

Minutes, City of Southaven, Southaven, Mississippi

10/05/05 4:07:58
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DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

MINUTES OF THE REGULAR MEETING OF SEPTEMBER 20, 2005 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 twentieth day of September, 2005, 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
Jim Loftis	Alderman, Ward 3
Paul Ollar	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5
Randall Huling	Alderman, Ward 6

Also present were Glenda Smallwood, City Clerk, Mark Sorrell, City Attorney, Chris Wilson, City Administrator/CAO, Bradley Wallace, Environmental Service Director, Whitney Choat, City Planner and Ron Smith, City Engineer, Approximately twenty five (25) other people were present.

Mayor Davis called the meeting to order. Alderman Loftis opened the meeting with prayer. Following the Pledge of Allegiance led by Alderman Huling, a motion was made by Alderman Cady to approve the minutes of the Regular Meeting of September 6, 2005 with any corrections, additions, or deletions as necessary. Motion seconded by Alderman Stark. Motion passed unanimously. A motion was made by Alderman Cady to approve the minutes of the Special Meeting of September 9, 2005 with any corrections, additions, or deletions as necessary. Motion seconded by Alderman Guy. Motion passed unanimously.

Next was the Citizen's Agenda. Mr. John Bowen, representing S.P.C.B.A. and Leader Landscape came before the Mayor and Board of Aldermen with concerns regarding permits and the licensing of landscapers and pest control. He gave the Mayor and Aldermen a copy of Exhibits of Facts to review. Also with Mr. Bowen was Mr. Lee Price with Infinity. Mr. Bowen gave his interpretations of the City of Southaven Ordinance as well as State Law. Mayor Davis advised Mr. Bowen that one of the State Statues he was quoting from has been repealed. He told Mr. Bowen that this information will be reviewed by the Ordinance committee. Alderman Cady reported that she appreciates the information that Mr. Bowen has brought. She stated that the City has a full agenda and we have far exceeded our

Russell & Co.
6760 Goodman Rd
O.B. 38654

normal time allowed for the Citizen's Agenda and in respect for the other citizens attending the meeting we need to continue with the regular agenda. A motion was made by Alderman Cady, to close the Citizen's Agenda. Motion seconded by Alderman Guy. Motion passed unanimously.

Next a motion was made by Alderman Huling, BE IT ORDAINED TO AMEND ORDINANCE CLOSING AND ABANDONING CERTAIN PARTS OF STREETS IN SOUTHCREST SUBDIVISION. Motion seconded by Alderman Guy. Mr. Pat Harcourt, Civil Engineer, representing Baptist, came before the Mayor and Board of Aldermen and spoke in opposition to this amendment. Following discussion, Mayor Davis recommended amending the motion contingent upon an access road connecting Guthrie Drive to Chambliss Drive be conveyed and dedicated to the City of Southaven. A motion was made by Alderman Cady to amend the aforesaid motion to read contingent upon an access road connecting Guthrie Drive to Chambliss Drive be conveyed and dedicated to the City of Southaven. Motion seconded by Alderman Guy. Mr. Harcourt, representing Baptist Hospital spoke in opposition to this amendment and stated they have constructed these roads and torn them out at their expense per the plans that were approved and they have been in compliance with everything they were asked to do. The motion was put to a vote and passed with Alderman Jobes voting nay.

The original motion with the amendment 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

Next, was Ordinance Dedicating Street in Southcrest Subdivision. A motion was made by Alderman Guy, BE IT ORDAINED BY THE CITY OF SOUTHAVEN, MISSISSIPPI TO ADOPT ORDINANCE DEDICATING STREET IN SOUTHCREST SUBDIVISION. Motion seconded by Alderman Huling. Motion was put to a roll call vote and passed unanimously.

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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 said Ordinance is hereby attached to and made a part of these minutes.

