

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

**The City of Starkville, Mississippi
January 3, 2012**

Be it remembered that the Mayor and Board of Aldermen met in a Regular Meeting on January 3, 2012, at 5:30 p.m. in the Courtroom of City Hall, located at 101 Lampkin Street, Starkville, MS. There being present were Mayor Parker Wiseman, Alderman Ben Carver Ward 1, Sandra C. Sistrunk Ward 2, Eric Parker Ward 3, Richard Corey Ward 4, Jeremiah Dumas Ward 5, Roy A.' Perkins Ward 6, and Henry N. Vaughn Sr., Ward 7. Attending the Mayor and Board were Deputy City Clerk, Emma Gibson-Gandy and Municipal Attorney Chris Latimer.

Mayor Parker Wiseman opened the meeting with the Pledge of Allegiance followed by a moment of silence.

REQUEST REVISION TO THE OFFICIAL AGENDA

Mayor Parker Wiseman requested the following changes to the January 3, 2012 Official Agenda

Move to Executive Session: Item XI-I-2 regarding the consideration to approve advertising to fill the vacant position of Deputy Clerk in the City Clerk's Office.

Alderman Jeremiah Dumas requested the following changes to the January 3, 2012 Official Agenda

Add to Consent: Item IX regarding the consideration of calling for a Public Hearing on the Adoption of a Condominium Ordinance and amending the City of Starkville Code of Ordinances to include the process and handling of condominium projects.

Add to Consent: Item XI-I-1 regarding the consideration to hire Amy Vaughn to fill the vacant position of Deputy Court Clerk in Municipal Court Department.

Add to Consent: Item XI-I-4 regarding the consideration of approving revisions to the Drug and Alcohol Personnel Policy.

Add to Consent: Item XI-I-5 regarding the consideration to approve a Personnel Policy on driver's license and motor vehicle records for operators of city vehicles and equipment, as presented.

Alderman Roy A'. Perkins requested the following changes to the January 3, 2012 Official Agenda

Modification of Agenda: Item XI-I-3 which stated "request to approve advertising to fill the position of Staff Accountant in the Electric Department"

Item XI-I-3 should read "request to approve re-advertising to fill the position of Staff Accountant in the Electric Department, as presented and to abolish the position of Plant Accountant.

Add to Consent: Item XI-I-3 regarding the consideration to approve re-advertising to fill the position of Staff Accountant in the Electric Department, as presented and to abolish the position of Plant Accountant.

Alderman Sandra Sistrunk requested the following changes to the January 3, 2012 Official Agenda

Remove from Agenda: Item X-D regarding a report from the City Clerk on the possible options for addressing the IRS cost to the City.

Alderman Ben Carver requested the following changes to the January 3, 2012 Official Agenda

Remove from Consent: Item X-B regarding the consideration of approving the funding and prioritization of the proposed improvements for Greta Lane, Collier Road and Sudduth Road.

Alderman Eric Parker requested the following changes to the January 3, 2012 Official Agenda

Add to Agenda X-F regarding the consideration of funding the Golden Triangle Planning and Development District/Area Aging Mini Bus Program.

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

There came for consideration the matter of approving and adopting the January 3, 2012 Official Agenda of the Regular Meeting of the Mayor and Board of Alderman as revised. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, the Board voted unanimously to approve the January 3, 2012 Official Agenda as modified with items listed as consent.

**OFFICIAL AGENDA
THE MAYOR AND BOARD OF ALDERMEN
OF THE
CITY OF STARKVILLE, MISSISSIPPI**

REGULAR MEETING OF TUESDAY, JANUARY 3, 2012
5:30 P.M., COURT ROOM, CITY HALL
101 EAST LAMPKIN STREET

PROPOSED CONSENT AGENDA ITEMS ARE NOTED ### AND PROVIDED AS APPENDIX A ATTACHED

- I. **CALL THE MEETING TO ORDER**
- II. **PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE**
- III. **APPROVAL OF THE OFFICIAL AGENDA**
 - A. APPROVAL OF THE CONSENT AGENDA
- IV. **APPROVAL OF BOARD OF ALDERMEN MINUTES**

THERE ARE NO MINUTES AVAILABLE FOR THIS AGENDA
- V. **ANNOUNCEMENTS AND COMMENTS**
 - A. MAYOR'S COMMENTS:
INTRODUCTION OF NEW EMPLOYEES:
TERRY CURRY — WATER DEPT.
ANTHONY DAVIS — WATER DEPT.

CALVIN BELL –STREET DEPT.

ADREIAL HICKMAN –STREET DEPT.

SHASTA PLUNKETT –ELECTRIC DEPT.

