

**MINUTES OF THE REGULAR MEETING
OF MARCH 3, 2009
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 3rd day of February, 2009, at six o'clock (6:00) p.m. at City Hall.

Present were:

Charles G. Davis	Mayor
Greg Guy	Alderman, at Large
Lorine Cady	Alderman, Ward 1
James Stark	Alderman, Ward 2
James Loftis	Alderman, Ward 3
Paul Ollar	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5
Randall Huling	Alderman, Ward 6

Alderman Guy was present by telecommunications. Also present were Chris Wilson, City Administrator, Glenda Smallwood, City Clerk, Whitney Choat, Planning Director, and Bradley Wallace, Director of Operations. Approximately twenty (20) other people were present.

Mayor Davis called the meeting to order. Alderman Loftis led in prayer. The Pledge of Allegiance was led by Austin Andrews with Boy Scout Troop #375. Mayor Davis asked for a recess until our IT Department completes the installation of the meeting. A motion was made by Alderman Cady to recess the meeting. Motion seconded by Alderman Loftis. Motion passed unanimously.

Next, Mayor Davis called the meeting back to order in Regular Session. A motion was made by Alderman Cady to approve the minutes of February 17, with any corrections, deletions, or additions as necessary. Motion seconded by Alderman Loftis. Motion passed unanimously.

RESOLUTION

**Mayor Davis reported that this Resolution is the refinancing of our Bonds. He stated we need to take advantage of our AA- Bond rating and our strong financial stance and lower the interest rates, but not extend the years. Alderman Cady made a motion to adopt
**RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE
OF GENERAL****

OBLIGATION REFUNDING BONDS, SERIES 2009, IN THE PRINCIPAL AMOUNT OF SIX MILLION SEVEN HUNDRED SIXTY THOUSAND DOLLARS(\$6,760,000) OF THE CITY FOR THE PURPOSE OF PROVIDING FUNDS TO PREPAY AND REFUND THE CITY'S OUTSTANDING GENERAL OBLIGATION BONDS, SERIES 2000, DATED NOVEMBER 1, 2000 AND THE CITY'S GENERAL OBLIGATION BONDS, SERIES 1999, DATED SEPTEMBER 1, 1999; PROVIDING FOR THE REDEMPTION OF THE SERIES 2000 BONDS AND THE SERIES 1999 BONDS; APPROVING THE FORM OF AN ESCROW TRUST AGREEMENT AND THE EXECUTION THEREOF; APPROVING THE FORM OF A BOND PURCHASE AGREEMENT AND THE EXECUTION THEREOF; APPROVING A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT AND THE EXECUTION THEREOF AND FOR RELATED PURPOSES. Motion seconded by Alderman Loftis. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

Alderman Guy	Yea
Alderman Cady	Yea
Alderman Stark	Yea
Alderman Loftis	Yea
Alderman Ollar	Yea
Alderman Jobes	Yea
Alderman Huling	Yea

A copy of aforesaid Resolution is hereby attached to and made a part of these minutes.

Mayor Davis asked if there are any objection to a Consent Agenda on item #7. He reported it is the tax exemption for Aero Space Products, Future, StyleCraft Lamps, DTC 3, Southaven Distribution Center, and ScanSource. He reported these are the standard tax exemptions Resolutions excluding Library and Parks.

A motion was made by Alderman Guy to adopt RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, FINALLY GRANTING AEROSPACE PRODUCTS INTERNATIONAL, INC., FUTURE ELECTRONICS DISTRIBUTION CENTER, LP., STYLECRAFT LAMPS, INC., DTC 3, L.P., SOUTHAVEN DISTRIBUTION CENTER 1, LLC, AND SCANSOURCE, INC. Motion seconded by Alderman Huling. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

Alderman Guy	Yea
Alderman Cady	Yea
Alderman Stark	Yea
Alderman Loftis	Yea
Alderman Ollar	Yea
Alderman Jobes	Yea

A copy of said Resolution is hereby attached to and made a part of these Resolutions.

