stateline Road you will see the new asphalt. Mayor Davis reported that we are about half way through the overlay and we have spent about \$1.2 million dollars. He reported that we are almost finished with the ROW acquisition at Tchulahoma and Stateline Road for the much needed traffic signal.

Next, Mayor Davis reported that we have paid off some of our notes early. We have or will be paying off the Tchulahoma and Venture Dr note. We have paid off the SFD Truck payment and looking into the SPD building. All of these together will save us a lot in interest payments.

Next, Mayor Davis reported on the Autumn Woods drainage project. He reported that MEMA and FEMA has approved for us to move forward on this project. He stated that you should be seeing some construction work being done real soon. This project is funded through a Federal grant for \$1.7 million dollars.

Next, Mayor Davis stated that our sales tax continues to be strong. Southaven has set another record this past month. Surpassing last year by approximately \$70,000.00. We are approximately \$650,000.00 ahead of schedule on collection for this budget year and still have a couple months left.

Next, Mayor Davis gave an update on the Summerwood / Whitten Place Sewer Project. He stated that the pumps are being installed in phase 1 and a lot of residents are coming in to sign up for the sewer service.

Next, Mayor Davis reported that Demery Grubbs sent out a proposal for some Bond refinancing. There were three bond issues done through the MS Development Bank, Series 2003, 2004 & 2006. These are all recreational bond issues. Mr. Grubbs reported to the Mayor that we can refund these

through the MS Development Bank and generate approximately \$315,000.00 in net savings. Series 2004 general obligation bond can be refinanced and save approximately \$135,000.00 net savings. Then we have some Water and Sewer Bonds that will free up \$359,000.00 in our debt service reserve fund and will save the City of Southaven over \$660,000.00 per year in interest. Mr . Grubbs said that the interest is down and with the city's good financial background, we should be able to save a lot of money.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, AUTHORIZING THE EMPLOYMENT OF PROFESSIONALS IN CONNECTION WITH THE ISSUANCE OF REFUNDING BONDS.

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "Governing Body" of the "City"), hereby find, determine, adjudicate and declare as follows:

1. The Governing Body has determined that the City can realize financial benefits by refunding certain outstanding maturities of the City's outstanding (a) Mississippi Development Bank Special Obligation Bonds, Series 2003 (Southaven, Mississippi Recreation Facilities Project), dated July 1, 2003, issued in the original principal amount of \$4,000,000; (b) Mississippi Development Bank Special Obligation Bonds, Series 2004 (Southaven, Mississippi Recreation Facilities Project), dated March 1, 2004, issued in the original principal amount of \$4,500,000; (c) Mississippi Development Bank Special Obligation Bonds, Series 2006 (Southaven, Mississippi Recreation Facilities Refunding Bond Project), dated November 7, 2006, issued in the original principal amount of \$4,185,000; (d) City of Southaven, Mississippi General Obligation Bonds, Series 2004, dated December 1, 2004, issued in the original principal amount of \$4,500,000; and (e) City of Southaven, Mississippi Combined Water and Sewer Revenue Bonds, Series 2003, dated December 1, 2003, issued in the original principal amount of \$4,500,000.
2. It is necessary and in the public interest for the City to negotiate for the sale of refunding bonds, in one or more series.
3. That in order to prepare the necessary offering documents it is in the best interest of the City to authorize the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Ridgeland, Mississippi, as Bond Counsel, Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Southaven, Mississippi, as Counsel to the City, and Government Consultants, Inc., Jackson, Mississippi, as Financial Advisor, to prepare and distribute all necessary documents and to do all things required in order to negotiate the sale of the refunding bonds, in one or more series, and effectuate the issuance of such refunding bonds, in one or more series, at a subsequent date subject to the approval of the Governing Body of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. The Governing Body hereby declares its intention to issue refunding bonds of the City, in one or more series, to raise money for the purpose of providing funds for (i) refunding certain outstanding maturities of the City's outstanding (a) Mississippi Development Bank Special Obligation Bonds, Series 2003 (Southaven, Mississippi Recreation Facilities Project), dated July 1, 2003, issued in the original principal amount of \$4,000,000; (b) Mississippi Development Bank Special Obligation Bonds, Series 2004 (Southaven, Mississippi Recreation Facilities Project), dated March 1, 2004, issued in the

original principal amount of \$4,500,000; (c) Mississippi Development Bank Special Obligation Bonds, Series 2006 (Southaven, Mississippi Recreation Facilities Refunding Bond Project), dated November 7, 2006, issued in the original principal amount of \$4,185,000; (d) City of Southaven, Mississippi General Obligation Bonds, Series 2004, dated December 1, 2004, issued in the original principal amount of \$4,500,000; and (e) City of Southaven, Mississippi Combined Water and Sewer Revenue Bonds, Series 2003, dated December 1, 2003, issued in the original principal amount of \$4,500,000; and (ii) paying cost of issuance for such refunding bonds, in one or more series.

