

**MINUTES OF THE REGULAR MEETING
OF FEBRUARY 04, 2014
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 4TH day of February, 2014 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks (by phone)	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Shirley Beshears	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
Scott Ferguson	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Sheila Heath, City Clerk and Nick Manley, City Attorney. Approximately thirty five (35) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer, followed by the Pledge of Allegiance led by a Scout with Cub Scout Pack 190. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of January 21, 2014 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Kelly. Motion was put to a vote and passed unanimously.

RESOLUTION AUTHORIZING BOND REFUNDING

THEREUPON Alderperson Ferguson offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI (THE "CITY"), AUTHORIZING THE NEGOTIATION FOR THE SALE BY THE MISSISSIPPI DEVELOPMENT BANK (THE "BANK") OF ITS SPECIAL OBLIGATION BONDS, SERIES 2014 (SOUTHAVEN, MS RECREATION FACILITIES REFUNDING PROJECT), IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION DOLLARS (\$8,000,000) TO PROVIDE FUNDS FOR A LOAN (THE "LOAN") BETWEEN THE CITY AND THE BANK PURSUANT TO A LOAN AGREEMENT BETWEEN THE CITY AND THE BANK SECURED BY A PROMISSORY NOTE (SOUTHAVEN, MS RECREATION FACILITIES REFUNDING PROJECT) IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED EIGHT MILLION DOLLARS (\$8,000,000) (THE "NOTE"); APPROVING THE FORM OF AND EXECUTION OF, AS APPLICABLE, THE LOAN AGREEMENT, THE NOTE, THE TRUST INDENTURE, THE PRELIMINARY OFFICIAL STATEMENT, THE BOND PURCHASE AGREEMENT, THE INTERCEPT AGREEMENT, AND RELATED DOCUMENTS TO BE USED IN CONNECTION WITH THE LOAN.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Southaven (the "City"), acting for and on behalf of the City, does hereby find, determine and adjudicate as follows:

1. The City is authorized under the provisions of Section 31-25-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented from time to time (the "Bank Act"), Sections 31-27-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented

from time to time (the “Refunding Act”), and Senate Bill 3131, 1996 Regular Session of the Mississippi Legislature (the “City Act”, and together with the Bank Act and the Refunding Act, the “Act”), to borrow funds from the Mississippi Development Bank (the “Bank”) to finance and refinance certain capital projects within the City.

2. The Bank is authorized to, among other things, enter into loan agreements with the City as set forth under the Bank Act and to finance such assistance to the City by the issuance of revenue bonds, including revenue refunding bonds.

3. It is necessary, proper and economically feasible that the City borrow money by entering into a loan with the Bank (the “Loan”) secured by the Note, as hereinafter defined, in order to provide funds for (i) the current refunding of the Bank’s (a) Special Obligation Bonds, Series 2003 (Southaven, Mississippi Recreation Facilities Project), dated July 1, 2003, issued in the original principal amount of \$4,000,000 (the “2003 Bank Bonds”) maturing in the years 2014 through and including 2023 (the “Refunded 2003 Bank Bonds”); (b) Special Obligation Bonds, Series 2004 (Southaven, Mississippi Recreation Facilities Project), dated March 1, 2004, issued in the original principal amount of \$4,500,000 (the “2004 Bank Bonds”) maturing in the years 2015 through and including 2024 (the “Refunded 2004 Bank Bonds”); (c) Special Obligation Bonds, Series 2006 (Southaven, Mississippi Recreation Facilities Project), dated November 7, 2006, issued in the original principal amount of \$4,185,000 (the “2006 Bank Bonds”) maturing in the years 2015 through 2020 (the “Refunded 2006 Bank Bonds” and together with the Refunded 2003 Bank Bonds and the Refunded 2004 Bank Bonds, the “Refunded Bank Bonds”) (ii) funding a debt service reserve fund for the Bank Bonds, as hereinafter defined, including the costs of a surety bond; and (iii) paying the cost of issuance of the Bank Bonds and the Loan, as hereinafter defined, including, but not limited to, the costs of a municipal financial insurance policy (together, the “Series 2014 Project”) pursuant to the Act.

4. It is in the best interest of the City for the Bank to issue its Special Obligation Bonds, Series 2014 (Southaven, Mississippi Recreation Facilities Refunding Project) in the principal amount of not to exceed Eight Million Dollars (\$8,000,000) (the “Series 2014 Bonds”) for the purpose of providing funds for the Loan between the Bank and the City to provide for the Series 2014 Project.

5. The Governing Body desires (i) to authorize the negotiation for the sale of the Series 2014 Bonds by the Bank, to Duncan-Williams, Inc., Memphis, Tennessee (the “Underwriter”); (ii) approve the form of and distribution of the preliminary official statement (the “Preliminary Official Statement”); (iii) approve the form of the Bond Purchase Agreement to be dated the date of the sale of the Series 2014 Bonds (the “Bond Purchase Agreement”) for the sale of the Series 2014 Bonds, and to authorize the execution of the Bond Purchase Agreement by the Mayor of the Governing Body for the sale of the Series 2014 Bonds, subject to approval by the Bank and certain other conditions as hereinafter set forth; (iv) approve the application for municipal bond insurance and/or debt service reserve surety bond, if applicable; (v) approve the appointment of Trustmark National Bank, Jackson, Mississippi, as trustee (the “Trustee”) under the Indenture (as defined below), as hereinafter defined, for the Series 2014 Bonds; and (vi) approve the payment of costs of issuance expenses.

6. The Governing Body finds it necessary to approve the form of and execution of, as applicable, the Loan Agreement, to be dated the date of delivery thereof, between the Bank and the City (the “Loan Agreement”), the form of a Continuing Disclosure Agreement, to be dated the date of delivery thereof (the “Continuing Disclosure Agreement”), by and among the City, the Bank and the Trustee, a Promissory Note (Southaven, Mississippi Recreation Facilities Refunding Project), to be dated as of the delivery date of the Series 2014 Bonds, of the City in the principal amount not to exceed \$8,000,000 (the “Note”), and the Trust Indenture, to be dated the date of delivery thereof, between the Bank and the Trustee (the “Indenture”), the Intercept Agreement, to be dated the date of delivery thereof, between the City and the Bank (the “Intercept Agreement”).

