

Minutes, City of Southaven, Southaven, Mississippi



MEETING OF THE MAYOR AND BOARD OF ALDERMEN
SOUTHAVEN, MISSISSIPPI
CITY HALL
November 7, 2017
6:00 p.m.
AGENDA

1. Call To Order
2. Invocation
3. Pledge Of Allegiance
4. Approval Of Minutes: October 17, 2017 and October 23, 2017
5. Proposal/Agreement from UrbanARCH Associates, PC for Monument Signage Design
6. Resolution for FY 18 Budget Amendment
7. Resolution to Surplus Property – SPD and ITEC Department
8. Affiliation Agreements between SFD and Coahoma Community College and Northwest Community College
9. Contract with Tank Pro
10. Bond and Parameter Resolution Approving Sale of G.O. Bond
11. Consideration of Resolutions for Restaurant Tourism Tax for Parks
12. Authorization for Renewal with Shapiro Uniforms for SFD
13. Resolutions for Final Change Orders For Elmore Road North and South
14. Resolution for Change Order for Phase I Fire Service Extension Horn Lake Road
15. Phase I Fire Service Extension Pay Application #2
16. CBRE Proposal for Lease with Regions Bank
17. Change Order #1 Carriage Hills Bike/Pedestrian Project
18. Acceptance of Bid – Public Works Dept.
19. July 4th Contract – Argo Entertainment
20. Resolution To Clean Private Property
21. Planning Agenda: Item #1 Application by Radiant Group of Properties, LLC for a C-store and quick service restaurant to be located on the northeast corner of Church Road and Elmore Road
22. Mayor's Report
23. Citizen's Agenda: Don Daniels
24. Personnel Docket
25. City Attorney's Legal Update
26. Claims Docket
27. Executive Session: Claims/Litigation for SPD, Public Works, Code Enforcement; Potential Lease of City Property; Economic Development (Potential Business/Industry relocate to City

Any citizen wishing to comment on the above items may do so. Items may be added to or omitted from this agenda as needed.

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MINUTES OF THE REGULAR MEETING OF November 7, 2017 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 7th day of November, 2017 at six o'clock (6:00) p.m. at City Hall.

Present were:

William Brooks	Alderman At Large
Kristian Kelly	Alderman, Ward 1
Ronnie Hale	Alderman, Ward 2
George Payne	Alderman, Ward 3
Joel Gallagher	Alderman, Ward 4
John David Wheeler	Alderman, Ward 5
Raymond Flores	Alderman, Ward 6

Also present were Mayor Musselwhite, Andrea Mullen, City Clerk, and Nick Manley, City Attorney. Approximately thirty (30) 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. Next, a motion was made by Alderman Payne to approve the minutes of the regular meeting of October 17, 2017 with any corrections, deletions, or additions necessary. Motion was seconded by Alderman Brooks. Motion was put to a vote and passed unanimously. Alderman Payne made the motion to approve the minutes of the Special Called Meeting of October 23, 2017 with any corrections, deletions, or additions necessary. There being none the motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously.

PROPOSAL / AGREEMENT FROM URBAN ARCH ASSOCIATES, PC FOR MONUMENT SIGNAGE DESIGN

Mayor Musselwhite presented this item to the Board.

Mayor Musselwhite stated that this proposal from Urban Arch is for the design of the City entrance signs that will have a brick base and be installed at the northern and southern entrances to the City on I-55. Mayor Musselwhite explained that the price will include three designs, signs construction and a municipal district sign. Alderman Hale made the motion to authorize Mayor Musselwhite to execute the agreement. Motion was seconded by Alderman Brooks. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

RESOLUTION FOR FY18 BUDGET AMENDMENT

Chris Wilson, City Administrator, presented these items to the Board.

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Mr. Wilson stated that this budget amendment will add the revenue and expense of \$33,000 the City has recently received via our Tree Ordinance. Mr. Wilson explained that a developer has paid the City \$33,098.22 in accordance with the City Tree Removal Ordinance Sec 13-11 (C) Tree Bank Alternative. The expense/funding will be used for "planting public trees to enhance the aesthetics of specified areas...". After hearing from Mr. Wilson, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI TO AMEND 2018 BUDGET

The Mayor and Board of Aldermen of the City of Southaven, Mississippi (the "City"), considered the matter of amending the 2018 City Budget.

WHEREAS, pursuant to Miss. Code 21-35-25, the City desires to amend its 2018 budget; and

WHEREAS, the City's actual collections and anticipated revenues will exceed the estimates; thus, the City desires to revise and increase the budget appropriation of such funds as set forth in Exhibit A; and

WHEREAS, the transfer from fund to fund, or from item to item, will not result in the expenditure of any money for a purpose different from that which was budgeted or collected; and

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Board approves the budget amendment as set forth in Exhibit A and authorizes the Mayor or CAO or their designee to take any and all actions for such amendment.
2. If required, the City is authorized to publish within two (2) weeks of this action in the same manner as the final adopted budget. This publication shall contain a description of the amendment, the amount of money and funds affected, and a detailed statement explaining the need and purpose of the amendment. The vote of each member of the municipality's governing authority on each amendment shall be included in the publication or posted notice.
3. The Mayor or CAO or their designee are authorized to take all actions to further the effectuate the intent of this Resolution.

Following the reading of the foregoing Resolution, Alderman Flores made the motion and Alderman Wheeler 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

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Alderman Kristian Kelly	voted: YES
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John David Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 7th day of November, 2017.

A copy of the budget amendment is attached to these minutes.

RESOLUTION TO SURPLUS PROPERTY – SPD

This resolution will surplus old radios and light bars that is no longer needed or used by the Police Department. The Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS PROPERTY

WHEREAS, the City of Southaven ("City") Police Department is presently in possession of radio equipment ("Equipment"), as set forth in Exhibit A, which is no longer useable with the City's current system and the light bars are no longer in use and is not needed by the City Police Department; and

WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the Equipment be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and removed from the fixed assets inventory; and

WHEREAS, the Equipment, which has no value, as set forth in Exhibit A, shall be surplus according to Mississippi Code 17-25-25(5); and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of the Equipment, and amending, its fixed assets inventory pursuant to State guidelines; and

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

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1. The Equipment be hereby declared as surplus property pursuant to Mississippi Code 17-25-25(5).

2. The City Police Chief, or his designee, is hereby authorized and directed to any and all actions to effectuate the intent of this Resolution.

Motion was made by Alderman Brooks and seconded by Alderman Kelly, for the adoption of the above and foregoing Resolution, and the question being put to a roll call vote, the result was as follows:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 7th day of November, 2017.

EXHIBIT A

A copy of the surplus list is attached to these minutes.

RESOLUTION TO SURPLUS PROPERTY – ITEC

This resolution will allow for surplus of IT equipment that are no longer needed. The Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI DECLARING SURPLUS PROPERTY

WHEREAS, the City of Southaven Information Technology Department is presently in possession of a variety of property attached hereto as Exhibit A, which is outdated, not useful or cost effective due to the storage and maintenance costs; and

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WHEREAS, pursuant to Mississippi Code 17-25-25, it has been recommended to the Mayor and Board of Aldermen that the property as set forth in Exhibit A be declared as surplus and sold and/or disposed of as appropriate and in accordance with Mississippi Code 17-25-25, and removed from the fixed assets inventory; and

WHEREAS, the Mayor and Board of Aldermen are desirous of disposing of such property and amending, its fixed assets inventory pursuant to State guidelines; and

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 listed in Exhibit A be hereby declared as surplus property due to the fact that the property is outdated, not useful or cost effective due to the storage and maintenance costs and has no value to the City.

2.The City Clerk, IT Director, or their designee, is hereby authorized and directed to follow Mississippi Code 17-25-25 for the disposition of the property in Exhibit A.

Following the reading of this Resolution, it was introduced by Alderman Brooks and seconded by Alderman Wheeler. The Resolution was then put to a roll call vote and the results were as follows, to-wit:

Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

Having received a majority of affirmative votes, the Mayor declared that the Resolution was carried and adopted as set forth above on this the 7th day of November, 2017.

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A copy of the surplus list is attached to these minutes.

AFFILIATION AGREEMENTS BETWEEN SFD AND COAHOMA COMMUNITY COLLEGE AND NORTHWEST COMMUNITY COLLEGE

Roger Thornton, Fire Chief, presented this item to the Board.

Chief Thornton stated that these agreements will continue to allow the SFD to partner with Coahoma Community College and Northwest to provide clinical experience/training as part of the EMS program. The SFD has worked with the Colleges for several years (Northwest approx. 12 years and Coahoma approx. 6 years) as part of this program. Alderman Payne made the motion to approve the affiliations agreements with Northwest Community College and Coahoma Community College. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

A copy of both agreements are attached to these minutes.

CONTRACT WITH TANK PRO

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this contract authorizes the City to use the services of Tank Pro to perform inspections, reports, maintenance, renovation, and other maintenance joint items on the City's 8 water tanks. The City has been using Tank Pro for several years under various contracts; however, this contract combines all the services in one document. Pursuant to Miss. Code 31-7-13(m)(xxiii), this contract is exempt from the bid laws as is it is for professional maintenance program for the repair or maintenance of municipal water tanks for a fixed fee and duration is over 2 years. Tank Pro will provide various services depending on the individual tank over the course of the contract. The year 1 price is \$100,810; year 2 is \$149,914; year 3 is \$155,072; year 4 is \$165,656; year 5 is \$165,656; year 6 is \$171,354; year 7 is \$183,062; year 8 is 183,062; year 9 is \$183,062; year 10 is \$202,278. Alderman Gallagher made the motion to approve the contract and allow Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the contract is attached to these minutes.

BOND AND PARAMETER RESOLUTION APPROVING SALE OF G.O. BOND

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that these resolutions will allow for the sale of the bonds so that the City can move forward toward the bond closing. The Board of Alderman then considered the following resolution:

RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF A GENERAL OBLIGATION BOND, SERIES 2017, OF THE CITY OF SOUTHAVEN, MISSISSIPPI (THE "CITY"), FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK IN A

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TOTAL AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000); PRESCRIBING THE FORM AND DETAILS OF SAID BOND; PROVIDING CERTAIN COVENANTS OF THE CITY IN CONNECTION WITH SAID BOND AND DIRECTING THE PREPARATION, EXECUTION AND DELIVERY THEREOF; AUTHORIZING THE SALE OF SAID BOND TO THE MISSISSIPPI DEVELOPMENT BANK; AUTHORIZING AND APPROVING THE FORM OF, EXECUTION OF AND DELIVERY OF, AS APPLICABLE, AN INDENTURE OF TRUST, THE MISSISSIPPI DEVELOPMENT BANK BOND PURCHASE AGREEMENT, THE CITY BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AND AUTHORIZING AND DIRECTING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND A FINAL OFFICIAL STATEMENT IN CONNECTION WITH THE SALE AND ISSUANCE OF THE MISSISSIPPI DEVELOPMENT BANK SPECIAL OBLIGATION BONDS SERIES 2017 (SOUTHAVEN, MISSISSIPPI GENERAL OBLIGATION BOND PROJECT), IN THE AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000); AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and the Board of Aldermen of the City of Southaven, Mississippi, acting for and on behalf of said City of Southaven, Mississippi, hereby find, determine, adjudicate and declare as follows:

1. (a) In addition to any words and terms elsewhere defined herein, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

"Act" means together the Bank Act and the City Bond Act.