SECTION 2. The Governing Body herein employs the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Ridgeland, Mississippi, as Bond Counsel, Butler, Snow, O'Mara, Stevens & Cannada, PLLC, Southaven, Mississippi, as Counsel to the City, and Government Consultants, Inc., Jackson, Mississippi, and authorizes them to prepare and distribute all necessary documents and to do all things required in order to negotiate the sale of the refunding bonds, in one or more series, and to effectuate the issuance of such refunding bonds, in one or more series, subject to the approval of the Governing Body of the City.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Alderman Huling, seconded by Alderman Cady and the question being put to a roll call vote, the result was as follows:

Alderman Greg Guy	voted: YES
Alderman Lorine Cady	voted: YES
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman William Brooks	voted: YES
Alderman Ricky Jobs	voted: YES
Alderman Dr. Randy Huling	voted: YES

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted this the 17 day of July, 2012.

CITIZEN'S AGENDA:

No one for Citizen's Agenda

PERSONNEL DOCKET

Personnel Docket
7/17/2012

Payroll Additions

<u>Name</u>	<u>Position</u>	<u>Department</u>	<u>Date of Hire</u>	<u>Rate of Pay</u>
Chase Wilson	Concessions	Parks Tournaments - 412	7/11/2012	\$7.25
Diviniti Woods	Concessions	Parks Tournaments - 412	7/11/2012	\$7.25
Terneec Taylor	Concessions	Parks Tournaments - 412	7/11/2012	\$7.25

Payroll Deletions

<u>Name</u>	<u>Position</u>	<u>Department</u>	<u>Date of Termination</u>	<u>Rate of Pay</u>
Caleb Scroggins	Seasonal Laborer Dispatcher III - Shift	Parks - 411	6/30/2012 - resignation	\$7.50
James Powell	Supervisor	Police - 211	8/14/2012 - resignation	\$19.84

Promotions

Name	Position Promoted To	Department	Effective Date	Rate of Pay
Beverly Eldred	Dispatch II	Police - 211	7/3/2012	\$18.02
Tara Surratt	Dispatch II	Police - 211	7/3/2012	\$18.02
Justin King	Firefigher III	Fire - 290	7/8/2012	\$14.17
Lance Wade	Firefigher III	Fire - 290	7/8/2012	\$14.17
Paul McDaniel	Firefigher III	Fire - 290	7/8/2012	\$14.17
Perry Maason	Animal Control Director	Municipal Code Enforcement - 511	7/16/2012	\$45,000.00
Ollie Hailey	Foreman	Public Works - 311	7/16/2012	\$45,000.00

Suspensions		
Name	Department	Length
Josh Napper	Police - 211	3 days

Alderman Guy made the motion to approve the Personnel Docket as presented to this Board. Motion was seconded by Alderman Huling. Mayor Davis reported that on this docket, Perry Mason is being promoted to Animal Control Director. He will be responsible for all areas of the Southaven Animal Shelter. Ollie Hailey will be promoted to a Forman in the Public Works Department. Motion was put to vote and passed unanimously.

COMMITTEE REPORTS

No Committee Reports

ATTORNEY'S LEGAL UPDATE

Nick Manley reported that on June 23, 2012, Sergeant J. Napper of the Southaven Police Department was in accident with Ms. Bobbie Rogers. I have reviewed the facts, documents, and spoke with D.C. Pirtle regarding the accident. After review and discussions, D.C. Pirtle and I share the opinion that Sergeant J. Napper was the cause of the accident and the City of Southaven may have liability as a result of the accident. Ms. Rogers has provided 2 quotes for the damage to her vehicle as a result of the accident. The lowest quote was from Crump Body and Paint, Inc. in the amount of \$5,512.42.00. The current deductible of the City of Southaven is \$10,000.00, so the amount of damages does not meet the City of Southaven's deductible. Therefore, it is my opinion that the City of Southaven Board of Alderman pay Ms. Bobbie Rogers in the amount of \$5,512.42.00 for the damage to her vehicle in exchange for Ms. Rogers executing a full release of liability to the City of Southaven.

OLD BUSINESS

No Old Business

PROGRESS REPORTS

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of July 17, 2012, including demand checks and payroll in the amount of

\$2,371,012.14. Motion was seconded by Alderman Payne. Alderman Hale asked about the invoice for American Fireworks. He stated that two of the firework displays had not been done yet. Mayor Davis stated that we would hold the check until Monday. Motion was put to vote:

Excluding voucher numbers:

185042, 185054, 185055, 185288, 185362, 185455, 185468.

Roll call was as follows:

ALDERMAN	VOTED
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 for payment on this the 17th day of July, 2012.

PERSONNEL & LITIGATION

No Personnel & Litigation

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, July 17, 2012 at 6:20 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk