

**MINUTES OF THE REGULAR MEETING
OF APRIL 19, 2011
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 April, 2011 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

Alderman Randall Huling, Jr. was absent. Also present were Sheila Heath, City Clerk, Chris Wilson, City Administrator, Mark Sorrell, City Attorney and Whitney Choat-Cook, City Planning Director. Approximately twenty (20) other people were present.

Mayor Davis called the meeting to order. Alderman Guy led in prayer, followed by the Pledge of Allegiance led by Alderman Cady. Next, a motion was made by Alderman Cady to approve the minutes of the regular meeting of April 5, 2011 with any corrections, deletions, or additions necessary. Motion seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

CITIZEN'S AGENDA

Mayor Davis reported that we have three (3) individuals on the Citizen's Agenda.

Mrs. Linda Jordan is a transient vendor at the corner of Getwell and Goodman Road. She stated that she is unable to get a transient vendors license from the City Clerk's Office. She is asking this Board to allow her to set up her business at this location. It is reported that she has had that business at that location for about 3 years. The transient vendors are allowed to stay at one location no longer than 6 months at a time, and then she will need to relocate to another location. She wanted to stay at the Goodman Rd and Getwell location, but is willing to move. She also has been leaving her shaved ice trailer up year-round with a tarp around it, and this is a code enforcement issue. She said she will move the equipment when the license expires. The Board did agree that she could get a license as long as she leaves after the 6 months is up. Mrs. Jordan thanked the Board for their time.

Next, Paul Williamson has purchased a piece of property at Vicksburg and Lacy Drive. He stated that his deed shows 1156 Lacy and when he tries to

get deliveries, they can't find his business. He is asking for the City to change his address to 1156 Lacy. Mrs. Choat-Cook said that the official address is in the 9000 block of Lacy. Mr. Williamson is opening up a senior's care center. The concern from the City is that if he needs emergency services that they would not be able to find it. Chief Long stated that it would be a concern to him because the 9000 block should go north and south. After a short discussion, Alderman Guy made the motion to have the planning department to assign him a 9000 address on Lacy Drive. Motion was seconded by Alderman Cady. Motion was put to vote and passed unanimously.

Next, Mr. Mike Blankenship came before this Board to introduce himself and speak about an issue at his place of business, the Big League Bar and Grill located at 5960 Getwell Road. He stated he understands that someone has been before them to complain about the noise from the live bands. He stated that he is doing everything he can to keep the noise down. He is applying for a permit and will stay within the noise ordinance. After a short discussion, he thanked this Board for allowing him to speak.

PUBLIC HEARING TIF

Mayor Davis recessed the City meeting to open the Public hearing for the TIF meeting. He then called the Public meeting to order for the first amendment of the Tax Increment Financing meeting. This TIF amendment is for the vacant land at Church Road and I-55. The current TIF was for up to \$7,000,000.00 and this TIF will be for up to \$15,000,000.00 max. Mayor Davis asked for any questions, no questions asked. Mayor Davis then closed the Public Hearing. Mayor Davis then called the Mayor and Board of Alderman meeting back to order. Alderman Guy made the following motion:

***FIRST AMENDMENT TO TAX INCREMENT FINANCING PLAN
DESOTO POINTE PROJECT
SOUTHAVEN, MISSISSIPPI
APRIL 2011***

Through a resolution of the Mayor and Board of Aldermen of the City of Southaven, Mississippi dated April 20, 2004 the City approved the adoption and implementation of the Tax Increment Financing Plan, DeSoto Pointe Project, Southaven, Mississippi, April 2004 (the "2004 TIF Plan"). The primary objective of the 2004 TIF Plan is to serve the public convenience and necessity by participating in the DeSoto Pointe Project as such project is more fully described in the 2004 TIF Plan. The 2004 TIF Plan provides for financing to construct infrastructure improvements to serve 1,447,000+ square feet of retail stores and induces commercial development.

The City now desires to amend the 2004 TIF Plan through this amendment (the "First Amendment" and with the 2004 TIF Plan, to be herein referred to as the "TIF Plan") thereby increasing the not to exceed principal amount of TIF Bonds, as defined hereinafter, providing that DeSoto County, Mississippi may participate, and with respect to other matters as more fully set forth below.

1. The second paragraph under Article I, Section B. of the 2004 TIF Plan is hereby amended by deleting that paragraph in its entirety and replacing it with the following:

The Developer requests that the City participate in the construction of the DeSoto Pointe Project by issuing tax increment debt obligations, in one or more series, in an aggregate amount of up to \$15,000,000 for a term of up to 15 years (the "TIF Bonds"). The description of infrastructure improvements as set forth in the immediately following paragraph may also include, but is not limited to, site work and grading with respect to the project site.

2. Article II, Section A. of the 2004 TIF Plan is hereby amended by adding the following paragraph at the end of Section A.:

The Project may include, but is not limited to, a regional shopping center (the "Phase 1 Retail Project") to be constructed by the Developer described under this Article II, and which shall include approximately 300,000 square feet of retail shops and restaurants.

3. Article II, Section B. of the 2004 TIF Plan, is hereby amended by adding the following paragraph at the end of Section B.:

The Developer of the Phase 1 Retail Project shall be the Developer as set forth above in this Article II and any Developer assignees.

4. Article III, Section B. of the 2004 TIF Plan is hereby amended by adding the following paragraph immediately after the "**Retail Sales Tax Benefits**" chart:

A portion of the City's sales tax rebates (as determined in the sole discretion of the City) will be pledged by the City to service tax increment financing debt obligations.

5. Article IV of the 2004 TIF Plan is hereby amended by adding the following paragraph at the end of Article IV:

The City may request participation by DeSoto County, Mississippi, pledging a portion of its real property taxes to service tax increment financing debt obligations as may be approved by the County and which shall be in accordance with the provisions of Section 21-45-1 *et seq.* of the Tax Increment Financing Act.

6. Sections A., B. and C. of Article VI of the 2004 TIF Plan are hereby amended by deleting Sections A., B. and C. in their entirety and replacing them with the following:

A. COST ESTIMATE OF REDEVELOPMENT PROJECT

The estimated total cost of the DeSoto Pointe Project is \$158,000,000. The DeSoto Pointe Project may be constructed in multiple developments as may be further approved by the City. The estimated cost of constructing infrastructure

improvements to be paid with TIF funds will not exceed \$15,000,000. The funds will be used for construction of infrastructure improvements including, but not limited to, site work and grading; installation of utilities such as water, sanitary sewer, and natural gas lines; relocation of utilities; installation of storm drainage; construction of roadways with curb and gutter and sidewalks; installation of traffic signalization and signage; landscaping of rights-of-way; purchase of rights-of-way necessary for the installation of the infrastructure improvements described hereinabove; capitalized interest; funding a reserve fund, if necessary; engineering; TIF Plan preparation fees; other incidental costs; and related professional fees.

B. PROJECTED SOURCES OF REVENUE TO MEET COSTS

The Developer will construct or cause to be constructed the 1,447,000+ square foot shopping center. The Developer will secure financing for construction of the buildings and ancillary improvements, which is estimated to cost \$158,000,000. The City will issue TIF Bonds in an amount not to exceed \$15,000,000 to construct improvements as identified in this TIF Plan. The TIF Bonds shall be secured by the increased ad valorem real and personal property taxes and a portion of the increased City sales tax rebates generated from the development of the Project, at the sole discretion of the City, all consistent with the provisions of this TIF Plan. The TIF Bonds may be issued as one or more series of bonds to provide supporting infrastructure improvements for one or more development projects as part of the DeSoto Pointe Project.

C. TOTAL AMOUNT OF INDEBTEDNESS TO BE INCURRED

The City will issue up to \$15,000,000 in TIF Bonds, in one or more series, which will be serviced by the pledge of ad valorem real and personal property tax increases (and a portion of the City sales tax rebate increases) generated from development of the TIF District to service the TIF Bonds. The TIF Plan as determined in the sole discretion of the City, as amended, shall be administered by the City. The City shall have the responsibility of carrying forward this Project including, but not limited to, the issuance of TIF Bonds to provide funds to defray the cost of infrastructure improvements.

It is expected that TIF Bonds can be obtained at an annual interest rate of 5.25% for up to 15-year tax increment debt obligations. Annual principal and interest payments are estimated to be \$1,542,000 assuming the 5.25% rate and tax increment obligations over a period of up to 15 years. In the event that TIF Bonds to finance certain infrastructure improvements are issued by the City as taxable TIF Bonds as required under Federal tax laws, the estimated interest rate would be 6% to 6.50%.

Estimated ad valorem real and personal property tax revenues generated by the City resulting from construction of the Project, excluding school district taxes which do not apply in this case, will be approximately \$972,079 as provided for under the TIF Plan. It is requested that as much as is necessary of these ad valorem real and personal property tax payments be pledged to the payment of the tax increment debt obligations of the City. The only obligation of the City with respect to the payment of the tax increment financing debt obligations will be the pledge of the ad valorem real and personal property tax revenues and, at the sole

discretion of the City, a portion of the City's sales tax rebates generated from the Project.

