

**MINUTES OF THE REGULAR MEETING
OF JANUARY 19, 2010
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 19th day of January, 2010 at six o'clock (6:00) p.m. at City Hall.

Present were:

Charles G. Davis	Mayor
Greg Guy	Alderman, at Large
Ronnie Hale	Alderman, Ward 2
George Payne	Alderman, Ward 3
William Brooks	Alderman, Ward 4
Randall Huling	Alderman, Ward 6

Alderman Cady and Alderman Jobes were absent. Also present were Chris Wilson, City Administrator, Sheila Heath, City Clerk, Whitney Choat, City Planner and Bradley Wallace, Director of Operations. Approximately twenty (20) other people were present.

Mayor Davis called the meeting to order. Alderman Guy led in prayer, with a moment of silence in honor of Danny McCammon. Following the Pledge of Allegiance led by Alderman Brooks, a motion was made by Alderman Guy to approve the minutes of January 5, 2009 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion passed unanimously.

CITIZEN'S AGENDA

Sherry Bennett, Director of Arts and Cultural Affairs, introduced the students from DeSoto Central High School that helped with City Santa. She stated that without the students at DeSoto Central High School, we would not have been able to help so many kids last Christmas. We had 60 children. The school raised approximately \$9,000.00 for gifts, and then helped wrap them. The students are, Savannah Garavelli, Tyler Jones, Rachel Jenkins, Morgan Simmons, Genni Weaver, Parth Amin, Casey Adair, Ben Bickley, Tanner Kuntz, Anna Nowell, Kaytlin Newell, Dianne Bishop, Tyler Cummings and Robert Shipman.

Mayor stated that he wanted to thank them on behalf of the City for all they do. He stated that without their help and support that many children would have got up Christmas morning, with nothing under the tree. Morgan Simmons spoke on behalf of the students. She said that it was so rewarding to see the families faces when they delivered the gifts. Sherry Bennett stated that thanks should go to the Crunnon family, for taking a family as well.

RESOLUTION TO DIRECT THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2010-\$6,000,000.00

The Mayor and Board of Aldermen (the “Governing Body”) of the City of Southaven, Mississippi (the “City”), took up for consideration the matter of the sale of the General Obligation Bonds of the City in the principal amount of Six Million Dollars (\$6,000,000) (the “Bonds”) heretofore authorized by the Governing Body. After a full discussion of the matter, Alderman Guy offered and moved the adoption of the following resolution:

A RESOLUTION TO DIRECT THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2010, OF THE CITY OF SOUTHAVEN, MISSISSIPPI, IN THE PRINCIPAL AMOUNT OF SIX MILLION DOLLARS (\$6,000,000).

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY AS FOLLOWS:

SECTION 1. That the General Obligation Bonds, Series 2010 of the City of Southaven, Mississippi (the “City”), in the principal amount of Six Million Dollars (\$6,000,000) (the “Bonds”) shall be offered for sale to the highest bidder therefore on Tuesday, February 2, 2010. The Bonds will consist of \$6,000,000 principal amount issued pursuant to authority granted by Section 21-33-301 *et seq.*, Mississippi Code of 1972, as amended, and heretofore authorized by the Governing Body on December 15, 2009.

SECTION 2. That the Bonds shall be sold on sealed bids to be filed with the Clerk of the City at the Clerk’s office at the City Hall, 8710 Northwest Drive, Southaven, Mississippi, at or before the hour of 4:00 p.m. on the aforesaid date, at which time the Clerk shall publicly open and read all such bids received. Such bids shall be presented to the Governing Body at its regular meeting at 6:00 p.m. on that date, at which time the sale of the Bonds will be awarded to the successful bidder. Each bid shall be accompanied by a cashier’s check, certified check or exchange issued or certified by a bank located in the State of Mississippi and payable to the City of Southaven, Mississippi, in the amount of One Hundred Twenty Thousand Dollars (\$120,000.00) as a guaranty that the bidder will carry out his contract if his bid be accepted. If the successful bidder fails to purchase the Bonds pursuant to his bid and contract, the amount of such good faith check shall be retained by the Governing Body on behalf of the City as liquidated damages for such failure. The Governing Body reserves the right to reject any or all bids, and if all bids are rejected, to sell the Bonds at private sale at any time within sixty (60) days after the date advertised for the receipt of bids, at a price not more than the lowest bid which shall have been received pursuant to the advertisement for such bids as provided for hereinafter.

