

Minutes, City of Southaven, Southaven, Mississippi

**MINUTES OF THE REGULAR MEETING
OF MARCH 7, 2006
OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI**

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DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

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BE IT REMEMBERED that the Mayor and Board of Aldermen of the City of Southaven, Mississippi met in Regular Session on the seventh day of March, 2006, 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
Jim Loftis	Alderman, Ward 3
Paul Ollar	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5

Alderman Jobes was present by telecommunications. Absent was Alderman James Stark, Ward II, and Alderman Randall Huling, Ward VI. Also present were Glenda Smallwood, City Clerk, Mark Sorrell, City Attorney, Chris Wilson, City Administrator/CAO, Whitney Choat, City Planner and Ron Smith, City Engineer, Approximately twenty (20) other people were present.

Mayor Davis called the meeting to order. Alderman Guy opened the meeting with prayer. Following the Pledge of Allegiance a motion was made by Alderman Cady to approve the minutes of the regular meeting of February 21, 2006 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Guy. Motion passed unanimously with Aldermen Stark and Huling being absent.

Next, Mayor Davis read a letter of recommendation from Bradley K. Wallace, Environmental Services Director for sole source services at 385 Main Street. He recommended State Systems, Inc. and Quarles Fire Protection be approved for fire alarm related and fire suppression system- related work respectively. He stated he feels that it is in the best interest of the City, as the landlord of this building, to maintain and expand these systems within our building utilizing the firms that have developed them and maintained them since we acquired the property. A motion was made by Alderman Guy to accept the recommendation of Bradley Wallace to accept the sole source bid of State Systems, Inc. and Quarles Fire Protection as presented. Motion seconded by Alderman Cady. Motion passed unanimously with Aldermen Stark and Huling being absent.

Next, Mayor Davis reported that we need to accept the final order on Project DECD-0017(33)B. He reported this is an order of the City of Southaven accepting the contract with the Department of Economic Development Project. He reported this project is Airways in front of the Towne Center. A motion was made by Alderman Cady to accept Project DECD-0017(33)B. Motion seconded by Alderman Guy. Motion

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was put to a roll call vote and passed unanimously with Aldermen Stark and Huling being absent.

Roll call was as follows:

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

Next, Mayor Davis presented the Amendments To The Southaven Code Of Ordinances Title IX, Motor Vehicles and Traffic. He reported a committee consisting of Chief Tom Long, Ray Tarrance, and Ron Smith went through this Traffic Ordinance and where State Law already covers a section, that section was deleted and some sections were deleted which were antiquated. this will go through our traffic ordinance and if State Law already covers the ordinance it deletes it from that section. He reported it also deletes some things bringing us into modern times. A motion was made by Alderman Guy Be It Ordained to adopt AMENDMENTS TO THE SOUTHAVEN CODE OF ORDINANCES TITLE IX, MOTOR VEHICLES AND TRAFFIC. Motion seconded by Alderman Loftis. Motion was put to a roll call vote and passed unanimously with Aldermen Stark and Huling being absent. Mayor Davis stated this Ordinance will go into effect in 30 days according to State Law.

Roll call was as follows:

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

Next, Mayor Davis read a request from Chief Long and Lieutenant Steve Stewart to salvage 1 unit 1390 and surplus 6 units. A motion was made by Alderman Cady to salvage unit 1390 and surplus 1-1998 Oldsmobile Intrigue, Vin:1G3WS52K6WF379818, 2-1997 Ford Explorers, Vin: 1FMDU32X3VUD02606, and 3-1998 Jeep CSE Vin: 1J4FT28P5WL141615 and for these vehicles to be disposed of in accordance with state law. Motion seconded by Alderman Loftis. Motion passed unanimously.

Next was the Budget Revision. Mayor Davis reported we are six months into the year. We are amending our revenues by \$302,385.00 in the General Fund. He reported we have already collected that amount of revenue and in the General Fund we have distributed back with most of it going into technology. He also reported on the bond money that we have issued bonds for that we finally gotten. He reported this is just putting the money in the budget so it can be expended. Mayor Davis asked for any questions on the budget. Hearing none, a motion was made by Alderman Cady to accept the budget amendment as presented.

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Motion seconded by Alderman Loftis. Motion passed unanimously. Budget revisions are hereby attached and made a part of these minutes.

Next, Mayor Davis reported we have a recommendation from Bradley Wallace to reject all of our bids on the Southaven Police and Fire Training Facility Construction Package. He stated he feels it would be best to reject all bids on the construction package and let everyone bid again. The lowest bidder has asked to be released because of a hundred thousand dollar plus error. A motion was made by Alderman Guy to take the recommendation of Bradley Wallace to reject all bids for the Southaven Fire and Police Training Facility Construction Package. Motion seconded by Alderman Jobs. Motion passed unanimously.

