

**MINUTES OF THE REGULAR MEETING  
OF THE MAYOR AND BOARD OF ALDERMEN**

**The City of Starkville, Mississippi  
February 15, 2011**

Be it remembered that the Mayor and Board of Alderman met in a Recess Meeting on February 15, 2011 at 4:30 p.m. in the Courtroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS. There being present were Mayor Parker Wiseman, Aldermen Ben Carver, Sandra Sistrunk, Richard Corey, and Roy A. Perkins. Attending the Board were City Attorney Chris Latimer and City Clerk Markeeta Outlaw. Aldermen Eric Parker, Jeremiah Dumas and Henry Vaughn, Sr. were absent.

**Mayor Parker Wiseman** opened the meeting by asking those in attendance to recite the Pledge of Allegiance, which was immediately followed by a moment of silence.

**REQUESTED REVISIONS TO THE OFFICIAL AGENDA**

**Alderman Roy A'. Perkins** requested the following changes to the February 15, 2011 Official Agenda

**Remove Consent Item X-A** regarding modifying the terms of the Transportation Committee Members to allow for staggered terms.

**Remove Consent Item X-C** regarding a nunc pro tunc order to amend the May 20, 2008 minutes of the Mayor and Board.

**Remove Consent Item X-D** regarding a nunc pro tunc order to amend the June 17, 2008 minutes of the Mayor and Board.

**Remove Consent Item X-F** regarding calling for a Public Hearing on March 1, 2011 for proposed amendments to the Sidewalk Ordinance #2007-09.

**Remove Consent Item X-H** regarding a nunc pro tunc order to revise the November 23, 2010 of the Mayor and Board.

**Move Items VII-A and X-I** regarding the School Board Interviews and the appointment of a new School Board Member, to item IV and renumber the agenda to reflect the move.

1.

**A MOTION TO APPROVE  
THE OFFICIAL AGENDA AS REVISED**

There came for consideration the matter of approving and adopting the February 15, 2011 Official Agenda of the Recess Meeting of the Mayor and Board of Alderman. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, to approve the February 15, 2011 Official Agenda as modified with items listed as consent, the vote as follows:

Alderman Ben Carver	voted: <u>Yea</u>
Alderman Sandra Sistrunk	voted: <u>Yea</u>
Alderman Eric Parker	voted: <u>absent</u>
Alderman Richard Corey	voted: <u>Yea</u>
Alderman Jeremiah Dumas	voted: <u>absent</u>
Alderman Roy A'. Perkins	voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	voted: <u>absent</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion carried.

Having received no objections to consent items, the Mayor declared the consent items approved.

CONSENT ITEMS 2 - 13

2.

**APPROVAL TO ADVERTISE FOR LETTERS OF INTEREST FOR VACANCIES ON THE TRANSPORTATION COMMITTEE, THE COMMISSION ON DISABILITY COMMITTEE AND THE SOLID WASTE AND RECYCLING COMMITTEE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and adopted by the Board to approve the February 15, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to advertise for Letters of Interest for vacancies on the Transportation Committee, the Commission on Disability Committee, and the Solid Waste and Recycling Committee" is enumerated, this consent item is thereby unanimously approved.

3.

**APPROVAL FOR PAY REQUEST #2 FROM CLEARWATER CONSULTANTS FOR CONTRACT OF SERVICES IN THE AMOUNT OF \$19,442.00**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and adopted by the Board to approve the February 15, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to pay Request #2 from Clearwater Consultants for Contract of Services in the amount of \$19,442.00" is enumerated, this consent item is thereby unanimously approved.

4.

**APPROVAL TO ADVERTISE FOR ENGINEERING SERVICE PROPOSALS FOR PROPOSED IMPROVEMENTS AT BRYAN FIELD AIRPORT UNDER THE FEDERAL AVIATION ADMINISTRATION (FAA) AIRPORT IMPROVEMENT PROGRAM (AIP)**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and unanimously adopted by the Board to approve the February 15, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to Advertise for Engineering Service Proposals for proposed improvements at Bryan Field Airport under The Federal Aviation Administration (FAA) Airport Improvement Program (AIP)" is enumerated, this consent item is thereby unanimously approved.

5.

**APPROVAL TO ACCEPT THE LOWEST QUOTE FROM POTTS METAL BUILDINGS TO REPAIR STORM DAMAGED STRUCTURES ON GEORGE M. BRYAN FIELD AND AUTHORIZATION TO ENTER INTO A CONTRACT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and unanimously adopted by the Board to approve the February 15, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to accept the lowest quote submitted by Potts Metal Buildings to repair storm damaged structures on the George M. Bryan Field and Authorization to enter into a contract" is enumerated, this consent item is thereby unanimously approved

<b>NAME</b>	<b>QUOTE AMOUNT</b>	<b>APPARENT BEST QUOTE</b>
Oswalt and Sons Starkville, MS	\$14,900.00	
Potts Metal Building Ethelsville, AL 35461	\$11,227.00	Apparent Best Quote

6.

**APPROVAL OF CLAIMS DOCKET #02-15-11-B FOR THE CITY OF STARKVILLE CLAIMS, EXCLUDING FIRE DEPARTMENT CLAIMS, THROUGH FEBRUARY 9, 2011 IN THE AMOUNT OF \$518,876.62 IN ACCORDANCE WITH SECTION 17-3-1 OF THE MISSISSIPPI CODE OF 1972, ANNOTATED**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the February 15, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of Claims Docket #02-15-11-B which contains claims from all departments through February 9, 2011, except the Fire department, with all claims totaling \$518,876.62" is enumerated, this consent item is thereby unanimously approved.

**CLAIMS DOCKET  
# 02-15-11-B  
FEBRUARY 9, 2011**

General Fund	001	\$68,145.15
Restricted Police Fund	002	0.00
Restricted Fire Fund	003	0.00
Airport Fund	015	15.50
Sanitation	022	18,471.67
Landfill	023	136.20
Computer Assessments	107	0.00
City Bond and Interest	202	246,362.50
2009 Road Maint. Bond	304	21,604.56
Fire Station No. 5	306	0.00
American Recovery & Reinvestment Act	309	0.00
P & R Bond Series 2007	325	0.00
Park & Rec Tourism 2%	375	4,109.29
Water/Sewer	400	107,550.66
Vehicle Maintenance	500	4,772.85
Hotel/Motel	610	12,094.94
2% (VCC, EDA, MSU)	630	35,613.30
Electric		0.00
<b>TOTAL CLAIMS</b>		<b>\$518,876.62</b>

7.

**APPROVAL TO ACCEPT THE JANUARY, 2011 FINANCIALS  
FOR THE CITY OF STARKVILLE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and approved by the Board, to approve the February 15, 2011 Official Agenda with no objections to consent items, whereby the "approval of the Acceptance of the January, 2011 Financials for the City of Starkville as presented," is enumerated, this consent item is thereby unanimously approved.

8.

**AUTHORIZATION FOR THE PURCHASE OF TWO EXTENDED CAB  
2-WHEEL DRIVE PICK-UP TRUCKS FROM STATE CONTRACT AT  
A COST OF \$13,687.00 PER TRUCK  
"STATE CONTRACT #07-91-21157-0"**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and approved by the Board, to approve the February 15, 2011 Official Agenda with no objections to consent items, whereby the "approval to authorize the purchase of two Extended Cab 2-wheel Drive Pick-up Trucks from State Contract at a cost of \$13,687.00 per truck with a State Contract number of 07-91-21157-0," is enumerated, this consent item is thereby unanimously approved.

9.

**APPROVAL TO ACCEPT GRANT #EMW-2010-FO-09093 IN THE AMOUNT OF \$313,867.00 WITH 10% (\$31,387) MATCHING FUNDS BEING PROVIDED BY THE CITY FROM LINE ITEM 001-161-420**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and approved by the Board, to approve the February 15, 2011 Official Agenda with no objections to consent items, whereby the "approval to accept Grant #EMW-2010-FO-09093 in the amount of \$313,867.00 with 10% (\$31,387) Matching Funds being provided by the City from Line Item 001-161-420" is enumerated, this consent item is thereby unanimously approved.

10.

**APPROVAL TO ADVERTISE TO HIRE FULL-TIME DRIVERS IN THE SANITATION/ENVIRONMENTAL SERVICES DEPARTMENT AT A GRADE 6 STEP 1 (\$9.76 HOURLY) \$20,291.89 ANNUALLY**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and approved by the Board, to approve the February 15, 2011 Official Agenda with no objections to consent items, whereby the "approval to advertise to hire full-time Drivers in the Sanitation/Environmental Services Department as a Grade 6 Step 1 (\$9.76/hr) \$20,291.89 annually" is enumerated, this consent item is thereby unanimously approved.

11.

**APPROVAL OF STARKVILLE POLICE DEPARTMENT'S PARTICIPATION IN THE NORTH GREENVILLE HEALTH AND FITNESS SCREENING/SPRING PHYSICAL FITNESS TESTS TO BE CONDUCTED IN THE CITY OF STARKVILLE, MARCH 28-31, 2011 FOR ALL POLICE PERSONNEL (53), AT A TOTAL COST OF \$11,925.00 TO BE EXPENSED FROM LINE ITEM #001-112-603**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and approved by the Board, to approve the February 15, 2011 Official Agenda with no objections to consent items, whereby the "approval of Starkville Police Department's participation in the North Greenville Health and Fitness Screening/Spring Physical Fitness Tests to be conducted in the City of Starkville, March 28-31, 2011 for all police personnel (53), at a total cost of \$11,925.00, to be expensed from line item #001-112-603 " is enumerated, this consent item is thereby unanimously approved.

12.

**APPROVAL AUTHORIZING OUT-OF-STATE TRAVEL WITH ADVANCED PER DIEM (\$217.00) FOR POLICE CHIEF DAVID LINDLEY TO ATTEND THE DIVISION OF STATE ASSOCIATION OF CHIEFS OF POLICE MID-YEAR MEETING PROGRAM, MARCH 4-8, 2011 IN ATLANTIC CITY, NEW JERSEY**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and unanimously approved by the Board, to approve the February 15, 2011 Official Agenda with no objections to consent items, whereby the "approval authorizing Out-of-State Travel with Advanced Per Diem (\$217.00) for Police Chief David Lindley to attend the Division of State Association of Chiefs of Police Mid-Year Meeting Program, March 4-8, 2011 in Atlantic City, New Jersey" is enumerated, this consent item is thereby unanimously approved.

**13.**

**APPROVAL TO ACCEPT THE LOWEST AND BEST QUOTE SUBMITTED BY HELENA CHEMICAL COMPANY FOR THE HERBICIDE TREATMENT PROGRAM AT A TOTAL COST OF \$7,424.20 (2 APPLICATIONS)**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, and unanimously approved by the Board, to approve the February 15, 2011 Official Agenda with no objections to consent items, whereby the "approval to accept the lowest and best quote submitted by Helena Chemical Company for the 2011 Herbicide Treatment Program at a total cost of \$7,424.20 (2 applications)" is enumerated, this consent item is thereby unanimously approved.

NAME	QUOTE AMOUNT	APPARENT BEST QUOTE
Helena Chemical Company Sturgis, MS 39769	\$7,424.20	Apparent Best Quote
Edko Vegetation Managers	\$10,935.59	
T&T Specialty Applicators, LLC Calhoun City, MS 38916	\$7,890.40	

**END OF CONSENT ITEMS**

NOTE:

**The Board of Aldermen** interviewed the following candidates for the vacant School Board seat:

Doug Bedsaul \* Eric Heiselt \* Alfreda Outlaw \* Juliet Weaver-Reese

**14.**

**A MOTION TO APPROVE THE APPOINTMENT OF JULIET WEAVER-REESE TO THE SCHOOL BOARD FOR THE FIVE-YEAR TERM BEGINNING MARCH 8, 2011**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Roy A'. Perkins to appoint Juliet Weaver-Reese to the School Board for the five-year term beginning March 8, 2011, the Board voted as follows:

Alderman Ben Carver	voted: <u>Nay</u>
Alderman Sandra Sistrunk	voted: <u>Yes</u>

Alderman Eric Parker	voted: <u>Nay</u>
Alderman Richard Corey	voted: <u>Nay</u>
Alderman Jeremiah Dumas	voted: <u>absent</u>
Alderman Roy A'. Perkins	voted: <u>Yes</u>
Alderman Henry Vaughn, Sr.	voted: <u>absent</u>

Having failed to receive a majority affirmative vote of those members present and voting the Mayor declared the motion failed.

