

Minutes, City of Southaven, Southaven, Mississippi

CITY OF SOUTHAVEN

Top of Mississippi

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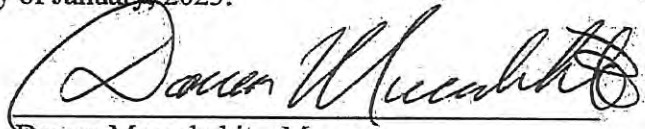
NOTICE OF SPECIAL CALLED MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI

In accordance with Mississippi Code Annotated §21-3-21, notice is hereby given that a Special Meeting of the Mayor and Board of Aldermen of the City of Southaven shall be held on Wednesday, the 25th day of January, 2023 at 9:00 AM in the Boardroom of Southaven City Hall, located at 8710 Northwest Drive, Southaven, Mississippi. Some members may participate via teleconference.

The subject matters of business (Agenda) to be acted upon at this Special Meeting are as follows, to-wit:

1. BankPlus Amphitheater Use and Advertising Contracts
2. BankPlus Amphitheater Resolutions Pursuant to Miss. Code 17-3-1 and 21-17-5

This Special Meeting of the Mayor and Board of Aldermen is hereby called by the Mayor, Darren Musselwhite, on this, the 24th day of January, 2023:


Darren Musselwhite, Mayor

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**MINUTES OF THE SPECIAL CALLED MEETING
OF January 25, 2023
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 a Special Called Meeting on the 25th day of January, 2023 at nine o'clock (9:00) a.m. at City Hall.

Present were:	
George Payne	Alderman At Large
Kristian Kelly (By Teleconference)	Alderman, Ward 1
Charlie Hoots	Alderman, Ward 2
William Jerome	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler (By Teleconference)	Alderman, Ward 5

Absent were:	
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately ten (10) other people were present.

Mayor Musselwhite called the meeting to order. Alderman Gallagher led in prayer followed by the Pledge of Allegiance led by Alderman Payne.

BANK PLUS AMPHITHEATER USE AND ADVERTISING CONTRACTS

BANKPLUS AMPHITHEATER FACILITY USE LEASE AGREEMENT FORM

Mr. Manley stated that once approved, this form lease agreement will be used for individual shows.

A copy of the draft facility use lease agreement is attached and fully incorporated into these minutes.

FORM SPONSORSHIP AGREEMENT

Mr. Manley stated that once approved, this agreement can be used as a form for the various sponsors.

A copy of the draft sponsorship agreement is attached and fully incorporated into these minutes.

Alderman Payne made the motion to approve the BankPlus Lease Form and Sponsorship Agreement Form. Motion was seconded by Alderman Jerome.

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Jerome	YES
Alderman Kelly	YES
Alderman Hoots	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	ABSENT

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 17th day of January, 2023.

Mayor Musselwhite stated that the agreement with the DCCVB for concert promotions is much different than past agreements with promoters in that now the City will receive revenue from all sources, instead of just a facility rental fee and ticket fee. For this reason, before the City can officially market the sale of VIP boxes, the Board must formally approve the pricing. The pricing is recommended by Todd Mastry as it is the current market value for these tickets in other venues.

BANK PLUS AMPHITHEATER RESOLUTIONS PURSUANT TO MISS. CODE 17-3-1 AND 21-17-5

RESOLUTION ESTABLISHING RATES FOR AMPHITHEATER SUITES

This resolution sets for the prices for the suites and authorizes the Mayor/designee the flexibility to set prices for food and drink on a show by show basis based on expectations. The following resolution was considered by the Board of Alderman:

**RESOLUTION OF CITY OF SOUTHAVEN GOVERNING
AUTHORITIES
ESTABLISHING RATES FOR AMPHITHEATER SUITES**

WHEREAS, pursuant to Mississippi Code 21-17-5, the City of Southaven (“City”) Board of Alderman has the authority to adopt any resolutions with respect to such municipal affairs, property and finances; and

WHEREAS, pursuant to Mississippi Code 17-1-3, the City may create public parks, including an Amphitheater; and

WHEREAS, the City pursuant to the Senate Bill 2924, Local and Private Legislation (Regular Session 2013) is authorized to sell the naming rights to the City’s park buildings and structures and to enter into contracts for the use of a commercial, corporate, business or private enterprise name on the building, literature, letterhead or other item, as contracted; and

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WHEREAS, the City Board desires to establish designated limited forums wherein it will permit the reasonable and limited use of City of Southaven owned buildings and grounds by specified and limited persons and entities, for specified and limited purposes; and

WHEREAS, the City of Southaven Board of Alderman desires to exercise its broad discretion to control the rates of the facilities, access to and use of its facilities, which are deemed not to be traditional public forums; and

NOW THEREFORE, be it resolved as follows:

1. The City hereby desires to adopt the Prices and Benefits for Bankplus Amphitheater Suites as attached hereto as Exhibit A.
2. The Mayor and/or his designee is authorized to establish pricing for food and/or beverage and related items for each event.
3. The Mayor or his designee is authorized to take all actions to effectuate the intent of this Resolution.