"Agent" shall mean any Paying Agent or Transfer Agent, whether serving in either or both capacities. The Agent shall initially be the Trustee.

"Authorized Officer" shall mean the Mayor, the Clerk, the President of the Governing Body and any other officer designated from time to time as an Authorized Officer by resolution of the City, and when used with reference to any act or document also means any other Person authorized by resolution of the City to perform such act or sign such document.

"Bank" shall mean the Mississippi Development Bank, a body corporate and politic exercising essential public functions, or any successor to its functions organized under the Bank Act.

"Bank Act" means the provisions of Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended or supplemented from time to time.

"Bank Bonds" shall mean the not to exceed \$6,000,000 Mississippi Development Bank Special Obligation Bonds, Series 2017 (Southaven, Mississippi General Obligation Bond Project), authorized to be issued by the Bank pursuant to the Bank Act and the terms and conditions of the Indenture.

"Bond Counsel" shall mean Butler Snow LLP, Ridgeland, Mississippi.

"Bond Resolution" shall mean this resolution, as may be amended and supplemented from time to time.

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"Business Day" shall mean any day other than (a) a Saturday, (b) a Sunday, (c) any other day on which banking institutions in New York, New York, or Jackson, Mississippi, are authorized or required not to be open for the transaction of regular banking business, (d) any day the City Courthouse in Southaven, Mississippi is closed, or (e) a day on which the New York Stock Exchange is closed.

"City" shall mean the City of Southaven, Mississippi, a "local governmental unit" under the Bank Act.

"City Bond" shall mean the not to exceed \$6,000,000 General Obligation Bond, Series 2017, of the City authorized and directed to be issued in this Bond Resolution in one or more series and registered to the Trustee as assignee of the Bank pursuant to this Indenture.

"City Bond Act" shall mean Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended from time to time.

"Clerk" shall mean the City Clerk of the City.

"Code" shall mean the Internal Revenue Code of 1986 in effect on the date of issuance of the Bank Bonds and the County Bond, and the applicable regulations or rulings promulgated or proposed thereunder, and any successor thereto, as such may be amended from time to time.

"Construction Project" shall mean financing certain capital projects and improvements which shall consist of (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning, equipping and furnishing municipal buildings, auditoriums, community centers, gymnasiums and athletic stadiums, preparing and equipping athletic fields, and purchasing buildings and land therefor; and for erecting, equipping and furnishing of buildings to be used as a municipal or civics arts center; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act.

"Governing Body" shall mean the Mayor and Board of Aldermen of the City.

"Indenture" shall mean that certain Indenture of Trust, to be dated the date of delivery thereof, by and between the Bank and the Trustee, pursuant to which the Bank Bonds are issued. A copy of the substantial form of the Indenture is attached as **EXHIBIT A** hereto.

"Interest Payment Date" shall be as described in Section 2.3 of the Indenture as the interest payment dates of the Bank Bonds.

"Mayor" shall mean the Mayor of the City of Southaven, Mississippi.

"Municipal Advisor" shall mean Government Consultants Inc., Madison, Mississippi.

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"Paying Agent" shall mean any bank, trust company or other institution hereafter designated by the Governing Body for the payment of the principal of and interest on the City Bond. The Paying Agent shall initially be the Trustee.

"Payments" shall have the meaning given it in Section 14(b) hereof.

"Person" shall mean an individual, partnership, corporation, trust or unincorporated organization, limited liability company and a government or agency or political subdivision thereof.

"Project" shall mean providing funds for (i) the costs of the Construction Project (ii) paying capitalized interest, if any, and (iii) paying costs of issuance for the City Bond and the Bank Bonds.

"Record Date Registered Owner" shall mean the Registered Owner of the City Bond as of the Record Date.

"Record Date" shall have the meaning given to it in Section 1.1 of the Indenture.

"Registered Owner" or **"Bondholder"** shall mean the Person whose name shall appear in the registration records of the City maintained by the Transfer Agent and shall initially be the Trustee as assignee of the Bank as provided for in the Indenture.

"Rule" shall mean Rule 15c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

"State" shall mean the State of Mississippi.

"Transfer Agent" shall mean shall mean any bank, trust company or other institution hereafter designated by the Governing Body for the registration of the owner of the City Bond and for the performance of such other duties as may be herein or hereafter specified by the Governing Body. The Transfer Agent shall initially be the Trustee.

"Trustee" shall mean shall mean Trustmark National Bank, Jackson, Mississippi, which financial institution will have corporate trust powers and be qualified to act as Trustee under the Indenture.

"2017 Bond Fund" shall mean the City of Southaven, Mississippi General Obligation Bond, Series 2017 Bond Fund provided for in Section 14 hereof.

"2017 Construction Fund" shall mean the City of Southaven, Mississippi General Obligation Bond, Series 2017 Construction Fund provided for in Section 15 hereof.

"Underwriter" shall mean Raymond James & Associates, Inc., Memphis, Tennessee, as Underwriter of the Bank Bonds.

(b) Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words and terms herein defined shall be equally applicable to the plural as well as the singular form of any of such words and terms.

2. Heretofore, on September 5, 2017, the Governing Body adopted a resolution entitled **"RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY, ISSUE A GENERAL OBLIGATION BOND OF THE CITY FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK OR ENTER INTO A LOAN WITH THE MISSISSIPPI DEVELOPMENT BANK, ALL IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED SIX MILLION DOLLARS (\$6,000,000) TO RAISE**

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MONEY FOR THE PURPOSE (I) CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR; (II) ERECTING, REPAIRING, IMPROVING, ADORNING, EQUIPPING AND FURNISHING MUNICIPAL BUILDINGS, AUDITORIUMS, COMMUNITY CENTERS, GYMNASIUMS AND ATHLETIC STADIUMS, PREPARING AND EQUIPPING ATHLETIC FIELDS, AND PURCHASING BUILDINGS AND LAND THEREFOR; AND FOR ERECTING, EQUIPPING AND FURNISHING OF BUILDINGS TO BE USED AS A MUNICIPAL OR CIVICS ARTS CENTER; (III) PURCHASING LAND FOR PARKS, CEMETERIES AND PUBLIC PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF SWIMMING POOLS AND OTHER RECREATIONAL FACILITIES; (IV) PURCHASING FIRE-FIGHTING EQUIPMENT AND APPARATUS, AND PROVIDING HOUSING FOR SAME, AND PURCHASING LAND THEREFOR; (V) ERECTING OR PURCHASING WATERWORKS, GAS, ELECTRIC AND OTHER PUBLIC UTILITY PLANTS OR DISTRIBUTION SYSTEMS OR FRANCHISES, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VI) ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VII) PROTECTING A MUNICIPALITY, ITS STREETS AND SIDEWALKS FROM OVERFLOW, CAVING BANKS AND OTHER LIKE DANGERS; (VIII) CONSTRUCTING BRIDGES AND CULVERTS; (IX) PURCHASING MACHINERY AND EQUIPMENT, INCLUDING MOTOR VEHICLES WEIGHING NOT LESS THAN TWELVE THOUSAND (12,000) POUNDS, WHICH HAVE AN EXPECTED USEFUL LIFE IN EXCESS OF TEN (10) YEARS WHICH EXPECTED USEFUL LIFE SHALL EXCEED THE LIFE OF THE BONDS FINANCING SUCH PURCHASE; AND (X) FOR OTHER AUTHORIZED PURPOSES UNDER MISSISSIPPI CODE ANN. SECTIONS 21-33-301 ET SEQ., AS AMENDED AND/OR SUPPLEMENTED FROM TIME TO TIME, INCLUDING PAYING FOR THE COST OF SUCH BORROWING; DIRECTING THE PUBLICATION OF A NOTICE OF SUCH INTENTION; AND FOR RELATED PURPOSES" (the "Intent Resolution") indicating its intent to (a) issue general obligation bonds of the City, in one or more series, in a total aggregate principal amount not to exceed Six Million Dollars (\$6,000,000), (b) issue a general obligation bond of the City, in one or more series, to be sold to the Bank in a total aggregate principal amount not to exceed Six Million Dollars (\$6,000,000), and/or (c) enter into a loan with the Bank to borrow money from the Bank in a total principal amount not to exceed Six Million Dollars (\$6,000,000), as authorized by the Bank Act and the City Act for the purposes of providing funds for the Project, and fixed 6:00 o'clock p.m. on October 3, 2017, as the date and hour for any protest to be made and filed against the issuance of such general obligation bonds, general obligation bond and/or loan as described in the Intent Resolution.

3. As required by law and as directed by the Intent Resolution, said Intent Resolution was published once a week for at least three (3) consecutive weeks in the *DeSoto Times-Tribune*, a newspaper published in the City, and having a general circulation in the City, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended, the first publication having been made not less than twenty-one (21) days before October 3, 2017, and the last publication to be not more than seven (7) days prior to such date, said notice was published in said newspaper on September 7, 14, 21 and 28, 2017.

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4. On or prior to 6:00 o'clock p.m. on October 3, 2017, no written protest against the issuance of such general obligation bonds, general obligation bond and/or loan as described in the Intent Resolution, had been filed or presented by qualified electors of the City with the City Clerk of the City; and, therefore, the Governing Body did find, determine and adjudicate that no protest against the issuance of the Bonds and/or the City Bond and/or the authorization of the Loan had been duly filed.

5. The Governing Body is authorized and empowered by the provisions of the Act and other applicable laws of the State of Mississippi, to issue its City Bond in a principal amount of not to exceed \$6,000,000, in one or more series, and sell same to the Bank for the purpose of providing funds for the Project without any election on the question of the issuance thereof.

6. The Governing Body desires to authorize and approve the issuance of the City Bond pursuant to this Bond Resolution and the purchase thereof by the Bank with the proceeds of the Bank Bonds.

7. As of November 1, 2017, the assessed value of all taxable property within the City, according to the last completed assessment for taxation, is \$528,814,588, and the City has outstanding bonded indebtedness as subject to the fifteen percent (15%) debt limit prescribed by Section 21-33-303 of the City Bond Act, in the amount of \$31,055,000, and outstanding bonded and floating indebtedness as subject to the twenty percent (20%) debt limit prescribed by Section 21-33-303 of the City Bond Act (which amount includes the sum set forth above subject to the fifteen percent (15%) debt limit), in the amount of \$32,895,000; the issuance of the City Bond, when added to the outstanding bonded indebtedness of the City, will not result in bonded indebtedness, exclusive of indebtedness not subject to the aforesaid fifteen percent (15%) debt limit, of more than fifteen percent (15%) of the assessed value of taxable property within the City, and will not result in indebtedness, both bonded and floating, exclusive of indebtedness not subject to the aforesaid twenty percent (20%) debt limit, in excess of twenty percent (20%) of the assessed value of taxable property within the City, and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the City.

