

**MINUTES OF THE REGULAR MEETING
OF AUGUST 7, 2012
OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI**

BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in Regular Session on the 7th day of August, 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

Alderman Huling, Jr is absent. Alderman Cady and Alderman Guy are present telecommunication. 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 Payne led in prayer, followed by the Pledge of Allegiance led by Alderman Jobes. Next, a motion was made by Alderman Brooks to approve the minutes of the regular meeting of July 17, 2012 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

Mayor Davis introduced the State Auditor, Stacy Pickering. Auditor Pickering asked to speak to this Board.

Mr. Stacy Pickering, State of MS Auditor, thanked the Board of Aldermen for allowing him to speak.

Auditor Pickering stated "As you and the Citizens of Southaven and most of the State and mid-south are familiar with November of last year his office issued a demand of \$96,000.00 against Mayor Greg Davis, of which was paid. There was an additional demand of a total of \$73,915.27 to date, that has not been paid. But tonight, he's here to initially return to the City the initial payment to the citizens of Southaven a check for \$96,000.00. He gave the check to City Clerk, Sheila Heath and asked for her to sign his hand receipt and asked Mr. Nick Manley, City Attorney to witness it. He stated that it now leaves a balance of \$73,915.27 that has not been repaid to the City of Southaven and to cover the investigative cost of the auditor's office as allowed by State law. In relation to that and to inform the Council that we have taken action in civil court against the Mayor and the bonding company to satisfy that debt, so that we can wrap up the civil portion of this case. He stated that tonight he has provided letters to the City Clerk, the City Administrator and to your Attorney informing you of Mississippi Code 77-43. 77-43 states the following; The State physical officer and a chancery clerk or city clerk shall not issue any warrants upon any allowance made to or claim in favor of any person, his agent or his signee who shall be indebted to the State or against whom there be any balance appearing in favor of the State. He stated that this is

not the first time that 77-43 has had to be issued and be enforced. But, until the Mayor's debt to the State is satisfied by him personally, his bonding company or by his warrants being returned to the State of Mississippi, this case will still be open on the civil side. But, once the \$73,000.00 plus dollars outstanding debt has been paid, then that will close the civil portion of this case. Again, there are three areas that the debt can be satisfied back to the Auditor's Office. Through the Mayor personally, his bonding company or by the City by the wages that he has earned that will be remitted back to their office. 77-43 does not allow for the City to pay the Mayor until that has been resolved. If the City Council or the City Clerk does make such warrants, he does want to advise you that you will be the ones held accountable for the expenders of those tax payer dollars. When he talked to your attorney, we have had him in touch with our Assistant Attorney General and they have had a preliminary discussions, he stated that he believes you can discuss this but at the same token his office is open to discuss this in the future with you as you process as he is in touch with the Mayor and his council and we can move this forward and hopefully this will get resolved as soon as possible and help the taxpayers of Southaven. Once this is done, this will solve the civil part of this investigation. Auditor Pickering thanked them for the time this evening and he appreciated their patience and indulgence, but at this point it is time to resolve this and they have waited long enough Mr. Mayor". Mayor Davis stated that he agrees.

BUDGET AMENDMENT

Mayor Davis reported that this revision is money in, money out. He reported that this has to be approved by the Board because it is above the 10% cap.

REVENUE	CODE	ORIGINAL	REVISED	AMOUNT
	LIBRARY 0220 402 500	\$ (314,000.00)	\$ (349,165.00)	\$ (35,165.00)
EXPENSE				
	LIBRARY 409 627 702	\$ 314,000.00	\$ 349,165.00	\$ 35,165.00
				\$ -
REVENUE	CODE	ORIGINAL	REVISED	AMOUNT
	DWI Loan 0400 580 205	\$ (195,000.00)	\$ (865,000.00)	\$ (670,000.00)
EXPENSE				
	811 640 501 03016	\$ 1,450,000.00	\$ 2,120,000.00	\$ 670,000.00
				\$ -
	CODE	ORIGINAL	REVISED	AMOUNT
	RETAIL SALES 0010 500 702	\$ (100,000.00)	\$ (225,000.00)	\$ (125,000.00)

	CONCESSIONS 0010 500 905	\$ (420,000.00)	\$ (485,000.00)	\$ (65,000.00)
				\$ (190,000.00)
EXPENSE				
	WAGES 412 600 100	\$ 245,000.00	\$ 345,000.00	\$ 100,000.00
	CONCESSIONS 412 612 400	\$ 350,000.00	\$ 410,000.00	\$ 60,000.00
	PROMOTIONS 412 626 102	\$ 175,000.00	\$ 205,000.00	\$ 30,000.00
				\$ 190,000.00
				\$ -

RESOLUTION
ESTABLISHING THE AMENDED BUDGET
Appropriations and Expenditures for the Fiscal Year 2011-2012
FOR THE CITY OF SOUTHAVEN, MISSISSIPPI

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI

WHEREAS, the Mayor and the Board of Aldermen of the City of Southaven, Mississippi, wish to prepare and publish a summarized budget of the municipal revenues and expense estimated for the fiscal year 2011-2012; and

WHEREAS, the budget herein shall be for the period beginning from October 1, 2011 and ending September 30, 2012; and

WHEREAS, the “Municipal Budget Law” of the State of Mississippi provides that said budget shall be adopted and approved as finally determined by governing authorities being the Mayor and Board of Aldermen of the City of Southaven, Mississippi; now therefore,

BE IT RESOLVED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, DESOTO COUNTY, MISSISSIPPI, AS FOLLOWS

SECTION 1. It is hereby authorized by the Mayor and Board of Aldermen the funds as herein provided shall be appropriated for the provision of municipal services in the City of Southaven, DeSoto County, Mississippi, for the fiscal period 2011-2012:

the <u>GENERAL FUND BUDGET:</u>	\$40,386,025.00
the <u>TOURIST & CONVENTION FUND BUDGET:</u>	\$ 775,307 .00

the <u>DEBT SERVICE FUND BUDGET:</u>	\$ 7,945,000.00
the <u>UTILITY FUND BUDGET:</u>	\$ 11,696,207.00
the <u>SANITATION FUND BUDGET:</u>	\$3,135,000.00
the <u>LIBRARY FUND BUDGET:</u>	\$ 349,165.00

SECTION 2. It is hereby authorized by the Mayor and Board of Aldermen that the expenditures as herein provided shall be authorized for the provision of municipal services in the City of Southaven, DeSoto County, Mississippi, for the fiscal period 2011-2012: said expenditures being **\$40,386,025.00** in sum total for the **General Fund Budget**, said appropriation being **\$744,807 .00** in sum total for the **Tourist and Convention Fund Budget**, said appropriation being **\$7,945,000.00** in sum total for the **Debt Service Fund Budget**, said appropriation being **\$11,696,207.00** in sum total for the **Utility Fund Budget**, said appropriation being **\$3,135,000.00** in sum total for the **Sanitation Fund Budget**, said appropriation being **\$ 349,165.00** in sum total for the **Library Fund Budget**.

SECTION 3. The above funds are set forth herein in the budget summary concerning both appropriations and expenditures.

SECTION 4. The Motion to adopt the amended budget as presented being made by Alderman Brooks with a second by Alderman Hale with the following aldermen being present and voting thereon 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 Randall Huling	voted: ABSENT

RESOLVED THIS 6th DAY OF AUGUST 2012

ACCEPTANCE OF BIDS-PARKS DEPARTMENT

Mayor Davis reported that the Parks Department advertised for sealed bids for turf chemicals. Mike Mullins, Parks Director recommends that the City accept the lowest and best bid for the 2012 Turf Chemicals from BWI of Memphis in the amount of \$75,000.00. Alderman Guy made the motion to accept BWI of Memphis as recommended by Mr. Mullins. Motion was seconded by Alderman Brooks. 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: **1839 Custer Drive, 7506 Greenbrook Parkway, 4618 Nicholas 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, August 7, 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, August 7, 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: **1839 Custer Drive, 7506 Greenbrook Parkway, 4618 Nicholas 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

Payne 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.	ABSENT

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the **7th day of August, 2012.**

PLANNING AGENDA

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

Item #1 Design elevations for Home 2 Suites by Hilton on lot 15b of the Southlake Commercial Subdivision, between Airways Blvd. and Southcrest Parkway. Mrs. Choat-Cook reported that they have before them the design review for the new Hilton Homewood 2 Suites. It will be located behind Office Depot between Southcrest Pkwy and Airways Blvd. This was unanimously approved by the Planning Commission. Alderman Hale made the motion to approve Item #1 as presented to this Board. Motion was seconded by Alderman Payne. After a short discussion a motion was put to vote and passed unanimously.

MAYOR'S REPORT

Mayor Davis reported that the next Board of Aldermen meeting will be a very busy one. He stated that the City will have the redistricting public hearing, tax levy hearing, and a budget hearing. All three of those will be open to the public for discussion and this Board will vote on all three of them at the September 4th meeting. The Mayor's proposed budget has been on line and the Board of Aldermen has had it for a couple weeks. He stated that there is a 3% across the board raise and no tax increase.

Next, Mayor Davis reported that Mr. Ray Tarrance, Public Works Director has requested to surplus approximately 200 damaged garbage cans in accordance to state law. Alderman Hale made the motion to surplus the garbage cans in accordance to state law. Motion was seconded by Alderman Guy. Motion was

put to vote and passed unanimously.

Next, Mayor Davis reported that the Police Department accepted sealed bids for a SKY Cop mobile surveillance unit. Deputy Chief, Steve Pirtle is requesting to accept the only bidder, ESI, Inc. of Memphis in the amount of \$50,375.00. Mayor Davis stated that this is a budgeted item. Alderman Brooks made the motion to accept ESI, Inc. of Memphis bid in the amount of \$50,375.00. Motion was seconded by Alderman Cady. Mayor Davis stated that this is the little mobile trailer that has the camera on it. This will allow the Police Department to check the surveillance from a central location. It does have a mask on it to raise it up. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that MML sent out a letter this week letting them know that they have 3 or 4 legislative meetings in the Northern District. Alderman Brooks made the motion to allow all elected officials to attend one of these meetings in the Northern District, and allow them to be paid mileage and per diem. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

Next, Mayor Davis reported that the City has authorized Siemens to do our lease purchase for the Entergy contract. This will require some bonding paper work. Mayor Davis is recommending that this Board authorize Butler Snow to file all the necessary paperwork, and they are not to exceed \$5,000.00, and for this Board to authorize the Mayor to sign the agreement once they approve them. Alderman Guy made the motion to contract with Butler Snow to file the required paperwork and not to exceed \$5,000.00 and authorize Mayor Davis to sign the agreement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

CITIZEN’S AGENDA:

No one for Citizen’s Agenda

PERSONNEL DOCKET

Personnel Docket
8/7/2012

Payroll Additions

Name	Position	Department	Date of Hire	Rate of Pay
Jonathan Coleman	CDL Operator	Public Works - 311	7/30/2012	\$16.38
Keith Denton	Police Officer-P2	Police-211	8/7/2012	\$18.21

Payroll Deletions

Name	Position	Department	Date of Termination	Rate of Pay
Harold Delashmit	Sergeant	Police - 211	08/06/2012 - resignation	\$19.98

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

COMMITTEE REPORTS

Alderman Payne reported that they will be having an Ordinance Committee meeting Thursday or Friday morning.

CITY ATTORNEY’S LEGAL UPDATE

No City Attorney’s Legal Update

OLD BUSINESS

Mayor Davis reported that this is the final reading and adoption of resolution for Amendments to Sec 13-11 Chart 4 Commercial Zone Use Chart.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES
TITLE XIII, CHAPTER 1, “INTRODUCTION”
SECTION 13-1(b) AND SECTION 13-N CHART 4 COMMERCIAL
ZONING DISTRICT USE CHART**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the “City”), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE XIII CHAPTER, “INTRODUCTION” SECTION 13-1(b) AND SECTION 13-N CHART 4 COMMERCIAL ZONING DISTRICT USE CHART (“Ordinances”)

Thereupon Alderman Payne offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES, TITLE XIII,
CHAPTER 1, “INTRODUCTION” SECTION 13-1(b) AND
SECTION 13-N CHART 4 COMMERCIAL
ZONING DISTRICT USE CHART**

WHEREAS, the City may pass ordinances which protects the welfare of the citizens of the City and ensure compliance with the zoning requirements of the City; and

WHEREAS, the City may adopt an ordinance which seeks to regulate certain types of businesses, but does not prohibit their existence; and

WHEREAS, the City has the power and responsibility for planning and zoning in the City and to that end desires to provide clear definitions for businesses located in the City, which shall ensure compliance with the zoning regulations of the City; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest for planning and zoning in the City by providing clear definitions of certain type of business;

and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT TITLE XIII, CHAPTER 1, "INTRODUCTION" SECTION 13-1(b) AND SECTION 13-N CHART 4 COMMERCIAL ZONING DISTRICT USE CHART BE AMENDED AS FOLLOWS:

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.

