

**MINUTES OF A REGULAR CITY COUNCIL MEETING  
OF THE CITY OF GREENVILLE, MISSISSIPPI**

**December 7, 2010**

**BE IT REMEMBERED** that the City Council of the City of Greenville, Mississippi met in regular session at City Hall at the hour of 4:00 P.M., Tuesday the 7th day of December, 2010 for the purpose of transacting such business as might properly come before it.

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**There were present the following officers and members of Council:**

**Mayor Heather McTeer-Hudson**

**Council Members:**      **Kenneth L. Gines, Ann Hollowell, Carl McGee, Errick Simmons, Betty Watkins and Carolyn Weathers**

**Also Present:**

<b>Andy Alexander, City Attorney</b>	<b>Milton Davenport, Fleet Director</b>
<b>Amelia D. Wicks, City Clerk</b>	<b>Lorenzo Anderson, City Engineer</b>
<b>Lynette A. Smith, Legal Secretary</b>	<b>Tawanna Haynes, Human Resources Assistant</b>
<b>Lee Gordon, Fire Chief</b>	<b>Lane Rodgers, Airport Director</b>
<b>Freddie Cannon, Interim Police Chief</b>	<b>Pam Richards, Water/Utility Manager</b>
<b>Carlton Williams, Planning/Zoning Director</b>	<b>Brad Jones, Public Works Director</b>
<b>Al Scarbrough, Information Technology Director</b>	<b>Gwanda Wilson, Municipal Court Clerk</b>

**Absent:**

**Yvette Yeager, Parks and Recreation**

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**Mayor Hudson introduced Pastor James Clinton of Macedonia Missionary Baptist Church of Winterville, MS who offered the invocation followed by the Pledge of Allegiance to the flag.**

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**Mayor Hudson proceeded to the City Council Agenda Items and requested any additions or deletions to the agenda. The following items were added or deleted:**

**On motion by Councilman Gines, seconded by Councilwoman Hollowell with all members present voting AYE, Council added personnel update in the Water Department for Executive Session to the agenda.**

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**The following departments presented monthly reports:**

- (a) Airport**
- (b) City Clerk's Office**
- (c) Engineering**
- (d) Fire Department**

- (e) Fleet Department
- (f) Human Resources
- (g) Information Technology
- (h) Municipal Court
- (i) Planning/Zoning
- (j) Police
- (k) Public Works
- (l) Water/Utility

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On motion by Councilwoman Weathers, seconded by Councilman Gines with all members present voting AYE, Council approved the minutes of a Regular City Council meeting held November 16, 2010.

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On motion by Councilman Gines, seconded by Councilwoman Weathers with all members present voting AYE, Council approved the minutes of a Special City Council meeting held December 2, 2010.

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ORDER # 10-541

ORDER: GRANTING THE POLICE CHIEF'S REQUEST TO FILL A VACANT CROSSING GUARD POSITION.

On motion by Councilwoman Hollowell, seconded by Councilman Simmons with all members present voting AYE, Council approved the request.

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ORDER # 10-542

ORDER: GRANTING THE REQUEST OF CAPT. DANNIE GRAISE TO PURCHASE ELECTRONIC SUPPLIES UNDER THE 2010 JAG GRANT IN THE AMOUNT OF \$17,929.82.

On motion by Councilman Gines, seconded by Councilwoman Watkins with all members present voting AYE, Council approved the request.

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ORDER #10-543

ORDER: RATIFYING THE FILLING OF A VACANT POSITION IN THE MAYOR'S OFFICE.

On motion by Councilman Gines, seconded by Councilman Simmons with all members present voting AYE, Council ratified the filling of the position.

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ORDER# 10-544

ORDER: APPROVING THE BORROWING OF A \$2,000,000 TAX ANTICIPATION NOTE (TAN) WITH A REPAYMENT DATE OF MARCH 15, 2011.