8. The Governing Body hereby receives, examines and considers the following form of documents concerning the issuance, sale and purchase of the City Bond by the Bank: (i) the City Bond Purchase Agreement, to be dated the date of sale of the City Bond (the "**City Bond Purchase Agreement**"), by and between the Bank and the City, which provides for the sale of the City Bond to the Bank; (ii) an Indenture of Trust (the "**Indenture**"), by and between the Bank and the Trustee; (iii) the Bond Purchase Agreement, to be dated the date of sale of the Bank Bonds (the "**Bond Purchase Agreement**"), by and between the Bank, the City and the Underwriter, which provides for the sale of the Bank Bonds to the Underwriter; (iv) the Preliminary Official Statement, to be dated the date of distribution thereof (the "**Preliminary Official Statement**") describing the Bank Bonds, the City Bond, the terms of the Indenture and other matters in connection with the sale and issuance of the Bank Bonds and the City Bond; and (v) the continuing disclosure certificate (the "**Continuing Disclosure Certificate**"), of the City, in connection with the Bank Bonds, dated the date of issuance and delivery of the Bank Bonds.

9. The Governing Body does now find, determine and adjudicate that each of the documents referred to above, which documents are now before the Governing Body, is in appropriate form and is an appropriate document for the purposes identified.

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10. Upon approval by the Bank, the Preliminary Official Statement will be distributed for use in connection with the sale of the Bank Bonds.

11. The City will make payments on the City Bond in amounts sufficient to pay the principal of, premium, if any, and interest on the Bank Bonds, as and when the same shall become due and payable.

12. The Governing Body does now find, determine and adjudicate that all conditions, acts and things required by the Act and the Constitution and laws of the State to have existed, to have happened and to have been performed precedent to and in connection with the adoption of this Bond Resolution, the sale and issuance of the City Bond to the Bank, the sale and issuance of the Bank Bonds, the execution by the City of the Bond Purchase Agreement, the City Bond Purchase Agreement and the Continuing Disclosure Certificate and the distribution of the Preliminary Official Statement have happened and have been performed in regular and due time, form and manner as required by law.

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

SECTION 1. In consideration of the purchase and acceptance of the City Bond by those who shall hold the same from time to time, this Bond Resolution shall constitute a contract between the City and the Registered Owner from time to time of the City Bond. The pledge made herein and the covenants and agreements herein set forth to be performed on behalf of the City for the benefit of the Registered Owner shall be for the equal benefit, protection and security of the Registered Owner of the City Bond, all of which, regardless of the time or times of its authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction.

SECTION 2. The City Bond is hereby authorized and ordered to be prepared and issued in one or more series in a principal amount of not to exceed Six Million Dollars (\$6,000,000) to raise money for the Project as authorized by the Act. The Governing Body of the City is authorized and empowered by the provisions of the Act or as may otherwise be provided by law to issue the City Bond.

SECTION 3. The Governing Body hereby further authorizes and approves the sale of the City Bond to the Bank pursuant to the terms and provisions of the City Bond Purchase Agreement and the sale of the Bank Bonds by the Bank to the Underwriter pursuant to the terms and provisions of the Bond Purchase Agreement.

SECTION 4. The Governing Body does hereby find and determine that the City Bond and the Bank Bonds are being issued to provide financing for the costs of the Project.

SECTION 5. (a) Payments of interest on the City Bond shall be made to the Record Date Registered Owner, and payments of principal shall be made upon presentation and surrender thereof at the principal office of the Paying Agent to the Record Date Registered Owner in lawful money of the United States of America upon presentation of the City Bond at the corporate trust office of the Paying Agent.

(b) The City Bond shall be dated the date of its delivery; shall be issued as a fully registered bond in a single denomination equal to the principal amount thereof; shall be numbered 1; shall bear interest from the date thereof at the federally taxable or tax exempt rate or rates borne by the Bank Bonds (as provided in the Indenture) which federally taxable or tax exempt rate or rates shall be reviewed by the Municipal Advisor

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and determined to be reasonable under then current market conditions, payable on each Interest Payment Date, subject to the limitation that the City Bond shall not bear a greater overall interest rate to maturity than eleven percent (11%) per annum; and shall mature and become due and payable in the same manner and at the same dates and times as provided for the Bank Bonds in the Indenture; provided, however, that the final maturity for the City Bond shall be no later than twenty (20) years from its date of issuance unless earlier redeemed as provided for in this Bond Resolution and the Indenture.

(c) The City Bond is subject to redemption prior to maturity only at the times, to the extent, in the manner and as otherwise provided for the Bank Bonds in the Indenture. If applicable, the City shall provide proper notices to the Bank and the Trustee as provided in the Indenture in the event the City elects to redeem the City Bond or any portion thereof, and redemption of the City Bond or any portion thereof shall be as provided in this Section 5 and Article IV of the Indenture. It is intended that redemption of the City Bond may only occur through the processes provided in the Indenture, and the City hereby accepts such redemption provisions by this reference.

(d) A default in the due and punctual payment of any interest or principal on the City Bond or a default by the City under this Bond Resolution is an Event of Default (as defined in the Indenture) under the Indenture entitling the Trustee to exercise certain remedies under the Indenture, including, but not limited to, the acceleration of all principal and interest due and owing on the Bank Bonds outstanding. In the event the Trustee exercises such remedies under the Indenture, the principal and interest due and owing on the City Bond may be accelerated in accordance with the Indenture and the City shall cause the City Bond to be redeemed and paid in full.

SECTION 6. (a) When the City Bond shall have been validated and executed as herein provided, they shall be registered as an obligation of the City in the office of the Clerk in a record maintained for that purpose, and the Clerk shall cause to be imprinted upon the City Bond, over her manual or facsimile signature and manual or facsimile seal, her certificate in substantially the form set out in Section 8.

(b) The City Bond shall be executed by the manual or facsimile signature of the Mayor or an Authorized Officer and countersigned by the manual or facsimile signature of the Clerk, with the seal of the City imprinted or affixed thereto; provided, however all signatures and seals appearing on the City Bond, other than the signature of an authorized officer of the Transfer Agent hereafter provided for, may be facsimile and shall have the same force and effect as if manually signed or impressed. In case any official of the City whose signature or a facsimile of whose signature shall appear on the City Bond shall cease to be such official before the delivery or reissuance thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until delivery or reissuance.

(c) The City Bond shall be delivered to the Bank upon payment of the purchase price therefor in accordance with the terms and conditions of the Indenture and the City Bond Purchase Agreement, together with a complete certified transcript of the proceedings had and done in the matter of the authorization, issuance, sale and validation of the City Bond, and the final, unqualified approving opinion of Bond Counsel.

(d) Prior to or simultaneously with the delivery of the City Bond by the Transfer Agent, the City shall file with the Transfer Agent:

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(i) a copy, certified by the Clerk, of the transcript of proceedings of the Governing Body in connection with the authorization, issuance, sale and validation of the City Bond; and

(ii) an authorization to the Transfer Agent, signed by the Mayor or an Authorized Officer, to authenticate and deliver the City Bond to the Bank; and

(iii) such other documentation, if any, as may be required by this Bond Resolution, the Bond Purchase Agreement, Bond Counsel and the Indenture.

(e) At delivery, the Transfer Agent shall authenticate the City Bond and deliver it to the Bank thereof upon payment of the purchase price of the City Bond to the City.

SECTION 7. (a) The City hereby appoints the Trustee designated under the Indenture as the Paying Agent, Trustee and Transfer Agent for the City Bond. The City specifically reserves the right to hereafter designate and/or approve a separate Paying Agent, Transfer Agent and/or Trustee in its discretion, subject, however to the terms and conditions of the Indenture, as hereinafter provided.

(b) So long as the City Bond shall remain outstanding, the City shall maintain with the Transfer Agent records for the registration and transfer of the City Bond. The Transfer Agent is hereby appointed registrar for the City Bond, in which capacity the Transfer Agent shall register in such records and permit to be transferred thereon, under such reasonable regulations as may be prescribed, the City Bond if entitled to registration or transfer.

(c) The City shall pay or reimburse the Agent for reasonable fees for the performance of the services normally rendered and the incurring of normal expenses reasonably and necessarily paid as are customarily paid to paying agents, transfer agents and bond registrars, subject to agreement between the City and the Agent. Fees and reimbursements for extraordinary services and expenses, so long as not occasioned by the negligence, misconduct or willful default of the Agent, shall be made by the City on a case-by-case basis, subject, where not prevented by emergency or other exigent circumstances, to the prior written approval of the Governing Body.

(d) (i) An Agent may at any time resign and be discharged of the duties and obligations of the function of the Trustee, Paying Agent and Transfer Agent pursuant to the terms and conditions stated in Section 11 of the Indenture.

(ii) In the event of the resignation or removal of the Agent, a successor Agent shall be selected as provided in Section 11.7 of the Indenture.

(iii) In the event of a change of Agents, the predecessor Agent shall cease to be custodian of any funds held pursuant to this Bond Resolution in connection with its role as such Agent, and the successor Agent shall become such custodian; provided, however, that before any such delivery is required to be made, all fees, advances and expenses of the retiring or removed Agent shall be fully paid. Every predecessor Agent shall deliver to its successor Agent all records of account, registration records, list of Registered Owner and all other records, documents and instruments relating to its duties as such Agent.

(iv) The provisions of Section 11.8 of the Indenture shall govern the acceptance of any appointment of a successor Agent.

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(v) Should any transfer, assignment or instrument in writing be required by any successor Agent from the City to more fully and certainly vest in such successor Agent the estates, rights, powers and duties hereby vested or intended to be vested in the predecessor Agent, any such transfer, assignment and written instruments shall, on request, be executed, acknowledged and delivered by the City.

(vi) The City will provide any successor Agent with certified copies of all resolutions, orders and other proceedings adopted by the Governing Body relating to the City Bond.

(vii) All duties and obligations imposed hereby on an Agent or successor Agent shall terminate upon the accomplishment of all duties, obligations and responsibilities imposed by law or required to be performed by this Bond Resolution.

SECTION 8. The City Bond shall be in substantially the following form, with such appropriate variations, omissions and insertions as are permitted or required by this Bond Resolution:

[CITY BOND FORM]

THIS CITY BOND HAS BEEN ASSIGNED TO TRUSTMARK NATIONAL BANK, JACKSON, MISSISSIPPI, AS TRUSTEE (THE "TRUSTEE") UNDER AN INDENTURE OF TRUST (THE "INDENTURE") DATED AS OF _____, 2017, BY AND BETWEEN THE MISSISSIPPI DEVELOPMENT BANK AND THE TRUSTEE. THIS CITY BOND IS REGISTERED IN THE NAME OF THE TRUSTEE AND IS NON-TRANSFERRABLE EXCEPT AS PERMITTED IN THE INDENTURE.

UNITED STATES OF AMERICA
STATE OF MISSISSIPPI

CITY OF SOUTHAVEN
GENERAL OBLIGATION BOND
SERIES 2017

NO. 1 \$6,000,000

<u>Rate of Interest</u>	<u>Maturity</u>	<u>Dated Date</u>
%		_____, 2017

Registered Owner: TRUSTMARK NATIONAL BANK,
As Assignee of the Mississippi Development Bank

Principal Amount: DOLLARS

The City of Southaven, State of Mississippi (the "City"), a body politic existing under the Constitution and laws of the State of Mississippi, acknowledges itself to owe and for value received, promises to pay in lawful money of the United States of America to the Registered Owner identified above, upon the presentation and surrender of this City Bond, at the principal office of Trustmark National Bank, Jackson, Mississippi, or its

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successor, as paying agent (the "**Paying Agent**") for the General Obligation Bond, Series 2017, of the City (the "**City Bond**"), on the maturity date identified above, the principal amount identified above. Payment of the principal amount of this City Bond shall be made to the Registered Owner hereof who shall appear in the registration records of the City maintained by Trustmark National Bank, Jackson, Mississippi, or its successor, as transfer agent for the City Bond (the "**Transfer Agent**") at the times and periods as provided in the Indenture (herein defined).