Of the total estimated principal and interest payments of \$1,542,000, the City will pledge the entirety of the added increments of ad valorem taxation on the real and personal property generated by the construction of the Project as provided for under the TIF Plan. The added increment of ad valorem taxation is estimated to be about \$972,000. Any surplus is to be deposited in the general fund of the City to be used for any lawful purpose. The City will also pledge a portion of its City sales tax rebates (as described under Article III hereof) as determined in the sole discretion of the City. This added increment of sales tax rebate is estimated at \$3,747,730 as provided for under the TIF Plan. It is requested that as much as is necessary of these sales tax rebates be pledged to the payment of TIF Bonds as may be determined by the City, with the surplus to be deposited in the general fund of the City to be used for any lawful purpose.

A separate fund of the City shall be established with respect to the tax increments pledged to TIF Bonds as required under the Tax increment Financing Act.

7. The first paragraph under Article VIII of the 2004 TIF Plan is hereby amended by deleting such first paragraph in its entirety and replacing it with the following:

The duration of the TIF Plan will not exceed twenty (20) years from the date of the adoption of the First Amendment.

8. Except to the extent amended under this First Amendment, the provisions contained in the TIF Plan shall continue to apply to the DeSoto Pointe Project and shall apply to the TIF Bonds to the same extent and for the same duration as set forth in the 2004 TIF Plan.

9. Through the adoption of this First Amendment, the Governing Body of the City acknowledges the above and shall adopt the necessary resolutions when deemed necessary and appropriate.

10. Except as provided above, the terms used herein unless the context hereof shall require otherwise, shall have the same meaning as given them in the 2004 TIF Plan.

Motion was seconded by Alderman Cady. Motion was put to 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 Jobes	YEA
Alderman Huling	ABSENT

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved on this the 19th day of April, 2011.

AMEDNED LEASE AGREEMENT

Mayor Davis reported that Heartland Church is asking to amend the lease agreement between them and the City of Southaven. They are asking to extend their lease three (3) years with a fourth (4) year optional. This will begin the 1st day of July, 2011 and go through the 30th day of June. They will pay the City \$86,400.00 annually. Alderman Cady made the motion to accept the amended lease agreement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

SURPLUS PROPERTY-SPD

Mayor Davis reported that the Southaven Police Department is asking to surplus a 2003 Ford Crown Victoria. V/N 2FAHP71W53X168741. Alderman Guy made the motion to surplus the vehicle in accordance to state law. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

ACCEPTANCE OF BIDS:

Utility Division: This bid is for a sewer out fall lines that will serve Whitten Place and Summerwood. Talbert Rea with Neel-Schafer, Inc. reported to the Board that according to the sealed bids, he is asking to accept C E Robertson Company as the best bid, in the amount of \$116,781.30. They were the second lowest bidder. The lowest being Tri-Firma at \$109,970.67 who failed to include with their bid a complete bidder's proposal. Therefore, it was considered incomplete. After a short discussion, Alderman Jobes made the motion to accept C H Robertson Construction Company, as the lowest and best bid at \$116,781.30. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

Operations Department: Mayor Davis reported that it is the recommendation of Bradley Wallace, Operations Director, to accept the following bids for the HVAC systems:

Group A: Tri-Star Companies, Inc for labor rates quoted and for quarterly services bid at \$4,250.00 per quarter.

Group B: Upchurch Services, LLC for labor rates quoted and for quarterly services bid at \$1,733.75 per quarter.

Group C: Mac's A/C & Refrigeration for labor rates quoted and for quarterly services bid at \$2,050.00 per quarter.

Alderman Guy made the motion to take the recommendation of Bradley Wallace as presented. Motion was seconded by Alderman Brooks. After a short discussion, motion was put to vote and passed unanimously.

PLANNING AGENDA:

No Planning Agenda

MAYOR'S REPORT

Mayor Davis reported that the Easter Egg Hunt is this Saturday at 11 a.m. They have 60,000 eggs. If it rains, they plan to move it inside at the indoor soccer field.

Next, Mayor Davis reported that Springfest was a success this year. Even with the bad weather, the city still made a profit. He thanked Kristi Faulkner for all the hard work in putting it together, as well as the City Clerk's Office, Parks, Public Works and the Southaven Police Department.

Mayor Davis reported that he received a letter from the Justice Department approving our election last October. They stated that they did confirm the two polling places and that they had no objection.