Mayor Davis reported that R. H. Holdings LLC has acquired the property at Tchulahoma and Goodman which was our temporary fire station #4 which has now been torn down. They are asking the Board to vacate the 302/Tchulahoma Commercial Subdivision. He reported the Planning Commission has approved another subdivision for the same parcel of land and the old one must be vacated first. A motion was made by alderman Loftis to vacate the 302/Tchulahoma Commercial Subdivision at the request of the owner. Motion seconded by Alderman Cady. Motion passed unanimously with Aldermen Stark and Huling being absent.

Next, was the Planning Agenda presented by Whitney Choat, City Planner.

Item #1 Application by Scooter's Plus for a conditional use permit to allow retail shop services for motorized recreational vehicles at 565 Hwy. 51 North. Ms. Choat reported there has been a n agreement reached regarding the amount of motor and transmission work that can be done on site as well as the amount of gasoline allowed on site. She reported Bradley Wallace has a letter of agreement with the tenants. Also a one year conditional use permit is required with a renewal every year for five years. A motion was made by Alderman Loftis to approve item #1 with the stipulations set forth by the Planning Commission. Motion seconded by Alderman Cady. Motion passed unanimously with Aldermen Stark and Huling being absent.

Item#2 application by Dickens LLC for a revision to Dickens Place Sec. "C" lots 176 and 177. A motion was made by Alderman Guy to approve item #2 as recommended by the Planning Commission. Motion passed unanimously with Aldermen Stark and Huling being absent. Ms. Choat reported that this will be a shifting of sewer easement. Lot #177 has the entire easement on the property and half of it will be shifted to Lot #176 to tie in to the manhole. A motion was made by Alderman Guy to approve item #2 as recommended by the Planning Commission. Motion seconded by Alderman Loftis. Motion passed unanimously with Aldermen Stark and Huling being absent.

Item #3 Application by Roy Holmes for subdivision approval of Summit Park Sec. "E" on the west side of Getwell Road, south of Stateline Road. Ms. Choat reported the plat will reflect the Home

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Owner's Association and or the Developer will take maintenance of the retention pond. A motion was made by Alderman Guy to approve item #3 as recommended by the Planning Commission. Motion seconded by Alderman Loftis. Motion passed unanimously with Aldermen Stark and Huling being absent.

Item #4 Application by R H Holdings for subdivision approval of Stonehedge Square Subdivision on the southwest corner of Goodman Road and Tchulahoma Road. Ms. Choat reported there are some issues with water and sewer which will be inspected by the Engineering Department. A motion was made by Alderman Jobes to approve item #4 as recommended by the Planning Commission. Motion seconded by Alderman Guy. Motion passed unanimously with Aldermen Stark and Huling being absent.

Item #5 Application by Michael Lightman to revise lots 2 and 6 of the DeSoto Station PUD on the east side of Airways, north of Goodman Road. Ms. Choat reported this is taking 90 feet of lot #2 and bringing it into lot #6 for a retail center. Mayor Davis reported this will be Buffalo Wild Wings. A motion was made by Alderman Cady to approve item #5 as recommended by the Planning Commission. Motion seconded by Alderman Loftis. Motion passed unanimously with Aldermen Stark and Huling being absent.

At this time Alderman Huling came into the meeting.

Item #6 application by Don South for a conditional use permit to allow an RV park to be located in the South Commercial PUD on the west side of I-55, north of Church Road. Mayor Davis reported this item was previously tabled and is now back in front of the Board. Ms. Choat handed out copies of the PUD text approved on May 7, 2002. She reported it was approved by the Planning Commission with the stipulation that they increase the drive lanes to 24 feet, gate both accesses to the development, incorporate a noise ordinance with the time limit of 10:00 P.M. and maintain the retention pond in the rear. They are in compliance with their buffer yard area. The office building can not be used for a retail store. One Commissioner cast a nay vote. A motion was made by Alderman Ollar to deny this application, item #6. Motion seconded by Alderman Jobes. Alderman Ollar raised the question of now this would benefit the City. Ms. Choat reported that this area is also zoned for Industrial Warehouse so this development might be more desirable than other things that could go in there. Mr. Gerald Davis, Engineer speaking in favor of this application, stated that these people coming in to the RV Park will spend money throughout Southaven. Alderman Ollar reported on several things that he thinks could be a negative impact on the City. He stated that in his opinion this development is out of charter with the existing neighborhood. He stated that there are no trees, no playground or recreational equipment for the children. He stated there is not a public need for this facility. He stated he is concerned abut no notification being given to these residents about this conditional use. Ms. Choat advised this is done for Rezoning not conditional use. At this time Alderman Jobes raised the

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question of change of character. Mayor Davis reported that the PUD text approved in 2002 allows for a RV Park under Conditional Use. Mayor Davis reported this Board uses Conditional Use to go above and beyond our regular ordinances for any type of zoning use that is already allowed.

