

**MINUTES OF THE REGULAR MEETING
OF MARCH 2, 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 2nd day of March, 2010 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
Ronnie Hale	Alderman, Ward 2
George Payne	Alderman, Ward 3
William Brooks	Alderman, Ward 4
Ricky Jobes	Alderman, Ward 5
Randall Huling	Alderman, Ward 6

Alderman Brooks was present via telecommunication. Also present were **Chris Wilson, City Administrator, Margaret Still, Deputy Clerk, Whitney Choat, City Planner** and **Bradley Wallace, Director of Operations**. Approximately ten (10) other people were present.

Mayor Davis called the meeting to order. **Alderman Guy** led in prayer. Following the Pledge of Allegiance led by **Alderman Jobes**, a motion was made by **Alderman Guy** to approve the minutes of February 16, 2010 with any corrections, deletions, or additions necessary. Motion seconded by **Alderman Hale**. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

No one for the Citizen's Agenda

HOME INVESTMENT PARTNERSHIP PROGRAM GRANT

Mayor reported that this program gives individuals the opportunity to apply for grant money to purchase a home in Southaven. He stated that DeSoto County was able to help 14 families in Southaven with this type of grant last year. **Mr. Fred Griffin** spoke to the Board about the grant. He told them that this would give home owners approximately \$28,000.00 for a down payment. After a short discussion, **Alderman Guy** made the motion to move forward with the procurement. Motion was seconded by **Alderman Payne**. Motion was put to a vote and passed unanimously.

RESOLUTION AUTHORIZING AND APPROVING EXECUTION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR SALE OF GO REFUNDING BONDS-SERIES 2010.

The Board of Aldermen of the City of Southaven, Mississippi took up for consideration the matter of the issuance of General Obligation Refunding Bonds, Series 2010, for the purpose of providing funds for the current refunding of certain maturities of the City's outstanding General Obligation Park Bonds, Series 1998, dated October 1, 1998, issued in the original principal amount of \$3,500,000, maturing in 2010 through 2018, both inclusive, and the City's outstanding General Obligation Park Bonds, Series 1999, dated June 1, 1999, issued in the original principal amount of \$2,500,000, maturing in 2010 through 2019, both inclusive. After a discussion of the subject, Alderman Guy offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI (THE "CITY"), AUTHORIZING AND APPROVING THE EXECUTION AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 2010 (THE "BONDS") OF THE CITY TO RAISE MONEY FOR THE PURPOSE OF REFUNDING CERTAIN MATURITIES OF THE CITY'S OUTSTANDING GENERAL OBLIGATION PARK BONDS, SERIES 1998, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$3,500,000 (THE "1998 BONDS") MATURING IN THE YEARS 2010 THROUGH 2018 AND FOR THE PURPOSE OF REFUNDING CERTAIN MATURITIES OF THE CITY'S OUTSTANDING GENERAL OBLIGATION PARK BONDS, SERIES 1999, ISSUED IN THE ORIGINAL PRINCIPAL AMOUNT OF \$2,500,000 (THE "1999 BONDS") MATURING IN THE YEARS 2010 THROUGH 2019, BOTH INCLUSIVE (TOGETHER, THE 1998 BONDS AND THE 1999 BONDS ARE REFERRED TO AS THE "REFUNDED BONDS"); AUTHORIZING AND APPROVING THE ISSUANCE OF THE BONDS; APPROVING THE FORM OF AND EXECUTION OF A BOND PURCHASE AGREEMENT FOR THE SALE OF THE BONDS; AUTHORIZING AND APPROVING THE FORM OF, EXECUTION AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING TO THE BONDS; AUTHORIZING THE NOTIFICATION TO BONDHOLDERS, AMONG OTHER THINGS, BY FIRST NATIONAL BANK OF CLARKSDALE, CLARKSDALE, MISSISSIPPI, PAYING AGENT FOR THE 1998 BONDS AND THE 1999 BONDS, REGARDING THE REFUNDING OF THE REFUNDED BONDS; AND AUTHORIZING AND APPROVING THE ACTIONS OF HARRIS, JERNIGAN & GENO, PLLC, RIDGELAND, MISSISSIPPI ("BOND COUNSEL"), CREWS AND ASSOCIATES, INC., LITTLE ROCK, ARKANSAS, THE MAYOR AND/OR THE CITY CLERK WITH RESPECT TO THE SALE AND ISSUANCE OF THE BONDS AND THE REFUNDING OF THE REFUNDED BONDS.