RESOLUTION

Mayor Davis reported that this Resolution request the Mississippi Legislature to change the name of Goodman Road (Hwy. 302) to “Donald R Chambliss” Highway. Alderman Guy made a motion to adopt RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, REQUESTING APPROVAL OF THE MISSISSIPPI STATE LEGISLATURE TO CHANGE THE NAME OF GOODMAN ROAD TO THE DONALD R. CHAMBLISS, SR. MEMORIAL HIGHWAY. Motion seconded by Alderman Cady. Mayor Davis reported that while Mr. Chambliss was in the House of Representatives, he created the legislation which created the City of Southaven and he also created and funded the widening of Goodman Road. Mayor Davis stated he thinks it is appropriate to honor him and his namesake for the contributions he made to Southaven. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

Alderman Guy	Yea
Alderman Cady	Yea
Alderman Stark	Yea
Alderman Loftis	Yea
Alderman Ollar	Yea
Alderman Jobses	Yea
Alderman Huling	Yea

A copy of aforesaid Resolution is hereby attached to and made a part of these minutes.

BIDS—PUBLIC WORKS

VALVE MACHINE

Mayor Davis read a recommendation from Chris Hadaway, Utility Director to take the bid of Hale Electric at \$55,000 to purchase a valve machine. Mayor Davis reported this machine will allow us to locate every water valve at the intersections and have it on file. It let us know if the valve needs to be replaced. A motion was made by Alderman Stark to award the bid for the valve machine to Hale Electric in the amount of \$55,000.00. Motion seconded by Alderman Loftis. Motion passed unanimously.

PIPE

Mayor Davis reported this is an annual bid for several different sizes of pipe for our Utility Dept. He reported we had several vendors that bid and the complete chart will be entered into the minutes. A motion was made by Alderman Stark to accept the recommendation of the Utility Director and award the bid by category to the lowest and best bid for each category. Motion seconded by Alderman Ollar. Motion was put to a vote and passed unanimously.

PLANNING

The Planning Agenda was presented by Whitney Choat, Planning Director.

Item #1 Appeal to Planning Commission variance denial requesting a variance from the Sign Ordinance which states box signs in commercial zones are not allowed. You must have individual channel letters. Ms Choat reported this specific location is for Impact Missions. Their new location is on Goodman Road just west of Swinnea. She reported based on technical reasons the Planning Commission had no choice except to deny. She reported the founder of Impact Mission is here tonight to appeal the decision. At this time David Donaldson, representing Impact Mission came before the Mayor and Board of Aldermen. Mr. Donaldson stated this is not a new business. He stated this is an existing ministry that has been in Southaven for twelve years. He stated they moved because of downsizing the ministry offices because of economic issues and when they moved they thought they were "Grandfathered In" because the box sign is already up there and they are talking about taking the sign from one place to the other. He stated it will cost over \$4,000 more for the channel lock sign. He stated that is five months worth of food for the home, and four month worth of mortgage notes for the homes. Alderman Jobs asked Ms. Choat to explain why he is not Grandfathered In" as an existing business. She stated the Ordinance deals with the location. Alderman Huling asked Ms Choat if this has been enforced with other businesses moving from point a to point b. She replied that yes, it has been enforced and no appeals have been filed until now. Alderman Jobs stated he would like to give some time to raise enough funds to buy the kind of sign needed without a hardship. Alderman Huling stated he wants Impact Missions to stay in business but the Board must be extremely careful with the economies times being what they are. He stated other businesses will come before us and expect the same thing. Alderman Jobs stated he thinks this would be a good thing to do and asked Mr. Donaldson how much time he would need to get the money for the new sign. Alderman Ollar also asked how much time would be needed. Mr. Donaldson replied he doesn't know exactly how much time it would take and stated he thinks the Ordinance is not fair and existing businesses are being penalized. Mayor Davis stated this Ordinance has been appealed before by AutoZone. Alderman Jobs stated that the Board might need to look at the Ordinance closer. Alderman Huling stated you wouldn't want a 1980s sign moved from point a to point b. Alderman Ollar stated he recognizes under the economic conditions it is going to be difficult with that kind of funding. He stated he realizes we could have other