B. BOARD OF ALDERMEN COMMENTS:

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

THERE ARE NO PUBLIC APPEARANCES SCHEDULED

VIII. PUBLIC HEARING

- A. A SECOND PUBLIC HEARING FOR ITEM #OR 11-01: A PROPOSED ORDINANCE REPEALING AND REPLACING THE “CHART OF PERMITTED USES” FOUND IN APPENDIX A, ARTICLE VIII, SECTION M AND THE DEFINITIONS FOUND IN APPENDIX A, ARTICLE II OF THE CITY’S CODE OF ORDINANCES
- B. A SECOND PUBLIC HEARING FOR ITEM #OR 11-02: A PROPOSED ORDINANCE AMENDING THE CITY’S OFFICIAL ZONING MAP AND CODE OF ORDINANCES BY ADDING APPENDIX A, ARTICLE A. ZONING, ARTICLE VII, DISTRICT REGULATIONS, SECTION T, TRANSECT DISTRICTS, BY MEANS OF A PREPARED FORM BASED CODE ENTITLED “DOWNTOWN/MSU CORRIDORS CODE” FOR AREAS WHICH INCLUDE PORTIONS OF MS HIGHWAY 182, MAIN STREET, UNIVERSITY DRIVE, LAMPKIN STREET AND RUSSELL STREET

IX. MAYOR’S BUSINESS

- A. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON THE ADOPTION OF A CONDOMINIUM ORDINANCE AND AMENDING THE CITY OF STARKVILLE CODE OF ORDINANCES TO INCLUDE THE PROCESS AND HANDLING OF CONDOMINIUM PROJECTS.

X. BOARD BUSINESS

- A. CONSIDERATION OF THE APPEAL OF JOHN BOUNDS FROM THE FINDING OF THE ADMINISTRATIVE HEARING OFFICER REGARDING THE STATUS OF A MANUFACTURED HOME LOCATED AT 307 WEST MAIN STREET.

B. CONSIDERATION OF APPROVING THE FUNDING AND PRIORITIZATION OF THE PROPOSED IMPROVEMENTS FOR GRETA LANE, COLLIER ROAD AND SUDDUTH ROAD.

C. CONSIDERATION OF THE APPROVAL AND ADVERTISING OF AN RFQ FOR CONSULTANTS TO PROVIDE INTERNAL PROCESS CONTROLS.

- D. REPORT ON THE POSSIBLE OPTIONS FOR ADDRESSING THE IRS COST TO THE CITY.
- E. REPORT ON THE STATUS OF THE YELLOW DOT PROGRAM.

- F. DISCUSSION AND CONSIDERATION OF EVALUATING THE RFQS SUBMISSIONS AND SELECTING A FIRM TO ASSIST THE CITY IN THE REDISTRICTING PROCESS.

XI. DEPARTMENT BUSINESS

- A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

- B. BUILDING, CODES AND PLANNING DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

- C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE FIRE DEPARTMENT CLAIMS DOCKET AS OF DECEMBER 30, 2011.

2. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF DECEMBER 30, 2011.

- D. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

- E. ELECTRIC DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

- F. ENGINEERING AND STREETS

1. REPORT ON THE STATUS OF THE SAFE ROUTES TO SCHOOL PROJECTS.

- G. FIRE DEPARTMENT

1. REQUEST APPROVAL TO AUTHORIZE A BURN PERMIT FOR COUNTRY CLUB ESTATES.

- H. PERSONNEL

1. REQUEST TO APPROVE HIRING AMY VAUGHN TO FILL THE VACANT POSITION OF DEPUTY COURT CLERK IN MUNICIPAL COURT DEPARTMENT.

2. REQUEST TO APPROVE ADVERTISING TO FILL THE VACANT POSITION OF DEPUTY CLERK IN THE CITY CLERK'S OFFICE.

3. REQUEST TO APPROVE ADVERTISING TO FILL THE POSITION OF STAFF ACCOUNTANT IN THE ELECTRIC DEPARTMENT.

4. REQUEST TO APPROVE REVISIONS TO THE DRUG AND ALCOHOL PERSONNEL POLICY.

5. REQUEST TO APPROVE PERSONNEL POLICY ON DRIVER'S LICENSE AND MOTOR VEHICLE RECORDS FOR OPERATORS OF CITY VEHICLES AND EQUIPMENT.

I. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

J. PUBLIC SERVICES

THERE ARE NO ITEMS FOR THIS AGENDA

K. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

XII. CLOSED DETERMINATION SESSION

XIII. OPEN SESSION

XIV. EXECUTIVE SESSION

A. PENDING LITIGATION

B. POTENTIAL LITIGATION

XV. OPEN SESSION

XVI. RECESS UNTIL JANUARY 17, 2012 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Ben Griffith, at (662) 323-2525, ext. 119 at least forty-eight (48) hours in advance for any services requested.

APPENDIX A

PROPOSED CONSENT AGENDA

IX. MAYOR'S BUSINESS

X. BOARD BUSINESS

B. CONSIDERATION OF APPROVING THE FUNDING AND PRIORITIZATION OF THE PROPOSED IMPROVEMENTS FOR GRETA LANE, COLLIER ROAD AND SUDDUTH ROAD.