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

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John David Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT

RESOLVED AND DONE, this 25th day of January, 2023.

EXHIBIT A

Lower Boxes:

4-seats box -\$5000
5-seats box -\$6250
6-seats box -\$7500
7-seats box -\$8750
8-seats box-\$10,000
9-seats box -\$11,250

Upper Boxes:

8-seats box -\$6,800
10-seats box - \$8,500
12-seats box - \$10,200

North Terrace

10 Tables/4 Seats x Table - \$30,000
Individual Tables may be purchased for \$3,000

South Terrace

10 Tables/4 Seats x Table - \$30,000
Individual Tables may be purchased for \$3,000

Each box also receives access into VIP Lounge, VIP parking pass (two passes for boxes with 8 or 9) and the right to purchase an additional pass for \$300.

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RESOLUTION FOR AMPHITHEATER PAYMENTS / CONCERTS

This resolution authorizes the use of funds for concerts/advertising at the amphitheater in accordance with Miss. Code 17-3-1 as long as the total expenditures do not exceed one (1) mil of the City's valuation. In addition, it allow for the funds from Hotel/Motel tax (Chapter 933 House Bill 1618 of 1993) to be used. The following resolution was considered by the Board of Alderman:

RESOLUTION OF CITY OF SOUTHAVEN GOVERNING AUTHORITIES AUTHORIZING EXPENDITURES IN ACCORDANCE WITH MISSISSIPPI CODE SECTION 17-3-1

WHEREAS, pursuant to Mississippi Code 21-17-5, the City of Southaven ("City") Board of Alderman has the authority to adopt any resolutions with respect to such municipal affairs, property and finances; and

WHEREAS, pursuant to Mississippi Code 17-1-3, the City Governing Authorities may create public parks, including an Amphitheater; and

WHEREAS, the City Governing Authorities, pursuant to the Senate Bill 2924, Local and Private Legislation of 2013, is authorized to sell the naming rights to the City's Park buildings and structures and to enter into contracts for the use of a commercial, corporate, business or private enterprise name on the building, literature, letterhead or other item, as contracted; and

WHEREAS, the City Governing Authorities, pursuant to Mississippi Code 17-3-1, may in their discretion, set aside, appropriate and expend moneys, not to exceed one mill of their respective valuation and assessment for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City; and

WHEREAS, the City Governing Authorities, pursuant to Mississippi Code Section 17-3-3, shall include newspaper and magazine advertising and literature, publicity, expositions, public entertainment or other form of advertising or publicity, which in the judgment of such board or boards will be helpful toward advancing the moral, financial and other interests of the City; and

WHEREAS, the City of Southaven Board of Alderman desires to exercise its broad discretion to control the rates of the facilities, access to and use of its facilities, which are deemed not to be traditional public forums; and

WHEREAS, the City, pursuant to Chapter 933 House Bill 1618 of 1993, is authorized to use funds for the promotion of tourism in the City; and

NOW THEREFORE, be it resolved as follows:

1. The City Governing Authorities find that concert and show performances, along with related activity at the BankPlus Amphitheater will bring favorable notice and advance the financial and other interest of the City.
2. The City Governing Authorities find that concert and show performances, along with related activity at the BankPlus Amphitheater will promote tourism in the City; and

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- 3. The City Board of Alderman authorize the Mayor to allocate and spend funds not to exceed one (1) mill of the City’s valuation in accordance with Mississippi Code Sections 17-3-1 and 17-3-3 and funds derived from the tax authorized by Chapter 933 House Bill 1618 of 1993 for the payments and expenses associated and required for concerts and/or shows at the BankPlus Amphitheater.
- 4. The Mayor or his designee is authorized to sign contracts required for the concerts and/or shows at the BankPlus Amphitheater and take all actions to effectuate the intent of this Resolution.
- 5. Upon execution of the contract and as publicly announced, those contracts executed by the Mayor for the concerts and/or shows at the BankPlus Amphitheater shall be entered into the City Minutes.

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

Alderman William Jerome	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Charlie Hoots	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John David Wheeler	voted: YES
Alderman Raymond Flores	voted: ABSENT

RESOLVED AND DONE, this 25th day of January, 2023.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Kelly to adjourn. Motion was seconded by Alderman Wheeler. Motion was put to a vote and passed unanimously January 25, 2023 at 9:25 a.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)



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