Next Mayor Davis reported items # 8, talks about a single stormwater utility district in DeSoto County. Item #9 is an inter-local agreement between the Desoto County and all of the municipalities in the County. Item #10 is inter-local agreement concerning a stormwater task force. He reported that after reviewing all of the agreements and the creation of the task forces he recommended that we contribute to the study of a county wide sewer system in the amount of \$8,000 and that Ron Smith serve as our representative on this county wide task force instead of creating what could potentially be another governmental bureaucratic agency that we would have to deal with rather than dealing with our own issues. He reported we do want to help with the study and stated that we are already in a study for the quality of stormwater. This study will also take in the quantity of stormwater and it is important for all of us to uniform on both the quality and quantity aspect. A motion was made by Alderman Cady to contribute \$8,000 to the study of a county wide sewer system and to appoint Ron Smith, City Engineer as our representative on this task force. Motion seconded by Alderman Ollar. Motion passed unanimously.

Next, was Resolution-Tax Increment Limited Obligation Tax Exempt Bonds. Mayor Davis reported this is the tax increment bonds that were sold today. He reported we are under the amount that we projected the annual cost to be. Mayor Davis thanked Demery Grubbs and Duncan Williams for their diligent work in selling these bonds. A motion was made by Alderman Stark to adopt:

RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF ITS (i) TAX INCREMENT LIMITED OBLIGATION TAX EXEMPT BONDS (SOUTHAVEN TOWNE CENTER PROJECT) SERIES 2005A, OF THE CITY OF SOUTHAVEN, MISSISSIPPI, IN THE PRINCIPAL AMOUNT NOT TO EXCEED FIVE MILLION DOLLARS (\$5,000,000), AND (ii) TAX INCREMENT LIMITED OBLIGATION TAXABLE BONDS (SOUTHAVEN TOWNE CENTER PROJECT), SERIES 2005B IN THE PRINCIPAL AMOUNT NOT TO EXCEED FOUR MILLION TWO HUNDRED THOUSAND DOLLARS (\$4,200,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS NECESSARY TO DEFRAY THE COST OF ACQUIRING AND CONSTGRUCTING VARIOUS PUBLICLY AND PRIVATELY OWNED INFRASTRUCTURE IMPROVEMENTS IN CONNECTION WITH THE CONSTRUCTION OF THE SOUTHAVEN TOWNE CENTER PROJECT, INCLUDING BUT NOT LIMITED TO INSTALLATION OF UTILITIES SUCH AS SANITARY SEWER, INSTALLATION OF STORM DRAINAGE, CONSTRUCTION OF ROADWAYS WITH CURB AND GUTTER, INSTALLATION OF TRAFFIC SIGNALIZATION AND SIGNAGE, LANDSCAPING OF RIGHTS-OF-WAY,

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SITE PREPARATION, INSTALLATION OF GEO PIER FOOTINGS AND FOUNDATIONS, ENGINEERING, CAPITALIZED INTEREST, OTHER INCIDENTAL COSTS AND RELATED PROFESSIONAL FEES, WHICH PROJECT IS UNDERTAKEN IN CONNECTION WITH THE DEVELOPMENT OF THE SOUTHAVEN TOWNE CENTER PROJECT TO BE LOCATED ON A 84() ACRE TRACT OF LAND AT THE SOUTHEAST CONRER OF GOODMAN ROAD AND INTERSTATE 55 IN THE CITY OF SOUTHAVEN, MISSISSIPPI. 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 said Resolution is hereby attached to and made a copy of these minutes.

Next was Emergency Purchases. Mayor Davis reported these were items needed to bring the Animal Shelter into compliance. The total amount was \$43,035.65 to various entities. A motion was made by Alderman Guy to enter the emergencies purchases totaling \$43,035.65 into the minutes. Motion seconded by Alderman Cady. Motion passed unanimously. A copy of said purchases are hereby attached to and made a part of these minutes.

Next was Surplus Property. A motion was made by Alderman Cady to surplus the following items as recommended by the Police Department and dispose of them in accordance with state law.

1. 1999 CHRYSLER SEBRING, BLACK, VIM# 4C3AU52NZXE147712, MILEAGE 96,686.
2. 1991, ISUZU AMIGO, TURQUIOISE, VIN#JAABL01E7M9804475, MILEAGE 185,234.
3. ALUMINUM DAWS MAFG., BELOW THE BED TOOL BOX, MODEL SECTC56CC.

Motion seconded by Alderman Loftis. Motion passed unanimously.

Next, was the Planning Agenda presented by Whitney Choat, City Planner. Item #1 Application to rezone 20+ acres of property south of Goodman on the east side of Snowden Lane from Agricultural to C-4 Planned Commercial. A motion was made by Alderman Guy to approve item #1 as presented and recommended by the Planning Commission. Motion seconded by Alderman Cady. Motion passed unanimously. Item #2 Application by John McRee to rezone 10.63 acres of property south of plum Point Road between Tchulahoma and Getwell from Agricultural to R-12 Medium Density Residential. A motion was made by Alderman Huling to approve item #2 as presented and recommended by the Planning Commission. Motion seconded by Alderman Stark. Motion passed unanimously.

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Item #3 Application by Bridgeforth and Buntin to rezone lot 53 of the Wildwood Subdivision on the west side of Getwell Road, north of Church Road from Agricultural to Residential Office R-O. A motion was made by Alderman Guy to approve item #3 as presented and recommended by the Planning Commission. Motion seconded by Alderman Huling. Motion passed unanimously.

Item #4. Unsafe Property. A motion was made by Alderman Guy to adopt RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY. Properties are 562 Wedgefield Place, 835 Pinestone Place, 1203 Thames Drive, 5140 Bent Road and 1659 Manchester Cove. These are all vacant properties. Motion seconded by Alderman Loftis. Motion was put to a roll call vote.

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

Item #5 There was a scrivener's error on Shadow Point Subdivision, section C. They left off building lines and a sewer easement that need to be added to the recorded plats. They are asking permission to add the fence easements, ingress, egress and the sewer and drainage easements on to the plats that are recorded. A motion was made by Alderman Stark to approve the changes to ~~Shadow Point~~ ^{Chateau Pointe} subsection C. Motion seconded by Alderman Guy. Motion passed unanimously. in Plat Book 93 on Pgs. 47-48
18-2-7

Next was Mayor's Report.

1. Mayor Davis reported the shelter is and will remain in operation. He reported he received a call today asking that the shelter remain open due to the new hurricane (Rita) coming in.
2. Mayor Davis reported that the MML Conference started tonight. It is being held in Tunica. There will be election of officers. The awards dinner will take place tomorrow night.
3. Mayor Davis reported DCRUA will hold a Public Hearing on a \$10,000,000 Bond Issuance at the next Mayor and Board of Alderman meeting on October 4, 2005.
4. Mayor Davis reported on the Resolution establishing Waste Water System Service Charges. He reported this states the City of Southaven will pay it's bills to DCURA for any sewer we send. The current rate is \$2.00 per 1000 units. A motion was made by Alderman Guy to adopt RESOLUTION ESTABLISHING

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WASTEWATER SYSTEM SERVICE CHARGES. Motion seconded by Alderman Stark. 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

Copy of Resolution is hereby attached to and made a part of these minutes.

5. Mayor Davis reported when DCURA sent us all of our of our Resolutions to appoint our representatives they had the wrong dates in the resolutions, therefore we need an Order of Numc Pro Tunc to establish that Donnie Ray Chambliss Sr. served from his appointed date until his death, following that Frank Roberts is our appointee and any votes they took from that time until present the Board of Aldermen of the City of Southaven upholds as if the appointments were made for the four year term. A motion was made by Alderman Loftis to approve the ORDER OF NUNC PRO TUNC. Motion seconded by Alderman Cady. 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 said Resolution is hereby attached to and made a part of these minutes.