C. CONSIDERATION OF THE APPROVAL AND ADVERTISING OF AN RFQ FOR CONSULTANTS TO PROVIDE INTERNAL PROCESS CONTROLS.

XI. DEPARTMENT BUSINESS

- A. AIRPORT – NO ITEMS
- B. BUILDING DEPARTMENT – NO ITEMS
- C. OFFICE OF THE CITY CLERK
 - 2. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF DECEMBER 30, 2011.
- D. COURTS – NO ITEMS
- E. ELECTRIC DEPARTMENT – NO ITEMS
- F. ENGINEERING AND STREETS – NO ITEMS
- G. FIRE DEPARTMENT – NO ITEMS
- H. PERSONNEL – NO ITEMS
- I. POLICE DEPARTMENT – NO ITEMS
- J. PUBLIC SERVICES – NO ITEMS
- K. SANITATION DEPARTMENT - NO ITEMS

CONSENT ITEMS 2-9

2.

**A MOTION TO CALL FOR A PUBLIC HEARING ON THE
ADOPTION OF A CONDOMINIUM ORDINANCE AND AMENDING
THE CITY OF STARKVILLE CODE OF ORDINANCES TO INCLUDE
THE PROCESS AND HANDLING OF CONDOMINIUM PROJECTS**

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the “approval of a Public Hearing on the adoption of a Condominium Ordinance and amending the City of Starkville Code of Ordinances to include the process and handling of condominium projects” is enumerated, this consent item is thereby approved.

3.

**A MOTION TO APPROVE AND ADVERTISE FOR AN RFQ
FOR THE PURPOSE OF COORDINATING THE SOFTWARE
INSTALLATION AND IMPLEMENTATION WITHIN
THE CITY CLERK'S OFFICE WITH THE DEVELOPMENT
AND IMPLEMENTATION OF INTERNAL
PROCESS CONTROLS**

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the "approval of approving and advertising for an RFQ for the purpose of coordinating the software installation and implementation within the City Clerk's office with the development and implementation of internal process controls" is enumerated, this consent item is thereby approved.

4.

**A MOTION TO APPROVE THE CITY OF STARKVILLE CLAIMS DOCKET
IN THE AMOUNT OF \$3,168,878.20 FOR ALL DEPARTMENTS
EXCLUDING THE FIRE DEPARTMENT THROUGH
DECEMBER 30, 2011**

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the "approval of the City of Starkville Claims Docket in the amount of \$3,168,878.20 for all Departments excluding the Fire Department through December 30, 2011" is enumerated, this consent item is thereby approved.

CLAIMS DOCKET
1-3-12-A
PERIOD ENDING DECEMBER 30, 2011

General Fund	1	\$43,750.47
Restricted Police Fund	2	
Restricted Fire Fund	3	
Airport Fund	15	\$18,091.42
Sanitation	22	\$495.23
Landfill	23	\$255.35
Computer Assessments	107	
City Bond and Interest	202	
2009 Road Maint. Bond	304	\$48,043.62
Fire Station No. 5	306	
A R R Act	309	
P & R Bond Series 2007	325	
Park & Rec Tourism 2%	375	
Water/Sewer	400	\$8,390.64
Vehicle Maintenance	500	\$7.74
Hotel/Motel	610	\$14,953.71
2% (VCC, EDA, MSU)	630	\$66,243.44
TOTAL		\$200,231.62
Electric		\$2,968,646.58
TOTAL CLAIMS		\$3,168,878.20

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**A MOTION TO APPROVE A BURN PERMIT FOR PRISOCK
CONSTRUCTION FOR COUNTRY CLUB ESTATES**

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the "approval of a burn permit for PrisoCK Construction for Country Club Estates" is enumerated, this consent item is thereby approved.

6.

A MOTION TO HIRE AMY VAUGHN TO FILL THE VACANT POSITION OF DEPUTY COURT CLERK IN MUNICIPAL COURT DEPARTMENT AT GRADE 7, STEP 1 (2080 HOURS) WITH THE ANNUAL SALARY OF \$22,321.08 (\$10.73), SUBJECT TO ONE (1) YEAR PROBATIONARY PERIOD

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the “approval to hire Amy Vaughn to fill the vacant position of Deputy Court Clerk in Municipal Court Department at Grade 7, Step 1 (2080 hours) with the annual salary of \$22,321.08 (\$10.73), subject to one (1) year probationary period” is enumerated, this consent item is thereby approved.

7.

A MOTION TO RE-ADVERTISE TO FILL THE POSITION OF STAFF ACCOUNTANT IN THE ELECTRIC DEPARTMENT, AS PRESENTED AND TO ABOLISH THE POSITION OF PLANT ACCOUNTANT

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the “approval to re-advertise to fill the position of Staff Accountant in the Electric Department, as presented and to abolish the position of Plant Accountant” is enumerated, this consent item is thereby approved.

8.

A MOTION TO APPROVE REVISIONS TO THE DRUG AND ALCOHOL PERSONNEL POLICY AND INCLUSION OF THE REVISED POLICY IN THE PERSONNEL POLICY MANUAL

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the “approval of revisions

to the Drug and Alcohol Personnel Policy and inclusion of the revised policy in the Personnel Policy Manual" is enumerated, this consent item is thereby approved.