The City further promises to pay interest on such principal amount from the date of this City Bond until said principal sum is paid, to the Registered Owner hereof who shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date (as defined in the Bond Resolution defined below).

Payments of principal of and interest on this City Bond shall be made by check or draft mailed to such Registered Owner at its address as such address appears on such registration records in time to reach the Registered Owner at least five (5) days prior to an Interest Payment Date (as defined in the Bond Resolution, as hereinafter defined).

This City Bond is issued under the authority of the Constitution and statutes of the State of Mississippi, including Sections 21-33-301 *et seq.* and Sections 31-25-1 *et seq.*, Mississippi Code of 1972, amended and supplemented from time to time (together, the "**Act**"), and by the further authority of proceedings duly had by the Board of Aldermen of the City, including a resolution adopted November 7, 2017 (the "**Bond Resolution**").

This City Bond is issued in the aggregate authorized principal amount of Six Million Dollars (\$6,000,000) to raise money for the purpose of providing funds for (a) (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning, equipping and furnishing municipal buildings, auditoriums, community centers, gymnasiums and athletic stadiums, preparing and equipping athletic fields, and purchasing buildings and land therefor; and for erecting, equipping and furnishing of buildings to be used as a municipal or civics arts center; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under Mississippi Code Ann. Sections 21-33-301 *et seq.*, as amended and/or supplemented from time to time, and (b) paying the costs of issuance of this City Bond and the Bank Bonds (as defined herein).

The City will duly and punctually pay the principal of, premium, if any, and interest on the City Bond at the dates and the places and in the manner mentioned in the Bond Resolution, according to the true intent and meaning thereof. Notwithstanding any schedule of payments upon the City Bond, the City agrees to make payments upon the City Bond and be liable therefor at such times and in such amounts (including principal, premium, if any, and interest) so as to provide for payment of the principal of, premium, if any, and interest on the not to exceed \$6,000,000 Mississippi Development Bank

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Special Obligation Bonds, Series 2017 (Southaven, Mississippi General Obligation Bond Project) (the "**Bank Bonds**"), outstanding under the Indenture of Trust, by and between the Mississippi Development Bank and Trustmark National Bank, Jackson, Mississippi, as trustee (the "**Trustee**"), dated _____, 2017 (the "**Indenture**") when due whether upon a scheduled interest payment date, at maturity or by mandatory redemption or optional redemption.

Reference is hereby made to the Bond Resolution and to all amendments and supplements thereto for the provisions, among others, with respect to the nature and extent of the security for the Bondholder, the rights, duties and obligations of the City and the Bondholder and the terms upon which the City Bond is or may be issued and secured.

The City and the Paying Agent may deem and treat the Registered Owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the City nor the Paying Agent shall be affected by any notice to the contrary.

The City Bond is and will continue to be payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate or amount upon all the taxable property within the geographical limits of the City; provided, however, that such tax levy for any year shall be abated pro tanto to the extent the City on or prior to September 1 of that year has transferred money to the bond fund of the City Bond, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the City Bond due during the ensuing fiscal year of the City, in accordance with the provisions of the Bond Resolution. The City, when necessary, will levy annually a special tax upon all taxable property within the geographical limits of the City adequate and sufficient to provide for the payment of the principal of and the interest on the City Bond as the same falls due.

This City Bond is the only evidence of indebtedness issued and outstanding under the Bond Resolution. This City Bond has been purchased by the Mississippi Development Bank and has been assigned to the Trustee under the Indenture; this City Bond is registered in the name of the Trustee and is non-transferrable except as provided in the Indenture.

The City and the Trustee may deem and treat the person in whose name this City Bond is registered as the absolute owner hereof, whether this City Bond shall be overdue or not, for the purpose of receiving payment of the principal of, redemption premium, if any, and interest on this City Bond and for all other purposes. All such payments so made to the registered owner shall be valid and effectual to satisfy and discharge the liability upon this City Bond to the extent of the sum or sums or paid, and neither the City nor the Trustee shall be affected by any notice to the contrary.

This City Bond shall only be redeemed under the Bond Resolution to the extent and in the manner required to redeem the Bank Bonds pursuant to the provisions of the Indenture.

Modifications or alterations of the Bond Resolution may be made only to the extent and under the circumstances permitted by the Indenture.

This City Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Resolution until the certificate of registration and authentication hereon shall have been signed by the Transfer Agent.

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IT IS HEREBY CERTIFIED, RECITED AND REPRESENTED that all conditions, acts and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of the City Bond, in order to make the same legal and binding general obligation of the City, according to the terms thereof, do exist, have happened and have been performed in regular and due time, form and manner as required by law. For the performance in apt time and manner of every official act herein required, and for the prompt payment of this City Bond, both principal and interest, the full faith and credit of the City are hereby irrevocably pledged.

IN WITNESS WHEREOF, the City has caused this City Bond to be executed in its name by the manual or facsimile signature of the Mayor of the City, countersigned by the manual or facsimile signature of the City Clerk of the City, under the manual or facsimile seal of the City, which said manual or facsimile signatures and seal said officials adopt as and for their own proper signatures and seal, on this the ____ day of _____, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

BY:

Mayor

COUNTERSIGNED:

City Clerk

(SEAL)

CERTIFICATE OF REGISTRATION AND AUTHENTICATION

This City Bond is the City Bond described in the within mentioned Bond Resolution and is the General Obligation Bond, Series 2017, of the City of Southaven, Mississippi.

TRUSTMARK NATIONAL BANK,
as Transfer Agent

BY:

Authorized Signatory

Date of Registration and Authentication: _____, 2017

REGISTRATION AND VALIDATION CERTIFICATE

**STATE OF MISSISSIPPI
COUNTY OF DESOTO
CITY OF SOUTHAVEN**

I, the undersigned City Clerk of the City of Southaven, Mississippi, do hereby certify that the within City Bond has been duly registered by me as an obligation of said City pursuant to law in a record kept in my office for that purpose, and has been validated and confirmed by Decree of the Chancery Court of Desoto County, Mississippi, rendered on the ____ day of _____, 2017.

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City Clerk

(SEAL)

[END OF CITY BOND FORM]

SECTION 9. In case the City Bond shall become mutilated or be stolen, destroyed or lost, the City shall, if not then prohibited by law, cause to be authenticated and delivered a new City Bond of like date, number, maturity and tenor in exchange and substitution for and upon cancellation of such mutilated City Bond, or in lieu of and in substitution for such City Bond stolen, destroyed or lost, upon the Registered Owner's paying the reasonable expenses and charges of the City in connection therewith, and in case of a City Bond stolen, destroyed or lost, his filing with the City or Transfer Agent evidence satisfactory to them that the City Bond was stolen, destroyed or lost, and of its ownership thereof, and furnishing the City or Transfer Agent with such security or indemnity as may be required by law or by them to save each of them harmless from all risks, however remote.

SECTION 10. This City Bond shall be a general obligation of the City and the City hereby irrevocably pledges its full faith, credit and taxing power for the purpose of effectuating and providing for the payment of the principal of, premium, if any, and interest on the City Bond as the same shall respectively mature and accrue. For the purpose of effectuating and providing for the payment of the principal of and interest on the City Bond as the same shall respectively mature and accrue, there shall be and is hereby levied a direct, continuing special tax upon all of the taxable property within the geographical limits of the City, adequate and sufficient, after allowance shall have been made for the expenses of collection and delinquencies in the payment of taxes, to produce sums required for the payment of the principal of, premium, if any, and the interest on the City Bond and any additional obligations of the City under the Indenture; provided, however, that such tax levy for any year shall be abated pro tanto to the extent the City on or prior to September 1 of that year has transferred money to the 2017 Bond Fund of the City Bond, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the City Bond due during the ensuing fiscal year of the City, in accordance with the provisions of the Bond Resolution. Said tax, if necessary, shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the City are collected, and the rate of tax which shall be so extended shall be sufficient in each year fully to produce the sums required as aforesaid, without limitation as to time, rate or amount. The avails of said tax are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the City Bond and any additional obligations of the City as aforesaid as the same shall respectively mature and accrue. Should there be a failure in any year to comply with the requirements of this section, such failure shall not impair the right of the Registered Owner of the City Bond in any subsequent year to have adequate taxes levied and collected to meet the all of the aforesaid obligations of the City Bond.

SECTION 11. Only if the City Bond shall have endorsed thereon a certificate of registration and authentication in substantially the form hereinabove set forth, duly executed by the Transfer Agent, shall the City Bond be entitled to the rights, benefits and security of this Bond Resolution. The City Bond shall not be valid or obligatory for any purpose unless and until such certificate of registration and authentication shall have been duly executed by the Transfer Agent, which executed certificate shall be conclusive evidence of registration, authentication and delivery under this Bond Resolution. The

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Transfer Agent's certificate of registration and authentication on the City Bond shall be deemed to have been duly executed if signed by an authorized officer of the Transfer Agent, but it shall not be necessary that the same officer sign said certificate on the City Bond that may be issued hereunder at any one time.

SECTION 12. Ownership of the City Bond shall be in the Bank or its assignee. The Person in whose name the City Bond shall be registered in the records of the City maintained by the Transfer Agent may be deemed the absolute owner thereof for all purposes, and payment of or on account of the principal of or interest on the City Bond shall be made only to or upon the order of the Registered Owner thereof, or his legal representative, but such registration may be changed as hereinafter provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon the City Bond to the extent of the sum or sums so paid.

SECTION 13. The City Bond shall be transferable only as provided in the Indenture. Upon the transfer of the City Bond, the City, acting through its Transfer Agent, shall issue in the name of the transferee a new City Bond of the same aggregate principal amount and maturity and rate of interest as the surrendered City Bond.

SECTION 14. (a) The City hereby establishes the 2017 Bond Fund which shall be maintained with a qualified depository in its name for the payment of the principal of and interest on the City Bond, and the payment of Agents' fees in connection therewith. There shall be deposited into the 2017 Bond Fund as and when received:

(i) The avails of any of the ad valorem taxes levied and collected pursuant to Section 10 hereof;

(ii) Any income received from investment of monies in the 2017 Bond Fund; and

(iii) Any other funds available to the City which may be lawfully used for payment of the principal of, premium, if any, and interest on the City Bond or for other obligations of the City which may be due under the Indenture, and which the Governing Body, in its discretion, may direct to be deposited into the 2017 Bond Fund.