9. It appears that the Indenture, the Loan Agreement, the Note, the Preliminary Official Statement, the Bond Purchase Agreement, the Continuing Disclosure Agreement, the Intercept Agreement (collectively, the “Bond and Loan Documents”) are in appropriate form and are appropriate for the purposes identified.

10. It is necessary and advisable and in the best interest of the City for the Governing Body, acting for and on behalf of the City, to enter into the Loan and authorize the sale of the Series 2014 Bonds.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE GOVERNING BODY OF THE CITY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. This Resolution is adopted by the Governing Body of the City pursuant to the Act and all matters and things recited in the premises and preamble of this Resolution are found and determined to be true and accurate.

SECTION 2. The City hereby requests the Bank pursuant to the Act to provide monies for the Loan to the City and provide funds in connection with the issuance and the sale of the Note to the Bank by the City to finance the Series 2014 Project; in connection therewith, the issuance of the Series 2014 Bonds in the aggregate original principal amount of not to exceed Eight Million Dollars (\$8,000,000) is hereby approved and authorized, subject to the provisions of this Resolution and the Indenture. All terms and provisions of the Series 2014 Bonds shall be as set forth in the Indenture. Pursuant to this Resolution, the City is providing its approval of the Series 2014 Project, the Loan and the Series 2014 Bonds and is approving the sale and issuance of the Series 2014 Bonds, all in accordance with this Resolution and the Act.

SECTION 3. The Series 2014 Bonds shall be issued as tax-exempt special obligations of the Bank payable solely by the Bank from the Trust Estate (as defined in the Indenture), and other funds of the Bank pledged under the Indenture, which Trust Estate and funds include payments on the Note and payments under the Loan Agreement and payments pursuant to the Intercept Agreement.

SECTION 4. The form of the Indenture attached hereto as **EXHIBIT A** as submitted to this meeting and made a part of this Resolution as though set forth in full herein shall be, and the same hereby is, approved in substantially said form. The Bank shall issue the Series 2014 Bonds in accordance with the terms and conditions set forth in the Indenture. The Mayor of the Governing Body (the "Mayor") and the City Clerk of the Governing Body or acting City Clerk of the City (the "City Clerk") or any other officer of the Governing Body are hereby authorized and directed to approve and accept the Indenture with such changes, insertions and omissions as may be approved by such officers, said acceptance being conclusive evidence of such approval.

SECTION 5. The forms of the Loan Agreement and the Note attached hereto as **EXHIBIT B** as submitted to this meeting and made a part of this Resolution as though set forth in full herein shall be, and the same hereby are, approved in substantially said forms. The Mayor and City Clerk, or any other officer of the Governing Body, are hereby authorized and directed to execute and deliver the Loan Agreement and the Note with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 6. The forms of the Preliminary Official Statement and Bond Purchase Agreement as submitted to this meeting and made a part of this Resolution as though set forth in full herein shall be, and the same hereby are, approved in substantially said forms. The Mayor and/or City Clerk, or any other officer of the Governing Body, is hereby authorized and directed to execute and deliver, as applicable, the Preliminary Official Statement and Bond Purchase Agreement with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval. The actions of the Mayor and/or the City Clerk, or any other officer of the Governing Body, as applicable, in the preparation and distribution of the Preliminary Official Statement shall be, and the same hereby are, approved, ratified and confirmed, and the Preliminary Official Statement is hereby deemed "final" pursuant to Rule 15c2-12 of the Securities and Exchange Commission. The Mayor and/or the City Clerk and/or any other officer of the Governing Body is hereby authorized and directed to execute and deliver an Official Statement in connection with the Series 2014 Bonds (the "Official Statement"). Said Preliminary Official Statement and Bond Purchase Agreement are attached hereto as **EXHIBIT C** and **EXHIBIT D**, respectively. The City hereby approves the sale of the Bonds to the Underwriter.

SECTION 7. The form of the Continuing Disclosure Agreement attached hereto as **EXHIBIT E** as submitted to this meeting and made a part of this Resolution as though

set forth in full herein shall be, and the same hereby is, approved in substantially said form. The Mayor and City Clerk, or any other officer of the Governing Body, are hereby authorized and directed to execute and deliver the Continuing Disclosure Agreement with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 8. The form of the Intercept Agreement attached hereto as **EXHIBIT F** as submitted to this meeting and made a part of this Resolution as though set forth in full herein shall be, and the same hereby is, approved in substantially said form. The Mayor and City Clerk, or any other officer of the Governing Body, are hereby authorized and directed to execute and deliver the Intercept Agreement with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 9. The City hereby acknowledges the communication of the Underwriter (the "G-17 Disclosure") attached hereto as **EXHIBIT G** and made a part of this resolution as though set forth in full herein. The Mayor and City Clerk, or any other officer of the Governing Body, are hereby authorized and directed to approve and execute the G-17 Disclosure.

SECTION 10. The City hereby approves the Bank's negotiation for the sale of the Series 2014 Bonds to the Underwriter pursuant to the Bond Purchase Agreement as evidence thereof provided that the following conditions are met: (1) a net interest cost of not more than 6% for the Series 2014 Bonds; (2) approval by the Bank of the Bond Purchase Agreement evidenced by the Bank's execution of the Bond Purchase Agreement; (3) the term of the Series 2014 Bonds shall not exceed 30 years; (4) the aggregate principal amount of all Series 2014 Bonds shall not exceed \$8,000,000, and (5) other terms and provisions of the Series 2014 Bonds shall be in compliance with the Act.

SECTION 11. Trustmark National Bank, Jackson, Mississippi, is hereby designated the trustee under the Indenture (the "Trustee").