15.

**A MOTION TO APPROVE THE APPOINTMENT OF  
ERIC HEISELT TO THE SCHOOL BOARD FOR  
THE FIVE-YEAR TERM BEGINNING MARCH 8, 2011**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Eric Parker to appoint Eric Heiselt to the School Board for the five-year term beginning March 8, 2011, the Board voted as follows:

Alderman Ben Carver	voted: <u>Yea</u>
Alderman Sandra Sistrunk	voted: <u>Yea</u>
Alderman Eric Parker	voted: <u>Yea</u>
Alderman Richard Corey	voted: <u>Yea</u>
Alderman Jeremiah Dumas	voted: <u>absent</u>
Alderman Roy A'. Perkins	voted: <u>Nay</u>
Alderman Henry Vaughn, Sr.	voted: <u>absent</u>

Having received a majority affirmative vote of those members present and voting the Mayor declared the motion carried.

16.

**A MOTION TO APPROVE THE MINUTES OF THE FEBRUARY 1, 2011  
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN**

There came for consideration the matter of the Minutes of the February 1, 2011 Regular Meeting of the Mayor and Board of Aldermen. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Ben Carver, the Board unanimously voted to approve the Minutes of the February 1, 2011 Regular Meeting of the Mayor and Board of Aldermen as presented.

**MAYOR COMMENTS**

**Mayor Parker Wiseman** made congratulatory comments to the Fire Department on being awarded a grant for the purpose of constructing a

17.

**A MOTION TO APPROVE MODIFYING THE TERMS OF THE  
TRANSPORTATION COMMITTEE MEMBERS TO ALLOW FOR  
STAGGERED TERMS**

There came for consideration the matter of modifying the terms of the Transportation Committee members to allow for staggered terms. The Transportation Committee recommended that terms for members serving wards 2, 4, and 6 will end March 1, 2011; wards 3 and 5 will end March 1, 2012; and wards 1 and 7 will end March 1, 2013. The Transportation Committee terms are 3-year periods. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk to approve modifying the terms of the Transportation Committee to allow for staggered terms as recommended by the Transportation Committee, the Board voted as follows:

Alderman Ben Carver	voted: <u>Nay</u>
Alderman Sandra Sistrunk	voted: <u>Yea</u>
Alderman Eric Parker	voted: <u>Yea</u>
Alderman Richard Corey	voted: <u>Yea</u>
Alderman Jeremiah Dumas	voted: <u>Yea</u>
Alderman Roy A'. Perkins	voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	voted: <u>Nay</u>

Having received a majority affirmative vote of those members present and voting the Mayor declared the motion carried.

18.

**A MOTION TO AUTHORIZE ENTERING A NUNC PRO TUNC ORDER  
TO AMEND THE MINUTES OF THE CITY OF STARKVILLE  
BOARD OF ALDERMEN MEETING OF MAY 20, 2008 TO REFLECT  
THE INCLUSION OF THE EXACT DATES AND VOTES TAKEN ON THE  
RESOLUTION DETERMINING THAT THE COTTONMILL MARKETPLACE  
PROJECT IS A PROJECT ELIGIBLE FOR TAX INCREMENT  
FINANCING UNDER THE LAWS OF THE STATE**

There came for consideration the matter of amending the Minutes of the May 20, 2008 Recess Meeting of City of Starkville Board of Aldermen to show the dates and votes of the Board Members. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk to authorize entering a Nunc Pro Tunc order to amend the minutes of the City of Starkville Board of Aldermen meeting of May 20, 2008 to reflect the inclusion of the exact dates and votes taken, the Board unanimously voted to approve the motion.

MODIFICATIONS TO THE MAY 20, 2008 MINUTES

**Order #4** of the minutes of the May 20, 2008 Recess meeting of the Mayor and Board of Aldermen has been modified to reflect the dates and votes submitted.

**#4. SECTION THREE:** (insert date as follow)

A public hearing shall be held with respect to the TIF Plan in the regular meeting place of the Governing Body in the City Hall Court Room, 101 Lampkin Street, Starkville, Mississippi, at 5:30 P.M. on the 17<sup>th</sup> day of June 2008.

**#4. Paragraph after SECTION FIVE:** (insert votes and dates as follows)

Following the reading of the foregoing resolution, **Alderman Sumner Davis** moved and **Alderman Rodney Lincoln** seconded the motion for its adoption. The matter was put to a roll call vote, and the result was as follows:

<b>Alderman Sumner Davis</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Rodney Lincoln</b>	<b>voted: <u>Yea</u></b>
<b>Alderman P.C. McLaurin, Jr.</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Richard Corey</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Matt Cox</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Roy A'. Perkins</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Janette Self</b>	<b>voted: <u>Yea</u></b>

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted this, the 20<sup>th</sup> day of May, 2008.

Notice is hereby given that a public hearing will be held on June 17<sup>th</sup>, 2008, at 5:30 P.M. in the City Hall Court Room, ...

#### **ORDER #4 OF THE MINUTES OF MAY 20, 2008 AS CORRECTED**

4. AN ORDER ADOPTING THE RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, DETERMINING THE NECESSITY FOR AND INVOKING THE AUTHORITY GRANTED TO MUNICIPALITIES AND COUNTIES BY THE LEGISLATURE WITH RESPECT TO TAX INCREMENT FINANCING AS SET FORTH IN CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED, DETERMINING THAT THE COTTON MILL MARKETPLACE PROJECT IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE LAWS OF THE STATE, THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, AND FOR RELATED PURPOSES

There came for consideration the matter of the approval of the adoption of the resolution of the Mayor and Board of Aldermen of the City of Starkville, Mississippi, as presented, determining the necessity for and invoking the authority granted to municipalities and counties by the Legislature with respect to Tax Increment Financing as set for the in Chapter 45 of the Title 21, Mississippi Code of 1972, as amended, determining that the Cotton Mills Marketplace project is a project eligible for Tax Increment Financing under the laws of the State, that a public hearing be conducted in connection with the Tax Increment Financing Plan, and for related purposes, and that said Public Hearing will be June 17th, 2008 in the Court Room of City Hall located at 101 Lampkin Street. After discussion and upon the motion of Alderman Sumner D. Davis, III, duly seconded by Alderman Rodney Lincoln,

The members of the Board present and voting voted unanimously to approve the motion to adopt the resolution of the Mayor and Board of Aldermen of the City of Starkville, Mississippi, as presented, determining the necessity for and invoking the authority granted to municipalities and counties by the Legislature with respect to Tax Increment Financing as set for the in Chapter 45 of the Title 21, Mississippi Code of 1972, as amended, determining that the Cotton Mills Marketplace project is a project eligible for Tax Increment Financing under the laws of the State, that a public hearing be conducted in connection with the Tax Increment Financing Plan, and for related purposes, and that said Public Hearing will be June 17th, 2008 in the Court Room of City Hall located at 101 Lampkin Street,

WHEREAS, the Mayor and Aldermen of the City of Starkville, Mississippi, (the "Governing Body" of the "City"), acting for and on behalf of the City, hereby finds, determines and adjudicates as follows:

1. The Mississippi "Tax Increment Financing Act", Title 21) Chapter 45, Mississippi

Code of 1972, as amended (the "Act"), authorizes municipalities and counties in the State of Mississippi to undertake and carry out redevelopment projects as defined therein with the use of Tax Increment Financing as set forth in detail in the Act, and also to carry out such projects jointly with other local governmental units, including foreign governmental units from other states, pursuant to the Regional Economic Development Act, Title 57, Chapter 64, Mississippi Code, as amended (the "REDA Act")

2. The Governing Body has previously conducted hearings on and approved and

adopted the Tax Increment Financing Redevelopment Plan, Starkville, Mississippi, February 2006 (the "Redevelopment Plan") for the City. The Redevelopment Plan constitutes a qualified plan under the Act .

3. Cotton Mill Marketplace, LLC (the "Developer") is proposing to develop a

project to be known as the Cotton Mill Marketplace Project (the "Project") in the City of Starkville and in the proposed TIP District as such term is defined herein. The City will enter into an interlocal agreement or a Regional Economic Development Agreement with Oktibbeha County (the "County"), pursuant to the REDA Act to support the Project and to allow TIF Bond proceeds to be used to pay for the cost of public infrastructure to support the Project. These costs will not exceed the sum of EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000). The Developer is requesting the assistance of the City and the County in providing the funding for the infrastructure by the utilization of TIF.

4. The Redevelopment Plan previously adopted by the Governing Body includes all

land and real property located within the boundaries of the City. The Project appears to be a project of major economic significance within the City and County and to qualify as a project eligible for TIF under the Redevelopment Plan; and the participation on the part of the City and County is necessary and would be in the public interest and would benefit the economic and financial well-being and the public health, safety and welfare of the City and County.

5. It is anticipated that there will be substantial increases in ad valorem tax revenues and retail sales tax revenues within the TIP District within the next few months and years as a result of the construction of the Project and that TIP bonds may be sold and issued at a time or times

in the reasonably near future in anticipation of such development The Governing Body has been presented with a TIP plan entitled "The Tax Increment Financing Plan, Cotton Mill Marketplace Project, Starkville, Mississippi, June 2008" (the "TIP Plan"), which has attached as exhibits the map and legal description of the land included in the proposed TIF District It appears to the Governing Body that the TIP District should be established by the Governing Body as described in the Plan.

6. The City, acting on behalf of itself and the County, proposes to issue one or more series of Tax Increment Financing Revenue Bonds or Notes in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000), which will be secured solely by a pledge by the City and County of up to ninety-five percent (95%) of the increased ad valorem taxes on real and personal property and a pledge by the City of up to 95% of the retail sales tax rebate from the State of Mississippi generated by construction and development in the TIF District, which funds will be used to pay the cost of construction of various public infrastructure improvements in connection with the Project, including, but not limited to, construction of a conference meeting center, public parking facilities, installation of utilities such as water, sanitary sewer, and natural gas lines; relocation of utilities; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, sidewalks; installation of traffic signalization and signage; grading; landscaping of rights-of-way; purchase of rights-of-way necessary for the installation of the infrastructure improvements described hereinabove; capitalized interest; engineering; TIF Plan preparation fees; other incidental costs; and related professional fees. If deemed necessary and appropriate, the City and County may require additional security from the developers of the project.

The construction of the aforementioned improvements will be undertaken to provide for the public convenience, health, and welfare. A more detailed scope of work, along with budgets, will be identified in a security and reimbursement agreement with Cotton Mill Marketplace, LLC. It is the intent of this TIF Plan that the City and County will pledge up to ninety-five percent (95%) of the increase in real and personal property ad valorem taxes generated by the Project. If deemed necessary and appropriate, the City may require additional security from the developers of the project

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City, as follows:

SECTION ONE: That the Governing Body of the City does hereby declare its intention to approve and adopt the TIP Plan and establish the TIF District as described in the TIP Plan and, jointly with the County, to issue one or more series of Tax Increment Financing Revenue Bonds or Notes in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000) (the "Bonds") for the purpose of providing funds necessary to pay for the construction of various public infrastructure improvements in connection with the Project, including, but not limited to, construction of a conference/meeting center, public parking facilities, installation of utilities such as water, sanitary sewer, and natural gas lines; relocation of utilities; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, sidewalks; installation of traffic signalization and signage; grading; landscaping of rights-of-way; purchase of rights-of-way necessary for the installation of the infrastructure improvements described hereinabove; capitalized interest; engineering; TIF Plan preparation fees; other incidental costs; and related professional fees.