Next, Mayor Davis stated that we have a request for 3 demand checks for the following vendors, Gulf South Conference in the amount of \$4,025.00 for the softball conference. Clark Beverage for \$4,089.74 and A & B Distributors for \$5,934.22. These invoices just came in today and will show up on the next docket. They will need to be paid before the next meeting. Alderman Guy made a motion to allow these checks to be paid. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Mayor Davis reported that Jimmy Gray Chevrolet is getting a new face lift. He showed the Board the new look.

Next, Mayor Davis stated that Friday, April 29th, the City will be recognizing the Southaven Cheerleaders.

COMMITTEE REPORTS:

No Committee Reports

CITY ATTORNEY'S LEGAL UPDATE

Mr. Mark Sorrell, City Attorney reported that his first item is presenting them with a contract from GBS Property Management for the cleaning of condemned property. Alderman Brooks made the motion to enter into an agreement with GBS for the cleaning of condemned properties. Motion was seconded by Alderman Cady. After a short discussion, motion was put to vote and passed unanimously.

Next, Mr. Sorrell reported that he has a resolution for the Board to approve for the donation of ONE 1987 MODEL EMERGENCY ONE PUMPER SERIAL NUMBER: IPGBC5JL8HRHC1160 and that this Board has already declared as surplus property, to the Nesbit Volunteer Fire Department. Alderman Hale made the motion to approve the resolution as presented to this Board.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
APPROVING DONATION OF SURPLUS PROPERTY
TO THE NESBIT VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the Mayor and Board of Aldermen of the City of Southaven, Mississippi, the governing authorities of said municipality, find and determine that the following described surplus property formerly used by the Southaven Fire Department is no longer needed for municipal or related purposes and is not to be used in the operation of the municipality, to-wit:

**ONE 1987 MODEL EMERGENCY ONE PUMPER
SERIAL NUMBER: IPGBC5JL8HRHC1160**

WHEREAS, Section 21-17-1 of the Mississippi Code Annotated (1972) provides that in case any of the real or personal property belonging to a municipality shall cease to be used for municipal purposes, the governing authorities of the municipality may sell, convey or lease the same on such terms as the municipal authorities may elect;

WHEREAS, the Nesbit Volunteer Fire Department of Nesbit, Mississippi, has expressed a desire to receive the above described Pumper for use in its volunteer fire department and the governing authorities of the City of Southaven find and determine that the use of such personal property for the purpose for which it is to be donated will promote and foster the development and improvement of the City of Southaven and will be helpful towards advancing the

civic, social, educational, cultural, moral, economic and industrial welfare of the City of Southaven.

THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the City of Southaven, Mississippi, pursuant to the general powers granted to municipalities in Section 21-17-1 of the Mississippi Code Annotated (1972), that the above described surplus personal property be donated to the Nesbit Volunteer Fire Department of Nesbit, Mississippi, for use in its volunteer fire department.

Following the reading of this Resolution, it was introduced by Alderman Hale and seconded by Alderman Guy. This Resolution was then put to a roll call vote and the results were as follows:

ALDERMAN	VOTED
Alderman Greg Guy	YES
Alderman Lorine Cady	YES
Alderman George Payne	YES
Alderman Ronnie Hale	YES
Alderman William Brooks	YES
Alderman Ricky Jobes	YES
Alderman Randall T. Huling, Jr.	ABSENT

The said Resolution, having received the unanimous vote of all of the Aldermen present, was declared adopted on this, the 19th day of April, 2011.

OLD BUSINESS:

No Old Business

PROGRESS REPORTS:

No Progress Report

CLAIMS DOCKET:

A motion was made by Alderman Jobs to approve the Claims Docket of April 19, 2011, including demand checks and payroll in the amount of \$1,217,008.88. Motion was seconded by Alderman Guy. There was no further discussion, the motion was put to vote and passed unanimously.

Excluding voucher numbers:

160440, 160446 – 160455, 160447, 160601, 160821, 160956, 161229-161241, 161243-161268, 161272 – 161288.

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	ABSENT

Having received a majority of affirmative votes, the Mayor declared that the motion was carried and approved for payment on this the 19th day of April, 2011.

PERSONNEL AND LITIGATION

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. Motion was put to vote and passed unanimously. Alderman Guy made the motion to go into executive session for the purpose of discussing litigation. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously.

Mayor called the meeting back to order.

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 Cady. Motion was put to a vote and passed unanimously, April 19, 2011 at 7:00 p.m.

Charles G. Davis
Mayor

Sheila Heath, City Clerk