(b) As long as any principal of, premium, if any, and interest on the City Bond or the Bank Bonds remain outstanding and/or other obligations of the City remain outstanding under the Indenture, the City Clerk is hereby irrevocably authorized and directed to withdraw from the 2017 Bond Fund sufficient monies to make the payments necessary (the "**Payments**") to pay (i) the principal of, premium, if any, and interest coming due on the Bank Bonds, and (ii) any additional Payments necessary and required as obligations of the City under the Indenture, and to transfer same to the account of the Trustee in time to reach the Trustee at least five (5) days prior to the date on which said interest or principal and interest or premium, if any, on the Bank Bonds shall become due. The Trustee shall deposit all Payments received in the General Account of the General Fund of the Indenture, or such other fund or account in the Indenture as so directed in the Indenture.

SECTION 15. (a) The City hereby establishes the 2017 Construction Fund which shall be maintained with a qualified depository. The principal proceeds received upon the sale of the City Bond shall be deposited in the 2017 Construction Fund. Any income received from investment of monies in the 2017 Construction Fund shall be deposited in

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the 2017 Construction Fund and shall be used for the cost of the Construction Project and, if necessary, shall be deposited in the 2017 Bond Fund for the payment of debt service on the City Bond. From the 2017 Construction Fund there shall be held and disbursed moneys for the acquisition and construction of the Construction Project, as authorized by the Act. Any amounts which remain in the 2017 Construction Fund after the completion of the Construction Project shall be transferred to the 2017 Bond Fund and used as permitted under State law.

(b) Funds on deposit in the 2017 Construction Fund may be invested in Investment Securities, as defined in the Indenture, to the extent they are authorized by the Bank Act and applicable provisions of State law.

SECTION 16. (a) Payment of principal on the City Bond shall be made at the principal office of the Paying Agent; provided, however, the final payment of principal shall be made upon the presentation and surrender of the City Bond at the principal office of the Paying Agent, to the Record Date Registered Owner thereof who shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date.

(b) Payment of each installment of interest on the City Bond shall be made to the Record Date Registered Owner thereof whose name shall appear in the registration records of the City maintained by the Transfer Agent as of the Record Date. Interest shall be payable in the aforesaid manner irrespective of any transfer or exchange of such City Bond subsequent to the Record Date and prior to the due date of the interest.

(c) Principal of and interest on the City Bond shall be paid by check or draft mailed on an Interest Payment Date to the Registered Owner at the addresses appearing in the registration records of the Transfer Agent. Any such address may be changed by written notice from the Registered Owner to the Transfer Agent by certified mail, return receipt requested, or such other method and at the times as may be subsequently prescribed by the Transfer Agent.

SECTION 17. The City Bond shall be submitted to validation as provided by Chapter 13, Title 31, Mississippi Code of 1972, and to that end the City Clerk is hereby directed to make up a transcript of all legal papers and proceedings relating to the City Bond and to certify and forward the same to the State's Bond Attorney for the institution of validation proceedings.

SECTION 18. The City covenants to comply, if applicable, with each requirement of the Code and the regulations promulgated thereunder necessary to maintain the exclusion of interest on the Bank Bonds from gross income for federal income tax purposes, and in furtherance thereof, to comply, if applicable, with a certificate of the City to be executed and delivered concurrently with the issuance of the City Bond and the Bank Bonds, or such other covenants as may, from time to time, be required to be complied with in order to maintain the exclusion of interest on the Bank Bonds from gross income for federal income tax purposes, if applicable. The City shall not use or permit the use of any of the proceeds of the City Bond or the Bank Bonds, or any other funds of the City, directly or indirectly, to acquire any securities, obligations or other investment property, and shall not take or permit to be taken any other action or actions, which would cause any Bank Bond to be an "arbitrage bond" as defined in Section 148 of the Code, if and as applicable. Notwithstanding any other provisions to the contrary, so long as necessary in order to maintain the exclusion of interest on the Bank Bonds from gross income for federal income tax purposes under the Code, if applicable, the covenants contained in this Section 18 shall

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survive the payment of the City Bond and the Bank Bonds and the interest thereon, including any payment or defeasance thereof.

SECTION 19. The City represents as follows:

(a) The City shall take no action that would cause the Bank Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Code;

(b) The City shall take all necessary action to have the Bank Bonds registered within the meaning of Section 149(a) of the Code; and

(c) The City will not employ any device or abusive transaction with respect to the investment of the proceeds of the Bank Bonds and, to the extent necessary, the City Bond.

SECTION 20. The City hereby covenants that, if applicable, in connection with the Bank Bonds it shall make, or cause to be timely made to the United States of America, any rebate payment required by Section 148(f) of the Code and the regulations promulgated thereunder and to that end, will enter into the Arbitrage Rebate Agreement (as defined in the Indenture) with the Bank and the Trustee. The Mayor, the Clerk and/or an Authorized Officer are each hereby authorized to execute the Arbitrage Rebate Agreement in order to comply with Section 148 of the Code and the applicable regulations thereunder.

SECTION 21. The City Bond shall be sold to the Bank based on the terms and conditions of the sale of the Bank Bonds by the Bank to the Underwriter of the Bank Bonds.

SECTION 22. The Mayor, the Clerk and/or any Authorized Officer are hereby authorized to sign and file or cause to be filed a completed I.R.S. Form 8038-G "Information Return for Governmental Obligations" if required by Section 149(e) of the Code

SECTION 23. The Mayor, the Clerk and/or any Authorized Officer are hereby authorized to execute a non-arbitrage certification in order to comply with Section 148 of the Code and the applicable regulations thereunder.

SECTION 24. The City is an "obligated person" under the Rule covenants and agrees to execute the Continuing Disclosure Certificate setting forth the City's agreement with regard to continuing disclosure and to comply with the covenants set forth therein and carry out all of the provisions of the Continuing Disclosure Certificate. In the event the City fails to comply with the provisions of the Continuing Disclosure Certificate, the beneficial owners of the Bank Bonds may take such actions as may be necessary and appropriate, including mandamus or specific performance by court order, to cause the City to comply with its obligations set forth in the Continuing Disclosure Certificate and this Section 24.

SECTION 25. The City may issue refunding bonds, in one or more series, with the consent of the Bank pursuant to a supplement to this Bond Resolution or a separate resolution to provide funds for the refunding of all or a portion of the City Bond so long as: (a) no default has occurred and is continuing under this Bond Resolution or the Indenture; and (b) there shall have been filed with the City and the Trustee an opinion of Bond Counsel that the exclusion from gross income for federal income tax purposes of interest on the Bank Bonds then outstanding under the Indenture shall not be adversely affected, if applicable.

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Such refunding bonds shall be appropriately designated, shall be dated, shall bear interest at a rate or rates not exceeding the maximum rate then permitted by law, shall be numbered, shall have such paying agents and shall have such maturities and redemption provisions, all as may be provided in the supplement to this Bond Resolution or separate resolution of the Governing Body authorizing the issuance of such refunding bonds.

It is intended that this Section 25 allow for the provision of refunding bonds commensurate with the ability of the Bank to issue its refunding bonds as provided in Section 2.5 of the Indenture.

SECTION 26. (a) The Bank and the City, without the consent of the owners of any of the Bank Bonds outstanding under the Indenture, may enter into supplements to this Bond Resolution which shall not be inconsistent with the terms and provisions hereof for any of the purposes heretofore specifically authorized in this Bond Resolution or the Indenture, and in addition thereto for the following purposes:

- (i) To cure any ambiguity or formal defect or omission in the Indenture;
- (ii) To grant to or confer upon the Trustee for the benefit of the Bondholders any additional benefits, rights, remedies, powers or authorities that may lawfully be granted to or conferred upon the Bondholders or the Trustee, or to make any change which, in the opinion of Bond Counsel, does not materially and adversely affect the interest of the owners of the Outstanding City Bond and does not require unanimous consent of the Bondholders pursuant to Section 12.1 of the Indenture;
- (iii) To subject to the Indenture additional Revenues, properties or collateral;
- (iv) To modify, amend or supplement the Indenture or any indenture supplemental thereto in such manner as to permit the qualification thereof and thereof under the Trust Indenture Act of 1939 or any similar federal statute hereafter in effect or to permit the qualification of the Bank Bonds for sale under the securities laws of the United States of America or of any of the states of the United States of America, and, if they so determine, to add to the Indenture or any indenture supplemental thereto such other terms, conditions and provisions as may be permitted by said Trust Indenture Act of 1939 or similar federal statute;
- (v) To evidence the appointment of a separate or co-trustee or the succession of a new Trustee under the Indenture or the succession of a new registrar and/or paying agent; and
- (vi) In connection with issuance of refunding bonds.

(b) The provisions of this Bond Resolution may be amended in any particular with the written consent of the Bank and the owners of not less than a majority of the aggregate principal amount of Bank Bonds then outstanding; provided, however, that no such amendment may be adopted which decreases the percentage of owners of Bank Bonds required to approve any amendment, or which permits a change in the date of payment of the principal or interest on any Bank Bonds or of any redemption price thereof or the rate of interest thereon.

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(c) If at any time the Bank and the City shall request the Trustee to consent to a proposed amendment for any of the purposes of this Section 26, the Trustee shall, upon being satisfactorily indemnified with respect to expenses, cause notice of the proposed execution of such proposed amendment to be given in the manner required by the Indenture to redeem Bank Bonds. Such notice shall briefly set forth the nature of the proposed amendment and shall state that copies thereof are on file at the principal corporate trust office of the Trustee for inspection by all holders of Bank Bonds. If, within 60 days or such longer period as shall be prescribed by the Bank following such notice, the owners of not less than a majority in aggregate principal amount of the Bank Bonds outstanding at the time of the execution of any such proposed amendment shall have consented to and approved the execution thereof as herein provided, no owner of any Bank Bond shall have any right to object to any of the terms and provisions contained therein, or the operation thereof, or in any manner to question the propriety of the execution thereof, or to enjoin or restrain the Trustee, the City or the Bank from executing or approving the same or from taking any action pursuant to the provisions thereof. Upon the execution of any such proposed amendment as in this Section permitted and provided, this Bond Resolution shall be and be deemed to be modified and amended in accordance therewith.

(d) Copies of any such supplement or amendment shall be filed with the Trustee and delivered to the Bank and the City before such supplement or amendment may become effective.

SECTION 27. The Mayor, the Clerk and an Authorized Officer of the Governing Body are authorized to execute and deliver such resolutions, agreements, certificates and other documents as our required for the sale, issuance and delivery of the City Bond.

SECTION 28. The Indenture, in the form submitted to this meeting, is hereby made a part of this Bond Resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially the form attached as **EXHIBIT A** (with such completions, changes, insertions and modifications as may be approved by such officers, said execution being conclusive evidence of such approval). The Mayor, the Clerk and an Authorized Officer of the Governing Body are hereby authorized to approve such additional changes as may be requested by the Bank. The Governing Body hereby approves and acknowledges the Indenture and the terms and provisions thereof and recognizes that may items governing the terms and conditions of the City Bond are based upon terms, limitations and conditions provided in the Indenture.

SECTION 29. The City Bond Purchase Agreement, in the form submitted to this meeting, is hereby made a part of this Bond Resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially the form as provided in **EXHIBIT B** hereto. The Mayor, the Clerk and an Authorized Officer of the Governing Body are hereby authorized and directed to execute and deliver the City Bond Purchase Agreement with such changes, insertions and omissions as may be approved by such officers.