SECTION TWO: When and if issued, the Bonds shall be secured solely by a pledge by the City of up to 95% of the incremental increase in ad valorem tax revenues on real and personal property and up to 95% of retail sales tax rebate from the State of Mississippi generated by construction and development in the TIF District The County shall pledge not more than ninety-five percent (95%) of the real and personal property ad valorem increase generated by the TIF District. The Bonds shall not be secured by the full faith, credit, and the taxing power of the City or County nor create any other pecuniary liability on the part of the City or the County other than the pledge of the incremental increase in ad

valorem taxes and retail sales tax rebate heretofore set forth. If deemed necessary and appropriate, the City and County may require additional security from the developers of the project.

**SECTION THREE:** A public hearing shall be held with respect to the TIF Plan in the regular meeting place of the Governing Body in the City Hall Court Room, 101 Lampkin Street, Starkville, Mississippi, at 5:30 P.M. on the \_\_\_ day of \_\_\_\_\_ 2008.

**SECTION FOUR:** The City Clerk is hereby directed to publish a notice of the public hearing in the Starkville Daily News, a newspaper in which the City is authorized to publish legal notices, one (1) time not less than ten (10) days nor more than twenty (20) days prior to the date set forth in paragraph 4 hereof: pursuant to and in compliance with the requirements of Section 21-45-11 of the Act.

**SECTION FIVE:** The City Clerk is hereby directed to publish a notice of the intent of the City to issue TIF bonds jointly with the County in the Starkville Daily News, a newspaper published in the City, at least one (1) time not less than thirty (30) days prior to the date set forth in paragraph 3 hereof: pursuant to and in compliance with the requirements of Section 57-64-15 of the REDA Act.

Following the reading of the foregoing resolution, Alderman **SUMNER DAVIS**, moved and Alderman **RODNEY LINCOLN** seconded the motion for its adoption. The matter was then put to a roll call vote, and the result was as follows:

<b>Alderman Sumner Davis</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Rodney Lincoln</b>	<b>voted: <u>Yea</u></b>
<b>Alderman P.C. McLaurin, Jr.</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Richard Corey</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Matt Cox</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Roy A'. Perkins</b>	<b>voted: <u>Yea</u></b>
<b>Alderman Janette Self</b>	<b>voted: <u>Yea</u></b>

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted this, the 20th day of May, 2008.

Notice is hereby given that a public hearing will be held on, June 17th, 2008, at 5:30 P.M. in the City Hall Court Room, 101 Lampkin Street, Starkville, Mississippi, on the Tax Increment Financing Plan, Cotton Mill Marketplace Project, Starkville, Mississippi, June 2008 (the "TIF Plan"), for consideration by the Mayor and Aldermen. The City of Starkville (the "City") proposes to use the TIF Plan in compliance with the Tax Increment Financing Redevelopment Plan, Starkville, Mississippi, February 2006 and further, to designate the project described in the TIF Plan as appropriate for development and tax increment financing.

The general scope of the TIF Plan is a proposal that the City of Starkville (the "City"), acting on behalf of itself and the County will issue one or more series of Tax Increment Financing Revenue Bonds or Notes (the "Bonds") in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000) in order to provide funds necessary to construct various public infrastructure improvements in connection with the Project, including but not limited to construction of a conference/meeting center, public parking facilities, installation of utilities such as water and sanitary sewer; and natural gas lines; relocation of utilities; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, sidewalks; installation of traffic signalization and signage; grading; landscaping of rights-of-way; purchase of rights-of-way necessary for the installation of the infrastructure improvements described hereinabove; capitalized interest, engineering; TIF Plan preparation fees; other incidental cost; and related professional fees for the Project. The construction of the aforementioned

improvements will be undertaken to provide for the public convenience, health, and welfare. A more detailed scope of work including budgets will be identified in a development agreement and/or security and reimbursement agreement with Cotton Mill Marketplace, LLC.

Proceeds of the Bonds or Notes may also be used to fund capitalized interest and/or a debt service reserve fund as may be permitted under Section 21-45-1, et seq., Mississippi Code of 1972, as amended.

The Bonds or Notes shall be secured solely by a pledge by the City of up to ninety-five percent (95%) of the incremental increase in ad valorem tax revenues on real and personal property and up to 95% of the retail sales tax rebate from the State of Mississippi generated by construction and development in the TIF District, as described in the TIF Plan, and will never be a general obligation of the City secured by the full faith, credit, and taxing power of the City or create any other pecuniary liability on the part of the City other than the pledge of the incremental increase in the ad valorem taxes and up to 95% of the retail sales tax rebate from the State of Mississippi set forth above. The City intends to enter an Interlocal Agreement with Oktibbeha County, Mississippi (the "County") pursuant to the Regional Economic Development Act to support the Project and allow for efficient use of proceeds of the Bonds. The County is expected to pledge up to ninety-five percent (95%) of the incremental increase in ad valorem real and personal property taxes generated by development in the TIF District to support the Project. The Bonds will likewise never be a general obligation of the County secured by the full faith, credit and taxing power of the County. If deemed necessary and appropriate, the City and the County may require additional security from the developers of the project

Construction of the Project and payment of the Bonds issued to construct the Project will be paid as hereinabove set forth and will not require an increase in any kind or type of taxes by the City or the County.

The City and the County may exercise their authority under Chapter 45 of Title 21, Mississippi Code of 1972, as amended (the "Act"), individually or jointly, pursuant to an Interlocal Cooperation Agreement as authorized by Section 21-45-3 et seq., Mississippi code of 1972, as amended.

Publish One (1) Time In the legal section of the Starkville Daily News on 2008.

City Clerk

City of Starkville

101 Lampkin Street Starkville, MS 39759

Jimmy G. Gouras, Urban Planning Consultants,  
Inc. 1100 Cherry Street Vicksburg, MS 39183

**19.**

**A MOTION TO AUTHORIZE ENTERING A NUNC PRO TUNC ORDER  
TO AMEND THE MINUTES OF THE RECESS MEETING OF THE CITY OF  
STARKVILLE BOARD OF ALDERMEN MEETING OF JUNE 17, 2008,  
AND THE SPECIAL CALL MEETING OF NOVEMBER 23, 2010, TO INCLUDE**

**THE INSERTION OF THE COTTONMILL MARKETPLACE TIF PLAN  
AS APPENDED TO THE DEVELOPMENT AND REIMBURSEMENT  
AGREEMENT AS APPROVED BY THE BOARD OF ALDERMEN**

There came for consideration the matter of amending the Minutes of the June 17, 2008 Recess Meeting of the City of Starkville Board of Aldermen and the Minutes of their November 23, 2010 Special Meeting, to reflect the inclusion of the Cottonmill Marketplace TIF Plan as an attachment to the Development and Reimbursement Agreement that was approved at the June 17, 2008 recess meeting. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey to authorize entering a Nunc Pro Tunc Order to amend the minutes of the Recess Meeting of the City of Starkville Board of Aldermen meeting of June 17, 2008, and the Special Call Meeting of November 23, 2010, to include the insertion of the Cottonmill Marketplace TIF Plan as appended to the Development and Reimbursement Agreement approved by the Board of Aldermen, the Board unanimously voted to approve the motion.

**MODIFICATIONS TO MINUTES OF THE JUNE 17, 2008 MEETING AND NOVEMBER 23, 2010  
MEETING**

Order #3 of the minutes of the June 17, 2008 Recess Meeting of the Mayor and Board of Aldermen and Order #2 of the minutes of the November 23, 2010 Special Call Meeting of the Mayor and Board of Aldermen have been modified to include the Cottonmill Marketplace TIF Plan

**ORDER #3 OF THE MINUTES OF THE JUNE 17, 2008 MEETING  
ORDER #2 OF THE MINUTES OF THE NOVEMBER 23, 2010**

3. AN ORDER TO ADOPT AND APPROVE A RESOLUTION APPROVING THE ADOPTION AND IMPLEMENTATION OF THE "TAX INCREMENT FINANCING PLAN, COTTON MILL MARKETPLACE PROJECT, STARKVILLE, MISSISSIPPI, JUNE 2008"

There came for consideration the matter of the approval and adoption of a resolution approving The adoption and implementation of the Tax Increment Financing Plan, Cotton Mill Marketplace Project, Starkville, Mississippi, June 2008; said resolution as follows,

WHEREAS, under the power and authority granted by the laws of the State of Mississippi and particularly under Chapter 45 of Title 21, Mississippi Code of 1972, as amended, the Governing Body, on Tuesday, June 17, 2008, did adopt a certain resolution entitled:

RESOLUTION OF THE MAYOR AND ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, DETERMINING THE NECESSITY FOR AND INVOKING THE AUTHORITY GRANTED TO MUNICIPALITIES AND COUNTIES BY THE LEGISLATURE WITH RESPECT TO TAX INCREMENT FINANCING AS SET FORTH IN CHAPTER 45 OF TITLE 21, MISSISSIPPI CODE OF 1972, AS AMENDED, DETERMINING THAT THE COTTON MILL MARKETPLACE PROJECT IS A PROJECT ELIGIBLE FOR TAX INCREMENT FINANCING UNDER THE LAWS OF THE STATE, THAT A PUBLIC HEARING BE CONDUCTED IN CONNECTION WITH THE TAX INCREMENT FINANCING PLAN, AND FOR RELATED PURPOSES.

WHEREAS, as directed by the aforesaid resolution and as required by law, a Notice of Public Hearing was published one (1) time in the Starkville Daily News, a newspaper having a general circulation within the City, and was so published in said newspaper on Friday May 30, 2008, as evidenced by the publisher's proof of publication of the same heretofore presented to the Governing Body and filed with the Clerk; and

WHEREAS, the Notice of Public Hearing generally described the TIF Plan and further called for a public hearing to be held in the City Hall Court Room, 101 Lampkin Street, Starkville, Mississippi, at 5:30 P.M. on Tuesday, June 17, 2008, in order for the general public to state or present their views on the TIF Plan; and

WHEREAS, at 5:30 P.M. on Tuesday, June 17, 2008, the public hearing was held, and all in attendance were given an opportunity to state or present their oral and/or written comments on the TIF Plan.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the City, as follows:

SECTION ONE: That all of the findings of fact made and set forth in the preamble to this Resolution shall be and the same are hereby found, declared, and adjudicated to be true and correct.

SECTION TWO: That the Governing Body of the City is now fully authorized and empowered under the provisions of Chapter 45 of Title 21, Mississippi Code of 1972, as amended, to adopt and implement the TIF Plan, and does hereby adopt and approve such Plan as presented in order to assist in the construction and development of the proposed Project and whereby, the City of Starkville, acting on behalf of itself and the County, will issue one or more series of Tax Increment Financing Revenue Bonds or Notes for the Project in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000) secured solely by a pledge by the City of up to 95% of the increased ad valorem taxes and up to 95% of retail sales tax rebates of the City and up to 95% of the ad valorem tax increase on real and personal property of Oktibbeha County generated by construction and development in the TIF District as set forth in an interlocal agreement between the City and the County, which funds will be used to pay the cost of constructing a conference/meeting center, public parking facilities, and various public infrastructure improvements in connection with the TIF Plan.

SECTION THREE: That the Tax Increment Financing Bonds or Notes of the City and County shall be issued pursuant to further proceedings of the Governing Bodies of the City and County.

After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Sumner D. Davis, III, the motion to adopt the foregoing Resolution and after the same had been read and considered section by section and put to a roll call vote, the result was as follows:

Alderman Sumner D. Davis, III	voted: YEA
Alderman Rodney Lincoln, Ward 2	voted: YEA
Alderman P.C. McLaurin, Jr.	voted: YEA
Alderman Richard Corey	voted: YEA
Alderman Matt Cox	voted: YEA
Alderman Roy A'. Perkins	voted: NAY
Alderman Janette Self	voted: YEA

After receiving a majority of the affirmative vote, the Mayor declared the motion passed, approved and adopted.

**TAX INCREMENT FINANCING PLAN  
COTTON MILL MARKETPLACE PROJECT  
STARKVILLE, MISSISSIPPI  
JUNE 2008**

**ARTICLE I**

**A. PREAMBLE**

The administration and implementation of this Tax Increment Financing Plan, *Cotton Mill Marketplace Project, Starkville, Mississippi, June 2008* (the "TIF Plan"), will be a joint undertaking of Oktibbeha County (the "County") and the City of Starkville (the "City").

The County and City will enter into an interlocal agreement or a regional economic development alliance agreement under the Regional Economic Development Act (the "REDA Act" as defined below), which will designate the City as the primary party in interest in carrying the project forward. The issuance of Bonds, Notes, or other debt obligations to provide funds to finance the costs of a conference/meeting center, public parking facilities, public infrastructure and related site improvements identified in the TIF Plan shall be a joint undertaking of the City and County whereby the City will issue one or more series of Tax Increment Financing Revenue Bonds as authorized herein to finance the Project as more fully described herein.

The Tax Increment Financing and other funds as identified herein will be used to defray the cost of a conference/meeting center, public parking facilities, public infrastructure and related site improvements and other activities to serve the Cotton Mill Marketplace Project (the "Project") and the community as a whole.

The total cost of the infrastructure, site improvements, and other activities making up the Project as defined below, is estimated to be approximately \$150,000,000, part of which will be funded through (i) Tax Increment Financing Revenue Bonds issued in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000) by the City pursuant to the TIF Plan and Section 21-45-1, *et seq.*, Mississippi Code of 1972, as amended (the "TIF Act"), and (ii) Regional Economic Development Act funding as authorized by Section 57-64-1, *et seq.*, Mississippi Code of 1972, as amended (the "REDA Act").

The Project will be a high quality mixed-use development that is expected to feature a conference/meeting center, a hotel, retail and commercial businesses, apartments, condominiums, office buildings, parking facilities, and related uses. The Project will be located at the intersection of Mississippi Highway 12 and Russell Street in Starkville, Mississippi.

The descriptions of the Project and the tax revenue projections were provided to the City by Cotton Mill Marketplace, LLC.

**B. STATEMENT OF INTENT**

As provided in the Preamble of this TIF Plan, the City, acting on behalf of itself and the County, proposes to issue Tax Increment Financing Revenue Bonds, pursuant to the authority outlined hereinabove, in one or more series, in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000), which will be secured solely by the City's pledge of up to ninety-five percent (95%) of the increased real and personal ad valorem taxes and up to 95% of retail sales tax rebate from the State of Mississippi, generated by the construction and development of the Project within the Tax Increment Financing District ("TIF District")

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proposed herein, which funds will be used to pay the cost of constructing various infrastructure improvements of the Project including, but not limited to, a conference/meeting center, public parking facilities, installation of utilities such as water, sanitary sewer, and natural gas lines; relocation of utilities; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, sidewalks; installation of traffic signalization and signage; grading; landscaping of rights-of-way; purchase of rights-of-way necessary for the installation of the infrastructure improvements described hereinabove; capitalized interest; engineering; TIF Plan preparation fees; other incidental costs; and related professional fees. If deemed necessary and appropriate, the City and County may require additional security from the developers of the project. The construction of the aforementioned improvements will be undertaken to provide for the public convenience, health, and welfare. A more detailed scope of work, along with budgets, will be identified in a security and reimbursement agreement with Cotton Mill Marketplace, LLC.

**C. PUBLIC CONVENIENCE AND NECESSITY**

The public convenience and necessity requires participation by the City and County in this Project. The public interest will be served by the City and County's participation in the public infrastructure and other public improvements and facilities' costs of the Project. The Project will accomplish the following, which will provide for the public convenience and necessity and serve the best interests of the citizens of the City and County:

1. Construction of the Project will represent a private investment in excess of \$150,000,000.
2. Increased City real and personal property taxes generated from the development are projected to be as follows:

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
City (16.15 mills)			
Real Property	\$16,284	\$163,559	\$147,275
Personal Property	Negligible	\$ 28,342	\$ 28,342
<b>Total</b>	<b>\$16,284</b>	<b>\$191,901</b>	<b>\$175,617</b>

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

3. Increased County real and personal property taxes generated from the development are estimated to be as follows:

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
County (37.83 mills)			
Real Property	\$37,334	\$383,123	\$345,789
Personal Property	Negligible	\$ 66,390	\$ 66,390
<b>Total</b>	<b>\$37,334</b>	<b>\$449,513</b>	<b>\$412,179</b>

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

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4. The Project will generate the following estimated real and personal property taxes for the School District:

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
School (59.86 mils)			
Real Property	\$58,449	\$629,586	\$571,137
Personal Property	Negligible	\$103,298	\$103,298
<b>Total</b>	<b>\$58,449</b>	<b>\$732,884</b>	<b>\$674,435</b>

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

5. The development of a full service nationally franchised hotel will enable all visiting athletic teams to be housed in Starkville for overnight stays as opposed to having to stay as far away as Tupelo or Tuscaloosa.
6. The commercial phases of the Project are expected to result in an investment of over \$158,000,000 in Starkville and Oktibbeha County and will create approximately 1,500 full-time and part-time jobs at completion.
7. The annual sales generated by the potential commercial development could reach \$45,000,000.
8. The expected development would increase property taxes by over \$1,374,298 for the County, City, and School District.
9. The expected commercial project could result in a sales tax rebate to the City of Starkville between \$300,000 and \$450,000 annually.
10. The residential component of the Project is expected to represent an investment of about \$50,000,000.
11. The residential development will provide new high-quality student housing and residential units giving Starkville an opportunity to attract a new population base as well as to meet the needs of the University's faculty and staff.
12. The Project will bring new retailers and restaurants into the Starkville market.
13. The Project will enhance the quality of life of residents of Starkville and will enhance the stature of Mississippi State University as a leading university in the region.

**ARTICLE II**

**A. REDEVELOPMENT PROJECT DESCRIPTION**

The Project will be a high quality mixed-use development that is expected to feature a conference/meeting center, a hotel, retail and commercial businesses, apartments, condominiums, office buildings, parking facilities, and related uses. The Project will be located at the intersection of Mississippi Highway 12 and Russell Street in Starkville, Mississippi.

The descriptions of the Project and the tax revenue projections were provided to the City by Cotton Mill Marketplace, LLC.

**Project Location**

a. **Legal Description and Map**

Attached hereto as Exhibit I is a map with a legal description of the land upon which the Project will be located. This map identifies the TIF District from which the tax revenues will be generated to service the TIF bond debt.

b. **Environmental Characteristics and Zoning**

The Project site is comprised of approximately 39.4± acres of undeveloped prime commercial property with some obsolete commercial buildings. The existing E.E. Cooley Building is in need of modernization, and an existing storage and maintenance facility is in need of replacement. The property is currently zoned C1, which permits the proposed Cotton Mill Marketplace development.

**B. COMPANY INFORMATION**

1. **Name of Company:**  
Cotton Mill Marketplace, LLC
2. **Address of Company:**  
286 Beauvoir Road, Suite 200  
Biloxi, MS 39531
3. **Tax I.D. Number:**  
26-2767099
4. **Local Contractors of Agents**  
None known

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ARTICLE III

ECONOMIC DEVELOPMENT IMPACT DESCRIPTION

A. **JOB CREATION**

**Construction Jobs**

The development of the Project will create hundreds of construction jobs and will result in construction payrolls in the tens of millions.

**Permanent Jobs and Part-Time Jobs**

At completion of the development, it is expected that the Project will create approximately 1,500 full-time and part-time jobs with an annual payroll of about \$30,000,000.

B. **FINANCIAL BENEFIT TO THE COMMUNITY**

**Ad Valorem Tax Increases**

The construction and development of the Project will generate significant increases in ad valorem tax revenues for the City, the County, and the School District. The following are estimates of new ad valorem tax revenues expected to be generated by the development.

AD VALOREM TAXES

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
City (16.15 mls)			
Real Property	\$16,284	\$163,559	\$147,275
Personal Property	Negligible	\$ 28,342	\$ 28,342
Total	\$16,284	\$191,901	\$175,617

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
County (37.83 mls)			
Real Property	\$37,334	\$383,123	\$345,789
Personal Property	Negligible	\$ 66,390	\$ 66,390
Total	\$37,334	\$449,513	\$412,179

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
School (58.86 mls)			
Real Property	\$58,449	\$629,586	\$571,137
Personal Property	Negligible	\$103,298	\$103,298
Total	\$58,449	\$732,884	\$674,435

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

The ad valorem real and personal property revenue projections were provided to the City with the assistance of Cotton Mill Marketplace, LLC.

**Retail Sales**

It is expected that the total retail sales from the Starkville development could reach approximately \$45,000,000 annually. Retail sales taxes for the State of Mississippi are anticipated to total approximately \$3,150,000. Assuming that 75% of the retail sales will be new sales in the City of Starkville, the rebates to the City could reach \$437,063.

**Retail Sales Taxes**

<u>Estimated Sales</u>	<u>State of Mississippi Retail Sales Tax</u>	<u>Retail Sales Tax Rebate To City</u>
\$45,000,000	\$3,150,000	\$437,063 *

\*Assuming that 75% of the retail sales will be new sales to the City of Starkville.

**ARTICLE IV  
THE OBJECTIVE OF THE TAX INCREMENT FINANCING PLAN**

The primary objective of the TIF Plan is to serve the public convenience and necessity by participating in the Cotton Mill Marketplace Project. The TIF Plan will provide financing to construct a conference/meeting center, public parking facilities and various public infrastructure and other improvements to serve the approximately 39.4±-acre development as described in detail in the Preamble to this TIF Plan. The conference/meeting center, the public parking facilities, and the public infrastructure improvements will be constructed in accordance with standards, codes, and ordinances of the City.

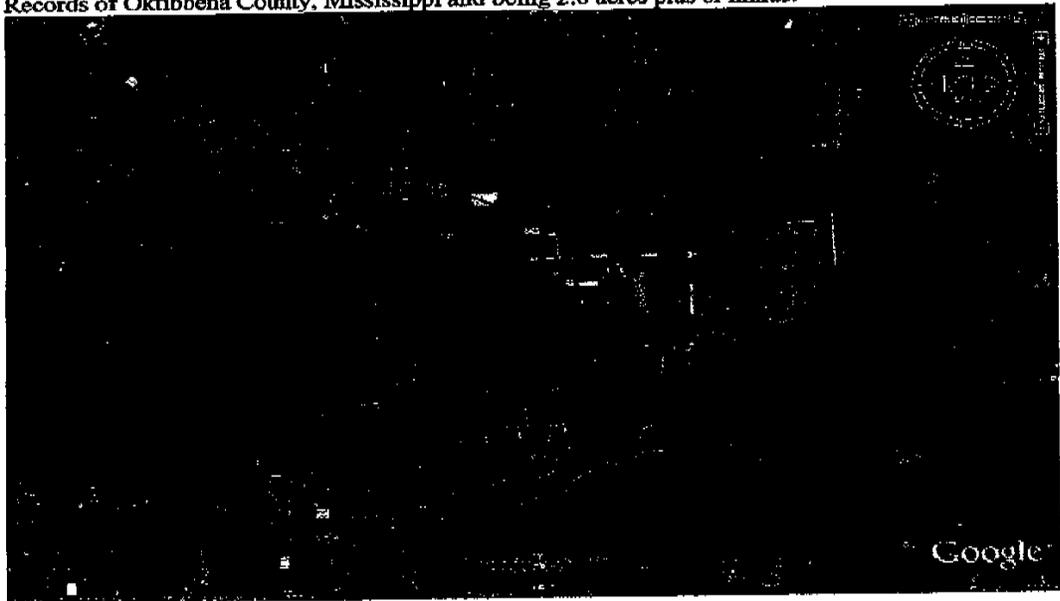
The improvements will provide for the health and welfare of the public by providing for safe and adequate utilities, which may include electrical, water, gas, sanitary sewer systems, and drainage systems. The area will be landscaped.

**Property Description:**

A parcel of land being described as lying South of the Southern Right of Way of Russell Street and the Southern Right of Way of Gillespie Street, East of the Eastern Right of Way of Spring Street and North and West of the Northern Right of Way of Mississippi Highway # 12 and being 42 acres plus or minus.

**Less and Except:**

All of Lot No.2, 2A, 3 and 4, and part of Lot No. 20 of Block 10 of the University Urban Renewal Area as shown on the Final Plat First Revision as recorded in Plat Book 4 at Pages 3-9 of the official Land Records of Oktibbeha County, Mississippi and being 2.6 acres plus or minus.



**JIMMY G. GOURAS**

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**ARTICLE V**

**A STATEMENT INDICATING THE NEED AND PROPOSED USE OF  
THE TAX INCREMENT FINANCING PLAN IN RELATIONSHIP TO THE  
REDEVELOPMENT PLAN**

The proposed use of the Tax Increment Financing Plan is to provide a financing mechanism for the construction of a conference/meeting center, public parking facilities, and public infrastructure and other improvements necessary to serve the public that will utilize the induced development.

**JIMMY G. GOURAS**

URBAN PLANNING CONSULTANTS, INC.

1100 CHERRY ST. • P.O. BOX 1547 • VICKSBURG, MS 39181-1547 • 601-638-7121 • FAX 601-638-5292 • Email:jggouras@bellsouth.net

ARTICLE VI

A STATEMENT

CONTAINING THE COST ESTIMATE OF THE REDEVELOPMENT PROJECT,  
PROJECTED SOURCES OF REVENUE TO MEET THE COSTS, AND  
TOTAL AMOUNT OF INDEBTEDNESS TO BE INCURRED

A. COST ESTIMATE OF REDEVELOPMENT PROJECT

The development of the Project will represent a private investment in excess of One Hundred Fifty Million Dollars (\$150,000,000). As set forth in the Preamble of this TIF Plan, this TIF Plan will be a joint undertaking of the City of Starkville and Oktibbeha County, whereby the City and County will enter into an interlocal agreement or a Regional Economic Development Alliance Agreement, which will designate the City as the primary party in interest in carrying the Project forward. The City and County propose that the City is to issue bonds or notes as authorized in the Preamble of this TIF Plan, in one or more series, in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000). The funds will be used to pay the cost of constructing a conference/meeting center, public parking facilities, and various public infrastructure improvements of the Project including, but not limited to, installation of utilities such as water and sanitary sewer; and natural gas lines; relocation of utilities; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, sidewalks; installation of traffic signalization and signage; grading; landscaping of rights-of-way; purchase of rights-of-way necessary for the installation of the infrastructure improvements described hereinabove; capitalized interest, engineering; TIF Plan preparation fees; other incidental cost; and related professional fees for the Project. The construction of the aforementioned improvements will be undertaken to provide for the public convenience, health, and welfare. A more detailed scope of work including budgets will be identified in a development agreement and/or security and reimbursement agreement with Cotton Mill Marketplace, LLC.

Proceeds of the Bonds or Notes may also be used to fund capitalized interest and/or a debt service reserve fund as may be permitted under Section 21-45-1, *et seq.*, Mississippi Code of 1972, as amended.

B. PROJECTED SOURCES OF REVENUE TO MEET COSTS

Cotton Mill Marketplace, LLC will secure financing for the private investment. The City will pledge up to ninety-five percent (95%) of the ad valorem tax increases from the real and personal property and up to 95% of the retail sales tax rebate generated in the TIF District to finance the Tax Increment Financing Bonds. The County's pledge of ad valorem tax shall be limited to up to ninety-five percent (95%) of the increase in its real and personal property ad valorem taxes. If deemed necessary and appropriate, the City and County may require additional security from the developers of the project.

C. TOTAL AMOUNT OF INDEBTEDNESS TO BE INCURRED

As provided in the Preamble of this TIF Plan, the City will issue up to EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000) in TIF Bonds or Notes, in one or more series, which will be secured by the City and County with the pledge of up to ninety-five percent (95%) of the incremental increases in ad valorem real and personal property taxes and up to 95% of the retail sales tax rebate from the State of Mississippi generated by development in the TIF District. If deemed necessary and appropriate, the City and County may require additional security from the developers of the project. The County's pledge of ad valorem tax shall be

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limited to up to ninety-five percent (95%) of the increase in its real and personal property ad valorem taxes. *The Tax Increment Financing Redevelopment Plan, Starkville, Mississippi February 2006 and the Tax Increment Financing Plan Cotton Mill Marketplace Project, Starkville, Mississippi June 2008; and The Tax Increment Financing Redevelopment Plan, Oktibbeha County, Mississippi 2008, and The Tax Increment Financing Plan Cotton Mill Marketplace Project, Oktibbeha County, Mississippi, June 2008*, shall be a joint undertaking by the City and the County including, but not necessarily limited to, the issuance of Bonds or Notes to provide funds to defray the cost of the improvements.

It is expected that Bonds or Notes can be obtained at an annual interest rate of not more than 5% for up to fifteen (15) year tax increment debt obligations. Annual principal and interest payments are estimated to be up to approximately \$810,000 assuming the 5% rate and tax increment obligations over a period of up to fifteen (15) years.

The increase in ad valorem real and personal property tax revenues to be generated for the City are estimated to be \$191,901. The increase in ad valorem real and personal property taxes from the County resulting from construction and development of the Cotton Mill Marketplace Project are estimated to be \$449,513. It is requested that as much as ninety-five percent (95%) of these increased ad valorem real and personal property taxes be pledged to the payment of the tax increment debt obligations. Also, it is requested that up to 95% of the sales tax rebate from the State of Mississippi to the City be pledged to the payment of the tax increment debt obligations. The only obligations of the City and County with respect to the payment of the debt obligations will be the pledge of up to ninety-five percent (95%) of the increased ad valorem real and personal property tax revenues of the City within the TIF District and up to 95% retail sales tax rebate to the City generated from the development of the property identified in Exhibit I attached hereto. The County's pledge of ad valorem tax increases shall be limited to ninety-five percent (95%) of the increased ad valorem taxes created within the TIF District. If deemed necessary and appropriate, the City and County may require additional security from the developers of the project.

Of the total estimated principal and interest payments of \$810,000, the City will pledge up to ninety-five per cent (95%) of the added increments of ad valorem taxation on the real and personal property and up to 95% of the retail sales tax generated by the construction and development in the TIF District to service the debt. The County's pledge of real and personal property ad valorem tax increases shall be limited to up to ninety-five percent (95%) of such increase within the TIF District. This added increment of County ad valorem taxation is estimated to be about \$449,513 and the surplus will be deposited in the general funds of the County to be used for any lawful purpose. Any surplus of ad valorem taxation and retail sales tax rebates generated for the City is to be deposited in the general funds of the City, to be used for any lawful purpose.

Bonds or notes will be issued proportionate with the level of ad valorem taxes and retail sales tax rebates generated within the TIF District in amounts and percentages to be defined in the development agreements and/or the security and reimbursement agreements between Cotton Mill Marketplace, LLC, the County, and the City. If deemed necessary and appropriate, the City may require additional security from the developers of the project.

The amount of bonds, the timing of the issuance, and the percentage of debt service to be repaid by the County and City shall be determined pursuant to further proceedings of the City and the County.

**ARTICLE VII**

**REAL PROPERTY TO BE INCLUDED IN TAX INCREMENT FINANCING PLAN**

The real property to be included in this TIF Plan from which the ad valorem real and personal property tax revenues and related sales tax rebates from the State of Mississippi will be generated to finance the bonds will be the approximately 39.4±-acre tract consisting of the Cotton Mill Marketplace Project (see Exhibit D).

**ARTICLE VIII**

**DURATION OF THE TAX INCREMENT FINANCING PLANS EXISTENCE**

The duration of the *Tax Increment Financing Plan, Cotton Mill Marketplace Project, Starkville, Mississippi, June 2008*, will not exceed fifteen (15) years.

**ARTICLE IX**

**ESTIMATED IMPACT OF TAX INCREMENT FINANCING PLAN UPON  
THE REVENUES OF ALL TAXING JURISDICTIONS IN WHICH A  
REDEVELOPMENT PROJECT IS LOCATED**

**Ad Valorem Tax Increases**

The construction and development of the Project will generate significant increases in ad valorem tax revenues for the City, the County, and the School District. The following are estimates of new ad valorem tax revenues expected to be generated by the development.

**AD VALOREM TAXES**

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
City (16.15 mls)			
Real Property	\$16,284	\$163,559	\$147,275
Personal Property	Negligible	\$ 28,342	\$ 28,342
<b>Total</b>	<b>\$16,284</b>	<b>\$191,901</b>	<b>\$175,617</b>

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
County (37.83 mls)			
Real Property	\$37,334	\$383,123	\$345,789
Personal Property	Negligible	\$ 66,390	\$ 66,390
<b>Total</b>	<b>\$37,334</b>	<b>\$449,513</b>	<b>\$412,179</b>

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

<u>Entity</u>	<u>Current Tax*</u>	<u>Taxes After Improvements</u>	<u>Total Increase</u>
School (58.86 mls)			
Real Property	\$58,449	\$629,586	\$571,137
Personal Property	Negligible	\$103,298	\$103,298
<b>Total</b>	<b>\$58,449</b>	<b>\$732,884</b>	<b>\$674,435</b>

\*Current improvements to real property will be demolished prior to construction of the TIF Project, thus reducing the current taxes.

The ad valorem real and personal property revenue projections were provided to the City with the assistance of Cotton Mill Marketplace, LLC.

**Retail Sales**

It is expected that the total retail sales from the Starkville development could reach approximately \$45,000,000 annually. Retail sales taxes for the State of Mississippi are anticipated to total approximately \$3,150,000. Assuming that 75% of the retail sales will be new sales in the City of Starkville, the rebates to the City could reach \$437,063.

**RETAIL SALES TAXES**

<u>Estimated Sales</u>	<u>State of Mississippi Retail Sales Tax</u>	<u>Retail Sales Tax Rebate To City</u>
\$45,000,000	\$3,150,000	\$437,063 *

\*Assuming that 75% of the retail sales will be new sales to the City of Starkville.

ARTICLE X

THE GOVERNING BODY SHALL BY RESOLUTION FROM TIME TO TIME, DETERMINE (i) THE DIVISION OF AD VALOREM TAX RECEIPTS, IF ANY, THAT MAY BE USED TO PAY FOR THE COST OF ALL OR ANY PART OF A REDEVELOPMENT PROJECT; (ii) THE DURATION OF TIME IN WHICH SUCH TAXES MAY BE USED FOR SUCH PURPOSES; (iii) IF THE GOVERNING BODY SHALL ISSUE BONDS FOR SUCH REDEVELOPMENT PROJECT; AND (iv) SUCH OTHER RESTRICTIONS, RULES AND REGULATIONS AS IN THE SOLE DISCRETION OF THE GOVERNING BODY OF THE CITY SHALL BE NECESSARY IN ORDER TO PROMOTE AND PROTECT THE PUBLIC INTEREST.

Through the adoption of the *Tax Increment Financing Plan, Cotton Mill Marketplace Project, Starkville, Mississippi, June 2008*, the Governing Body of the City acknowledges the above and shall adopt the necessary resolutions when deemed necessary and appropriate.

**ARTICLE XI**

**PLAN OF FINANCING**

The TIF Plan provides for the City, acting on behalf of itself and the County, to issue the TIF Revenue Bonds, and Notes, which will be secured by the County and City with the pledge of up to ninety-five percent (95%) of incremental increases in ad valorem taxes, generated by the Project. Additionally, the City will pledge up to 95% of the sales tax rebate from the State of Mississippi generated within the TIF district. If deemed necessary and appropriate, the County and City may require additional security from the developers of the project.

Such decision on the most advantageous method for the County and City to incur the debt will be made pursuant to further proceedings of the County and the City.

The project may be funded in whole or in part through the following sources: Tax Increment Financing Revenue Bonds issued in an amount not to exceed EIGHT MILLION FIVE HUNDRED THOUSAND DOLLARS (\$8,500,000) by the City issued pursuant to the TIF Plan, Section 21-45-1, *et seq.* Mississippi Code of 1972, as amended (the "TIF Act"), and the Regional Economic Development Act funding as authorized by Section 57-64-1, *et seq.* Mississippi Code of 1972, as amended (the "REDA Act"),

The amount of bonds, the timing of the issuance, and the percentage of debt service to be repaid by the County and the City shall be determined pursuant to further proceedings of the County and the City.

**EXHIBIT I  
LEGAL DESCRIPTION AND MAP**

**Property Description:**

A parcel of land being described as lying South of the Southern Right of Way of Russell Street and the Southern Right of Way of Gillespie Street, East of the Eastern Right of Way of Spring Street and North and West of the Northern Right of Way of Mississippi Highway #12 and being 42 acres plus or minus.

**Less and Except:**

All of Lot No. 2, 2A, 3 and 4, and part of Lot No. 20 of Block 10 of the University Urban Renewal Area as shown on the Final Plat - First Revision as recorded in Plat Book 4 at Pages 3-9 of the official Land Records of Oktibbeha County, Mississippi and being 2.6 acres plus or minus.



20.

**A MOTION TO APPROVE THE BUDGET AMENDMENT #2011-01  
AS RECOMMENDED BY THE BUDGET COMMITTEE**

There came for consideration the matter of amending the City of Starkville's 2010-2011 Budget to increase the Mayor and Board of Aldermen travel line item by \$2,500.00 and \$8,000.00 respectively, while decreasing the Contingency Fund by \$10,500.00. After discussion, and

upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Jeremiah Dumas, the Board unanimously voted to approve Budget Amendment #2011-01 as recommended by the Budget Committee.

BUDGET AMENDMENT #2011-01

<b>Acct Desc. General Fund</b>	<b>Acct. Number</b>	<b>Orig. Budget Amt.</b>	<b>Amended Amt.</b>	<b>Amended Budget Amt.</b>
Board of Aldermen/Travel	001-005-610	\$10,000.00	\$8,000.00+	\$18,000.00
Mayor/Travel	001-020-610	\$3,500.00	\$2,500.00+	\$6,000.00
Contingency	001-690-700	\$179,836.00	\$10,500.00-	\$169,336.00

21.

**A MOTION TO APPROVE CALLING FOR A PUBLIC HEARING AT  
THE REGULAR MEETING OF THE CITY OF STARKVILLE  
BOARD OF ALDERMEN TO BE HELD ON MARCH 1, 2011, FOR THE  
PURPOSE OF AMENDING THE SIDEWALK ORDINANCE #2009-07**

There came for consideration the matter of scheduling a Public Hearing to discuss proposed amendments to the City of Starkville Sidewalk Ordinance #2009-07. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk to approve calling for a Public Hearing at the Regular Meeting of the City of Starkville Board of Aldermen to be held on March 1, 2011, for the Purpose of Amending the Sidewalk Ordinance #2009-07, the Board voted as follows:

Alderman Ben Carver	voted: <u>Yea</u>
Alderman Sandra Sistrunk	voted: <u>Yea</u>
Alderman Eric Parker	voted: <u>Nay</u>
Alderman Richard Corey	voted: <u>Yea</u>
Alderman Jeremiah Dumas	voted: <u>Yea</u>
Alderman Roy A'. Perkins	voted: <u>Nay</u>
Alderman Henry Vaughn, Sr.	voted: <u>Nay</u>

Having received a majority affirmative vote of those members present and voting the Mayor declared the motion carried.

**22.**

**A MOTION TO AUTHORIZE ENTERING A NUNC PRO TUNC ORDER TO REVISE THE MINUTES OF THE NOVEMBER 23, 2010, BOARD OF ALDERMEN SPECIAL CALL MEETING TO REFLECT THE ATTACHMENT OF THE DEVELOPMENT AND REIMBURSEMENT AGREEMENT AS EXHIBIT "A" TO ITEM ONE OF THE MINUTES**

There came for consideration the matter of revising the Minutes of the November 23, 2010 Special Call Meeting to reflect the attachment of the Development and Reimbursement Agreement as Exhibit "A" to Order #1 of the Minutes. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, the Board unanimously voted to approve the motion to authorize entering a Nunc Pro Tunc Order to revise the minutes of the November 23, 2010, Board of Aldermen Special Call Meeting to reflect the attachment of the Development and Reimbursement Agreement as Exhibit "A" to Item One of the Minutes.

**MODIFICATIONS TO THE MINUTES OF THE NOVEMBER 23, 2010 SPECIAL CALL MEETING**

**Order #1** of the minutes of the November 23, 2010 Special Call Meeting of the Mayor and Board of Aldermen has been modified to reflect the attachment of the "Development and Reimbursement Agreement" as EXHIBIT A, to the COTTONMILL TIF Plan.

## DEVELOPMENT AND REIMBURSEMENT AGREEMENT

**THIS DEVELOPMENT AND REIMBURSEMENT AGREEMENT** is made and entered into as of December 1, 2010 (this "Agreement"), by and between the **CITY OF STARKVILLE, MISSISSIPPI** (the "City"), a municipal corporation of the State of Mississippi (the "State") and **COTTON MILL DEVELOPMENT GROUP, LLC**, a Mississippi limited liability company (the "Developer").

### WITNESSETH:

**WHEREAS**, the Developer is in the process of developing a high quality mixed-use development that is expected to feature a conference/meeting center, a hotel, retail and commercial businesses, apartments, condominiums, office buildings, parking facilities, and related uses, as more particularly described in the Tax Increment Financing Plan, Cotton Mill Marketplace Project, City of Starkville, Mississippi, June 2008 (the "City TIF Plan") and in **EXHIBIT A** hereto (the "Project");

**WHEREAS**, pursuant to Sections 21-45-1 *et seq.*, Mississippi Code of 1972, as amended (the "Act"), the City is authorized to undertake redevelopment projects (as defined in the Act) in connection with redevelopment plans (as defined in the Act) within the City in order to encourage private redevelopment therein and is authorized to finance such redevelopment projects through the issuance of tax increment financing bonds; and

**WHEREAS**, the Mayor and Board of Aldermen (the "Governing Body") of the City have adopted the "Tax Increment Financing Redevelopment Plan, City of Starkville, Mississippi, February 2006, (the "Redevelopment Plan") and has conducted public hearings on such Redevelopment Plan, as required by law, which Redevelopment Plan constitutes a qualified plan under the Act; and

**WHEREAS**, the Developer has requested the City to issue tax increment financing bonds pursuant to the Act in a principal amount of not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000) (the "Bonds"), in order to finance all or a part of the cost of acquiring, installing and constructing certain infrastructure improvements, in addition to funding capitalized interest, paying costs of issuance, and other related fees, as more particularly described in **EXHIBIT A** hereto, in connection with the Project (the "Infrastructure Improvements"); and

**WHEREAS**, the Infrastructure Improvements will cost in excess of Eight Million Five Hundred Thousand Dollars (\$8,500,000); and

**WHEREAS**, by resolution dated June 17, 2008, the City adopted and approved the City TIF Plan after holding a public hearing in connection therewith, and indicated its intent to proceed with the sale and issuance of the Bonds in order to finance all or a part of the costs of the Infrastructure Improvements pursuant to the request of the Developer and by virtue of such statutory authority as may now or hereafter be conferred by the Act and as described in the City TIF Plan;

**WHEREAS**, on June 23, 2008, the Board of Supervisors of the County adopted and approved the Tax Increment Financing Plan, Cotton Mill Marketplace Project, Oktibbeha County, Mississippi, June 2008 (the "County TIF Plan" together with the City TIF Plan, the "TIF Plans") after holding a public hearing in connection therewith, and indicated its intent to cooperate with the City's efforts to finance all or a portion of the costs of the Infrastructure Improvements pursuant to the request of the Developer and by virtue of such statutory authority as may now or hereinafter be conferred by the Act and as described in the TIF Plans; and

**WHEREAS**, it is anticipated that the City and County will enter into an Interlocal Cooperation Agreement, pursuant to the Act and the TIF Plans, (the "Interlocal Agreement") wherein the City and County will agree to pledge certain ad valorem and sales tax revenues in a proportional amount provided therein in connection with City's issuance of the Bonds;

**WHEREAS**, it is necessary for the Developer to go forward with the acquisition, construction and installation of the Infrastructure Improvements in anticipation of the delivery of the Bonds, and as required by the Act, the City and the Developer now desire to enter into this Agreement in order to set forth the agreement between the parties for (a) the acquisition, construction and installation of the Project and the Infrastructure Improvements by the Developer and (b) the sale and issuance of the Bonds by the City in order to finance all or a part of the costs of the Infrastructure Improvements and the costs incident to the sale and issuance of the Bonds.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS** that the parties hereto intend to be legally bound hereby and in consideration of mutual covenants hereinafter contained do hereby agree as follows:

**1. UNDERTAKINGS OF THE CITY.** Subject to the conditions herein stated, the City agrees as follows:

**a.** The City will effect such procedures with respect to the sale and issuance of the Bonds, including, without limitation, the adoption of appropriate resolutions and such other procedures and documents as may be required by the Act.

**b.** The City will use all reasonable efforts to sell and issue the Bonds in an amount not to exceed Eight Million Five Hundred Thousand Dollars (\$8,500,000), pursuant to the terms of the Act on such terms, conditions and rates of interest as shall be mutually agreeable to the City and to the Purchaser (as hereinafter defined); provided, however, that the Bonds will not be sold and issued until such time as the Developer has complied with the requirements of Paragraph 3 hereof.

**c.** The sale of the Bonds shall, at the sole discretion of the City, be by public or private negotiated sale to one or more purchasers (the "Purchaser").

**d.** Pursuant to the resolution or resolutions of the City authorizing the sale and issuance of the Bonds (collectively, the "Bond Resolution"), the proceeds from the sale of the Bonds will be delivered to the City for handling and distribution according to the terms of the Bond Resolution and the Act.

e. The Bond Resolution will, among other provisions, provide that proceeds from the sale of the Bonds shall first pay the City's costs incurred in connection with the Project, which shall include but not be limited to the expenses, costs and fees incurred by the City in connection with the TIF Plans, and this Agreement, including costs of issuance of the Bonds and funding capitalized interest and a reserve to pay any debt service on the Bonds that will be due and payable before the first Tax Increment (as defined hereinbelow) is received by the City and any reserve that may be required by the Purchasers, and other related fees, and then the proceeds shall next be used to reimburse the Developer for eligible costs, in an amount not to exceed \$8,500,000, for acquiring, installing and constructing the Infrastructure Improvements upon filing of the proper requisition(s) therefor; and the remainder of the Bond proceeds, if any, shall be disbursed by the City in the manner authorized by law.

f. In accordance with the Act, the Bonds shall mature at such time or times not exceeding fifteen (15) years from their date, may be subject to redemption at such times and at such premiums and shall be in such form and in all other respects be of such detail and issued under such conditions as may be determined in the Bond Resolution.

g. The Bonds will be secured by a pledge from the City and County of the Tax Increment (as defined hereinbelow) in accordance with the TIF Plans. As used herein and subject to the limitations set forth in the Interlocal Agreement, the term "Tax Increment" shall mean the incremental increase in tax revenues generated by the Project as provided in the TIF Plans, including a pledge of a portion of the incremental increase in tax revenues derived from certain ad valorem revenues to the City and County generated from the "captured assessed value" (as defined in the Act) of the real and personal property comprising the Project, excluding levies for public school purposes to secure and provide for the payment of the principal of and interest on the Bonds. The Developer hereby acknowledges, agrees and covenants that the Developer shall not contest the "captured assessed value" (as defined in the Act) or the "original assessed value (as defined in the Act).

h. Costs of issuance for the Bonds, including, but not limited to, the fees and expenses of City Counsel, County Counsel, Bond Counsel and Financial Advisor will be paid from the proceeds of the Bonds; provided, however, that if the Bonds are not issued and this Agreement is terminated as provided in Paragraph 5 hereof, fees and expenses incurred by City Counsel, County Counsel, Bond Counsel and Financial Advisor will be paid as provided in Paragraph 5 hereof.

i. Within a reasonable time after adoption of all proceedings of the City required by the Act for the sale and issuance of the Bonds, the City may submit the same for validation under the provisions of Sections 31-13-1, *et seq.*, Mississippi Code of 1972, as amended, and may prosecute said validation proceedings and secure therein a final decree of the Chancery Court of Oktibbeha County, Mississippi validating the Bonds.

j. The City's obligation to reimburse the Developer under this Agreement is further limited to Developer's actual costs to install and construct the Infrastructure

Improvements as defined in **EXHIBIT A** hereto, including professional fees, and shall in no event exceed the lesser of \$8,500,000 or Bond proceeds available after the distribution in accordance with the Bond Resolution and Paragraph 1(d) and (e) of this Agreement. Furthermore, the City's obligation to expend funds or reimburse the Developer is expressly limited to funds available under this Agreement from Bond proceeds derived from the sale and delivery of the Bonds and available after distribution in accordance with the Bond Resolution and Paragraph 1(d) and (e) of this Agreement.

**2. UNDERTAKINGS OF THE DEVELOPER.** Subject to the conditions herein stated, the Developer agrees as follows:

a. The Developer, and/or its agents, will timely construct and install the Project in accordance with the TIF Plans and as set forth in **EXHIBIT A**, and in accordance with the building codes of the City and all other applicable laws and regulations.

b. The Developer, and/or its agents, will timely construct and install the Infrastructure Improvements in accordance with the building codes of the City and all other applicable laws and regulations of the City and as otherwise required under State law. The Developer shall submit plans and specifications with respect to the Infrastructure Improvements to the City and such plans and specifications shall be subject to the approval of the City.

c. The Developer will prepare and file with the City a Preliminary Plat and Final Plat in connection with the Project in accordance with the City's zoning and subdivision regulations.

d. In connection with the construction and installation of the Project and the Infrastructure Improvements, the Developer will obtain all necessary approvals from all applicable State, City, federal and other governmental agencies.

e. The Project and the Infrastructure Improvements described in **EXHIBIT A** will be constructed and installed to City standards to allow for their dedication or conveyance to the City, if applicable.

f. It is anticipated that the Project will be constructed in phases, and as set forth in the County TIF Plan, the Bonds may be issued in one or more series. The Developer will commence construction of the Infrastructure Improvements in one or more phases prior to the issuance of the Bonds. Following their installation and construction, the Developer will, in a manner and form satisfactory to the City, dedicate or convey or have dedicated or conveyed to the City, if applicable, the Infrastructure Improvements described in **EXHIBIT A**, and, if required by the nature of such Infrastructure Improvements, convey or have conveyed easements to the City in connection with such Infrastructure Improvements and seek reimbursement from the City for eligible expenditures incurred for the construction of improvements up to that time.

g. The Developer assumes all risk of proceeding with construction of the Project and Infrastructure Improvements prior to sale and issuance of the Bonds, and

acknowledges and agrees the City is not authorized or obligated to use its general fund to pay any part of the costs of the Project or the Infrastructure Improvements. In the event the Bonds are not sold and delivered, no resulting liability shall accrue to the City, irrespective of expenditure made by Developer. Developer acknowledges and agrees that the final size of the Bonds will be determined solely at the discretion of the City based on the pledged Tax Increment available to the City to fund debt service on the Bonds. In the event the Bond proceeds are insufficient to pay the costs of the Infrastructure Improvements, the Developer agrees to pay such deficiency necessary to complete the Infrastructure Improvements as set forth herein.

**h.** The Developer shall maintain separate records on the costs of the Project and the Infrastructure Improvements in a manner so as to aid the City in accounting for costs eligible for reimbursement under this Agreement.

**3. CONDITIONS PRECEDENT TO ISSUANCE OF THE BONDS.** The Developer acknowledges and agrees that the City's obligation to issue and close the Bonds, in one or more series, and reimburse the Developer pursuant to this Agreement is expressly subject to the condition precedent that the Developer (i) shall have obtained all required approvals of the Preliminary Plat in connection with the Project; (ii) shall have the plans and specifications for the Infrastructure Improvements described in **EXHIBIT A** approved by the City; and (iii) at the Developer's own costs, have completed acquisition, installation and construction of the Project and Infrastructure Improvements, in one or more phases, described in **EXHIBIT A**, in compliance with the City's codes and ordinances, including all applicable zoning requirements and regulations. Upon satisfaction of the requirements of this Paragraph 3, the City agrees to use its best efforts to timely sell and issue the Bonds on a schedule mutually acceptable to the City and the Developer.

**4. LIMITED OBLIGATION.** The Bonds will be limited obligations of the City and County payable solely from the pledged Tax Increment and other moneys pledged therefor. Except for the pledged Tax Increment, neither the faith, credit or taxing power of the City or County nor the faith, credit or taxing power of the State or any political subdivision thereof, including the City and County, is pledged to the payment of the Bonds.

**5. TERMINATION.** If the Bonds are not issued and delivered on or before five (5) years from the date hereof (or such other date as shall be mutually agreed upon in writing by the City and the Developer), this Agreement shall thereupon terminate. This Agreement may also be terminated by written agreement of the parties hereto. Upon termination of this Agreement related to any failure to fulfill the conditions precedent in Paragraph 3 above, it is expressly understood that the Developer shall bear the sole responsibility and liability for all reasonable fees and expenses incurred by the City Counsel, County Counsel, Bond Counsel and Financial Advisor to the City in relation, directly or indirectly, to the sale and issuance of the Bonds, recognizing that the City does not have the authority to pay such costs except from the proceeds of the Bonds.

**6. ADDITIONAL PROVISIONS.**

a. This Agreement has been made by the City and the Developer and no person other than the foregoing and their successors and assigns shall acquire or have any right under or by virtue of this Agreement; provided, however, the Developer may convey and assign all of the rights associated with the tax increment financing commitments related to the Project to its lender.

b. This Agreement shall become effective upon the execution and acceptance hereof by the parties hereto and shall be valid and enforced from and after the time of such execution and acceptance.

c. If any paragraph or part of a paragraph of this Agreement shall be declared null and void or unenforceable against any of the parties hereto by any court of competent jurisdiction, such declaration shall not affect the validity or enforceability of any other section or part of a paragraph of this Agreement.

d. In the event any agreement contained in this Agreement shall be breached and such breach shall thereafter be waived, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

e. This Agreement shall enure to the benefit of the City and the Developer and their respective successors and assigns.

f. This Agreement shall be governed as to validity, construction and performance by the laws of the State.

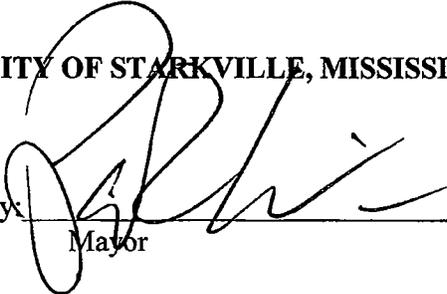
g. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall constitute but one and the same agreement.

h. No amendment, change, modification, alteration or termination of this Agreement shall be made other than pursuant to a written agreement signed by the City and the Developer.

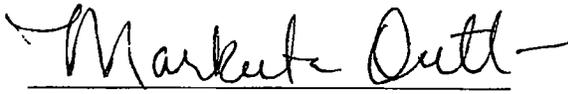
[SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the parties hereby have caused this Agreement to be duly executed as of the 3<sup>rd</sup> day of December, 2010.

CITY OF STARKVILLE, MISSISSIPPI

By:   
Mayor

ATTEST:

  
City Clerk

COTTON MILL DEVELOPMENT GROUP,  
LLC

By:   
Title: \_\_\_\_\_

ATTEST:

  
Title: \_\_\_\_\_

[SIGNATURE PAGE TO DEVELOPMENT AGREEMENT]

## EXHIBIT A

**INFRASTRUCTURE IMPROVEMENTS:** The Infrastructure Improvements necessary to induce and support the Developer's Project include the cost of constructing various infrastructure improvements of the Project including, but not limited to, parking facilities, installation of utilities such as water, sanitary sewer, and natural gas lines; relocation of utilities; installation and relocation of electrical services; installation of storm drainage; construction of roadways with curb and gutter, sidewalks; installation of traffic signalization and signage; grading; landscaping of rights-of-way; purchase of rights-of-way necessary for the installation of the infrastructure improvements described hereinabove; capitalized interest; engineering; TIF Plan preparation fees; other incidental costs; and related professional fees.

**PROJECT:** The Developer's Project will consist of the financing of a conference/meeting center, parking facilities, public infrastructure and related site improvements and other activities to serve the Cotton Mill Marketplace Project and the community as a whole. The Project will be located at the intersection of Mississippi Highway 12 and Russell Street in Starkville, Mississippi.

Jackson 5753681v4

23.

**A MOTION TO APPROVE THE (CLG) CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION OF THE OVERSTREET RE-SURVEY WITH A MATCHING GRANT OF \$1,085.00**

There came for consideration the matter of seeking a (CLG) Certified Local Government Grant through the Mississippi Department of Archives and History to re-survey the Overstreet Historic District to provide an accurate description of the existing buildings and the changes that have occurred over the years. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk to approve the (CLG) Certified Local Government Grant Application of the Overstreet Re-Survey with a matching grant of \$1,085.00, the Board unanimously voted to approve the motion.

24.

**A MOTION TO APPROVE PLANNING AND ZONING ITEM #FP 11-01: A FINAL PLAT LOCATED IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 200 SOUTH MONTGOMERY STREET "THE CREAMERY AT CENTRAL STATION" 'PHASE 2' WITH 6 CONDITIONS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION**

There came for consideration the matter of a Final Plat for The Creamery at Central Station-Phase 2, located at 200 South Montgomery Street. The Planning and Zoning Commission recommends approval with 6 conditions. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to approve Planning and Zoning Item #FP 11-01: A Final Plat located in a C-2 (General Business) Zoning district at 200 South Montgomery Street "The Creamery at Central Station" 'Phase 2' with the 6 conditions recommended by the Planning and Zoning Commission, the Board unanimously voted to approve the motion.

**6 CONDITIONS**

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The phase two final condominium plat shall meet the minimum requirements for C-2 zoning dimensions.
3. All public utilities are currently in place.
4. The condominium documents shall include provisions for the maintenance of common areas; Section XXV shall be revised to reflect the City Attorney's standard hold-harmless indemnification clause; and Section XXXVIII shall be revised to include the verbiage provided by the City's Public Services Director, prior to staff execution of the phase two final condominium plat.

5. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates prior to staff execution of the final plat.
- ~~6. The applicant shall provide "as-built" drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, sidewalks, etc.) in "AutoCAD" format as well as a paper copy that is signed and sealed by a licensed design professional, guaranteeing accuracy, prior to staff execution of the final plat.~~
7. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.

**25.**

**A MOTION TO APPROVE PLANNING AND ZONING ITEM #FP 11-02: ("THE HIGHWAY 12 EXTENSION, PHASE 2" FINAL PLAT) A FINAL PLAT LOCATED IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 982 MS HIGHWAY 12 EAST WITH THE 12 CONDITIONS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION.**

There came for consideration the matter of a Final Plat for the Highway 12 Extension 'Phase 2' located at 982 Highway 12 East. The Planning and Zoning Commission recommended approval with 12 conditions. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to approve Planning and Zoning Item #FP 11-02: A Final Plat located in a C-2 (General Business) Zoning District at 982 Highway 12 East "Highway 12 Extension - Phase 2" with the 12 conditions recommended by the Planning and Zoning Commission, the Board unanimously voted to approve the motion.

**12 CONDITIONS**

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for C-2 zoning dimensions.
3. All public utilities are currently in place.
4. Erosion control vegetation shall be established on all disturbed areas.
5. Upon the recommendation of the City's Public Services Director, General Note #6 shall be revised to read as follows: "On-site water and sanitary sewer service lines used exclusively by the site are private."
6. Sidewalk construction shall be required as part of the site plan approval and shall conform to the City's Sidewalk Ordinance and ADA standards.
7. Stormwater mitigation shall be required as part of the site plan approval and shall conform to the City's Stormwater Ordinance.

8. The applicant shall provide adequate and satisfactory test reports for roadways, curbs and all drainage structures and facilities, prior to staff execution of the final plat.
- ~~9. A guarantee in the amount of 150% of the current cost of all remaining improvements shall be provided to City staff prior to Board approval of the final plat, if applicable.~~
- ~~10. A bond or surety in the amount of 150% of the current cost of the proposed sidewalk and any other infrastructure improvements shall be provided to City staff prior to Board approval of the final plat.~~
11. The applicant shall execute the standard agreement (“developer contract”) for the financial guarantee of the completion of the final requirements for acceptance of all electrical utility infrastructure, and the Board of Aldermen shall authorize the Mayor to execute same.
12. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in “AutoCAD” format in standard state plane coordinates prior to staff execution of the final plat.
13. The applicant shall provide “as-built” drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, sidewalks, etc.) in “AutoCAD” format as well as a paper copy that is signed and sealed by a licensed design professional, guaranteeing accuracy, prior to staff execution of the final plat.
14. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.

**26.**

**A MOTION TO APPROVE THE PROPOSED JOB DESCRIPTION FOR THE POSITION OF BUILDING OFFICIAL AT THE SALARY RANGE AS INDICATED AND AUTHORIZE ADVERTISING TO FILL THE JOB**

There came for consideration the matter of accepting a job description and a salary range for a Building Official, as well as authorizing advertisement to fill the position. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker to approve the proposed Job Description for the position of Building Official at the salary range indicated and authorize advertising to fill the job, the Board voted as follows:

Alderman Ben Carver	voted: <u>Yea</u>
Alderman Sandra Sistrunk	voted: <u>Yea</u>
Alderman Eric Parker	voted: <u>Yea</u>
Alderman Richard Corey	voted: <u>Yea</u>
Alderman Jeremiah Dumas	voted: <u>Yes</u>
Alderman Roy A'. Perkins	voted: <u>Nay</u>
Alderman Henry Vaughn, Sr.	voted: <u>Nay</u>



8. Review and approve building plan submittals, issue Certificates of Occupancy and Certificates of Completion, maintain building permit records and generate building activity reports,
9. Provide technical assistance to the Development Review Committee, Commission on Disability, Board of Adjustments & Appeals and other City committees, departments, or groups as needed
10. Personally manages complex, highly visible, sensitive and/or controversial projects; analyzes planning issues and determines project priorities/schedules; manages project resources to completion.
11. Interprets provisions of the City's municipal code and associated state and federal regulations for staff, City boards, developers and the public; researches and responds to officials' requests for information; provides technical assistance to the City's Development Review Committee.
12. Conducts site inspections, including determining if projects are in compliance with laws, regulations and ordinances, makes recommendations on changes.
13. Ensures that assigned employees demonstrate and practice professional ethics as well as appropriate interpersonal skills in dealing with architects, engineers, developers, owners, contractors, co-workers, government officials and the general public.
14. Maintains harmony among workers and resolves grievances; performs or assists subordinates in performing duties; adjusts errors and complaints.
15. Works in a safe manner and reports unsafe activity and conditions. Follows City-wide safety policy and practices and adheres to responsibilities concerning safety prevention, reporting and monitoring as outlined in the City's Employee Handbook.

**OTHER FUNCTIONS:**

1. Perform other duties as assigned or directed.
2. Attend meetings, training, and workshops as may be required.

**QUALIFICATIONS**

The following generally describes the knowledge and ability required to enter the job and/or be learned within a short period of time in order to successfully perform the assigned duties.

**Knowledge, Skills, and Abilities:**

1. Techniques for effectively representing the City in presentations and negotiations with governmental agencies, community groups, business, professional and regulatory bodies and with property owners, developers, contractors and the general public.
2. Prepare and present technical data in verbal, written, graphic, and map form to City management staff and variety of boards and commissions; specialized computer applications, such as MS Office, and other specialized software.
3. Work under steady pressure with frequent interruptions and a high degree of public contact by phone and/or in person.
4. Communicating effectively with officials, co-workers, subordinates, the general public, representatives of organizations and others sufficient to exchange or convey information and receive work direction.

**Mandatory Requirements:**

Bachelors degree in architecture, engineering, construction management, construction technology or similar, related field; Certified Building Official (CBO) certification from the International Code Council (ICC); minimum 7 years experience as a building inspector, at least 3 in a supervisory role.

**Preferred Qualifications:** Master Code Professional (MCP) certification from the International Code Council (ICC); Certified Floodplain Manager (CFM); fire inspector certification from ICC and NFPA (National Fire Protection Association)

Must possess and maintain a valid MS driver's license and a satisfactory driving record.

**PHYSICAL DEMANDS AND WORKING ENVIRONMENT**

**Environment:** Work is performed in a standard office environment and outdoors on construction sites; occasionally works in inclement outside weather conditions; incumbents may be required to work extended

hours including evenings and weekends, respond to emergency situations, and may be required to travel outside City boundaries to attend meetings.

**Physical Demands:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this class. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit and stand; talk and hear, both in person and by telephone; use hands to finger, handle, feel or operate standard office equipment; reach with hands and arms. The employee may occasionally lift or move objects up to 25 pounds. Specific vision abilities required by this job include close vision, depth perception, and the ability to adjust focus. Hear in the normal audio range with or without correction.

**Mental Demands:**

While performing the duties of this class, the incumbent is regularly required to use written and oral communication skills; read and interpret data, information and documents; analyze and solve complex problems; use math and mathematical reasoning; perform highly detailed work under changing, intensive deadlines, on multiple concurrent tasks; work with constant interruptions; and interact with officials and the public.

**TOOLS AND EQUIPMENT USED:**

Computer, including word processing, database, Internet, and spreadsheet programs; calculator, telephone, copy machine, fax machine and postage machine. Use of small hand tools may be required to conduct inspections. This position requires use of City vehicles.

*The duties listed above are intended as illustrations of the types of work that may be performed. The omission of specific job duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

*The job description does not constitute and employment contract and is subject to change as the needs of the City and requirements of the job change.*

*Regular and consistent attendance is a condition of continuing employment.*

27.

**A MOTION TO TABLE CONSIDERATION OF THE PROPOSED  
JOB DESCRIPTION FOR THE POSITION OF ENGINEERING  
TECHNICIAN/GIS COORDINATOR IN THE PUBLIC SERVICES  
DEPARTMENT**

There came for consideration the matter of accepting a job description and salary range for an Engineering Technician/GIS Coordinator, with authorization to advertise to fill said position within the Public Services Department. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver to table consideration of this matter until the Technology Committee can provide input on the logistics of the position, the Board unanimously voted to table this matter.

**Note:**

Alderman Richard Corey exited the meeting.

28.

**A MOTION TO ENTER INTO A CLOSED SESSION  
TO DETERMINE IF THERE IS PROPER CAUSE FOR  
EXECUTIVE SESSION**

There came for consideration the matter of a Closed Session for the preliminary determination of the necessity of an Executive Session. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker, to enter into a Closed Session to determine if items to be discussed are proper cause for Executive Session, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed.

29.

**A MOTION DECLARING DISCUSSION OF PENDING LITIGATION  
REGARDING BLUEFIELD WATER ASSOCIATION AND PAT STATION  
ROAD (MCCO); POTENTIAL LITIGATION REGARDING GORDON &  
MCKEE, AND SCARBROUGH; LAND ACQUISITION CONCERNING BRUSH  
ARBOR CEMETERY AND MUNICIPAL COMPLEX AS PROPER CAUSE FOR  
EXECUTIVE SESSION**

There came for consideration the matter to determine that discussion regarding Pending Litigation regarding Bluefield Water Association and Pat Station Road (MCCO); Potential Litigation regarding Gordon & McKee, and Scarbrough; Land Acquisition regarding Brush Arbor Cemetery and Municipal Complex parcels as proper cause for Executive Session. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker, that deliberations and findings concerning the discussion of Pending Litigation regarding Bluefield Water Association and Pat Station Road (MCCO); Potential Litigation regarding Gordon & McKee, and Scarbrough; Land Acquisition regarding Brush Arbor

Cemetery and Municipal Complex parcels as proper cause for Executive Session, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed.

**30.**

**A MOTION TO EXIT CLOSED SESSION AND RETURN TO OPEN SESSION**

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Eric Parker, to exit the closed session to return to open session, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed.

**31.**

**A MOTION TO ENTER INTO EXECUTIVE SESSION FOR THE  
DISCUSSION OF PENDING LITIGATION REGARDING  
BLUEFIELD WATER ASSOCIATION AND PAT STATION ROAD (MCCO);  
POTENTIAL LITIGATION REGARDING GORDON & MCKEE,  
AND SCARBROUGH; LAND ACQUISITION CONCERNING  
BRUSH ARBOR CEMETERY AND THE MUNICIPAL COMPLEX**

There came for consideration the matter of entering Executive Session to discuss Pending Litigation regarding Pat Station Road (MCCO) and Bluefield Water Association; Potential Litigation regarding Gordon & McKee, and Scarbrough; Land Acquisition concerning Brush Arbor Cemetery and the Municipal Complex. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to enter into an Executive Session to discuss the subjects named, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed.

**32.**

**A MOTION TO AUTHORIZE TAKING STEPS TO ACQUIRE  
BRUSH ARBOR CEMETERY BY PRESCRIPTION  
BY ADVERSE POSSESSION DUE TO THE CURRENT ABANDONMENT  
AND POOR MAINTENANCE OF THE PROPERTY THAT IS CURRENTLY  
A DETRIMENT TO PUBLIC HEALTH AND SAFETY**

There came for consideration the matter of acquiring Brush Arbor Cemetery. The City Attorney cited §21-37-21 of the Mississippi Code of 1972, annotated as the basis for the acquisition. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker to approve taking steps to acquire Brush Arbor Cemetery by prescription of adverse possession due to the current abandonment and poor maintenance of the property that is currently a detriment to Public Health and Safety, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed.

**33.**

**A MOTION TO AUTHORIZE AND APPROVE OBTAINING  
APPRAISALS FOR A SPECIFIC PROPERTY AS THE PROPOSED SITE FOR A  
POTENTIAL MUNICIPAL COMPLEX BUILDING**

There came for discussion the matter of a potential site for a proposed Municipal Complex Building. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Roy A'. Perkins to authorize and approve obtaining appraisals for the specific property being considered as a potential site for a Municipal Complex Building, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed.

**34.**

**A MOTION TO EXIT EXECUTIVE SESSION  
AND RETURN TO OPEN SESSION**

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Eric Parker, to exit Executive Session and return to Open Session, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed

**35.**

**A MOTION TO ADJOURN**

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Eric Parker, to adjourn the meeting, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>

Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Absent</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed.

The next meeting of the Mayor and Board of Alderman will be March 1, 2011, at 5:30 p.m., said meeting will be in the Courtroom/Boardroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS.

SIGNED AND SEALED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.

\_\_\_\_\_  
MARKEETA OUTLAW, CITY CLERK

\_\_\_\_\_  
PARKER WISEMAN, MAYOR

(SEALED)