SECTION 12. Upon the recommendation of Government Consultants, Inc. (the "Financial Advisor"), the City approves the Bank applying for a commitment for municipal bond insurance or any other form of credit enhancement from an insurance company providing financial guaranty insurance policies or financial institutions providing credit enhancement for revenue bonds such as the Series 2014 Bonds (the "Credit Provider"). The Mayor, the City Clerk, and any other officer of the City are further authorized to execute and deliver commitments for the provision of credit enhancement and any additional documents and certificates, which are required by any Credit Provider to provide such credit enhancement in connection with the issuance of the Series 2014 Bonds. Any changes, insertions and omissions to the documents authorized herein, as may be required by the Credit Provider, in connection with the Series 2014 Bonds are to be approved by the Mayor and/or City Clerk, the execution of the commitment for said credit enhancement being conclusive evidence of such approval. In anticipation of the provision of credit enhancement by any Credit Provider, the City hereby approves the references to the Credit Provider and such credit enhancement, and related documents, in the attached Bond Documents and the deletion or revision, as applicable, of said references if no credit enhancement is obtained in connection with the Series 2014 Bonds.

SECTION 13. The City herein approves the employment of Butler Snow LLP, Ridgeland, Mississippi, as Bond Counsel and City Counsel, and the Financial Advisor in connection with the sale and issuance of the Series 2014 Bonds, and authorizes them to prepare the necessary resolutions, financing documents and offering documents for the subsequent sale and issuance of the Series 2014 Bonds and the Loan to the City.

SECTION 14. The Mayor or the City Clerk is hereby authorized and directed to sign requisitions and perform such other act as may be necessary to authorize the Trustee to pay on the date of issuance of the Series 2014 Bonds the costs of issuance of said Series 2014 Bonds and costs of issuance for the Loan between the Bank and the City; provided, however, total costs of issuance for said Series 2014 Bonds and the Loan shall

not exceed 3.0% of the par amount of the Series 2014 Bonds (exclusive of underwriter's discount and any credit enhancement costs).

SECTION 15. The Mayor and the City Clerk are authorized and directed to execute and deliver any additional documents, agreements, instruments, requisitions and certificates, which are required in connection with the sale and issuance of the Series 2014 Bonds. If the date of the issuance and delivery of the Note and/or the Series 2014 Bonds, and/or the execution and delivery of any of the documents attached hereto and adopted hereby occurs after 2014, then the Mayor is hereby fully authorized to approve all applicable and necessary changes to the documents attached hereto or otherwise and related to such change to provide for the dating of documents for the appropriate year (including the Note and the Series 2014 Bonds), the execution of said documents being conclusive evidence of such approval, and no further action shall be required of the Governing Body of the City to approve such date changes. Notwithstanding any other provision herein or in any attachments hereto, the Governing Body further authorizes any necessary changes to the name and/or title and/or series and sub-series designation of the Series 2014 Bonds and/or the Note and corresponding changes to any of the related documents attached hereto if it is determined, after consultation with the Financial Advisor, that it is in the best economic interest of the City for the Series 2014 Bonds and/or the Note to be issued in one or more taxable or tax-exempt series or sub-series within a series, as municipal bond market conditions may dictate.

SECTION 16. Except as otherwise expressly provided herein, nothing in this Resolution or the Indenture, express or implied, is intended or shall be construed to confer upon any person or firm or corporation other than the Bank, the holders from time to time of the Series 2014 Bonds issued under the Indenture, the City and the Trustee, any right, remedy or claim, legal or equitable, under and by reason of this Resolution or any of the provisions hereof or the Indenture or any provision thereof.

SECTION 17. In case any one or more of the provisions of this Resolution, the Bond Documents or the Series 2014 Bonds approved hereby shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this Resolution, or any of the other Bond Documents, as applicable, but this Resolution or any of the other Bond Documents, as applicable, shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained therein. The terms and conditions set forth in the Indenture, the pledge of the moneys and property under the Indenture, the creation of the funds provided for in the Indenture, the receipt of payments made on the Note, the provisions relating to the proceeds derived from the sale of the Series 2014 Bonds pursuant to and under the Indenture and the handling of said moneys, property and receipts are all commitments and agreements on the part of the Bank and the validity or the invalidity of the Indenture shall not affect the commitments on the part of the Bank to create such funds and to handle such proceeds and such moneys, property and receipts for the purposes, in the manner and according to the terms and conditions fixed in the Indenture, it being the intention hereof that such commitments on the part of the Bank are binding as if contained in this Resolution separate and apart from the Indenture.

SECTION 18. The Mayor and/or the City Clerk, or any other officer of the Governing Body, are, and each of them is hereby, authorized and directed to prepare and distribute a final Official Statement in substantially the form of the Preliminary Official Statement in connection with the sale and issuance of the Series 2014 Bonds.

SECTION 19. No stipulation, obligation or agreement herein contained or contained in any of the Bond Documents, as applicable, or other documents necessary to conclude the sale and issuance of the Series 2014 Bonds shall be deemed to be a stipulation, obligation or agreement of any officer, director, agent or employee of the City in such person's individual capacity, and no such officer, director, agent or employee shall be personally liable on the Series 2014 Bonds or be subject to personal liability or accountability by reason of the sale and issuance thereof.

SECTION 20. When the Series 2014 Bonds are issued, the City Clerk is hereby authorized and directed to prepare and furnish to Bond Counsel, the Underwriter, the Bank, the City and the Trustee certified copies of all the proceedings and records of the City relating to the Series 2014 Bonds and the Note, and such other affidavits and

certificates as may be required to show the facts relating to the legality and marketability of the Series 2014 Bonds and the Note as such facts appear from the books and records in the City Clerk's custody and control or as otherwise known to the City Clerk; and all such certified copies, certificates and affidavits, including any heretofore furnished, shall constitute representations of the City as to the truth of all statements contained therein.