Alderman Guy asked Ms. Choat if she has any data on the existing RV Park on Stateline Road. She reported that it is to capacity most of the time and there has been no trouble according to the Police Department. Alderman Cady reported that she and her family have a RV and the uses for them are unlimited. She stated we need places for people coming in to Snowden to ball tournaments, to the Civic Center, the Arena, and the Hospital to be close to relatives. Alderman Jobs asked if there was anyone present wishing to speak against the application. There were none. Alderman Ollar stated that he feels the Ross Pointe Farms area is not an area that would benefit from having a RV Park there. Mayor Davis stated that if you vote "Yes" on this you are denying the application. If you vote "no" you are for this application. Motion was put to a vote and failed by four "nays" and two "yeas". The "yea" votes were cast by Alderman Jobs and Alderman Ollar. A motion was made by Alderman Guy to accept the conditional use as presented on Planning Agenda Item #6 with all restrictions as set forth by the Planning Commission and for a one year conditional use with renewal every year for five years. Motion seconded by Alderman Cady. Motion was put to a vote and passed unanimously.

Next, Mayor Davis reported there will be change to Zoning Ordinances coming before the Board soon.

Next, Mayor Davis asked that the motion to the Revisions to the Traffic Ordinance be reconsidered. A motion was made by Alderman Guy to reconsider the motion to the Revisions to the Traffic Ordinance. Motion seconded by Alderman Guy to table the original motion on the Traffic Ordinance making it effective in 30 days. Motion seconded by Alderman Cady. Motion passed unanimously. At this time Alderman James Stark, Ward II, joined the meeting via phone. A motion was made by Alderman Guy to adopt AMENDMENTS TO THE SOUTHAVEN CODE OF ORDINANCES TITLE IX, to become effective immediately to protect the health and welfare and safety of our citizens upon unanimous consent of this Board. Motion seconded by Alderman Loftis. Motion was put to a roll call vote and passed unanimously.

Roll call vote was as follows:

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

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

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Next, was Old Business. Mayor Davis reported that Dillard's Grand Opening was a big success. They reported the opening on Saturday and Sunday broke the companies record for sales in any store in their company for a soft opening.

Next was the Claim's Docket. A motion was made by Alderman Guy to approve the docket of claims as presented on this date including demand checks, and payroll checks excluding #60772 through 60785, 60795, 60903, 60938, 60944, 60965, 60977, 60980, 60985, 60136, 61067, 61068, 61076, 61088, 61090, 61114, 61131, 61134, 61145, 61152, 61220, 61221, 61222, 61224, 61225, 612281, 61229, 61234, 61236, 61251, 61252. Motion seconded by Alderman Loftis. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

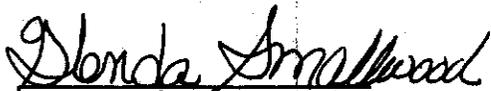
Alderman Guy	Yea
Alderman Cady	Yea
Alderman Stark	Yea
Alderman Loftis	Yea
Alderman Ollar	Yea
Alderman Jobs	Yea
Alderman Huling	Yea

Next, Alderman Guy moved for a closed determination of the issue of whether or not to go into Executive Session. Hearing no objections, a motion was made by Alderman Guy to go into Executive Session for the purpose of discussing an economic project and litigation in the SSM case. Motion seconded by Alderman Loftis. Motion passed unanimously.

Next, there being no further business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Guy to adjourn. Motion seconded by Alderman Loftis. Motion passed unanimously.
March 7, 2006, 7:30 P.M.



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 March 7, 2006 and duly appears of record in Minute Book 20 which is on file in the City Clerk's Office at 8710 Northwest Drive, Southaven, MS.

This the 3rd day of April, 2006


Glenda Smallwood, City Clerk



Indexing Instructions:

302 - Tchulahoma Commercial Subdivision, situated in Section 32, Township 1 South, Range 7 West, DeSoto County, Mississippi, as per plat thereof recorded in PLAT BOOK 32, PAGE 28, in the Office of the Chancery Clerk of DeSoto County, Mississippi