

**SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, FEBRUARY 3, 2014 4:00 P.M.**

384

BE IT REMEMBERED that a Special Meeting of the City Council of Jackson, Mississippi, was convened in the Council Chambers in City Hall at 4:00 p.m. on February 3, 2014, being the first Monday of said month, when and where the following things were had and done to wit:

Present: Council Members: Charles Tillman, President, Ward 5; Melvin Priester, Jr., Ward 2; Quentin Whitwell, Ward 1; De'Keither Stamps, Ward 4; Tony Yarber, Ward 6 and Margaret Barrett-Simon, Ward 7. Directors: Synarus Green, Chief Administrative Officer; Brenda Pree, City Clerk; and Gail Lowery, City Attorney.

Absent: Council Members: LaRita Cooper-Stokes, Ward 3.

The meeting was called to order by **President Charles Tillman**.

ORDER APPROVING CLAIMS NUMBER 4542 TO 5095, APPEARING AT PAGES 730 TO 810 INCLUSIVE THEREON, ON MUNICIPAL "DOCKET OF CLAIMS", IN THE AMOUNT OF \$2,628,111.98 AND MAKING APPROPRIATIONS FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that claims numbered 4542 to 5095, appearing at pages 730 to 810, inclusive thereon, in the Municipal "Docket of Claims", in the aggregate amount of \$2,628,111.98, are hereby approved for payment and said amount is expressly appropriated for the immediate payment thereof.

IT IS FURTHER ORDERED that there is appropriated from the various funds the sums necessary to be transferred to other funds for the purpose of paying the claims as follows:

FROM:	TO ACCOUNTS PAYABLE FUND
2010 ED BYRNE MEMORIAL JUSTICE	13,378.79
2011 ED BYRNE MEMORIAL JUSTICE	1,547.70
2012 ED BYRNE MEMORIAL JUSTICE	15,237.97
AMERICORP CAPITAL CITY REBUILD	3,109.81
EARLY CHILDHOOD (DAYCARE)	15,884.95
G O PUB IMP CONS BD 2003 (\$20M)	10,027.35
GENERAL FUND	542,336.76
HOME PROGRAM FUND	13.40
LANDFILL/SANITATION FUND	47,067.13
MADISON SEWAGE DISP OP & MAINT	25.75
MUSEUM TO MARKET PROJECT	13,413.17
P E G ACCESS- PROGRAMMING FUND	1,484.49
PARKS & RECR. FUND	33,153.02
STATE TORT CLAIMS FUND	1,079.25
TECHNOLOGY FUND	32,413.60
TITLE III AGING PROGRAMS	1,104.06
TRAFFIC - REPAIR & REPL FD	40,755.92
TRANSPORTATION FUND	677,936.64
WATER/SEWER CAPITAL IMPR FUND	797,812.38
WATER/SEWER CONST FD 2004- \$78M	203,261.88
WATER/SEWER OP & MAINT FUND	173,207.96
WATER/SEWER REVENUE FUND	3,860.00
TOTAL	\$2,628,111.98

**SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, FEBRUARY 3, 2014 4:00 P.M.**

385

Council Member Barrett-Simon moved adoption; **Council Member Yarber** seconded.

President Tillman recognized **Lee Unger**, the City's Director of Administration, who provided the Council with a brief overview of the Claims Docket at the request of **Council Member Whitwell**.

Thereafter, **President Tillman** called for a final vote:

Yeas- Barrett-Simon, Priester, Stamps, Tillman and Whitwell and Yarber.
Nays- None.
Absent- Cooper-Stokes.

ORDER APPROVING GROSS PAYROLL INCLUDING PAYROLL DEDUCTION CLAIMS NUMBERED 4542 TO 5095 AND MAKING APPROPRIATION FOR THE PAYMENT THEREOF.

IT IS HEREBY ORDERED that payroll deduction claims numbered 4542 to 5095 inclusive therein, in the Municipal "Docket of Claims", in the aggregate amount of \$4,467.36 plus payroll, are approved for payment and necessary amounts are appropriated from various municipal funds for transfer to the payroll fund for the immediate payment thereof.

IT IS FINALLY ORDERED that the following expenditures from the accounts payable fund be made in order to pay amounts transferred thereto from the payroll fund for payment of the payroll deduction claims authorized herein for payment:

FROM:	TO ACCOUNTS PAYABLE FUND	TO PAYROLL FUND
GENERAL FUND		35,309.71
PARKS & RECR.		21,746.41
LANDFILL FUND		4,290.25
SENIOR AIDES		6,712.43
WATER/SEWER OPER. & MAINT		36,254.99
PAYROLL	4,467.36	
EARLY CHILDHOOD		2,513.32
TITLE III AGING PROGAMS		2,746.45

TOTAL **\$109,573.56**

Council Member Barrett-Simon moved adoption; **Council Member Whitwell** seconded.

Yeas- Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent- Cooper-Stokes.

RESOLUTION DECLARING THE INTENTION OF THE CITY OF JACKSON MISSISSIPPI, TO GRANT CERTAIN AD VALOREM TAX EXEMPTIONS TO UROLOGY HEALTHCARE PROPERTIES, LLC FOR A TAX EXEMPTION FOR A PERIOD NOT TO EXCEED FIVE YEARS.

WHEREAS, the City Council of Jackson, Mississippi (the "Council"), acting for and on behalf of the City of Jackson, Mississippi (the "City"), does hereby find and determine as follows:

1) That **UROLOGY HEALTHCARE PROPERTIES, LLC**, ("the Applicant") is a Mississippi corporation that desires to expand its private medical practices by constructing a new facility located at the corner of North State and Carlisle Streets ("Project Site") in the City. Applicant will maintain current employment of 38 employees, and add an additional 10-12 employees, and Applicant is duly authorized to do business in the State of Mississippi; and

2) That the Applicant has committed to representatives of the City the Applicant's intention to make a new investment of no less than \$11 million (new investment includes costs associated with the project's building, equipment, site work, construction and architectural fees) to reconstruct and expand their new facility at the Project Site. Applicant will retain 38 existing jobs and create 10-12 new jobs for a total of 48-50 jobs with a combined minimum annual payroll of approximately \$2.75 million and that such total jobs and associated payroll shall be maintained at the facility in the City for a period coextensive with the incentives hereby granted; and

3) That as an inducement to the Applicant to expand employment and investment in the City; the City's Office of Economic Development, as the economic development agency for the City, has negotiated and hereby recommends certain tax incentives in the form of certain exemptions (the "Exemptions") from ad valorem real and personal property taxes (the "Taxes") on Applicant's investments in real and personal property (the "Improvements") at the Project Site with such inducements (the "Inducements"), commitments (the "Commitments") and clawback provisions (the "Clawbacks") being summarized herein and attached hereto (Exhibits "A, B & C") and subject to formal approval of the Council; and

4) For all purposes related to clawbacks, the capital investment requirement refers to an expenditure of \$11 million (new investment includes costs associated with the project's building, equipment, site work, construction and architectural fees) that will be invested in real and personal projects at the Project. All expenditures for capital investments made up to and for 1 year after commercial operation of the facility may be counted towards the capital investment requirement, which is deemed satisfied once a total investment of \$11 million is met.

5) For all purposes related to clawbacks, the total capital investment is an ongoing requirement that must be maintained for a ten (10) year period.

6) In the event Applicant does not meet said commitments, the following Clawback provisions shall apply:

If at any time during the ten (10) year abatement period Applicant discontinues operations at the facility, tax abatements shall cease. No property taxes for the year in which the deficiency occurred nor property taxes for any subsequent years, if applicable, shall be abated and all taxes for the year in which the deficiency occurred, as well as all subsequent years, shall be payable when due. Additionally, all property taxes abated in the two years immediately preceding the year in which the deficiency occurred shall be clawed back. All amounts clawed back shall be remitted to the City of Jackson and will be payable within ninety (90) days of request for payment from the City.

**SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, FEBRUARY 3, 2014 4:00 P.M.**

387

7) That the Inducements offered to the Applicant will play a major role in applicant's decision to expand their current operations in the City; and

8) That the Council is authorized and empowered by the provisions of Title 27 Chapter 31, Section 101 inter alia thereof (the "Statutes"), of the Mississippi Code of 1972 as amended (the "Code") , to grant certain Exemptions from Taxes to the Applicant with respect to New Enterprise which will be located within the City; and

9) That the City wishes to proactively provide its intent that the City will, upon timely filing of a complete and proper application and proof of qualifications being filed thereof with the City by the Applicant, grant such Exemptions.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of Jackson, Mississippi, acting for and on behalf of the City and by virtue of such authority as may now or hereafter be conferred upon it by the Statutes and by any other applicable laws of the State of Mississippi (the "Laws"), in consideration of the above premises and in order to provide certain Inducements to the Applicant, this Council does hereby declare its intention and agreement as follows and as more specifically hereinafter described, subject to such additional qualifications, as are imposed hereinafter and upon the timely filing by the Applicant with the Council of both proper and complete application and proof of qualification with all requirements of the Statutes and Laws thereof and the certification by the Applicant of the information required there under:

SECTION 1: Under a single application by the Applicant for the entire project upon its completion of the Improvements; and

SECTION 2: The Council recognizes and acknowledges that certain of the Exemptions are effective only from the date of grant by the Council or the date of completion, therefore, to grant the Exemptions at the earliest possible date such Exemptions may lawfully be granted.

SECTION 3: The initial term of the Exemptions will be for five (5) years with a right to extend for another consecutive 5 year term for a maximum of ten (10) years on Improvements at the Project Site.

SECTION 4: Realizing the value of the incentives offered by City, when hiring employees, the Applicant will give preference to City of Jackson residents and utilize City of Jackson minority vendors, suppliers, subcontractors, and professionals as follows:

(i) Applicant shall not discriminate on the basis of race, color, sex, religion, or national or ethnic origin in its hiring of contractors to carry out any portion of the Project. The Applicant shall prohibit its contractors from engaging in such discrimination in the hiring of subcontractors to carry out any portion of the Project.

(ii) Applicant agrees to support the City's procurement opportunities for contractors, subcontractors, suppliers, vendors and professionals who are minority business enterprises (MBE).

SECTION 5: The Applicants will be entitled to apply for, and the Council agrees to grant an extension of an additional five (5) years upon the timely and proper filing of an application for said extension which furnishes proof of compliance with item 2 and Section 4 of this resolution and meeting all other commitments stated herein and/or attached hereto.

SPECIAL MEETING OF THE CITY COUNCIL
MONDAY, FEBRUARY 3, 2014 4:00 P.M.

SECTION 6: The Applicant will not receive exemption of certain taxes (the "Abatable Millage") being summarized and attached hereto; on existing property at the Project Site nor any existing property in the City that may be relocated to the Project Site, existing abatements that may be in effect excepted.

SECTION 7: The Applicant will not receive exemption of certain Taxes (the "Non-Abatable Millage") being summarized and attached hereto; and Applicant agrees to pay any and all additional increases in Non-Abatable Millage that may be levied by order of the Council in subsequent years.

SECTION 8: Acknowledging that it is the intention of the Council to implement this Resolution of Intent consistent with and in order to give full effect to this stated intention of the Council upon the filing by the Applicant of their application for the Exemptions and the consideration by the Council.

Council Member Yarber moved adoption; **Council Member Barrett-Simon** seconded.

President Tillman recognized **Mr. Duane O'Neill**, President of Greater Jackson Partnership, and **Mr. Joe House**, Administrator of Urology Clinic, PLLC, who provided the Council with a brief overview of the construction plans for the new urology clinic.

Thereafter, **President Tillman** called for a vote on said item:

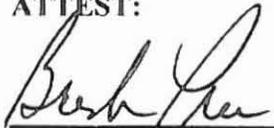
Yeas- Barrett-Simon, Priester, Stamps, Tillman, Whitwell and Yarber.
Nays- None.
Absent- Cooper-Stokes.

The following announcements/reports were provided during the meeting:

- **Council Member Whitwell** requested that the Legal Department provide information to Council members regarding a decision regarding City Clerk personnel that was made during the January 30, 2014 Executive Session.
- **Council Member Whitwell** announced that the ground breaking ceremony for Whole Food Market in the Highland Village Shopping Center would be held on February 4, 2014 at 10:00 a.m.
- **President Tillman** announced that the Lynch Street Creek had been funded by the federal government.

There being no further business to come before the City Council, it was unanimously voted to adjourn until the next Regular Meeting to be held at 10:00 a.m. on Tuesday, February 11, 2014 and at 5:07 p.m., the Council stood adjourned.

ATTEST:


CITY CLERK

APPROVED:

 March 3, 2014
MAYOR DATE