companies coming in and asking for the same variance. He stated he thinks a six month variance would be proficient. A motion was made by Alderman Jobs to override the Planning Commission and grant a six month variance to Impact Mission Motion seconded by Alderman Ollar. Alderman Guy asked the Board member to consider what will happen if other business asks for the same thing. Alderman Jobs stated he is moving in this direction because this is a non-profit organization. Alderman Huling stated he understands that in six months they have to have the new sign up. Alderman Huling stated he cautions the Board. He stated he feels we are moving in a direction we are not going to be happy with. Alderman Ollar stated normally he would not make this kind of decision but our Country is in a very difficult situation and being a small business owner his passion goes out to everyone trying to improve their facilities. He stated he thinks it is the right thing to do. Mayor Davis asked if there was any future discussion. Alderman Cady stated she is in ministry also and knows how hard it is to pay all of the bills. She stated she thought the ministry would be better served if all of the Aldermen made a donation toward a new sign. She stated she was thinking \$200 per Aldermen rather than have all of this controversy going on. She stated she is going to make a donation because she thinks that is a better solution. Mayor Davis put the motion to a vote and it failed by four “nays” and three “yeas”. Mayor Davis reported the application is still in front of us. A motion was made by Alderman Huling to uphold the Planning Commission’s recommendation to deny the variance. Motion seconded by Alderman Loftis. A motion was then made by Alderman Ollar to table this motion until the next meeting to give the Board time to look at some options and possibly donate the money and hope the community pulls together to help this cause. Motion seconded by Alderman Jobs. Motion passed unanimously. Mayor Davis reported this motion has been tabled until the next board meeting.

Item #2 Ms Choat gave an update on the CVS tree removal fine. She reported this is the proposed mitigation. She stated they decided to plant in lieu of paying the \$41,000 fine. She showed the Mayor and Board where the planting will take place. They are replacing the trees with a larger caliber, added a water feature, lighting at the cost of over \$44,000 which surpassed the fine the City placed on them. Mayor Davis recommended accepting this alternative planting to settle the issue. A motion was made by Alderman Guy to accept the alternative planting by CVS. Motion seconded by Alderman Jobs. Motion was put to a vote and passed unanimously. Alderman Huling asked the Planning Director to make sure the shrub plantings coincide with the Ordinance. The motion was put to a vote and passed unanimously.

MAYOR’S REPORT

- 1. Mayor Davis reported we are going to start the quick capture of checks. The checks don’t have to be put in the bank. They will be scanned through and the money is directly deposited into our account. He stated we need the authority for our Chief Financial**

Officer to sign all of the appropriate documents. A motion was made by Alderman Cady made a motion to give Chris Wilson, CFO the authority to sign all documents to start the quick capture process in accordance with Bancorp South's bid. Motion seconded by Alderman Huling. Motion put to a vote and passed unanimously.

- 2. Mayor Davis reported Riverside Traffic System has agreed to renew their contract for another year at last year's prices. A motion was made by Alderman Stark to renew the Riverside Traffic System bid at the 2008 prices. Motion seconded by Alderman Loftis. Motion put to a vote and passed unanimously.**
- 3. Mayor Davis reported the City of Southaven has been designated to receive \$950,000 in MPO Funds. He stated over \$750,000 will be used for the final lift of asphalt on Airways from the TN state line to Goodman Road and the remaining money will be used for the traffic light at Tchulahoma and Stateline.**

COMMITTEE REPORTS

Alderman Jobses stated that he has given each Alderman a final draft on the Sign Ordinance and it will be ready for a vote soon.

CITY ATTORNEY'S LEGAL UPDATE

City Attorney, Mark Sorrell, had no new updates.

CLAIMS DOCKET

A motion was made by Alderman Stark to approve the claims docket of 2-17-09 in the amount of including demand checks excluding voucher numbers # 115887, 116048, 116117, 116138, 116171, 116173, 116179, 116190-116191, 116196-116199, 116221, 116233, 116235, 116245, 116247-116248, 116314, 116335, 116380, 116424, 116448, 116450, 116452, 116463, 116479, 116516-116517, 116523, 116600, 116615-116636, 116641-116643. Motion seconded by Alderman Loftis.

Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

Alderman Guy	Yea
Alderman Cady	Yea
Alderman Stark	Yea
Alderman Loftis	Yea
Alderman Ollar	Yea
Alderman Jobses	Yea
Alderman Huling	Yea

There being no further business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Ollar to adjourn. Motion seconded by Alderman Loftis. Motion was put to a vote and passed unanimously, March 3, 2009 at 6:30 p.m.

Charles G. Davis, Mayor

Glenda Smallwood, City Clerk