UNITED STATES OF AMERICA

STATE OF MISSISSIPPI

GREENVILLE, MISSISSIPPI

DEFRAYED EXPENSE, TAX ANTICIPATION NOTE

NO. R-\_\_\_\_\_ \$2,000,000.00

<u>Rate of Interest</u>	<u>Date of Original Issue</u>	<u>Date of Maturity</u>
1.82%	December 8, 2010	March 15, 2011

Registered Owner: TRUSTMARK NATIONAL BANK  
JACKSON, MISSISSIPPI

Principal Amount: TWO MILLION DOLLARS

THE City Council of Greenville, Mississippi (the "City"), a body politic existing under the Constitution and laws of the State of Mississippi, acknowledges itself to owe and for value received, promises to pay in lawful money of the United States of America to the Registered Owner identified above, the sum of

TWO MILLION DOLLARS

with interest thereon from the date hereof at the rate of one and eighty-two hundredths percent (1.82%) per annum. Interest on the outstanding balance of the Note shall be payable on the maturity date (the "Interest Payment Date"), and the Note shall mature and be payable on the maturity date set forth herein.

Payment of the principal amount of this Note shall be made to the Registered Owner hereof who shall appear in the registration records of the City upon presentation and surrender of the Note.

That City further promises to pay interest on the principal amount stated above from the date of this Note at the rate of interest per annum set forth above, on the maturity date of the Note, to the Registered Owner hereof who shall appear in the registration records of the City.

Payments of principal and interest on this Note shall be made by check or draft mailed to the Registered Owner at its address as it appears on such registration records. The Registered Owner hereof may change such address by written notice to the City by

certified mail, return receipt requested, or such other method as may be subsequently prescribed by the City, such notice to be received by the City not later than the 15th day preceding any scheduled payment date.

The Note is prepayable prior to its stated date of maturity either in whole or in part, at any time, at par plus accrued interest to the date of prepayment.

This Note is the Note issued in the aggregate authorized principal amount of Two Million Dollars (\$2,000,000.00) to raise money for the purpose of borrowing money in anticipation of taxes for the purpose of defraying the expenses of the City as authorized under Section 21-33-325 of the Mississippi Code of 1972, as amended ("the Act").

This Note is issued under the authority of the Constitution and statutes of the State of Mississippi, including the Act, and by the further authority of proceedings duly had by the City Council of Greenville, Mississippi, including a resolution adopted December 7, 2010 (the "Note Resolution").

This Note has been designated by the City Council of Greenville, Mississippi as a "qualified tax-exempt" obligation as defined by §265(b)(3) of the Internal Revenue Code.

The Note is registered as to both principal and interest.

This Note may be transferred or exchanged by the Registered Owner hereof in person or by its attorney duly authorized in writing at the principal office of the City, but only in the manner, subject to the limitations in the Note Resolution, and upon surrender and cancellation of this Note. Upon such transfer or exchange, a new Note of like aggregate principal amount of the same maturity will be issued.

The City may deem and treat the Registered Owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and the City shall not be affected by any notice to the contrary.

The Note is and will continue to be payable as to principal and interest out of and secured by an irrevocable pledge of the first money collected from taxes for the year in which the Note is issued, in sums sufficient for said purpose, and the full faith credit and resources of the City shall be and are hereby irrevocably pledged to the payment of the Note, both as to principal and interest, and said Note shall be paid out of the first taxes collected for the year in which the Note is issued.

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

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

IN WITNESS WHEREOF, the City has caused this Note to be executed in its name by the manual signature of the Mayor of the City, countersigned by the manual signature of the Clerk of the City, under the seal of the City, which said manual signatures and seal said officials adopt as and for their own proper signatures and seal, as of the 8<sup>th</sup> day of December, 2010.

CITY COUNCIL OF GREENVILLE, MISSISSIPPI

BY: \_\_\_\_\_  
Heather McTeer Hudson, Mayor

COUNTERSIGNED:

\_\_\_\_\_  
Amelia D. Wicks, City Clerk

(SEAL)

CERTIFICATE OF REGISTRATION AND AUTHENTICATION

This Note is the Note described in the within mentioned Note Resolution and is a General Obligation Note of Greenville, Mississippi.

CITY OF GREENVILLE, MISSISSIPPI

BY: \_\_\_\_\_  
Amelia D. Wicks, City Clerk

Date of Registration and Authentication: December \_\_\_\_\_, 2010.

REGISTRATION CERTIFICATE

STATE OF MISSISSIPPI

COUNTY OF WASHINGTON

I, the undersigned City Clerk of Greenville, Mississippi, do hereby certify that the within Note has been duly registered by me as an obligation of said City pursuant to law in a record kept in my office for that purpose.