DRUG AND ALCOHOL POLICY
OF THE CITY OF STARKVILLE, MISSISSIPPI
(revised)

1. Notice to Employees

You are hereby advised that the City of Starkville has implemented a drug and alcohol policy and conducts a testing program, pursuant to Sections 71-7-1, et.al., of the Mississippi Code of 1972, Ann. (hereinafter referred to as "the Act"), and you are hereby advised of the existence of said Act.

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the City of Starkville through its drug and alcohol testing program are confidential communications and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the Act and these regulations. Any information obtained by the City of Starkville pursuant to the Act and these regulations shall be the property of the employer. the City of Starkville shall not release to any person other than the employee or job applicant, or employer medical, supervisory or other personnel, as designated by the City of Starkville on a need to know basis, information related to drug and alcohol test results unless: (a) The employee or job applicant has expressly, in writing, granted permission for the City of Starkville to release such information; (b) it is necessary to introduce a positive confirmed test result into an arbitration proceeding pursuant to a collective bargaining agreement, an administrative hearing under applicable state or local law, *a grievance hearing as set forth in the Personnel Policy of the City of Starkville*, or a judicial proceeding, provided that information is relevant to the hearing or proceeding, or (c) the information must be disclosed to a federal or state agency or other unit of the state or United States government as required under law, regulation or order, or in accordance with compliance requirements of a state or federal government contract, or disclosed to a drug abuse rehabilitation program for the purpose of evaluation or treatment of an employee; or (d) there is a risk to public health or safety that can be minimized or prevented by the release of such information; provided, however, that unless such risk is immediate, a court order permitting the release shall be obtained prior to the release of the information. The confidentiality provisions provided for by the Act shall not apply to other parts of an employee's or job applicant's personnel or medical files. If an employee refuses to sign a written consent form for release of information to persons as permitted in the Act, the City of Starkville shall not be barred from discharging or disciplining the employee.

~~An employee or job applicant to be tested shall be given (1) a medication disclosure form to permit the employee or job applicant to disclose any non-prescription or prescription medications that have been taken within the last forty five (45) days which may result in a positive test result, and (2) a statement that the form shall be submitted directly to the laboratory~~

in order that the City of Starkville has no access to the information disclosed on the form. The procedure for submission of the form shall ensure that no person other than the laboratory has access to the information disclosed on the form. [Note: Delete due to change in protocol for testing procedures to comply with HIPPA Privacy issues. This is covered in review process by the Medical Review Officer.]

2. Purpose

The City is committed to the safety and well-being of its employees and the public. It is the City's intent to ensure that employees perform all city-related job duties without the presence of alcohol, illegal drugs or inappropriately used legal drugs in their systems.

Our goal is to provide a safe, satisfying working environment, which promotes personal opportunities for growth. In meeting this goal it is our policy to (1) assure that employees are not impaired in their ability to perform assigned duties in a safe, productive and healthy manner; (2) create a workplace environment free from the adverse effects of drug abuse and alcohol misuse; (3) prohibit the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances; and (4) encourage employees to seek professional assistance any time personal problems, including alcohol or drug dependency, adversely affect their ability to perform their assigned duties.

As an integral part of this effort, it is the City's policy to conduct drug and alcohol testing for those applicants offered employment to positions specified in this policy and to conduct other types of testing to ensure a drug-free workplace.

Adherence to this policy is a condition of employment although it should not be considered an offer of employment.

Nothing in these policies shall be interpreted in such a manner as to reduce or restrict any individual's rights pursuant to the Americans with Disabilities Act.

3. Prohibited Conduct

It is the policy of the City

- A. that the use of alcohol, illegal drugs, or the inappropriate use of legal drugs by City employees during working hours is prohibited;
- B. that no City employee shall be under the influence of drugs or alcohol, or in withdrawal from the use of drugs or alcohol, during working hours; provided, however, that employees are permitted to take at any time prescription medication as and in the manner prescribed by a physician, and nonprescription medication as needed and in accordance with manufacturer instructions, unless the physiological or psychological effects of the prescription or nonprescription medication as taken by the employee pose a threat to the health or safety of the employee taking the medication or any other person, including members of the

public or hampers the employee's ability to satisfactorily perform his or her job duties;

- C. that City employees are prohibited from manufacturing, possessing, using, selling, distributing, soliciting or transferring drugs, drug paraphernalia, prescription medication, nonprescription medication or alcohol on or in City property, vehicles, machinery or equipment, or while performing City business; provided, however, that employees are permitted to possess prescription medication prescribed to them by a physician if that medication must be taken during working hours, and to possess over-the-counter medication if it is reasonably necessary for the employee to take nonprescription medication during working hours to treat the symptoms of injury or illness, unless the physiological or psychological effects of the prescription or nonprescription medication as taken by the employee pose a threat to the health or safety of the employee taking the medication or any other person, including members of the public or hampers the employee's ability to satisfactorily perform his or her job duties;
- D. that City employees are prohibited from tampering with a drug test or a report of its results; and
- E. that nothing in this policy shall be construed as prohibiting in any way the possession or use of coffee, nicotine or nonalcoholic beverages.