WHEREAS, the Mayor and the Board of Aldermen (the “Governing Body”) of the City, acting for and on behalf of the City of Southaven, Mississippi (the “City”), desires to authorize, pursuant to authority under Sections 31-27-1 *et seq.*, Mississippi Code of 1972, as amended (the “Refunding Act”), the sale of General Obligation Refunding Bonds, Series 2010 (the “Bonds”), of the City for the purpose of providing funds for the current refunding of certain maturities of the City’s outstanding General Obligation Park Bonds, Series 1998, dated October 1, 1998, issued in the original principal amount of \$3,500,000 (the “1998 Bonds”), maturing in 2010 through 2018, both inclusive, and the City’s outstanding General Obligation Park Bonds, Series 1999, dated June 1, 1999, issued in the original principal amount of \$2,500,000 (the “1999 Bonds”), maturing in 2010 through 2019, both inclusive (together, the 1998 Bonds and the 1999 Bonds are referred to as the “Refunded Bonds”);

WHEREAS, the Governing Body recognizes that the current low interest rate environment provides an opportunity to realize savings from the issuance of the Bonds; and, the Governing Body further realizes that the Governing Body must move expeditiously to accomplish the greatest savings possible by the issuance of the Bonds. Crews & Associates, Inc., Little Rock, Arkansas (the “Underwriter”), has submitted a proposal, attached hereto as **EXHIBIT A**, to the Governing Body regarding the issuance of the Bonds and the potential savings associated therewith. In that the bond market is volatile, the Governing Body needs to authorize negotiation of the terms of the sale of the Bonds to the Underwriter, subject to the satisfaction of the conditions as hereinafter set forth, and authorize the Mayor and Clerk to execute a Bond Purchase Agreement (the “Bond Purchase Agreement”), prior to a scheduled meeting of the Governing Body in order to maximize the savings to the City regarding the issuance of the Bonds;

WHEREAS, in order to effectuate the refunding of the Refunded Bonds, the City desires to provide a notification to First National Bank of Clarksdale, Clarksdale, Mississippi, paying agent for each of the Refunded Bonds, of the refunding of the Refunded Bonds with the funds to be provided by the issuance of the City’s Bonds and the redemption of the Refunded Bonds on April 15, 2010;

WHEREAS, it is necessary to approve the execution of the Preliminary Official Statement to be dated the date of distribution thereof (the “Preliminary Official Statement”) for the sale of the Bonds and the distribution thereof to prospective purchasers of the Bonds;

WHEREAS, it is necessary to approve the form of and execution of a Bond Purchase Agreement with regard to the sale of the Bonds; and

WHEREAS, it is necessary to authorize the execution and distribution of an Official Statement to be dated the date of execution of the Bond Purchase Agreement (the “Official Statement”) for the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City of Southaven, Mississippi, acting for and on behalf of the City, as follows:

SECTION 1. That the Governing Body of the City hereby authorizes the Mayor of the City and Bond Counsel to obtain a rating, if necessary, on the Bonds, negotiate the terms for the sale of the Bonds to the Underwriter, and approve the form of the Bond Purchase Agreement attached hereto as **EXHIBIT B** and authorizes the execution by the Mayor and Clerk of the Bond Purchase Agreement in substantially the same form, for

and on behalf of the City, with such completions, changes, insertions and modifications as shall be approved by the officers executing and delivering the same (the execution thereof shall constitute conclusive evidence approval of any such completions, changes, insertions and modifications), under the following conditions: (a) the size of the Bonds will not exceed \$3,750,000; (b) the net interest cost of the Bonds will not exceed 4.5%; (c) the Bonds will mature no later than October 1, 2019; (d) the issuance of the Bonds will result in an overall net present value savings to maturity of not less than two percent (2%) on the Refunded Bonds which overall net present value savings to maturity on the Refunded Bonds of not less than two percent (2%) meets or exceeds the requirements of Section 31-27-13 of the Refunding Act; and (e) terms and provisions of the Bonds in compliance with the Refunding Act.