SECTION 3. That the bidders for the Bonds will be requested to designate in their bids the price they will pay for the Bonds bearing interest at the rate or rates to be designated in their bids; provided, that all bids shall

conform to the terms relating to interest rates and otherwise as contained in the form of Notice of Bond Sale set forth in Section 4 hereof.

SECTION 4. That as required by the provisions of Section 31-19-25, Mississippi Code of 1972, as amended, the Clerk shall be and she is hereby authorized and directed to give notice of the sale of the Bonds by publication at least two (2) times in the *The DeSoto Times-Tribune*, a newspaper published in DeSoto County, Mississippi, and having general circulation within the City, the first publication to be made at least ten (10) days preceding the date set for the reception of the bids with such publication to be made on or about January 21 and 28, 2010, and such notice shall be in substantially the following form:

NOTICE OF BOND SALE

**\$6,000,000 GENERAL OBLIGATION BONDS
SERIES 2010**

CITY OF SOUTHAVEN, MISSISSIPPI

Sealed proposals for the Bond issue will be received pursuant to this notice. The issue is for the City of Southaven, Mississippi (the "City"). The issue will be in the principal amount of Six Million Dollars (\$6,000,000).

Sealed proposals will be received by the Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "Governing Body"), at the office of the City Clerk of the City of Southaven, Mississippi, located in the City Hall, 8710 Northwest Drive, Southaven, Mississippi, until the hour of 4:00 o'clock p.m., Central Time, on Tuesday, the 2nd day of February, 2010, at which time the Clerk will open and publicly read all such bids received. At 6:00 p.m. that evening, all such bids will be presented to the Governing Body at its regular meeting, for the purchase, at not less than par and accrued interest, of the above referenced Bonds of the City and to award the sale of the Bonds to the successful bidder.

The issue will consist of \$6,000,000 general obligation bonds for the purpose of providing funds to pay for the cost of (i) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (ii) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (iii) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (iv) purchasing land for parks and public playgrounds, and improving, equipping and adorning the same, and other recreational facilities; (v) constructing bridges and culverts; and other related improvements within the City, and (vi) paying the costs of issuance of the Series 2010 Bonds, as authorized by the Governing Body of the City on December 15, 2009, and will be issued pursuant to Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended, and pursuant to a Bond Resolution to be adopted by the Governing Body.

The Bonds shall be fully registered without coupons, bear a date of February 1, 2010, be of the denomination of Five Thousand Dollars (\$5,000) each or any integral multiple thereof not to exceed the principal amount of Bonds maturing in each respective year, shall mature and be payable on February 1 of each year commencing on February 1, 2011, and shall bear interest at a rate or rates to be determined pursuant to sale of said Bonds, payable semi-annually on February 1 and August 1 in each year commencing on February 1, 2011. Both principal of and interest on said Bonds will be payable at a bank within the State of Mississippi, to be designated as hereinafter provided.

The Bonds shall mature serially in each of the years, as follows:

YEAR <i>(Feb.1 Maturity)</i>	AMOUNT
2011	\$ 190,000
2012	200,000
2013	210,000
2014	220,000
2015	230,000
2016	240,000
2017	250,000
2018	260,000
2019	270,000
2020	285,000
2021	295,000
2022	310,000
2023	325,000
2024	340,000
2025	355,000
2026	370,000
2027	385,000
2028	405,000
2029	420,000
2030	440,000

Series 2010 Bonds maturing on February 1, 2021, and thereafter are subject to redemption prior to their stated maturity, either in whole or in part, in inverse order of maturity and by lot within maturity on February 1, 2020, and on the first day of any month thereafter, at par plus accrued interest to the date of redemption upon giving the Registered Owners of the Series 2010 Bonds thirty (30) days' prior written notice of such redemption.