4. Law Enforcement Duties

Notwithstanding any other provision in this policy to the contrary, employees of the Police Department of the City of Starkville are permitted to possess, solicit, sell, transfer and distribute drugs in the lawful exercise of their duties and pursuant to instructions from or command orders of the Chief of Police, the employee's supervisor or superior officer, an employee of the Mississippi Bureau of Narcotics, or the United States Department of Justice acting as the City employee's supervisor or superior officer.

5. Definitions

Alcohol. Ethyl alcohol.

Applicant. A person who has completed all required employment forms and has been extended an offer of employment conditioned on successfully completing a drug test.

City property. All offices, facilities, land, buildings, structures, fixtures, installations, vehicles and equipment, whether owned, leased or used by the City.

Confirmation test. A drug and alcohol test on a specimen to substantiate the results of an initial drug and alcohol test on the specimen. The confirmation test must use an alternate method of equal or greater sensitivity than that used in the initial drug and alcohol test. The confirmation test will be done on the original collection that was the other portion of a split sample method of collection.

Collection site. The facility designated by the City where employees' specimens for drug and alcohol testing are collected.

Collection site person. An individual authorized to collect specimens in accordance with this plan and trained in specimen collection procedures in accordance with the *Alcohol and Drug Regulations* of the Mississippi State Department of Health.

Direct threat. A direct threat has the same meaning assigned to it by the Americans With Disabilities Act of 1990.

Drug or alcohol test. An electronic, chemical, or other test administered to determine the presence or absence of a drug, alcohol or their metabolites in a person's body fluids or breath.

Drug. Illegal drugs, prescription medication and nonprescription medication as those terms are defined in this plan.

Employee. Any person who supplies a service for remuneration or pursuant to any contract for hire to the City of Starkville.

Illegal drugs. Any substance, other than alcohol, which has physiological and/or psychological effects on a human being and which is not a prescription or nonprescription medication, including: controlled dangerous and controlled substance analogs or volatile substances which produce the psychological and/or physiological effects of a controlled dangerous substance through deliberate inhalation.

Initial test. A test on a specimen to determine the presence or absence of drugs, alcohol or their metabolites in the specimen.

Medical Review Officer ("MRO"). A licensed physician who is responsible for receiving laboratory results generated by the City's drug and alcohol testing program who has knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an employee's positive confirmation test result together with his or her medical history and other relevant biomedical information.

Neutral selection. A mechanism for selecting employees for drug and/or alcohol tests that: (I) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (ii) does not give employer discretion to waive the selection of any employee selected under the mechanism.

Nonprescription medication. Any substance which is authorized by federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments or injuries.

Paraphernalia. Anything commonly used in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing into the human body an illegal drug.

Prescription medication. Any substance prescribed for use by a duly licensed physician, dentist or other medical practitioner licensed to issue prescriptions.

Reasonable suspicion. A belief that an employee is using or has used drugs and/or alcohol in violation of the City's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience, and may be based upon, among other things:

- (a) Observable phenomena, such as direct observation of drug and/or alcohol use and/or the physical symptoms or manifestations of being under the influence of a drug and/or alcohol;
- (b) Abnormal conduct or erratic behavior while at work, absenteeism, tardiness or deterioration in work performance;
- (c) A report of drug and/or alcohol use provided by reliable and credible sources and which has been independently corroborated;
- (d) Evidence that an individual has tampered with a drug and/or alcohol test during his employment;
- (e) Information that an employee has caused or contributed to an accident while at work and that the City has a reasonable suspicion that the accident may be causally related to the employee's drug and/or alcohol use.
- (f) Evidence that an employee is involved in the use, possession, sale, solicitation or transfer of drugs while working or while on City property or operating City vehicles, machinery or equipment.

Safety sensitive position. The following categories of City employees:

- A. Law enforcement personnel required to carry firearms;
- B. Non-clerical employees directly involved in the interdiction of drugs and paraphernalia;
- C. Combat firefighters;
- D. Emergency medical technicians;
- E. Employees who are authorized and required to operate city vehicles; city equipment or city machinery;
- F. Employees who are traveling on the exterior of city vehicles and are exposed to external traffic hazards; and,

- G. Employees who have entered a substance abuse rehabilitation program, as a follow-up to that rehabilitation.

Specimen. A tissue or product of the human body chemically, electronically, or otherwise capable of revealing the presence of drugs and/or alcohol in the human body.

Under the influence. Detectible in the human body at the levels proscribed in Appendices C and D of this plan.

6. **Penalty for Violation**

Violating the policy will be grounds for disciplinary *action up to and including* termination. Any City employee who refuses to submit to a drug test in accordance with this policy may be subject to disciplinary action, up to and including termination.

Any City employee who is convicted of a drug or alcohol-related offense must notify the Personnel Officer in writing within five calendar days of the conviction. The employee may be subject to disciplinary action, up to and including termination *if the employee fails to notify the Personnel Officer of such conviction.*

Following any type of testing, if an employee's positive test results are confirmed, the City will immediately remove the employee from duty. Such *positive test* result may be grounds for disciplinary action up to and including termination. Any employee who is subjected to disciplinary action under this policy may contest such disciplinary action by using the grievance process if they so choose.

7. **Types of Testing**

A. Pre-Employment

All job applicants for employment in the City of Starkville are subject to drug testing upon receiving an offer of employment. Any offer of employment with the City will be conditioned on the applicant testing negative on a drug and alcohol test. *Applicants who begin work for the City are subject to discharge if their pre-employment drug or alcohol test is positive. [NOTE: Delete. Applicants should not be allowed to begin work until satisfactory test results are obtained.]* Prior to the collection of a specimen from an applicant, the applicant will be required to read and sign the following statement, which will be provided on a separate sheet of paper:

I, _____, have read the *Drug and Alcohol Plan* of the City and notice provided to me pursuant to Part IX of the *Alcohol and Drug Regulations* of the Mississippi State Department of Health. I understand the plan and the Notice, and I agree to submit to specimen collection and drug testing according to the terms of the plan. I understand that my refusal to sign this statement or my refusal to submit to required specimen collection and drug testing in accordance with the plan shall be a basis for rejecting my application for employment by the

City, and I waive any rights I may have arising from rejection of my application on that basis.

A positive result of a confirmation test for the presence of drugs, alcohol or their metabolites is a sufficient basis for rejection of an employee's application. Successful completion of a drug and/or alcohol test does not ensure employment with the City.

B. Neutral Selection

The City may test employees on a neutral selection basis to the extent the employee is required as part of his job duties to engage in activities affecting public health or safety and the employee holds a safety sensitive position.

All employees of the City of Starkville are subject to neutral selection testing.

Neutral selection drug testing shall occur by randomly selecting 25% of the total number of ~~covered~~ employees annually. Neutral selection alcohol testing shall occur by randomly selecting 10% of the total number of ~~covered~~ employees annually. The method of random selection will be chosen by the City so as to insure compliance with those provisions of Mississippi law and applicable regulations governing random selection procedures.

The selection of ~~safety sensitive~~ employees for neutral selection drug and alcohol testing shall be made using a scientifically valid method such as a random number table or a computer-based random number generator that ensures each ~~safety sensitive~~ employee that they will have an equal chance of being selected each time selections are made. Random tests will be unannounced and spread throughout all days and all hours of all shifts the City is in operation during the year. Employees are to proceed to the testing site immediately upon notification of a random test, *subject to the hours of operation of the testing facility.*

There is no discretion on the part of management or operations in the selection and notification of individuals for testing.

~~Neutral selection testing must be approved in advance by the Board of Aldermen either on the recommendation of a member of the Board or one or more supervisors of the classification of employee[s] to be tested. The decision to require neutral selection drug and/or alcohol testing must be made in executive session called in accordance with Mississippi's Open Meetings Law.~~

The Board of Aldermen of the City of Starkville may choose at any time to discontinue the practice of neutral selection testing. If neutral selection testing is stopped, the Board may at its discretion authorize the reinstatement of such testing.

C. Reasonable Suspicion

All City employees are subject to reasonable suspicion drug and/or alcohol testing under this plan. Reasonable suspicion shall be determined by a member of City management.

If the City has reasonable suspicion that an employee is using drugs and/or alcohol in violation of this plan, he or she may be required to submit to a test. An employee will not be required to submit to a test under this provision unless the reasonable suspicion that he or she has used or is using drugs and/or alcohol in violation of this plan is based on specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience.

Prior authorization for any drug and/or alcohol test based on reasonable suspicion must be received from one of the following:

1. The Mayor
2. The Department Head
3. The Personnel Director

If one of the above individuals also is the supervisor who makes the initial reasonable suspicion determination, prior authorization for any drug and/or alcohol test must be received from another person on the list.

The basis for a reasonable suspicion test (see definition) shall be documented and submitted in writing to the Personnel Officer. Managers/supervisors are prohibited from demanding or encouraging drug or alcohol testing without reasonable suspicion. Reasonable suspicion testing must be conducted immediately following such documentation. The employee will be transported to the designated testing facility by a supervisor / manager. The employee shall not be permitted to return to work prior to receiving the results of the drug/alcohol test. The manager/supervisor shall make arrangements for safe transportation to the employee's residence or a place selected by a relative or friend of the employee.

D. Accident Related Testing

An employee who has been involved in an accident or injury that directly impacts a city employee and/or city vehicle or vehicles will immediately report to their supervisor per the personnel policy manual and will make him or herself available for drug testing in accordance with this policy as follows:

1. Any chargeable accident as defined in Section 9.701 of the City of Starkville Personnel Policy Manual;
2. Any accident that results in an employee being treated at an emergency room or doctor's clinic.

8. Counseling and referral

The City of Starkville encourages employees to voluntarily seek help with drug and alcohol problems. Any employee who, prior to being scheduled for any type of testing, requests assistance will be provided with counseling and a referral to a Substance Abuse Professional (SAP). No disciplinary action will be taken against an employee who voluntarily participates in a rehabilitation program prior to any positive test result. Thereafter, the employee must refrain from violating the City's drug and alcohol abuse policy.

An employee who tests positive for alcohol or drugs in connection with any of the testing procedures as set forth in this policy may be provided an opportunity to seek counseling and treatment in a rehabilitation program as recommended by a Substance Abuse Professional (SAP). The decision to provide such opportunity will be made after consideration of all factors involved in the case, including the employee's length of service, any prior disciplinary issues, and the particular issues leading to such testing. This decision is solely at the discretion of City Management. Any such referral will be on a "last chance" basis and will be subject to certain conditions including, but not limited to, confirmation of participation and successful completion of any treatment program as recommended by a Substance Abuse Professional, periodic testing, probation for a defined period of time, and other provisions as may be determined appropriate based on the particular case.

An employee denied such "last chance" opportunity may challenge such decision through the grievance process.

If The employee is in a safety sensitive position, before returning to duty, the employee must be evaluated by a SAP, complete any recommended treatment and provide a negative return to duty test. Return to duty testing is done at the recommendation of the SAP and may be for drugs and/or alcohol.

9. Searches, Tests and Inspections

The City reserves the right to conduct searches and inspections of employees' person, lockers, baggage, desks, tool boxes, clothing, vehicles, or any other personal property brought on City property. Employees are subject to search while in the course and scope of any job duties, while on City property, while on a City job site, or while in an area adjacent to any City property or job site. Employees do not have a legitimate expectation of privacy in any of the above-described areas. These inspections and searches may be conducted to carry out this and other policies of the City.

The decision to conduct an investigation or search and the manner in which it is carried out will be determined at the sole discretion of the City. Employees are required to cooperate fully in these investigations and/or searches and are required to submit to questioning or searches of the City or its agent. Employees are required to submit to tests and provide urine, blood, breath, saliva or other specimens upon request. Any refusal by an employee to answer questions, submit to testing, render a requested specimen or otherwise cooperate in a search, test or investigation, will be considered an act of insubordination which may result in discipline up to and including termination.

10. Training for safety-sensitive employees & supervisors

All safety-sensitive employees shall receive a minimum of 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment and indicators of prohibited drug use.

Supervisors responsible for making the decision to reasonable suspicion test must receive a minimum of 60 minutes of training on drug and 60 minutes of training on alcohol information regarding the physical, behavioral, speech and performance indicators of probable drug and alcohol use.

11. Specimen Collection Procedure

Applicants and employees will be directed to a collection site for drug and/or alcohol test specimen collection. All drug and/or alcohol testing will be conducted during or immediately after the regular work period, subject to the normal hours of operation of the testing facility, and this time will be considered time worked for the purpose of determining compensation and benefits.

The collection site person will be responsible for maintaining the integrity of the specimen collection and transfer process and insuring the privacy of the employee/applicant. The collection process will include the procedure of utilizing a split sample for confirmation purposes. Collection sites will conduct specimen collection in accordance with the *Alcohol and Drug Regulations* of the Mississippi State Department of Health.

~~An employee or job applicant to be tested shall be given (1) a medication disclosure form to permit the employee or job applicant to disclose any non-prescription or prescription medications that have been taken within the last forty five (45) days which may result in a positive test result, and (2) a statement that the form shall be submitted directly to the laboratory in order that the City of Starkville has no access to the information disclosed on the form. The procedure for submission of the form shall ensure that no person other than the laboratory has access to the information disclosed on the form.~~

~~Providing this information will not preclude the administration of the drug and/or alcohol test but will be taken into account in interpreting any positive confirmed results.~~

~~{Note: Delete due to change in protocol for testing procedures to comply with HIPPA Privacy issues. This is covered in review process by the Medical Review Officer.}~~

12. Responsibilities of the Laboratory The laboratory which conducts drug tests under this plan will conduct all tests under this program in accordance with the *Alcohol and Drug Regulations* of the Mississippi State Department of Health. Samples that yield positive results on confirmation shall be preserved in a frozen state by the laboratory that conducted the test for a period of ninety (90) days from the time the results were mailed or otherwise delivered to the City. Within this 90-day period, the employee or applicant may make a written request that the sample be retested at the employee's expense at a certified laboratory chosen by the employee. However, the laboratory must be certified by Substance Abuse and Mental Health Services Administration (SAMHSA). The laboratory must have written testing procedures and written procedures to insure the chain of custody, the laboratory must demonstrate satisfactory

performance in the proficiency testing program of the National Institute on Drug Abuse, the College of American Pathology or the American Association for Clinical Chemistry or the equivalent and the laboratory must follow proper quality control procedures, including but not limited to; (1) the use of internal quality controls including the use of samples of known concentrations which are used to check the performance and the calibration of testing equipment and periodic use of blind samples for overall accuracy; (2) the internal review and certification process for test results conducted by a person qualified to perform that function in the testing laboratory; (3) security measures implemented by the testing laboratory to preclude adulteration of specimen test results. The results of the retest will not affect any disciplinary action taken against an employee with a confirmed positive test result.