SECTION 2. The Governing Body hereby approves the refunding of the Refunded Bonds and the redemption of the Refunded Bonds on April 15, 2010, and hereby directs the Clerk of the Governing Body to provide a certified copy of this resolution to First National Bank of Clarksdale, Clarksdale, Mississippi, as notification of its intent to refund the Refunded Bonds and to redeem the Refunded Bonds on April 15, 2010, and hereby directs First National Bank of Clarksdale, Clarksdale, Mississippi, to take any action required under the bond resolutions for the 1998 Bonds and the 1999 Bonds, including, without limitation, the giving of notice thereunder, to accomplish such redemption on April 15, 2010.

SECTION 3. That the Governing Body of the City hereby approves, adopts and ratifies the Preliminary Official Statement for the sale of the Bonds in substantially the form attached hereto as **EXHIBIT C**. The City hereby deems the Preliminary Official Statement to be “final” as required by Rule 15c2-12(b)(1) of the Securities and Exchange Commission.

SECTION 4. That the distribution of copies of said Preliminary Official Statement by the Underwriter to prospective purchasers of the Bonds is hereby authorized and approved.

SECTION 5. The Mayor and/or Clerk or any other authorized officer of the Governing Body, be, and they are hereby authorized and directed for and on behalf of the City, to take any and all such actions as may be required by the City to carry out and to give effect to the aforesaid documents authorized pursuant to this resolution and to execute all papers, documents, certificates and other instruments that may be required for the carrying out of the authority conferred by this Resolution in order to evidence said authority.

SECTION 6. Upon the execution of the Bond Purchase Agreement, the Mayor and Clerk are hereby authorized and directed to cause to be prepared and to execute a final Official Statement in connection with the Bonds in substantially the form of the Preliminary Official Statement, subject to minor amendments and supplement as approved by the Mayor and Clerk executing same (the execution thereof shall constitute approval of any such completions, changes, insertions and modifications).

SECTION 7. All orders, resolutions or proceedings of the Governing Body in conflict with any provision hereof shall be, and the same are hereby repealed, rescinded and set aside, but only to the extent of such conflict. For cause, this resolution shall become effective upon the adoption hereof.

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 Lorine Cady	voted: ABSENT
Alderman Ronnie Hale	voted: YEA
Alderman George Payne	voted: YEA
Alderman William Brooks	voted: YEA
Alderman Ricky Jobs	voted: YEA
Alderman Randy Huling	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 2nd day of March, 2010.

EXHIBIT A

PROPOSAL OF CREWS & ASSOCIATES, INC

EXHIBIT B

FORM OF BOND PURCHASE AGREEMENT

EXHIBIT C

FORM OF PRELIMINARY OFFICIAL STATEMENT

EMERGENCY PURCHASE

Mayor reported that in pursuant to MS State Code 21-35-19 he needs to have it entered into these minutes, approval of the repair and oil removal to the north well at the Greenbrook water plant in the amount of \$44,088.00. Alderman Huling made the motion to approve the purchase. Motion was seconded by Alderman Guy. Motion was put to a vote and passed unanimously.

PLANNING AGENDA

ITEM #1 Application by Robert Abbay to revise 302 Industrial Park Subdivision lots 106 and 107 on the north side of Goodman Road, just east of I-55. Ms. Choat reported that this has gone through site plans and that the Planning Commission voted unanimously in favor of this item. Alderman Guy made the motion to approve Item #1 on the planning agenda, as presented. Motion was seconded by Alderman Payne. Motion was put to a vote and passed unanimously.

MAYOR'S REPORT

Mayor Davis reported that the City of Olive Branch has filed for annexation on the east side of Malone Road. He stated that this is the same area they started last year and the previous Board chose not to fight. He stated that this would not be in our path and does not cross Malone Road.

Alderman Jobs asked Mayor Davis what the plans were on Magnoliawave, and he stated that we are about ready within the next couple of weeks to come before this Board with a proposal to finish the coverage of the rest of the city.