6. Mayor Davis reported on an Inter-local Agreement between the City of Southaven and DeSoto County Regional Utility Authority. He reported this encompasses the Bean Patch Interceptor Line. He reported Southaven will build the sewer line to County specifications, give it to the County and the County will reimburse the City by all other cities in the County collecting \$300 until all of our debt is retired. He stated he now has in hand the agreement stating that only Southaven and Olive Branch's \$300 will go toward the Bean Patch Line. Mayor Davis

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Reported that he changed the agreement to read that all of the Cities will participate in this line with their \$300 or there will not be a line. Mayor Davis reported that if the M.O.U. is passed, Southaven will be sending a very clear signal that either all of the cities are in this together or we will find a way to treat our own sewer which means we will withdraw from D.C.R.U.A. A motion was made by Alderman Guy to adopt the M.O.U. between the City of Southaven and DeSoto County Regional Utility Authority.

6. Mayor Davis reported the agenda for the MML Conference. He reported the nominating committee meets at 1:00 p.m. Wednesday at Gold Strike, the General Assembly is 2:00 p.m. and the Awards Dinner is at 7:00 p. m.

End of Mayor's Report.

Next, were Committee Reports. Alderman Stark reported the Utility Committee will meet Thursday at 9:00 a.m. Alderman Huling reported the Parks Committee will meet September 28th at the International House of Pancakes at 7:30 a.m.

Next, was City Attorney's Legal Update. Mark Sorrell, City Attorney reported that he has been notified that the representatives from Baptist Hospital are requesting that the Board of Aldermen rescind the Ordinance Closing and Abandoning Certain Parts of Streets in Southcrest Subdivision and the Ordinance Dedicating Street In Southcrest Subdivision until all parties can come to a conclusion. Mr. Sorrell stated he has no objection. It was agreed upon by the Mayor and Board of Aldermen that the motion will stay as they are and the Mayor may possibly veto them if a conclusion is reached and it will come back to the Board.

Next, was the docket of claims. A motion was made by Alderman Stark to approve the docket of claims as presented on September 20, 2005 including demand checks, and payroll. Motion seconded by Alderman Loftis. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

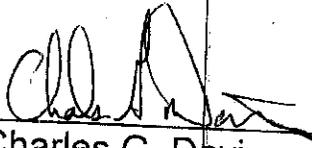
Alderman Guy	Yea
Alderman Cady	Yea
Alderman Stark	Yea
Alderman Loftis	Yea
Alderman Ollar	Yea
Alderman Jobes	Yea
Alderman Huling	Yea

Next, Alderman Guy moved for a closed determination on the issue of whether of not to go into Executive Session. Hearing no objection, a motion was made by Alderman Guy to go into Executive Session for the purpose of discussing an economical development project, personnel in the Sanitation, Fire, and Parks Department. Motion seconded by Alderman Jobes. Motion passed unanimously.

Next, a motion was made by Alderman Huling to uphold the recommendation of the Parks Department on personnel. Motion seconded by Alderman Loftis. Motion passed unanimously.

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Next, there being no further business to come before the Mayor and Board of Alderman, a motion was made by Alderman Huling to adjourn. Motion seconded by Alderman Loftis. Motion passed unanimously.
Time 8:00 p.m. on September 20, 2005.


Charles G. Davis
Mayor


Glenda Smallwood
City Clerk

I, Glenda Smallwood, Clerk for the City of Southaven, Mississippi do hereby certify that this is a true and correct copy of Minutes of the Regular Meeting of the Mayor and Board of Alderman of the City of Southaven, Mississippi on September 20, 2005 and duly appears of record in Minute Book 19 which is on file in the City Clerk's Office at 8710 Northwest Drive, Southaven, MS.

This the 5th day of October, 2005

Glenda Smallwood
Glenda Smallwood, City Clerk