SECTION 21. From and after the execution and delivery of the documents hereinabove authorized, the proper officers, directors, agents and employees of the City are hereby authorized, empowered and directed to do all such acts and things to and execute all such documents as may be necessary to carry out and comply with the provisions of said documents as executed and are further authorized to take any and all further actions and execute and deliver any and all other documents and certificates as may be necessary or desirable in connection with the issuance of the Series 2014 Bonds and the execution and delivery of each of the Bond Documents to which the City is a party or other documents necessary to conclude the sale and issuance of the Series 2014 Bonds and the Note and to document the City's compliance with the Act.

SECTION 22. The Executive Director and/or the City Clerk of the Bank are hereby requested to sign and file or cause to be filed one or more completed I.R.S. Form 8038-G "Information Return for Government Obligations" as required by Section 149(e) of the Internal Revenue Code of 1986, as amended (the "Code"), in connection with the issuance of the Series 2014 Bonds and any other I.R.S. forms and/or certificates required to be filed in connection with the issuance of the Series 2014 Bonds.

SECTION 23. This resolution shall serve as notice to the Bank and Trustmark National Bank, Jackson, Mississippi in its capacity as trustee and paying agent for the Series 2003 Bank Bonds, the Series 2004 Bank Bonds and the Series 2006 Bank Bonds (the "2003 Trustee," "2004 Trustee" and "2006 Trustee" together the "Refunded Bonds Trustee"), of the City's desire to provide for the Series 2014 Project. The City hereby authorizes and approves (a) the refunding of the Refunded Bank Bonds at such times and on such dates as determined by the Bank and the City upon advice of the Financial Advisor, (b) the Refunded Bonds Trustee providing any required notices of redemption in connection with the refunding of the Refunded Bank Bonds, and (c) the Refunded Bonds Trustee or Bond Counsel subscribing for U.S. Treasury Securities – State and Local Government Series, if such subscription is deemed necessary by the Financial Advisor in connection with the refunding of the Refunded Bank Bonds.

SECTION 24. The Mayor and/or the City Clerk are hereby authorized to execute a non-arbitrage certification or agreement in order to comply with Section 148 of Code and the applicable regulations thereunder.

SECTION 25. Subject to the provisions of this resolution, the Mayor or City Clerk are hereby authorized (a) to take any actions and to do such things as they shall deem appropriate and lawful to expedite the sale and issuance of the Series 2014 Bonds; (b) to make all final decisions (i) regarding the aggregate principal amount of the Series 2014 Bonds, (ii) the redemption provisions of the Series 2014 Bonds, (iii) the interest rates to be borne by the Series 2014 Bonds, (iv) the final maturity of the Series 2014 Bonds, and (c) to make all final determinations necessary to structure the Series 2014 Bonds and the current refunding and defeasance of the Refunded Bonds.

SECTION 26. All acts and doings of the officers of the City which are in conformity with the purposes and intents of this Resolution and in furtherance of the sale and issuance of the Series 2014 Bonds and the Note, from time to time, and the execution, delivery and performance of each of the Bond Documents to which the City is a party and the Official Statement, shall be, and the same hereby are, in all respects approved and confirmed.

SECTION 27. This Resolution shall become effective immediately and all resolutions and orders, or parts thereof, in conflict herewith are, to the extent of such conflict, repealed.

Alderman Flores seconded the motion to adopt the foregoing resolution and the question was put to a roll call vote, the result was as follows:

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES
Alderman-At-Large William Brooks	voted: YES

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 4th day of February, 2014.

CITY OF SOUTHAVEN, MISSISSIPPI

BY: _____
DARREN MUSSELWHITE
MAYOR

ATTEST:

CITY CLERK

(SEAL)

EXHIBIT A

FORM OF TRUST INDENTURE

EXHIBIT B

FORM OF THE LOAN AGREEMENT AND NOTE

EXHIBIT C

FORM OF THE PRELIMINARY OFFICIAL STATEMENT

EXHIBIT D

FORM OF THE BOND PURCHASE AGREEMENT

EXHIBIT E

FORM OF THE CONTINUING DISCLOSURE AGREEMENT

EXHIBIT F

FORM OF THE INTERCEPT AGREEMENT

EXHIBIT G

G-17 DISCLOSURE

****Exhibits A-G are attached to these minutes.**

Mr. Demery Grubbs with Government Consultants, Inc. presented this item to the Board. Mr. Grubbs stated that the City of Southaven has the opportunity to refund the 2003, 2004, and 2006 Mississippi Development Bank Obligation Bonds and generate a net savings to the City of approximately \$312,000.00. Mr. Grubbs stated that the savings would be realized from 2015 through 2024 with an average annual savings of approximately \$30,000.00 each year. Mr. Grubbs further stated that the adoption of this Resolution authorizes Government Consultants, Inc. to proceed with the refunding.

A copy of the Memorandum from Government Consultants, Inc. is attached to these minutes.

2014 STORMWATER PHASE II PROGRAM AGREEMENT

Ron Smith, City Engineer, presented this item to the Board. Mr. Smith stated that this is an amendment to the existing 2007 Stormwater – Phase II agreement for year (5) five of the MS4 General Permit requirements. Mr. Smith further stated that this agreement will provide services through December, 2014, and will be revised at that point to include the new statewide permit requirements. Alderman Payne made the motion to approve the amended contract with Neel Schaffer. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

STATELINE ROAD DRAINAGE IMPROVEMENTS AT FIRST INDUSTRIAL DRIVE – CHANGE ORDER NO. 1 (WATER MAIN RELOCATE)

Ron Smith, City Engineer, presented this item to the Board. Mr. Smith stated that certain pipes need to be relocated to protect the drainage pipes from collapse. Mr. Sean Hilsdon with Neel Schaffer stated that these repairs are considered preventative and necessary. Alderman Payne expressed concerns that this was not included in the original scope of work. Mr. Smith stated that this was not anticipated.

The Contract Change Order is attached to these minutes.

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
AUTHORIZING THE MAYOR TO SIGN THE CHANGE
ORDER FOR THE STATELINE ROAD AT FIRST INDUSTRIAL
DRIVE DRAINAGE PROJECT**

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for the Stateline Road at First Industrial Drive Drainage Project whereby Tri-Firma, LLC was the lowest and best bid; and

WHEREAS, it has been recommended by the City Engineers and City Engineering representatives to relocate certain water pipes to protect the drainage pipes from collapse; and

WHEREAS, based on the recommendation of the respective engineers, the City desires to protect the drainage improvements being conducted and pursuant to

Mississippi Code 31-7-13(g) finds that the Change Order No. 1 for the Stateline Road Project is necessary and better serves the purpose of the City and the change order will be done in a commercially reasonable manner and is not being done to circumvent the public purchasing statutes; and

NOW, THEREFORE, BE IT ORDERED by the Board of Aldermen of the City, to wit:

1. Pursuant to Mississippi Code 31-7-13(g), the Change Order No. 1 for the Stateline Road Drainage Project is not a new undertaking or outside the original scope of the contract and is commercially reasonable and not being done to circumvent the public purchasing statutes, the Mayor is authorized to sign the change order.
2. The Mayor is authorized to take all actions to effectuate the intent of this Board Order.

Following a reading of the foregoing resolution, Aldermen Payne made the motion and Alderman Beshears seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Brooks	voted:	YES
Alderman Kristian Kelly	voted:	YES
Alderman Shirley Beshears	voted:	YES
Alderman George Payne	voted:	YES
Alderman Joel Gallagher	voted:	YES
Alderman Scott Ferguson	voted:	YES
Alderman Raymond Flores	voted:	YES

ORDERED AND DONE, this 4th day of February, 2014.

DARREN L. MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK

**RESOLUTION HURRICANE CREEK GRAVITY SEWER PROJECT –
PHASE I – FINAL SUMMARY CHANGE ORDER #2**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
AUTHORIZING THE MAYOR TO SIGN THE CHANGE
ORDER NO. 2 FOR THE HURRICANE CREEK SEWER PROJECT
PHASE 1 GRAVITY SEWER MAIN**

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for the Hurricane Creek Sewer Project whereby Ensco, LLC was the lowest and best bid; and

WHEREAS, it has been recommended by the City Engineers and City Engineering representatives to approve the final change order for summarizing installed quantities; and

WHEREAS, based on the recommendation of the respective engineers, the City desires to amend the installed quantities and pursuant to Mississippi Code 31-7-13(g) finds that the Change Order No. 2 for the Hurricane Creek Sewer Project is necessary and better serves the purpose of the City and the change order will be done in a commercially reasonable manner and is not being done to circumvent the public purchasing statutes; and

NOW, THEREFORE, BE IT ORDERED by the Board of Aldermen of the City, to wit:

3. Pursuant to Mississippi Code 31-7-13(g), the Change Order No. 2 for the Hurricane Creek Sewer Project is not a new undertaking or outside the original scope of the contract and is commercially reasonable and not being done to circumvent the public purchasing statutes, the Mayor is authorized to sign the change order.
4. The Mayor is authorized to take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Beshears made the motion and Alderman Ferguson seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Brooks	voted:	YES
Alderman Kristian Kelly	voted:	YES

Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

ORDERED AND DONE, this 4th day of February, 2014.

DARREN L. MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK

The Contract Change Order is attached to these minutes.

APPROVAL FOR CONTRACT WITH NORTHCENTRAL ELECTRIC POWER ASSOCIATION

Nick Manley, City Attorney, presented this item to the Board. Mr. Manley stated that the Utilities Department is putting in Scada Monitoring to monitor flow at certain meters. Mr. Manley further stated that the Scada Monitoring requires a power supply and Northcentral electric requires a signed standard agreement to supply the electricity. Mr. Manley requested that the Board give Ray Humphrey authorization to sign the application for membership. Alderman Flores made the motion to authorize. Motion was seconded by Alderman Gallagher. Motion was put to vote and passed unanimously.

The signed application is attached to these minutes.

LEASE AMENDMENT WITH TBTES, INC.

Nick Manley, City Attorney, presented this item to the Board. Mr. Manley stated that Barry DeVoll with TBTES, Inc. has a signed agreement, which was approved by the previous Board, to lease the Arena on March 4, 5, and 6 for their fundraiser. Mr. DeVoll has made some additions that include having an intermission and is requesting that the Board approve the addendum. Mr. Manley requested that the Board give authorization for Mike Mullins to sign the lease amendment. Alderman Payne made the motion to authorize Mike Mullins to sign the agreement. Motion was seconded by Alderman Flores. Motion was put to vote and passed unanimously.

A copy of the agreement and addendum are attached to these minutes.

CONTRACT AMENDMENT WITH IDEAL CHEMICAL COMPANY

Mr. Nick Manley, City Attorney, presented this item to the Board. Mr. Manley stated that last year the City went to bid for the Utility Department for the water treatment plant and Ideal Chemical Company was the lowest and best bid and was awarded the contract. Mr. Manley further stated that both parties have the option to renew for (2) two - (1) one consecutive periods and they are requesting that the City extend the renewal with the same terms and pricing. Alderman Gallagher made the motion to approve the amendment authorizing the Mayor to sign the contract. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

The signed agreement is attached to these minutes.

LEASE AMENDMENT WITH CIVIL AIR PATROL

Nick Manley, City Attorney, stated that he sent a lease agreement to Civil Air Patrol for the use of space in the Parks building and has not received a response. Mr. Manley recommended tabling the item until he had additional information to present to the Board. Alderman Payne made the motion to table this item. Motion was seconded by Alderman Beshears. Motion was put to vote and passed unanimously.