COMMITTEE REPORTS:

Alderman Payne stated that he has had several complaints about people feeding the ducks and water fowl. He stated that this is cause for health concern. After extensive research, he met with the Ordinance Committee, and they drafted a **“Resolution Prohibiting the feeding of Water Fowl and or Migratory Birds within the corporate limits of the City of Southaven”**.

Alderman Payne made this motion. Motion was seconded by Alderman Hale. Diane Teske spoke to the Board about this issue. Her concern is to help keep the City healthy and clean. She is concerned about the ducks flocking the elderly. After a short discussion, she thanked the Board for allowing her to speak.

Next, Mr. Kevin Blackwell asked to speak against the Ordinance. He lives in Pinehurst Subdivision and his property backs up to a lake. He asked that they give consideration and do not approve this. He and his family enjoy feeding the ducks in their back yard.

Next, Mr. Bob Judin stated that he also is from Pinehurst Subdivision. He stated that he is not against the Ordinance, he just thinks it should be more localized for certain areas. He stated that he does feed them.

Next, Stacey Ables stated that he lives in the Plum Point Subdivision. He said he does carry his daughter out to feed the ducks. He states that they do this as family time and really enjoy it. He is asking that if there is a problem in a certain area to take care of that area only, not include the entire city in this Ordinance.

Next, Mr. David Turner wanted to know how this would be enforced. He stated that he is against infringing on people's private property rights.

Alderman Guy asked if the committee had discussed possibly doing something to target particular areas and not the whole city. Alderman Payne said they had discussed this but the problem is that if it is bad in one area, it will be the same problem city wide.

Alderman Huling stated that we have had the Game Warden to come in and remove them in the past, and they come right back. He stated that they will feed off the ground, so he is not sure what this ordinance will do. Even if you're not feeding them, they are still there.

Alderman Jobes stated that you cannot drive down Guthrie Drive without seeing the ducks, geese and off brand birds. He stated that he felt like there is something that we can do through animal control. Mayor stated that we could not do anything due to them being protected through the Game and Fish.

Alderman Cady stated that she thinks it would be an overkill to pass an ordinance city wide because some people do like feeding the animals. She thinks we should explore a good educational program. She thinks we need to take a little more time and explore more options on handling this problem.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	NAY
Alderman Cady	NAY
Alderman Hale	YEA

Alderman Payne	YEA
Alderman Brooks	YEA
Alderman Jobs	YEA
Alderman Huling	NAY

Motion was put to a roll call vote and passed with four “YEA’S” and three “NAY’S”.

Alderman Jobs stated that he did not understand the motion therefore is asking for a recall.

Alderman Guy made a motion to reconsider the vote as to WHEREBY the Ordinance passed. Motion was seconded by Alderman Huling. Motion was put to a vote and passed unanimously.

Alderman Jobs moves that we table the Ordinance. Motion fails from a lack of a second.

The original motion is back in front of this Board for the passage of the ordinance, section 3-27 Feeding of Migratory Waterfowl.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Guy	NAY
Alderman Cady	NAY
Alderman Hale	NAY
Alderman Payne	YEA
Alderman Brooks	YEA
Alderman Jobs	NAY
Alderman Huling	NAY

Motion was put to a roll call vote and failed five “NAY’S”, two “YEA’S”.

CITY ATTORNEY’S LEGAL UPDATE

No City Attorney’s Report

OLD BUSINESS

No Old Business

PROGRESS REPORTS

Mayor reported that the Judge is going to rule tomorrow on the issue with the church pews. He will let them know the decision.

CLAIMS DOCKET

A motion was made by Alderman Jobs to approve the Claims Docket of March 2, 2010, including demand checks and payroll in the amount of \$6,812,297.13. Excluding voucher numbers:

138758-138794, 138814, 138885, 139068, 139118, 139119, 139122, 139139, 139168, 139233, 139258, 139259, 139265, 139286, 139287, 139314, 139319-139341.

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

Roll call was as follows:

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

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 Jobs. Motion was put to a vote and passed unanimously, March 2, 2010 at 6:15 p.m.

Charles G. Davis, Mayor

Margaret Still, Deputy Clerk