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.

The foregoing Resolution was seconded by Alderman Hale and brought to a vote 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 Jobes	voted: YES
Alderman Randall Huling	voted: ABSENT

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 7th day of August, 2012.

Next, Mayor Davis reported that the next ordinance change is dealing with fire codes and non-conforming uses.

It is noted that Alderman Payne left the Board Room.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,
TITLE IV, CHAPTER 2, "CODE," ARTICLE 1, SECTION 4-36;
TITLE V, CHAPTER 2, "CODE," ARTICLE II,
SECTION 5-34; AND TITLE XIII, CHAPTER 5, "NON-CONFORMING
USES"
SECTION 13-5(k)**

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the Southaven Code of Ordinances, specifically, TITLE IV, CHAPTER 2, "CODE," ARTICLE 1, SECTION 4-36; TITLE V, CHAPTER 2, "CODE," ARTICLE II, SECTION 5-34; AND TITLE XIII CHAPTER 5, "NON CONFORMING USES" SECTION 13-5(k) ("Ordinances")

Thereupon Alderman Hale offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND
THE CITY OF SOUTHAVEN CODE OF ORDINANCES,
TITLE IV, CHAPTER 2, "CODE," ARTICLE 1, SECTION 4-36;
TITLE V, CHAPTER 2, "CODE," ARTICLE II,
SECTION 5-34; AND TITLE XIII, CHAPTER 5,
"NON CONFORMING USES" SECTION 13-5(k)**

WHEREAS, the City may pass ordinances to protect the safety and welfare of the City; and

WHEREAS, the City currently adheres and enforces ordinances that are designed to ensure the safety of its citizens and others who may be assembling in large groups; and

WHEREAS, the City desires to amend the Ordinance to further ensure the safety of its citizens by requiring minimal requirements for fire protection in

structures where people may assemble; and

WHEREAS, the Ordinances, as amended, provide specific guidelines for the governmental authorities, and serves the legitimate City interest of providing for the safety of its citizens; and

WHEREAS, the Board authorizes the Mayor, or his designee, to sign such documents or take actions that are necessary or required for the effectuation of the amended Ordinance.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, THAT TITLE IV, CHAPTER 2, “CODE,” ARTICLE 1, SECTION 4-36; TITLE V, CHAPTER 2, “CODE,” ARTICLE II, SECTION 5-34; AND TITLE XIII, CHAPTER 5, “NON CONFORMING USES” SECTION 13-5(k) BE AMENDED AS FOLLOWS:

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.

The foregoing Resolution was seconded by Alderman Brooks and brought to a vote as follows:

Alderman Greg Guy	voted: YES
Alderman Lorine Cady	voted: YES
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: ABSENT
Alderman William Brooks	voted: YES
Alderman Ricky Jobs	voted: YES
Alderman Randall Huling	voted: ABSENT

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 7th day of August, 2012.

PROGRESS REPORTS

No Progress Reports

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of August 7, 2012, including demand checks and payroll in the amount of \$2,969,361.32. Motion was seconded by Alderman Payne. Motion was put to vote:

Excluding voucher numbers:

185868, 185869, 185980, 185981, 185982, 185985, 185986, 185987, 185989, 185992, 186397.

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	ABSENT

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

PERSONNEL & LITIGATION

Next, motion was made by Alderman Payne, 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 Payne made the motion to go into Executive Session for the purpose of discussing Personnel in the Parks Department and Potential Litigation. Motion was seconded by Alderman Hale. Motion was put to a vote by raised hands and passed unanimously.

After extensive discussion and review of the documents, Alderman Brooks made the motion to accept the recommendation of Mike Mullins, Parks Director to terminate Stephanie Miller's employment with the City of Southaven Parks Department.

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 Brooks to adjourn. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously, August 7, 2012 at 7:05 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk