

**CITY OF BILOXI
AGENDA ITEM
FACT SHEET**

Item No.: 4D

Council Meeting Date: **January 15, 2019**

ITEM TITLE: RESOLUTION
INTRODUCED BY: Mayor Andrew "FoFo" Gilich
CONTACT PERSON: E. Michael Leonard, CAO *ml*
 Peter Abide, City Attorney *pa*

SUMMARY EXPLANATION:

Resolution of the Mayor and City Council of the City of Biloxi, Mississippi, supporting the Howard Avenue Redevelopment Project, a mixed-use entertainment district project, and acknowledging that sales tax collected from the project will be diverted to the sales tax incentive fund for a period of up to fifteen years, or when the aggregate amount of the thirty percent (30%) of the approved project costs by the Mississippi Development Authority incurred by Howard Avenue Development, LLC or its assigns for the tourism project has been paid, whichever shall occur first, pursuant to Section 57-26-1 et seq. Mississippi Code of 1972, as amended; and for related purposes.

Resolution Ordinance _____ Public Hearing _____ Routine Agenda _____

Exhibits for Review

Contract _____ Minutes _____ Plans/Maps _____ Deed _____ Lease _____

Other (Specify):

Submittal Authorization: Council President _____ Mayor

STAFF RECOMMENDATION: Mayor recommends approval.

COUNCIL ACTION: Motion By: _____ Second By: _____

Vote:	Councilmember	Yes	No	Other	Councilmember	Yes	No	Other
	Lawrence	_____	_____	_____	Tisdale	_____	_____	_____
	Gines	_____	_____	_____	Glavan	_____	_____	_____
	Newman	_____	_____	_____	Barrett	_____	_____	_____
	Deming	_____	_____	_____				

ACTION TAKEN:

Resolution No. _____

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, SUPPORTING THE HOWARD AVENUE REDEVELOPMENT PROJECT, A MIXED-USE ENTERTAINMENT DISTRICT PROJECT, AND ACKNOWLEDGING THAT SALES TAX COLLECTED FROM THE PROJECT WILL BE DIVERTED TO THE SALES TAX INCENTIVE FUND FOR A PERIOD OF UP TO FIFTEEN YEARS, OR WHEN THE AGGREGATE AMOUNT OF THIRTY PERCENT (30%) OF THE APPROVED PROJECT COSTS BY THE MISSISSIPPI DEVELOPMENT AUTHORITY INCURRED BY HOWARD AVENUE DEVELOPMENT, LLC OR ITS ASSIGNS FOR THE TOURISM PROJECT HAS BEEN PAID, WHICHEVER SHALL OCCUR FIRST, PURSUANT TO SECTION 57-26-1 *ET SEQ.* MISSISSIPPI CODE OF 1972, AS AMENDED; AND FOR RELATED PURPOSES.

WHEREAS, the City has been asked to show support for the Howard Avenue Redevelopment Project (the "Project") and acknowledge that certain sales tax will be diverted to the Mississippi Tourism Project Sales Tax Incentive Fund (the "Sales Tax Incentive Fund") for a period of up to fifteen years, or when the aggregate amount of thirty percent (30%) of certain approved costs by the Mississippi Development Authority ("MDA") incurred by Howard Avenue Development, LLC, a Mississippi limited liability company (together with its assigns, the "Developer") for the Project has been paid, whichever shall occur first; and

WHEREAS, pursuant to the provisions of the Mississippi Tourism Project Incentive Program, as set forth in Section 57-26-1, *et seq.*, Mississippi Code of 1972, as amended (the "Tourism Act"), the Developer proposes to develop the Project within the City of Biloxi, Mississippi (the "City") and in connection therewith will make application to the MDA for the benefits provided by the Tourism Act; and

WHEREAS, the Project is within a mixed use entertainment district and a tourism project as contemplated in the Tourism Act, and the Project will have a significant impact on the economy of the City, Harrison County, and the surrounding region; and

WHEREAS, the Project will represent a total investment in excess of Fifty Four Million Dollars (\$54,000,000) in land, construction, architecture, engineering, fixtures, equipment, furnishings, amenities and other related cost.

WHEREAS, pursuant to the Tourism Act, the City acknowledges that the City sales tax collected from the Project, which costs are estimated to be in excess of Fifty Four Million Dollars (\$54,000,000.00), will be diverted to the Sales Tax Incentive Fund for a period of fifteen years, or when the aggregate amount of thirty percent (30%) of the MDA approved Project costs incurred by the Developer for the Project has been paid, whichever shall occur first, and City sales tax will not be available for the standard diversions; and

WHEREAS, the City is in full support of the Project and supports the application of the Developer to MDA for the benefits allowed pursuant to the Tourism Act; and

WHEREAS, in further support of the Project, the City will take the necessary steps to establish an "entertainment district" as defined in Section 17-29-3, Mississippi Code of 1972, as amended, said entertainment district to encompass the Project contemplated herein.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Biloxi, Mississippi, as follows:

Section 1. That all the findings of fact made and set forth in the preamble of this Resolution shall be the same and are hereby found to be declared and adjudicated to be true and correct.

Section 2. That the City fully supports the Project and the application by the Developer to MDA for the benefits allowed pursuant to the Tourism Act and acknowledges and agrees that sales tax collected from the Project, which costs are estimated to be in excess of Fifty Four Million Dollars (\$54,000,000.00) will be diverted to the Sales Tax Incentive Fund for a period of fifteen years, or when the aggregate amount of thirty percent (30%) of the approved MDA Project Costs incurred by the Developer for the Project has been paid, whichever shall occur first, and said sales tax will not be available for the standard diversions.

Section 3. That the Mayor of the City is authorized to execute any and all necessary documents and clarifications required or requested by MDA for the Project's qualification under the Tourism Incentive Program.

Section 4. That the City shall pass the appropriate resolutions and the Mayor is authorized to execute any and all necessary documents and clarifications requested by MDA to establish an "entertainment district" as defined in Section 17-29-3, Mississippi Code of 1972, as amended, said entertainment district to encompass the Project contemplated herein.