**REQUEST TO APPROVE DONATION OF TENNIS CENTER FOR
DESOTO CENTRAL HIGH SCHOOL SOCCER FOR ANNUAL SOCCER
BANQUET ON MARCH 6, 2014**

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI FOR DONATION OF TENNIS
CENTER TO
DESOTO CENTRAL SOCCER TEAM**

WHEREAS, the City of Southaven (“City”) pursuant to Mississippi Code Section 21-19-49 desires to allow the Desoto Central Soccer Team (“Desoto Central”) to use the City Tennis Center (“Center”); and

WHEREAS, Desoto Central is located within the municipal boundaries of the City and is a public entity under the State of Mississippi; and

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. Pursuant to Mississippi Code 21-19-49, the Governing Body of the City hereby allows and donates to Desoto Central to use the City Tennis Center on March 6, 2014.

SECTION 2. Desoto Central authorized representative shall sign and acknowledge the City Rental Policy.

SECTION 3. On behalf of the City, the Mayor or his designee is directed to take all actions to effectuate this Resolution.

Following the reading of the foregoing resolution, Alderman Payne made the motion to adopt the Resolution and Alderman Ferguson seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Brooks

voted: YES

Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 4th day of February, 2014.

DARREN MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK

**REQUEST TO APPROVE DONATION OF PAC FOR DESOTO GRACE
FOR TUTORING AND SPORTS INSTRUCTION**

Mayor Musselwhite explained that Desoto Grace is a charitable organization requesting to use the PAC to offer tutoring and sports instruction for under-privileged children after school. Mayor Musselwhite stated that the City will need to inspect the building for safety. Alderman Beshears made the motion to donate the PAC for tutoring and sports instruction. Motion was seconded by Alderman Kelly.

Alderman Flores asked if this would displace the cheer team that is currently using the space Monday through Thursday from 2:30 p.m. to 4:30 p.m. Mayor Musselwhite stated that this is a potential conflict. Alderman Payne made the motion to table this item until they can verify the conflicts. Motion was seconded by Alderman Beshears. Motion was put to vote and passed unanimously.

RESOLUTION TO SURPLUS PROPERTY – PARKS DEPARTMENT

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS
PROPERTY AND GRANTING AUTHORIZATION TO
ADVERTISE FOR AUCTION**

WHEREAS, the City of Southaven (“City”) Parks Department is presently in possession of a Portafloor, SSC System purchased in 2004 by the City for the City Arena (“Floor”), and

WHEREAS, it has been recommended to the Mayor and Board of Aldermen that this Floor is no longer needed for municipal purposes and be

declared as surplus and sold and/or disposed of as appropriate and in accordance with state law and removed from the fixed assets inventory or City property list, and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such surplus property, pursuant to Section 17-25-25 of the Mississippi Code (1972), and amending its fixed assets inventory pursuant to State guidelines, and

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Floor be declared as surplus and listed on Govdeals.com or sold at public auction or otherwise disposed of as appropriate and in accordance with state law, and deleted from the fixed assets inventory, as appropriate.

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. The Floor be declared surplus, and it is hereby declared to be surplus property.
2. The City Clerk, or her designee, be, and she is hereby authorized and directed to advertise the vehicles on Govdeals.com or sell the vehicles at public auction, pursuant to Mississippi Code Section 17-25-25, or to otherwise dispose of said property in accordance with state law, or to retain such items and remove them from the fixed assets inventory pursuant to State guidelines.

Following the reading of the foregoing resolution, Aldermen Payne made the motion and Alderman Flores seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 4th day of February, 2014.

DARREN MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK

RESOLUTION TO SURPLUS PROPERTY – FIRE DEPARTMENT

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE
CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS
PROPERTY AND GRANTING AUTHORIZATION TO
ADVERTISE FOR AUCTION**

WHEREAS, the City of Southaven (“City”) Fire Department is presently in various property and equipment (“Property”) as set forth in Exhibit A, and

WHEREAS, it has been recommended to the Mayor and Board of Aldermen that this Property is no longer needed for municipal purposes and be declared as surplus and sold and/or disposed of as appropriate and in accordance with state law and removed from the fixed assets inventory or City property list, and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such surplus property, pursuant to Section 17-25-25 of the Mississippi Code (1972), and amending its fixed assets inventory pursuant to State guidelines, and

WHEREAS, the Mayor and Board of Aldermen hereby authorize that the Property be declared as surplus and listed on Govdeals.com or sold at public auction or otherwise disposed of as appropriate and in accordance with state law, and deleted from the fixed assets inventory, as appropriate.

NOW, THEREFORE, BE IT ORDERED by the Mayor and Board of Aldermen of the City of Southaven, Mississippi as follows, to wit:

1. The Property be declared surplus, and it is hereby declared to be surplus property.
2. The City Clerk, or her designee, be, and she is hereby authorized and directed to advertise the vehicles on Govdeals.com or sell the vehicles at public auction, pursuant to Mississippi Code Section 17-25-25, or to otherwise dispose of said property in accordance with state law, or to retain such items and remove them from the fixed assets inventory pursuant to State guidelines.

Following the reading of the foregoing resolution, Aldermen Flores made the motion and Alderman Ferguson seconded the motion for its adoption. The Mayor put the question to a roll call vote and the result was as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES

Alderman Raymond Flores

voted: YES

RESOLVED AND DONE, this 4th day of February, 2014.

DARREN MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK

URBANARCH TASK ORDER 02 - GREENBROOK SOFTBALL GIFT SHOP, CASH CONTROL, AND COOK PAVILLION

Alderman Payne made the motion to accept Task Order Number 02. Motion was seconded by Alderman Brooks. Alderman Flores asked if this project would be paid for by the Penny for Your Parks and if it was on the master plan for capital improvements. Mayor Musselwhite stated that it would be paid for by the Penny for your Parks and that the master plan could not be executed because of the Repealer. Mayor Musselwhite further stated that the money cannot be used for the larger projects until the repealer is extended or removed and until then the money needs to be used for current park projects. Alderman Flores stated that it would be financially irresponsible to make big ticket expenditures until they know further what the Legislature is going to do with the Repealer. Alderman Payne stated that this is money that has already been collected, and it needs to be spent on park projects. Alderman Flores stated that the Board should wait three months to see what will be done with the Repealer. Mayor Musselwhite stated that if they hold the money, it will be viewed negatively.

Alderman Gallagher made the motion to remove the previous motion of Alderman Payne. Motion was seconded by Alderman Ferguson. The motion to remove the previous motion was put to vote and passed with a 5-2 vote with Alderman Brooks and Alderman Payne voting "NO".

Alderman William Brooks	voted: NO
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: NO
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

Having received a majority of affirmative votes, Mayor Musselwhite declared the motion approved on the 4th day of February, 2014.

Alderman Kelly made the motion to table the discussion regarding Urbanarch Task Order No. 2. Motion was seconded by Alderman Beshears. The motion to table this item was put to vote and passed with a 6-1 vote with Alderman Brooks voting “NO”.

Alderman William Brooks	voted: NO
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

Having received a majority of affirmative votes, Mayor Musselwhite declared the motion approved and tabled on the 4th day of February, 2014.

2014 WRECKER ROTATION – POLICE DEPARTMENT

Chief Tom Long stated that the Police Department currently uses (7) seven wrecker companies on their wrecker rotation and that it was time to accept the 2014 Wrecker Rotation recommendations to continue wrecker service. Chief Long then stated that the Police Department is recommending (6) six of the (7) seven and placing (1) one on suspension, Gossett Wrecker Service, due to lack of paperwork and violating the Code of Ordinances. Mr. Eddie Gossett, owner of Gossett Wrecker Service, introduced himself to the Board and stated that he has been in business, in the City of Southaven, for (45) forty-five years. Mr. Gossett expressed his apologies for operating in violation of the City’s Code of Ordinances by allowing his insurance to lapse and operating without his (DOT) Department of Transportation Numbers. Mr. Gossett further stated that he would not intentionally operate in this manner and that he has taken the proper measures by reinstating his insurance and DOT numbers. Mr. Gossett asked for forgiveness and said that this situation will never happen again.

Chief Long stated that the Police Department recommends a (6) six month suspension or in the event of no insurance a (1) one year suspension from rotation. Alderman Beshears made the motion to issue a (6) six month suspension with the month of January being retroactive. Motion was seconded by Alderman Flores.

Alderman Payne made the motion to amend the original motion from 6 months to a 77 day suspension for the number of days without insurance, with the month of January being retroactive. Motion was seconded by Alderman Beshears.

The motion to amend the original motion was put to vote and failed with a 4-3 vote with Alderman Brooks, Alderman Kelly, Alderman Gallagher and Alderman Ferguson voting “NO”.

Alderman William Brooks	voted: NO
Alderman Kristian Kelly	voted: NO
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: NO
Alderman Scott Ferguson	voted: NO
Alderman Raymond Flores	voted: YES

Having not received a majority of affirmative votes, Mayor Musselwhite declared the motion failed on the 4th day of February, 2014.

Alderman Gallagher made the motion to amend the original motion from (6) six months to (4) four months, with the month of January being retroactive. Motion was seconded by Alderman Kelly.

The motion to amend the original motion was put to vote and passed with a 6-1 vote with Alderman Brooks voting “NO”.

Alderman William Brooks	voted: NO
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

Having received a majority of affirmative votes, Mayor Musselwhite declared the motion approved on the 4th day of February, 2014.

Alderman Flores made the motion to approve the City Police Wrecker Rotation Policy and the amended motion of a (4) four month suspension, for Gossett Wrecker Service with the month of January being retroactive. Motion was seconded by Alderman Kelly.

A roll call vote was taken:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES
Alderman Raymond Flores	voted: YES

Having received a majority of affirmative votes, Mayor Musselwhite declared the motion approved on the 4th day of February, 2014.

**ORDER OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF SOUTHAVEN, MISSISSIPPI
ESTABLISHING THE WRECKER ROTATION
FOR THE CITY OF SOUTHAVEN FOR 2014
PURSUANT TO POLICE WRECKER ROTATION POLICY**

WHEREAS, the City of Southaven ("City") previously adopted, via Resolution, on August 20, 2013, the City Police Wrecker Rotation Policy ("Policy"); and

WHEREAS, the City Board adopted the Policy in order to establish certain and specific guidelines for those entities which tow vehicles at the request of the City Police Department, so that the City can ensure conformity and protection from liability, along with a specific and objective standard for being included on the wrecker rotation; and

WHEREAS, pursuant to the City Policy, the City desires to affirm the recommendation of the City Police Chief and City Deputy Police Chief as it relates to the 2014 wrecker rotation for the City; and

NOW, THEREFORE, BE IT ORDERED based on the unanimous vote by the Board of Aldermen of the City, to wit:

5. The City Board hereby affirms the recommendation of the City Police Chief and Deputy Chief for the City Police one year wrecker rotation for 2014 as set forth:
 - a. Roberts Automotive and Towing, LLC
 - b. Elite Towing and Transport d/b/a Griffith Towing
 - c. Glens Garage
 - d. Cobra Towing and Roadside Service
 - e. Choice Towing, LLC
 - f. Auto Rescue

6. Furthermore, due to the fact that Gossett's Body Shop and Wrecker Service ("Gossett") operated in violation of the City Adopted Policy from September 2013 through January 2014 by not having the required U.S Department of Transportation Number as required by the City Policy Title III, Section B(3), Gossett is suspended from the City Police Wrecker Rotation until April 30, 2014.

Gossett may make application to the City Police Department after April 30, 2014 to be included as part of the wrecker rotation for the remainder of 2014.

7. The Mayor, Chief of Police or Deputy Chief of Police are hereby authorized to take all actions needed to effectuate the intent of this Board Order.

ORDERED AND DONE BY MOTION OF ALDERMAN FLORES AND SECOND OF ALDERMAN KELLY WITH A UNANIMOUS VOTE OF THE CITY BOARD, this 4th day of February, 2014.

DARREN L. MUSSELWHITE, MAYOR

ATTEST:

CITY CLERK'S OFFICE

PLANNING AGENDA

Planning Agenda presented by Mrs. Whitney Choat-Cook, Planning Director.

ITEM #1 Application by Sharmin Sarfani for a Conditional Use Permit to allow a full service spa at 125 Goodman Road in the Southlake Commercial Subdivision

Mrs. Choat-Cook stated that this is an application for a conditional use permit for a full service spa. Mrs. Choat – Cook further stated that the applicant has met the (3) three amenity rule and the ½ mile radius rule from another spa. Mrs. Choat – Cook said a recommendation was made to the Planning Commission for a (5) five year conditional use to be renewed annually, in which they unanimously voted in favor. Alderman Gallagher made the motion to accept the recommendation from the Planning Department. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the Conditional Permit Use Staff Report is attached to these minutes.

ITEM #2 Application by Leslie B. Wright for a Conditional Use Permit to allow motor vehicle repair at 951 Town and Country Drive

Mrs. Choat-Cook stated that this application is for a motor vehicle repair service and that the building is an existing motor vehicle shop that has been vacated for

some time. Mrs. Choat-Cook further stated that the applicant is requesting to do repairs that require overnight storage of the vehicles and may include transmission, motor, and radiator work along with minor repairs including brakes and oil changes that can be done within a twenty four (24) hour period. The applicant will be required to have a solid, uniform construction and color and sufficient height fence to conceal the vehicles, no more than five (5) non-compliant vehicles shall be stored on the property at any one (1) time, and that three (3) non-compliant vehicles may be stored on the property without being concealed for a period not to exceed one hundred twenty (120) days. The Planning Department recommends a one (1) year conditional use permit with a four (4) year extension to be renewed annually. Alderman Flores made the motion to accept the application. Motion was seconded by Alderman Ferguson. Motion was put to vote and passed unanimously.

A copy of the Conditional Permit Use Staff Report is attached to these minutes.

ITEM #3 Application by the City of Southaven for a Conditional Use Permit to allow a Reader Board sign at the Snowden Grove Amphitheater

Mrs. Choat – Cook stated that this application is for an eight (8) foot monument sign on the West side of Snowden Lane, south of May Blvd. in front of Snowden Grove Amphitheater box office.

Alderman Ferguson asked how much the sign would cost and Mayor Musselwhite stated that the sign will cost approximately \$16,000.00 and that it would be used to display the events held at the Amphitheater. Alderman Flores asked which budget this money would come from and Parks Director, Mike Mullins stated that it would come out of Parks. Alderman Payne made the motion to approve the application. Motion was seconded by Alderman Brooks. The motion was put to vote and failed with a 4-3 vote with Alderman Kelly, Alderman Beshears, Alderman Ferguson, and Alderman Flores voting “NO”.

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: NO
Alderman Shirley Beshears	voted: NO
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: NO
Alderman Raymond Flores	voted: NO

Having not received a majority of affirmative votes, Mayor Musselwhite declared the motion failed on the 4th day of February, 2014.

MAYOR’S REPORT

Mayor Musselwhite gave an update that the Developer’s Application for the Outlet Mall was approved and construction is planned to start in the Summer of 2014 and completion is scheduled for the 3rd Quarter of 2015.

Next, Mayor Musselwhite stated that the City has been working for some time on the Tchulahoma and Stateline Road Signal and that we have experienced delays with having to wait on Entergy to move power lines and currently waiting on AT&T to move a dead line. Mayor Musselwhite said that he will be following up to help move the project forward.

CITIZEN’S AGENDA

None

PERSONNEL DOCKET

**Personnel
Docket**
February 4,
2014

Payroll Additions	Position	Department	Start Date	Rate of Pay
Haaken Thompson	Field Service Tech	Utilities Maintenance – 825	Pending	\$10.20
Steven Cossey	Operator-In-Training	Utilities Maintenance – 825	Pending	\$12.98
Arsenio Hardrick	EMT/Paramedic	Fire (EMS) - 297	February 20, 2014	\$17.00

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Rate of Pay
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Employee Name	Department	Action Taken	Effective Date	With/Without Pay
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Payroll Deletions	Position	Department	Termination Date	Rate of Pay
Gregory Bridges	Laborer	Parks and Recreation – 411	February 3, 2014	\$10.44
Tony McCallum	EMS Coordinator	Fire – 290	February 9, 2014	\$53,946.00

Alderman Payne made the motion to approve the Personnel Docket of February 4, 2014 as presented to this Board. Motion was seconded by Alderman Beshears.

A roll call vote was taken:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Shirley Beshears	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman Scott Ferguson	voted: YES

Alderman Raymond Flores

voted: YES

Having received a majority of affirmative votes, Mayor Musselwhite declared the motion passed on the 4th day of February, 2014.

COMMITTEE REPORTS

None

CITY ATTORNEY'S LEGAL UPDATE

None

OLD BUSINESS

None

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of February 4, 2014, including demand checks and payroll in the amount of \$2,472,213.40. Motion was seconded by Alderman Ferguson.

Excluding voucher numbers:

213982, 214100, 214163. 214259, 214360, 214386, 214396

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Beshears	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Ferguson	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on this the 4th day of February, 2014.

EXECUTIVE SESSION

A copy of the Executive Session Minutes are maintained in the City Clerk's Office.

After reviewing the previous adopted Rental Policy and requirements of the Policy, Alderman Flores made a motion to rescind approval for Mid-America Safety Services for use of the Gym at the Southaven PAC. The motion was seconded by Alderman Kelly. The motion passed by a unanimous vote of all Aldermen present. Alderman Brooks was not in attendance for the vote.

A motion was made by Alderman Gallagher to adjourn the meeting. The motion was seconded by Alderman Flores. The motion passed by a unanimous vote of all Aldermen present. Alderman Brooks was not in attendance for the vote. The meeting adjourned at 10:40 p.m.

Darren Musselwhite,
Mayor

City Clerk

(Seal)