\_\_\_\_\_  
Amelia D. Wicks, City Clerk

(SEAL)

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto \_\_\_\_\_(Name and Address of Assignee) the within Note and does hereby irrevocably constitute and appoint \_\_\_\_\_, \_\_\_\_\_, Mississippi, as Transfer Agent to transfer the said Note on the records kept for registration thereof with full power of substitution in the premises.

Signatures guaranteed:

\_\_\_\_\_  
(Bank, Trust Company or Transfer Agent)

\_\_\_\_\_  
NOTICE: The signature to this Assignment must correspond with the name of the Registered Owner as it appears upon the face of the within Note in every particular, without any alteration whatever.

\_\_\_\_\_  
(Authorized Officer)

Date of Assignment:\_\_\_\_\_

Insert Social Security Number or Other  
Tax Identification Number of Assignee: \_\_\_\_\_

**On motion by Councilman Gines, seconded by Councilwoman Weathers with all members present voting AYE, Council approved the borrowing of the TAN.**

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**RESOLUTION #10-221**

**RESOLUTION**

A RESOLUTION APPROVING THE INCURRENCE OF INDEBTEDNESS BY THE CITY OF GREENVILLE, MISSISSIPPI AUTHORITY IN THE PRINCIPAL AMOUNT OF \$2,000,000.00; ESTABLISHING THE CITY OF GREENVILLE'S EXPECTATION WITH RESPECT TO THE ISSUANCE OF TAX-EXEMPT OBLIGATIONS BY OR ON BEHALF OF THE CITY IN CALENDAR YEAR 2010; DESIGNATING THE CITY'S REVENUE NOTE AS A QUALIFIED TAX-EXEMPT OBLIGATION AND CONTAINING OTHER PROVISIONS RELATING THERETO.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENVILLE, MISSISSIPPI:

Section 1: Indebtedness Authorized. The incurrence of indebtedness by the City of Greenville, Mississippi in the amount of \$2,000,000.00 by the sale and issuance of its Tax Anticipation Note to Trustmark National Bank is hereby approved.

Section 2: Designation as Qualified Tax-Exempt Obligation. The City reasonably anticipates that the aggregate amount of "qualified tax-exempt obligations," as defined in Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code"), which will be issued by the City and all subordinate entities (as said term is used in the Conference Report 99-841 on the Tax Reform Act of 1986, page (II-334)) thereof during calendar year 2010 will not exceed \$10,000,000, and hereby covenants and agrees, as a material inducement and consideration to the purchase of the Note by the purchaser thereof, that the City, together with all subordinate entities issuing tax-exempt obligations on behalf of the City, will not during calendar year 2010 issue "qualified tax-exempt obligations," as defined in Section 265(b)(3)(B) of the Code, in order that the purchaser of the Note may avail itself of the exemption contained in said Section with respect to interest incurred to carry tax-exempt notes. The City furthermore covenants and agrees that it will not designate as "qualified tax-exempt obligations" more than \$10,000,000 in aggregate principal amount of obligations issued by it and all subordinate entities during calendar year 2010.

THIS RESOLUTION LAWFULLY ADOPTED, this 7<sup>th</sup> day of December, 2010.

CITY COUNCIL OF THE  
CITY OF GREENVILLE, MISSISSIPPI

BY: \_\_\_\_\_  
Heather McTeer Hudson, Mayor

ATTEST:

\_\_\_\_\_  
Amelia D. Wicks, City Clerk

On motion by Councilwoman Weathers, seconded by Councilwoman Watkins with all members present voting AYE, Council approved the declaration and adopted a resolution.

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ORDER # 10-545

ORDER: APPROVING THE TRAVEL/TRANING REQUEST OF MAYOR HUDSON, COUNCILMAN GINES, COUNCILMAN MCGEE, COUNCILWOMAN WEATHERS, COUNCILWOMAN WATKINS AND COUNCILMAN SIMMONS TO TRAVEL TO JACKSON, MS TO ATTEND THE 2011 MID-WINTER LEGISLATIVE CONFERENCE FROM JANUARY 25-27, 2011 IN THE AMOUNT OF \$516.48 EACH.

On motion by Councilwoman Hollowell, seconded by Councilwoman Weathers with all members present voting AYE, Council approved the travel/training.

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ORDER # 10-546

ORDER: APPROVING THE TRAVEL/TRANING REQUEST OF COUNCILWOMAN HOLLOWELL TO TRAVEL TO JACKSON, MS TO ATTEND THE 2011 MID-WINTER LEGISLATIVE CONFERENCE FROM JANUARY 25-27, 2011 IN THE TOTAL AMOUNT OF \$273.00.

On motion by Councilwoman Weathers, seconded by Councilwoman Watkins with all members present voting AYE, Council approved the travel/training.

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ORDER # 10-547

ORDER: APPROVING THE TRAVEL/TRANING REQUEST OF MAYOR HEATHER HUDSON TO TRAVEL TO WASHINGTON, DC TO ATTEND THE UNITED STATES CONFERENCE OF MAYORS 79<sup>TH</sup> WINTER MEETING FROM JANUARY 18-21, 2011 IN THE TOTAL AMOUNT OF \$1,150.92.

On motion by Councilman Gines, seconded by Councilwoman Watkins with all members present voting AYE, Council approved the travel/training.

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ORDER # 10-548

ORDER: APPROVING THE TRAVEL/TRANING REQUEST OF CARLON WILLIAMS TO TRAVEL TO PEARL, MS TO ATTEND THE MS EMERGENCY MANAGEMENT AGENCY SEMINAR ON DECEMBER 17, 2010 IN THE TOTAL AMOUNT OF \$41.00.

On motion by Councilman Gines, seconded by Councilwoman Hollowell with all members present voting AYE, Council approved the travel/training.

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ORDER # 10-549



ORDER: APPROVING THE TRAVEL REQUEST OF ASST. CHIEF ANDREW KAHO TO TRAVEL TO EVANSVILLE, IN FOR SUSPECT TRANSPORT FROM DECEMBER 8-9, 2010 IN THE TOTAL AMOUNT OF \$261.60.

On motion by Councilwoman Weathers, seconded by Councilwoman Watkins with all members present voting AYE, Council approved the travel.

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ORDER # 10-550

ORDER: APPROVING THE TRAVEL REQUEST OF SGT. MICHAEL MERCHANT TO TRAVEL TO EVANSVILLE, IN FOR SUSPECT TRANSPORT FROM DECEMBER 8-9, 2010 IN THE TOTAL AMOUNT OF \$102.00.

On motion by Councilwoman Watkins, seconded by Councilwoman Weathers with all members present voting AYE, Council approved the travel.

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ORDER # 10-551

ORDER: APPROVING THE PAY REQUEST TO INTEGRITY SYSTEMS FOR WORK PERFORMED UNDER THE JAG GRANT #2007-DJ-BX-0737 IN THE AMOUNT OF \$2,552.46. (100% GRANT FUNDED)

On motion by Councilwoman Watkins, seconded by Councilman Simmons with all members present voting AYE, Council approved the pay request.

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ORDER # 10-552

ORDER: APPROVING PAY REQUEST #3 TO APAC FOR WORK PERFORMED UNDER THE 2008 STREET BOND PHASE II IN THE TOTAL AMOUNT OF \$425,509.60.

On motion by Councilwoman Hollowell, seconded by Councilwoman Watkins with all members present voting AYE, Council approved the pay request.

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COUNCILMAN SIMMONS RECUSES HIMSELF

ORDER #10-553

ORDER: APPROVING CLAIMS PAYABLE DOCKET IN THE TOTAL AMOUNT OF \$437,344.15.

On motion by Councilman McGee, seconded by Councilwoman Weathers with all members present voting AYE, Council approved the Claims Docket.

COUNCILMAN SIMMONS REJOINS

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**ORDER: REMOVING THE HOTEL STAY FROM COUNCILMAN MCGEE'S TRAVEL/TRAINING REQUEST  
FOR THE 2011 MID-WINTER LEGISLATIVE CONFERENCE AND REVISING THE APPROVED AMOUNT  
TO \$273.00.**

On motion by Councilman Simmons, seconded by Councilwoman Weathers with all members present voting AYE, Council removed the hotel stay.

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**EXECUTIVE SESSION**

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There being no further business coming before the City Council the meeting was adjourned.

THE CITY COUNCIL OF GREENVILLE, MISSISSIPPI

\_\_\_\_\_  
HEATHER MCTEER-HUDSON, MAYOR

ATTEST:

\_\_\_\_\_  
AMELIA D. WICKS, CITY CLERK