Bidders for said Bonds are requested to designate in their bids the price they will pay for bonds bearing interest at a rate or rates to be designated in their bids for the Bonds. No bond shall bear more than one rate of interest; each bond shall bear interest from its stated maturity date at the interest rate specified in the bid; all bonds of the same maturity shall bear the same rate of interest from date to maturity; the lowest interest rate specified for any bond shall not be less than seventy percent (70%) of the highest interest rate specified for any Bond; and the interest rate appearing on any bond shall not exceed eleven percent (11%). Each interest rate

specified in any bid must be in multiples of one-eighth of one percent (1/8 of 1%) or one-tenth of one percent (1/10 of 1%), and a zero rate of interest cannot be named.

The Bonds will be general obligations of the City and will be secured by the full faith, credit and taxing power of the City and will be paid by a special tax levy upon all taxable property within the City in an amount which shall be sufficient to pay the principal and interest on the bonds as each respectively becomes due.

The City reasonably expects to issue no more than \$30,000,000 in tax-exempt obligations during calendar year 2010; therefore, the Bonds will be designated as “qualified tax exempt obligations” within the meaning and as authorized by Section 265(b)(3) of the Internal Revenue Code of 1986 and by Section 1502 of the American Recovery and Reinvestment Act of 2009.

The City will covenant in its Bond Resolution that if Rule 15c2-12, as amended, of the Securities and Exchange Commission is determined to be applicable to the Bonds, that the City will deliver or cause to be delivered, commencing with the fiscal year of the City ending September 30, 2010, (i) to each person requesting same, financial information relating to the City, including audited financial statements of the City, and (ii) to the Electronic Municipal Market Place Access System (“EMMA”), within the meaning of Rule 15c2-12, and certain other entities described in Rule 15c2-12 (said repository and other entities are collectively referred to as the “Repositories”), notice of any material events relating to the Bonds and the City, if the City deems such events to be material as set forth under Rule 15c2-12, as amended. Compliance with Rule 15c2-12 will be effected through execution and delivery of a Continuing Disclosure Certificate. If applicable, anyone requesting information under the continuing disclosure requirements of Rule 15c2-12, as amended, should contact the City Clerk, City Hall, 8710 Northwest Drive, Southaven, Mississippi 38671, Telephone Number (662) 393-5931.

Proposals for the Bonds should be plainly marked “*Proposal for the City of Southaven, Mississippi General Obligation Bonds, Series 2010.*”

Proposals should be addressed to the Mayor and Board of Aldermen of the City of Southaven, Mississippi, c/o City Clerk, City Hall, 8710 Northwest Drive, Southaven, Mississippi 38671, and should be filed with the City Clerk on or prior to the date and hour hereinabove named. Each bid must be accompanied by a cashier's check, certified check, or exchange, payable to the City of Southaven, Mississippi, issued or certified by a bank located in the State of Mississippi, in the amount of One Hundred Twenty Thousand Dollars (\$120,000), as a guaranty that the bidder will carry out his contract and purchase the Bonds if his bid be accepted. If the successful bidder fails to purchase the Bonds pursuant to his bid and contract, the amount of such good faith check shall be retained by the Governing Body as liquidated damages and shall be paid into the treasury of the City.

The successful bidder may designate a bank or trust company located within the State of Mississippi to serve as paying, transfer and registration

agent (the “Paying Agent,” “Transfer Agent” and “Registration Agent”) for the bonds within forty-eight (48) hours of the date of sale of the bonds, subject to the approval of the City. The City’s approval of such designated bank or trust company shall be contingent on a determination as to the willingness and ability of such designated bank or trust company to perform the duties as Registration Agent, Transfer Agent and Paying Agent for the bonds and on the satisfactory negotiation of service fees.

The successful bidder for the Bond issue must deliver to such designated bank(s) or trust company(s) within twenty (20) days of the date of sale, or at such other later date as may be designated by the City, the names, addresses and Social Security or Tax Identification Numbers of the registered owners of the Bonds and the denominations in which the Bonds of each maturity are to be issued. If a successful bidder fails to submit such information to such designated bank(s) or trust company(s) by the required time, one Bond may be issued for each maturity in the full amount maturing on that date registered in the name of the successful bidder.

The Governing Body reserves the right to reject any or all bids.