SECTION 30. The Bond Purchase Agreement, in the form submitted to this meeting as provided in **EXHIBIT C**, is hereby made part of this Bond Resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially said form. The Mayor, the Clerk and an Authorized Officer of the Governing Body are hereby authorized and directed to execute the Bond Purchase Agreement for and on behalf of the City, with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval, subject to the following

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conditions: (a) compliance of the City and the Bank with the provisions of Act regarding the issuance of the City Bond and the Bank Bonds; (b) a total amount of Bank Bonds, in one or more series, not to exceed a total aggregate principal amount of Six Million Dollars (\$6,000,000); (c) the Bank Bonds will bear interest at the rates to be provided in the Indenture and shall not bear a greater overall interest rate to maturity than eleven percent (11%) per annum; (d) approval by the City and the Bank of the Bond Purchase Agreement for the sale of the Bonds evidenced by the execution of the Bond Purchase Agreement; (e) approval by the City of the sale of the City Bond to the Bank evidenced by the City's execution of the City Bond Purchase Agreement; (f) maturity schedule for the Bank Bonds of not to exceed twenty (20) years from its date of issuance; and (g) terms and provisions of the Bank Bonds in compliance with the Act.

SECTION 31. (a) The form of the Preliminary Official Statement 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, the Clerk and an Authorized Officer of the Governing Body are hereby authorized and directed to execute and deliver the Preliminary Official Statement with such changes, insertions and omissions as may be approved by such officer, said execution being conclusive evidence of such approval. The Preliminary Official Statement is hereby "deemed final" by the City as described in the Rule. The Mayor, the Clerk and an Authorized Officer of the Governing Body are hereby authorized and directed to execute and deliver the Official Statement in connection with the Bank Bonds with such changes from the Preliminary Official Statement as he/she may approve. Said Preliminary Official Statement is attached hereto as **EXHIBIT D**.

(b) If in the opinion of the Bond Counsel, the Underwriter and the Municipal Advisor, a supplement or amendment to the Preliminary Official Statement and/or Official Statement is necessary to provide proper disclosure for the Bank Bonds, the Governing Body of the City hereby authorizes (a) Bond Counsel to prepare and distribute such supplement or amendment to the Preliminary Official Statement and/or the Official Statement in a form and in a manner approved by the Underwriter, and (b) the Underwriter to provide distribution of such supplement or amendment to the Preliminary Official Statement and/or Official Statement, as the case may be, in connection with the sale of the Bank Bonds, with the distribution of such supplement or amendment being conclusive evidence of the approval of the Governing Body.

(c) The Continuing Disclosure Certificate, in the form attached to the Preliminary Official Statement as submitted to this meeting, is hereby made part of this Bond Resolution as though set forth in full herein and shall be, and the same hereby is, approved in substantially said form. The Mayor, the Clerk and an Authorized Officer are hereby authorized and directed to execute and deliver the Continuing Disclosure Certificate with such changes, insertions and omissions as may be approved by such officers, said execution being conclusive evidence of such approval.

SECTION 32. The Mayor, the Clerk and an Authorized Officer are hereby authorized and directed to sign requisitions and perform such other acts as may be necessary to authorize the payment by the Trustee for the Bank Bonds on the closing date of the Bank Bonds the costs of issuance of said Bank Bonds and cost of issuance for the City Bond of the City; provided, however, total costs of issuance for said Bank Bonds and the City Bond shall not exceed five (5%) percent of the par amount of the Bank Bonds (excluding Underwriters' discount and any premiums for municipal bond insurance, if applicable).

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SECTION 33. Upon receiving the recommendation of the Municipal Advisor and Bond Counsel, the Mayor, the Clerk and an Authorized Officer are hereby authorized and directed to make all final determinations necessary to prepare the Indenture, the sale of the Bank Bonds, including the date of sale, the dated date of the Bank Bonds, the final principal amount of the Bank Bonds, the maturity schedule relating to the Bank Bonds, the redemption terms of the Bank Bonds and any other terms thereof; provided, however, that all such determinations shall be made subject to approval by the Bank, to be evidenced by the execution of the Official Proposal and/or Bond Purchase Agreement for the sale of the Bank Bonds.

SECTION 34. The Mayor, the Clerk and an Authorized Officer are hereby 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 Bank Bonds and the City Bond, including the approval of the final Official Statement in connection with the Bank Bonds. Notwithstanding any other provision herein or in any attachments hereto, the Governing Body further authorizes any necessary changes to the name or title or series designation of the Bank Bonds or the City Bond and corresponding changes to any of the related documents approved hereby if it is determined, after consultation with the Municipal Advisor, that it is in the best interest of the City for the Bank Bonds to be issued at a later date or in one or more tax-exempt or taxable series, as municipal bond market conditions may dictate.

SECTION 35. Prior to their delivery, the City Bond shall be validated pursuant to Sections 31-13-1 *et seq.*, Mississippi Code of 1972, as amended, by the Chancery Court of DeSoto County, Mississippi.

SECTION 36. Upon the recommendation of the Municipal Advisor, the Mayor, the Clerk and an Authorized Officer are hereby authorized to apply for, execute and deliver, a commitment for the provision of municipal bond insurance and any additional documents and certificates which are required by any provider of such municipal bond insurance selected to provide credit enhancement in connection with the issuance of the Bank Bonds. Such insurer shall be selected by the Bank and the City following negotiations with perspective insurers by the Municipal Advisor. Any changes, insertions and omissions as may be required by the provider of the municipal bond insurance to the Indenture, the City Bond, and the Preliminary Official Statement are to be approved by the City and the Bank, and the execution of the commitment for said municipal bond insurance being conclusive evidence of such approval. Payment of the premiums, if applicable, for such municipal bond insurance out of the proceeds of the Bank Bonds is hereby approved. The Mayor, the Clerk and an Authorized Officer are hereby authorized to execute, if applicable, the commitment for municipal bond insurance on behalf of the Bank and/or the City.

SECTION 37. The Mayor, the Clerk and an Authorized Officer are authorized to execute and deliver such resolutions, agreements, certificates and other documents as are required for the sale, issuance and delivery of the City Bond. The Governing Body further authorizes Bond Counsel, City Counsel and the Municipal Advisor, to prepare and distribute all necessary documents and to do all things required in order to negotiate the sale of the Bank Bonds and to effectuate the sale and issuance of the City Bond and the Bank Bonds.

SECTION 38. The Mayor, the Clerk and an Authorized Officer are hereby authorized and directed to make all final determinations necessary in connection with the City Bond and the Bank Bonds including, but not limited to, the final principal amount of the City Bond and the Bank Bonds, the maturity schedule relating to the City Bond and the

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Bank Bonds, the redemption terms of the City Bond and the Bank Bonds, the dated date and payment dates of the City Bond and the Bank Bonds, the interest rate or rates to be borne by the City Bond and the Bank Bonds, and the price to be paid for the City Bond and the Bank Bonds, subject to the provisions of the Act and this Bond Resolution.

SECTION 39. If any one or more of the provisions of this Bond Resolution 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 Bond Resolution, but this Bond Resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

SECTION 40. 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 Bond Resolution shall become effective upon the adoption hereof.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Alderperson Flores, seconded by Alderperson Payne and was adopted by the following roll call vote, to wit:

Alderman William Brooks	Voted: YES
Alderman Kristian Kelly	Voted: YES
Alderman Ronnie Hale	Voted: YES
Alderman George Payne	Voted: YES
Alderman Joel Gallagher	Voted: YES
Alderman John David Wheeler	Voted: YES
Alderman Raymond Flores	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 7th day of November, 2017.

EXHIBIT A

FORM OF THE INDENTURE

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EXHIBIT B

FORM OF CITY BOND PURCHASE AGREEMENT

EXHIBIT C

FORM OF PRELIMINARY OFFICIAL STATEMENT

EXHIBIT D

FORM OF MISSISSIPPI DEVELOPMENT BANK BOND PURCHASE AGREEMENT

Exhibits A, B,C, and D are attached to these minutes.

CONSIDERATION OF RESOLUTIONS FOR RESTAURANT TOURISM TAX FOR PARKS

Mayor Musselwhite presented this item to the Board.

The Board of Alderman considered two resolutions for renewal of the tourism tax for 10 years. One resolution requires another referendum and the other does not. Also, both resolutions note that the tax will expire after 10 years, unless there is another vote by the City citizens. Don Daniels, Southaven Citizen, approached the Board with concerns in regards to taxing tourists and the people of Southaven for another 10 years. Mayor Musselwhite expressed to Mr. Daniels that there had already been a lot of conversation in regards to the tourism tax. After much discussion among the Mayor and Board of Alderman, the following resolution was passed:

The Mayor and Board of Aldermen ("Governing Body") of the City of Southaven, Mississippi (the "City"), took up the matter of reinstating for ten (10) years the authority for the City to levy and collect an additional one percent sales tax on gross proceeds of restaurants operating within the City from the sales of beverages and prepared food for providing funds to promote Southaven tourism, parks and recreation originally authorized by Chapter 955, Local and Private Laws of 2011 and re-authorized in 2014 by Senate Bill 2925. After full discussion of the subject, Aldermen Gallagher offered and moved the adoption of the following resolution:

**RESOLUTION OF THE MAYOR AND BOARD OF
ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI
REQUESTING THE LEGISLATURE OF THE STATE OF
MISSISSIPPI TO REINSTATE FOR TEN (10) YEARS THE
AUTHORITY FOR THE CITY OF SOUTHAVEN,
MISSISSIPPI TO LEVY AND COLLECT A TAX UPON
EVERY PERSON, CORPORATION, OR FIRM OPERATING
A RESTAURANT IN THE CITY AT A RATE NOT TO
EXCEED ONE PERCENT (1%) OF THE GROSS PROCEEDS
FROM THE SALES OF BEVERAGES AND PREPARED
FOOD AT RESTAURANTS TO PROVIDE FUNDS FOR
PROMOTING TOURISM, PARKS AND RECREATION**

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ORIGINALLY AUTHORIZED BY CHAPTER 955, LOCAL AND PRIVATE LAWS OF 2011 AND RE-AUTHORIZED IN 2014 BY SENATE BILL 2925.

WHEREAS, the Governing Body of the City hereby find, determine and declare as follows:

WHEREAS, in 2011, the Mississippi Legislature ("Legislature") passed House Bill 1462, which authorized the City for a period of three (3) years, until July 1, 2014, to levy and collect an additional one percent (1%) tax of the gross proceeds of restaurants operating within the City from the sales of beverages and prepared food for providing funds to promote tourism, parks and recreation in the City; and

WHEREAS, in 2014, the Legislature passed Senate Bill 2925, which extended the one percent (1%) tax as authorized by House Bill 1462 for an additional three (3) years until July 1, 2017; and

WHEREAS, in 2017, the Legislature voted against the re-authorization of the levy and collection of the additional one percent (1%) tax of the gross proceeds of restaurants operating within the City; and

WHEREAS, previously, referendums were held on October 5, 2010, and October 4, 2011, by the City whereby the citizens of the City did approve authorizing the City to levy and collect the additional tax on the gross proceeds of the restaurants within the City; and

WHEREAS, the City has used this tax revenue effectively since initial collections to enhance tourism and expand park and recreational facilities within the City as set forth below:

1. Greenbrook Softball Gift Shop and Cooking Pavilion
2. New Scoreboards for Snowden Grove, Greenbrook, and Cherry Valley
3. BankPlus Amphitheater Stage Enclosure
4. Pine Tar Alley Road Extension at Snowden Grove
5. Senior Center at Snowden Grove
6. Snowden Grove Mini-Stadiums and Bathroom/Concession Additions
7. Tennis Expansion (8 New Courts with Pavilion and Bathrooms)

WHEREAS, once reinstated, the City will use the proceeds from the tax for the continuance of promoting tourism and enhancement and expansion of park facilities within the City; and

WHEREAS, the City's second-to-none park facilities and tourism appeal, along with the City's geographical location, has attracted thousands of citizens from other states to the City's restaurants; thereby, generating tourism funds which benefit not only the City, but also the State of Mississippi; and

WHEREAS, the City's use of the proceeds for the expansion and enhancement of its park facilities and tourism will continue to attract visitors from other states and promote tourism in the City and State of Mississippi and continue to provide revenue dollars to the City and State of Mississippi; and

WHEREAS, the Governing Body of the City request the Legislature to reinstate for ten (10) years the authority for the City to levy and collect a tax upon

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every person, firm, or corporation operating a restaurant in the City at a rate not to exceed one percent (1%) of the gross proceeds from the sales of beverages and prepared food at restaurants; and

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

SECTION 1. The Governing Body of the City hereby respectfully requests that the Legislature reinstate for ten (10) years the authority for the City to levy and collect a tax upon every person, firm, or corporation operating a restaurant in the City at a rate not to exceed one percent (1%) of the gross proceeds from the sales of beverages and prepared food at restaurants to provide funds for the promotion of Southaven tourism, parks and recreation originally authorized by Chapter 955, Local and Private Laws of 2011 and re-authorized in 2014 by Senate Bill 2925.

SECTION 2. The Governing Body of the City hereby requests the Legislature include in the local and private legislation that upon the expiration of the ten (10) years for collection of the tax, such tax shall expire unless the continuance of the tax is approved by another referendum of the City citizens.

SECTION 3. The Mayor and/or City Clerk is hereby directed to provide a certified copy of this Resolution to the Legislature and the Mayor or his designee is authorized to take any and all actions to effectuate the intent of this Resolution.

Following the reading of the foregoing resolution, Aldermen Brooks 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 Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

RESOLVED AND DONE, this 7th day of November, 2017.

AUTHORIZATION FOR RENEWAL WITH SHAPIRO UNIFORMS FOR SFD

Roger Thornton, Fire Chief, presented this item to the Board.

Shapiro Uniform was previously approved as the low bid in 2014 for uniform purchases by the Southaven Fire Department. The approval was for one year with

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option to extend for three years. Chief Thornton requested that the approval be extended until March of 2018 for uniform purchases by SFD. Alderman Brooks made the motion to approve the renewal extension. Motion was seconded by Alderman Hale.

RESOLUTIONS FOR FINAL CHANGE ORDERS FOR ELMORE ROAD NORTH AND SOUTH

Dan Cordell, City Consulting Engineer, presented this item to the Board.

Mr. Cordell stated that the change orders/final contract reflect increases in the amount of \$51,069.04 and \$14,414.34 for Elmore Road South and Elmore Road North, respectively final field quantity adjustment. However, the increases should be below the contingency money that was sent to the State. After hearing from Mr. Cordell, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPROVING FINAL CHANGE ORDER FOR ELMORE ROAD NORTH AND AUTHORIZING THE MAYOR TO SIGN

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for the Elmore Road North ("Project") whereby Ferrell Paving ("Ferrell") was the lowest and best bid; and

WHEREAS, it has been recommended by the City Engineers and Project consulting engineers to allow for changes, via a final change order, to reflect increases for final field quantity adjustment for the Project as more fully set forth in Exhibit A; and

WHEREAS, the increase associated with the change order and is anticipated to be below the contingency funds that were provided to the State of Mississippi as part of the Project; and

WHEREAS, based on the recommendation of the respective engineers, the City desires to proceed with the suggested changes as set forth above and in more detail in Exhibit A and pursuant to Mississippi Code 31-7-13(g) finds that the Final Change Order for the 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 Project is not a new undertaking or outside the

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original scope of the contract and is commercially reasonable and not being done to circumvent the public purchasing statutes, the City Board approves the Change Order in the amount of \$14,414.34.

2. Contingent upon final approval of Mississippi State Aid, the Mayor is authorized to sign the Change Order and take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Flores made the motion and Alderman Wheeler 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 Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

ORDERED AND DONE, this 7th day of November, 2017.

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPROVING FINAL CHANGE ORDER FOR ELMORE ROAD SOUTH AND AUTHORIZING THE MAYOR TO SIGN

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for the Elmore Road South ("Project") whereby Ferrell Paving ("Ferrell") was the lowest and best bid; and

WHEREAS, it has been recommended by the City Engineers and Project consulting engineers to allow for changes, via a final change order, to reflect increases for final field quantity adjustment for the Project as more fully set forth in Exhibit A; and

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WHEREAS, the increase associated with the change order and is anticipated to be below the contingency funds that were provided to the State of Mississippi as part of the Project; and

WHEREAS, based on the recommendation of the respective engineers, the City desires to proceed with the suggested changes as set forth above and in more detail in Exhibit A and pursuant to Mississippi Code 31-7-13(g) finds that the Final Change Order for the 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 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 City Board approves the Change Order in the amount of \$51,069.04.

2. Contingent upon final approval of Mississippi State Aid, the Mayor is authorized to sign the Change Order and take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Flores made the motion and Alderman Payne 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 Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

ORDERED AND DONE, this 7th day of November, 2017.

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A copy of the change orders are attached to these minutes.

RESOLUTION FOR CHANGE ORDER FOR PHASE I FIRE SERVICE EXTENSION HORN LAKE ROAD

Dan Cordell, City Consulting Engineer, presented this item to the Board.

Mr. Cordell stated that this change order in the amount of \$136,941.36 is for adjustments for increased quantities for additional fire hydrants and service area modifications due to actual water line infrastructure found in the field, along with additional items for tie-in at both ends of Horn Lake Creek Crossing. After hearing from Mr. Cordell, the Board of Alderman considered the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF SOUTHAVEN, MISSISSIPPI APPROVING CHANGE ORDER NO. 1 FOR PHASE 1 FOR FIRE EXTENSION SERVICE PROJECT ON HORN LAKE ROAD AND AUTHORIZING THE MAYOR TO SIGN

WHEREAS, the City of Southaven ("City"), pursuant to Mississippi Code Section 31-7-13, previously solicited bids for the Fire Extension Project on Horn Lake Road ("Project") whereby Trey Construction ("Trey") was the lowest and best bid; and

WHEREAS, it has been recommended by the City Engineer to allow for certain changes to the contract as it relates to adjustments for increased quantities for additional fire hydrants and service area modifications due to actual water line infrastructure found in the field, along with additional items for tie-in at both ends of Horn Lake Creek crossing as more fully set forth in Exhibit A; and

WHEREAS, based on the recommendation of the engineer, the City desires to proceed with the suggested changes as set forth above and in more detail in Exhibit A and pursuant to Mississippi Code 31-7-13(g) finds that the Change Order No. 1 for the 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 Project is not a

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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 City Board approves the Change Order in the amount of \$136,931.46.

2. The Mayor is authorized to sign the Change Order and take all actions to effectuate the intent of this Resolution.

Following a reading of the foregoing resolution, Aldermen Flores made the motion and Alderman Hale 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 Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

ORDERED AND DONE, this 7th day of November, 2017.

A copy of the change order is attached to these minutes.

PHASE I FIRE SERVICE EXTENSION PAY APPLICATION #2

Dan Cordell, City Consulting Engineer, presented this item to the Board.

Mr. Cordell explained that this pay application is a part of the change order for the Phase I Fire Service Extension in the amount of \$198,416.99. Alderman Flores made the motion to approve the pay application #2. Motion was seconded by Alderman Kelly.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES

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Alderman Flores

YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 7th day of November, 2017.

A copy of the pay application is attached to these minutes.

CBRE PROPOSAL FOR LEASE WITH REGIONS BANK

Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that at the last meeting, the Board approved the proposal to allow for CBRE to begin drafting a lease renewal between the City and Regions for use of a portion of Regions property for parking for the City Court. Since that time, Chris Wilson, City Administrator, had discussions regarding the possible purchase of the property; however, Regions will need time to review any purchase. In the meantime, the City needs the lease to be renewed by January 1, 2018, so a clause has been added to the proposal to note that the City will have right of first refusal on purchase, which allows the City to continue to lease the property (once lease is approved) and work on a potential purchase. Alderman Payne made the motion to approve the CBRE proposal/lease. Motion was seconded by Alderman Kelly. Motion was put to vote and passed unanimously.

A copy of the agreement is attached to these minutes.

CHANGE ORDER #1 CARRIAGE HILLS BIKE / PEDESTRIAN PROJECT

Dan Cordell, City Consulting Engineer, presented this item to the Board.

Mr. Cordell stated that this change order is for a reduction in grade types in the amount of \$8,452.00. Alderman Kelly made the motion to approve the change order and authorize Mayor Musselwhite to sign the contract supplement. Motion was seconded by Alderman Payne. Motion was put to vote and passed unanimously.

A copy of the change order is attached to these minutes.

ACCEPTANCE OF BID – PUBLIC WORKS DEPARTMENT

Bradley Wallace, Public Works Director, presented this item to the Board.

Mr. Wallace stated that after review of submitted bids/information, it is his recommendation to award the bid to Reliable Equipment, LLC as the lowest and best bid for the supply of an excavator and compact track loader. Alderman Brooks made the motion to approve the lowest and best bid in the amount of \$133,173.31 from Reliable Equipment, LLC. Motion was seconded by Alderman Hale. Motion was put to vote and passed unanimously.

A copy of the request to purchase is attached to these minutes.

JULY 4TH CONTRACT – ARGO ENTERTAINMENT

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Nick Manley, City Attorney, presented this item to the Board.

Mr. Manley stated that this agreement is with Argo Entertainment for the production of the City's 4th of July celebration. Mr. Manley further explained that it is turnkey and saves the City an estimated \$25,000 from past agreement with Pyrofire. Based on the Agreement, the City pays a \$20,000 sponsorship fee to Argo Entertainment to provide the entertainment and fireworks show. The entertainment will be family friendly and the fireworks show will be the same length as in recent years, except Argo Entertainment will use 6 inch shells (previous provider used 5 inch). There is no admissions charge and no alcohol sales. The event will be family friendly and inflatables will be provided. In addition, Argo has agreed to work with churches that have volunteered with City in previous years. It was noted that the cities of Olive Branch and Horn Lake also contract with Argo. Alderman Flores made the motion to approve the contract with Argo Entertainment and authorize Mayor Musselwhite to sign the agreement. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 7th day of November, 2017.

A copy of the contract is attached to these minutes.

RESOLUTION TO CLEAN PRIVATE PROPERTY

Mayor Musselwhite introduced the cleaning of property and asked if there were any comments from the Board and there was none. Mayor Musselwhite then asked for any comments from the public. Don Daniels spoke regarding his concerns about the cleaning of property. The Board then considered the following resolution to clean private property:

RESOLUTION GRANTING AUTHORITY TO CLEAN PRIVATE PROPERTY

WHEREAS, the governing authorities of the City of Southaven, Mississippi, have received numerous complaints regarding the parcel of land located at the following address, to-wit: **4301 GENEVIEVE**

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to the effect that the said parcel of land has been neglected whereby **the grass height is in violation and there exist other unsafe conditions and is in a state of uncleanliness** and that the parcel of land in the present condition is deemed to be a menace to the public health and safety of the community.

WHEREAS, pursuant to Section 21-19-11 of the Mississippi Code Annotated (1972), the governing authorities of the City of Southaven, Mississippi, provided the owners of the above described parcel of land with notice of the condition of their respective parcel of land and further provided them with notice of a hearing before the Mayor and Board of Aldermen on **November 7, 2017**, by United States mail and by posting said notice, to determine whether or not the said parcel of land were in such a state of uncleanliness as to be a menace to the public health and safety of the community.

WHEREAS, none of the owners of the above described parcel of land appeared at the meeting of the Mayor and Board of Aldermen on **Tuesday, November 7, 2017**, to voice objection or to offer a defense.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Mayor and Board of Alderman of the City of Southaven, Mississippi, that the above described parcel of land located at: **4301 GENEVIEVE** is deemed in the existing condition to be a menace to the public health and safety of the community.

BE IT FURTHER RESOLVED that pursuant to Mississippi Code 21-19-11, the City of Southaven shall, if the owners of the above described parcel of land do not do so themselves, immediately proceed to clean the respective parcel of land, by the use of municipal employees or by contract, by cutting grass and weeds; filling cisterns; removing rubbish, abandoned or dilapidated fences, outside toilets, abandoned or dilapidated buildings, slabs, personal property, which removal of

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personal property shall not be subject to the provisions of Mississippi Code Section 21-39-21, and other debris; and draining cesspools and standing water therefrom.

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

ALDERMAN	VOTED
Alderman William Brooks	voted: YES
Alderman Kristian Kelly	voted: YES
Alderman Ronnie Hale	voted: YES
Alderman George Payne	voted: YES
Alderman Joel Gallagher	voted: YES
Alderman John Wheeler	voted: YES
Alderman Raymond Flores	voted: YES

The Resolution, having received a majority vote of all Aldermen present, was declared adopted on this, the 7 day of November, 2017.

CITY OF SOUTHAVEN, MISSISSIPPI

PLANNING AGENDA:

Planning Agenda presented by Whitney Choat-Cook, Director of Planning & Development.

Item #1 Application by Radiant Group of Properties, LLC for a C-store and quick service restaurant to be located on the northeast corner of Church Road and Elmore Road

Mrs. Choat-Cook stated that this application is for a final elevation design for a C-store and quick service restaurant located on the northeast corner of Church Road and Elmore. Mrs. Choat-Cook stated that the applicant was asked to make several changes that included building materials and brick color. Mrs. Choat-Cook stated that changes were made and elevations were re-submitted and staff recommends approval. Alderman Flores made the motion to approve the application by Radiant Group of Properties, LLC. Motion was seconded by Alderman Gallagher.

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 7th day of November, 2017.

A copy of the staff report and renderings is attached to these minutes.

MAYOR'S REPORT

Veteran's Day Luncheon

Mayor Musselwhite stated that the Veteran's Day Luncheon will be on Friday, November 10 at 11:00 a.m. at the Southaven Arena. Lunch is free for veterans and \$10.00 for guests. Reservations need to be made with Kristi Faulkner.

Starlanding Road Update

Mayor Musselwhite stated that work is underway on Starlanding Road and hopes to have both Starlanding and Church Road overlaid by the end of next week.

Tennis Director Update

Mayor Musselwhite reported that the City of Southaven's Tennis Director, Michael Johnson, was recently named by the Mississippi Tennis Association as Tennis Professional of the Year. Mayor Musselwhite added that with this honor, Mr. Johnson is being considered Tennis Professional of the Year by the United States Tennis Association Southern Section.

CITIZEN'S AGENDA

Don Daniels

Mr. Daniels was present, but stated that he would like to speak at a future meeting.

PERSONNEL DOCKET

Personnel Docket

November 7, 2017

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Payroll Additions

Name	Position	Department	Start Date	Rate of Pay
Emily Baggett	Crossing Guard PT	Police	11/8/2017	\$9.00
Benjamin McCaleb	Field Service Tech	Utility	11/8/2017	\$12.00

*pending successful completion of
pre-emp screenings

Payroll Adjustments	Previous Classification	New Classification	Effective Date	Proposed Rate of Pay
Don Barr	Master Sergeant	Lieutenant	11/13/2017	\$25.80
Brad Hylander	Sergeant	Master Sergeant	11/13/2017	\$23.30
Connie Sockwell	Cash Control Supervisor	merit	11/8/2017	\$14.00

Terminations/Resignations

Name	Department	Position	Termination Date	Rate of Pay
Gerald Sweeting	Utility	Plant Operator	11/10/2017	\$21.40

Personnel Docket November 7, 2017

City of Southaven Parks Department

Tournament
Employees

Terminations	Termination Date
Nicholas Allen	412 Grounds 11/07/2017
Elizabeth Barham	412 Concessions 11/07/2017
Gabrielle Battle	412 Concessions 11/07/2017
Mahrion Butler	412 Grounds 11/07/2017
Wesley Caldwell	412 Grounds 11/07/2017
Ethan Chalk	412 Grounds 11/07/2017
John Cooke	412 Grounds 11/07/2017
Jonathon Craft	412 Gates 11/07/2017
Justin Curl	412 Grounds 11/07/2017
Ashley Diehl	412 Gates 11/07/2017
Ian Duggan	412 Concessions 11/07/2017
Gary Farris	412 Gates 11/07/2017
Janice Farris	412 Concessions 11/07/2017
Darren Fiveash	412 Concessions 11/07/2017
Andrew Jay Fletch II	412 Concessions 11/07/2017
Austin George	412 Grounds 11/07/2017
Miller Gorgis	412 Concessions 11/07/2017
Darren Graham	412 Concessions 11/07/2017
Brandon Hagaman	412 Grounds 11/07/2017
Ana-Katherine Hawkins	412 Concessions 11/07/2017
Parker Healy	412 Grounds 11/07/2017
Anna Hicks	412 Concessions 11/07/2017

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Barrett Holley	412 Grounds	11/07/2017
Brayden Holley	412 Grounds	11/07/2017
Thomas Hughes	412 Concessions	11/07/2017
Brennen James	412 Concessions	11/07/2017
Cynthia Jeanson	412 Gates	11/07/2017
Evan Jones	412 Grounds	11/07/2017
Jackson Jones	412 Grounds	11/07/2017
Igard Laventure	412 Concessions	11/07/2017
Brandon Lawrence	412 Grounds	11/07/2017
Michael Moore Jr.	412 Concessions	11/07/2017
Mike Moore	412 Concessions	11/07/2017
Jacob Morano	412 Grounds	11/07/2017
Dwayne Morris	412 Grounds	11/07/2017
Lane Porter	412 Grounds	11/07/2017
Darien Redmond	412 Grounds	11/07/2017
Carmen Reed	412 Gates	11/07/2017
Murry Rhodes	412 Gates	11/07/2017
Joseph Sanchez	412 Grounds	11/07/2017
Nick Sinquefield	412 Grounds	11/07/2017
Christopher Smith	412 Gates	11/07/2017
Josh Streeter	412 Grounds	11/07/2017
Anna Taylor	412 Concessions	11/07/2017
Gabrielle Taylor	412 Concessions	11/07/2017
Anthony Tuter	412 Concessions	11/07/2017
Cynthia Walker	412 Concessions	11/07/2017
Amber West	412 Concessions	11/07/2017
Bryson West	412 Concessions	11/07/2017
Tatum Wilson	412 Gates	11/07/2017
Tony Wilson	412 Gates	11/07/2017
Daniel Wright	412 Gates	11/07/2017

Alderman Brooks made the motion to approve the Personnel Docket of November 7, 2017 as presented to this Board. Motion was seconded by Alderman Kelly. The motion was put to vote and passed unanimously.

CITY ATTORNEY'S LEGAL UPDATE

Integrated Wireless Agreement

Mr. Manley stated that this will allow the Public Works Department to use old radios from the Police Department for their communications and enter into a one year agreement with Integrated Wireless in the amount of \$390.00 per month. Alderman Payne made the motion to approve the contract and authorize Bradley Wallace to sign the agreement. Motion was seconded by Alderman Brooks.

Roll call was as follows:

ALDERMAN

VOTED

Alderman Brooks

YES

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Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 7th day of November, 2017.

A copy of the agreement is attached to these minutes.

CLAIMS DOCKET

A motion was made by Alderman Payne to approve the Claims Docket of November 7, 2017 in the amount of \$4,213,842.86. Motion was seconded by Alderman Flores.

Excluding voucher numbers:

290387, 290388, 290389, 290390, 290391, 290392, 291198

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried and approved for payment on the 7th day of November, 2017.

EXECUTIVE SESSION

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

The Mayor and Board noted their discussion in Executive Session regarding the pending case of SUNTRUST BANK, TRUSTEE UNDER WILL OF J. B. SNOWDEN, BOB WHITE LAND, LLC, BOB WHITE FARMS, LLC, R. T. A. PROPERTIES, LLC, THT III PROPERTIES, LLC, BST PROPERTIES, LLC, and RCT PROPERTIES, LLC v. CITY OF SOUTHAVEN, MISSISSIPPI as it relates to possible settlement. Based on the discussion and the agreement of both parties, a motion was made by Alderman Flores to authorize Nick Manley to sign the Agreed Stipulation and Order of Dismissal of the case. The Motion was seconded by Alderman Brooks. The Mayor called for a roll call vote:

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Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 7th day of November, 2017.

The Mayor and Board noted their discussion in Executive Session as it relates to potential leasing of City property and based on the discussion, it was noted that Green Machine made a counter-offer instead of accepting of any offers from the City; thus, a motion was made by Alderman Flores to reject the counter-offer by Green Machine Enterprises, Inc. as presented to the City by its attorney on November 6, 2017, via e-mail, for the lease of the BankPlus Amphitheater and to allow the Mayor to negotiate with other entities for a potential lease of the BankPlus Amphitheater in accordance with Mississippi Code Section 57-7-1. The Motion was seconded by Alderman Kelly. The Mayor called for a roll call vote:

Roll call was as follows:

ALDERMAN	VOTED
Alderman Brooks	YES
Alderman Kelly	YES
Alderman Hale	YES
Alderman Payne	YES
Alderman Gallagher	YES
Alderman Wheeler	YES
Alderman Flores	YES

Having received a majority of affirmative votes, Mayor Musselwhite declared that the motion was carried on the 7th day of November, 2017.

There being no further business to come before the Board of Aldermen, a motion was made by Alderman Brooks to adjourn. Motion was seconded by Alderman Hale. Motion was put to a vote and passed unanimously, October 17, 2017 at 8:50 p.m.

Darren Musselwhite,
Mayor

Andrea Mullen,
City Clerk
(Seal)