The Bonds are offered subject to the unqualified approval of the legality thereof by the law firm of Harris Jernigan & Geno, PLLC of Ridgeland, Mississippi. The City will pay the legal fees and will pay for the printing and validation of the Bonds. Delivery of the Bonds will be made to the purchaser(s) on or about February 26, 2010, at a place to be designated by the purchaser(s) and without cost to the purchaser(s).

It is anticipated that CUSIP identification numbers will be printed on the Bonds unless specifically declined by the purchaser. Neither the failure to print such number on any Bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid by the City; the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

Offering material other than that provided in the Preliminary Official Statement regarding the financial condition of the City, and other related additional information may be obtained from Sheila Heath, City Clerk, 8710 Northwest Drive, Southaven, Mississippi 38671, Telephone (662) 393-5931; Harris Jernigan & Geno , PLLC, Post Office Box 3380, Ridgeland, Mississippi 39158-3380, Telephone: (601) 427-0048, ATTN: W. Larry Harris, J. Troy Johnston, Kay Valentine or Alison King.

This the 19th day of January, 2010.

/s/Sheila Heath
CITY CLERK, SOUTHAVEN, MISSISSIPPI

Publish Notice of Sale only in *The DeSoto Times-Tribune* on January 21 and 28, 2010.

SECTION 5. That the Clerk of the City shall obtain from the publisher of the aforesaid newspaper the customary publisher's affidavit proving publication of said notice for the time and in the manner required by law, and such proof of publication shall be filed in the Clerk's office.

Alderman Huling seconded the motion to adopt the foregoing resolution after the same had been read and considered section by section, and, being put to a roll call vote, the result was as follows:

Alderman Greg Guy	voted: YEA
Alderman Ronnie Hale	voted: YEA
Alderman William Brooks	voted: YEA
Alderman George Payne	voted: YEA
Alderman Randall T. Huling, Jr.	voted: YEA

The motion having received the affirmative vote of a majority of all of the Aldermen present, the Mayor declared the motion carried and the Resolution adopted on this the 19th day of January, 2010.

ACCEPTANCE OF BIDS: DRAFTING PIT PROJECT

Next, Mayor reported that we have opened sealed bids for the the City of Southaven Fire and Police Training Center Drafting Pip Project. Alderman Huling made the motion to accept the recommendation of Bradley Wallace to accept Chris Hill Construction Companies bid in the amount of \$159,600.00. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

ARRA PROJECT

Next Mayor reported that we have accepted sealed bids for the American Recovery and Reinvestment Act (ARRA) project, resurfacing Airways Boulevard. Project No. STP-7868-00(005)LPA/105656. It is the recommendation of the Ron Smith, City Engineer, to accept Lehman-Roberts Company as the lowest and best bid, in the amount of \$596,207,71. Alderman Guy made the motion to accept Ron Smith's recommendation for the overlay of Airways Blvd. Motion was seconded by Alderman Huling. Motion was put to a vote and passed unanimously.

Next Mayor reported on another bid opening for the (ARRA) project. Project No. STP-7861-00(002)LPA/105655, Getwell Road Traffic Signal. We will install two traffic signals. One at Getwell and Nail and the second light will be installed at Getwell and Central Parkway. Ron Smith recommended that the City accept DeSoto County Electric's bid of \$230,686.62, as the lowest and best bid. Alderman Guy made the motion to accept the recommendation of Ron Smith. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

PLANNING AGENDA

Item #1. Review of design materials and elevations for Lifepointe Villages Hospice facility on the north side of Star Landing Road, west of Getwell Road in the Cherry Tree Park PUD. Whitney Choat, Planning Director, reported that it is in compliance and has been approved by the Planning Commission. At this time Alderman Huling left the room due to the fact he has interest in this. Alderman Guy made the motion to accept item number 1 of the planning agenda. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously. Alderman Huling then returned to the Board room.

MAYOR'S REPORT

Mayor reported that he would like to do a report on what things are being done around the City. He feels like it would help the new Alderman as well as the public to know.

Code Enforcement: 62 properties were condemned last year. They work the average of 2.59 complaints per day. These complaints were all over the City. He stated that it was no true confined area.

Animal Shelter: Adopted 279 cats, 317 dogs, 255 animals returned to the owners. They responded to 2,135 call with an average of 8 calls per day.

Public Works: Worked several pot holes, emptied the recycle trailer's,

Utility Department: Worked several broken water line, repaired broken water main. Several cut off's due to frozen water pipes.

This is just a small example of what the department's do dailey.

Next, Mayor reported on a budget revision. We needs to add \$2,097,503.00 on the revenue side for a grant from FEMA, for the Autumwood situation. And, an EMS trama grant \$19,112.00. Total revenue \$2,116,615.00. Alderman Huling made the motion to approve the budget revision as presented. Motion was seconded by Alderman Guy. Motion was put to a roll call vote and passed unanimously. A copy of the minutes are attached to this set of minutes.

Next, Mayor reported that he needs a Resolution so we can start the mitigation of phase 1. This will declare our City Attorney, Mark Sorrel as the attorney. the engineer as Neel-Shaffer and Bill Sexton as the appraiser.

RESOLUTION DECLARING THE ATTORNEY, ENGINEER AND APPRAISER FOR THE APPROVED FEMA HAZARD MITIGATION GRANT PROJECT

WHEREAS, the Mayor and the Board of Alderman of the City of Southaven, Mississippi have approved making application to receive FEMA/MEMA funding for the purpose of hazard mitigation funds; and

WHEREAS, such funding requires the Southaven Board of Alderman to select an attorney, Engineer and Appraiser for the project;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Alderman of the City of Southaven, Mississippi:

SECTION ONE: That the Southaven Board of Alderman selects City Attorney Mark Sorrell to serve as attorney for the said FEMA hazard mitigation project.

SECTION TWO: That the Southaven Board of Alderman selects Neel Schaffer Engineering to serve as engineer for the said FEMA hazard mitigation project due to their preliminary work on this project and their prior experience with this hazard mitigation site.

SECTION THREE: That the Southaven Board of Alderman Selects Bill Sexton Appraiser's to serve as appraiser for the said FEMA hazard mitigation project.

Upon motion by Alderman Guy and dully seconded by Alderman Huling, the said resolution was put to a Roll Call vote with the following Alderman voting, to-wit:

Alderman Brooks	YEA
Alderman Huling	YEA
Alderman Guy	YEA
Alderman Payne	YEA
Alderman Hale	YEA

This Resolution having received the proper vote of all Alderman present was declared to be carried and adopted this the 19th day of January, 2010

Next, Mayor needs a motion declaring the intent of the City of Southaven to utilize any of our pre-existing general contractors for work on the hazard mitigation project. Alderman Guy made the motion. Motion seconded by Alderman Huling.

Roll Call vote with the following Alderman voting, to-wit:

Alderman Brooks	YEA
Alderman Huling	YEA
Alderman Guy	YEA
Alderman Payne	YEA
Alderman Hale	YEA

COMMITTEE REPORTS:

No Committee Reports

CITY ATTORNEY'S LEGAL UPDATE

No Attorney's Report

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

No Progress Reports

CLAIMS DOCKET

A motion was made by Alderman Guy to approve the Claims Docket of January 19, 2010, including demand checks and payroll in the amount of \$609,995.85. Excluding voucher numbers:

137106, 137118, 137154, 137195, 137210, 137282, 137338, 137339, 137373, 137417, 137426, 137462, 137466, 137469, 137495, 137509, 137516

Motion seconded by Alderman Hale. Motion was put to a roll call vote and passed unanimously.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	Yea
Alderman Hale	Yea
Alderman Payne	Yea
Alderman Brooks	Yea
Alderman Huling	Yea

Next, motion was made by Alderman Guy, to move for a closed determination of the issue on whether or not to declare an Executive Session for the purpose of discussing economic development prospects and personnel in Public Works. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

Mayor reported that Ray Tarrance, Public Works Director, has recommended the termination of George Hitt. Alderman Hale excused himself. After a brief discussion, Alderman Guy made the motion to uphold Ray Tarrance's recommendation. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

There being no further business to come before the Mayor and Board of Aldermen, a motion was made by Alderman Guy adjourn. Motion seconded by Alderman Payne. Motion was put to a vote and passed unanimously, January 19, 2010 at 7:00 p.m.

Charles G. Davis, Mayor

Sheila Heath, City Clerk