13. Testing Standards

A. Initial Test

Under this plan, the initial test on specimens for the presence of marijuana, cocaine, opiates, phencyclidine, amphetamines, and any other substance for which the United States Department of Health and Human Services has established an approved protocol and positive threshold, or their metabolites, will employ an immunoassay which meets the requirements of the United States Food and Drug Administration for commercial distribution. Initial alcohol testing will be by saliva testing, with confirmation by evidential breath testing if nonnegative. Initial cutoff levels specified in Appendix A will be observed. These cutoff levels are subject to change as advances in technology or other considerations allow identification of drugs or their metabolites at other levels.

If an initial drug and/or alcohol test is negative, no confirmation test will be conducted.

B. Confirmation Test

If the specimen provided by the employee or applicant tests positive for the presence of drugs and/or alcohol listed in the preceding paragraph, or their metabolites, in the initial test, the original specimen will be subjected to a confirmation test. The confirmation test for drugs will employ gas chromatography/mass spectrometry at the cutoff levels specified Appendix A. The confirmation test for alcohol will employ a blood test at the cutoff levels listed in Appendix A. These cutoff levels are subject to change as advances in technology or other considerations allow identification of drugs, alcohol or their metabolites at other levels.

14. Notification to MRO of Test Results

The City of Starkville shall engage the services of a qualified Medical Review Officer. The Medical Review Officer (MRO) for the City of Starkville will be certified by the American Association of Medical Review Officers (AAMRO) or by the Medical Review Officer Certification Council (MROCC).

a. The Medical Review Officer shall receive test results from the testing facility and evaluate those results in conjunction with the subject employee and/or applicant.

b. Upon receiving a confirmed positive test result the Medical Review Officer shall contact the applicant or employee prior to notification of City officials. The applicant or employee shall be given the opportunity to explain the test results, including disclosure of any medications that may impact such test results. This disclosure will be provided by the applicant or employee only to the Medical Review Officer and such information shall not be released to any City personnel.

The laboratory will report confirmation test results only to the City's Medical Review Officer within five (5) working days of receiving a specimen. The report, which will be signed and certified as accurate by the person responsible for the day-to-day operations of the certified laboratory or the person responsible for attesting to the validity of test results, will identify the drugs, alcohol or metabolites for which testing has been conducted, and it will indicate the City's specimen number and the specimen identification number assigned to the specimen by the laboratory. The report shall indicate only that the confirmation test result was negative, if that be the case, or that it was positive for specific drugs, alcohol or metabolites, if that be the case.

Within five (5) working days after receiving a positive confirmed test result from the testing laboratory, the City will inform the employee in writing that he or she has tested positive. At this time the City will inform the employee of the consequences of the positive test and any options available to him or her.

Any employee may request a copy of the test result report. The request must be in writing and should be directed to the Personnel Director.

15. Responsibilities of the Medical Review Officer

The Medical Review Officer (MRO) for the City of Starkville will be certified by the American Association of Medical Review Officers (AAMRO) or by the Medical Review Officer Certification Council (MROCC). [NOTE: Move to #14 above.]

The MRO will review the test results received from the testing laboratory to determine whether a result is positive. The MRO shall notify the employee/applicant in writing of the drug test results within five (5) days of receiving them, which notification will include an explanation of the consequences of the results and options available to the employee/applicant if the results are positive. An employee/applicant who receives a positive confirmed test result may contest the accuracy of that result or explain it in writing and why the results do not constitute a violation of the employer's policy within 10 working days of receiving notification of the test results. That contest may include another test on the specimen at the employee/applicant's expense. If the employee/applicant's explanation is unsatisfactory to the MRO, a written explanation as to why and the test results will be placed in the employee's personnel and medical file, or the applicant's application file.

16. Confidentiality

All information, interviews, reports, statements, memoranda and test results, written or otherwise, received by the City through its drug and alcohol testing program are confidential communications, except under certain circumstances as allowed by the Act. This information is

City property, and it will be maintained in a separate file. Information described above will be released:

- (1) If the employee or job applicant grants written permission to do so;
- (2) if the information must be disclosed in any administrative, arbitral or judicial proceeding pursuant to applicable law because it is relevant to an issue in that proceeding;
- (3) If the information must be disclosed to a governmental unit as required by law, regulation, administrative or judicial order, or in accordance with compliance requirements of a federal contract;
- (4) If the information must be disclosed to a substance or alcohol abuse rehabilitation program for the purpose of evaluation or treatment of the employee; or
- (5) Without a court order, if an immediate risk to public health or safety can be minimized by release and with a court order if the risk is not immediate.

An employee's failure to sign a written consent to release information as permitted by and in accordance with this section may subject the employee to discipline, up to and including termination.

17. Drug Free Workplace

The City intends to comply with all federal and state laws which require it to provide its employees with a drug free workplace. By publishing this policy, the City hereby notifies its employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in any City workplace or work site.

~~Any employee who is convicted under a criminal drug statute for a violation occurring in the workplace must inform the City within five (5) days of the conviction. Thereafter, the City will notify the principal representative within ten (10) days after receiving notice of such conviction.~~

~~Any employee who violates this section of this policy will be subject to termination.~~

18. Nature of the Policy

This policy does not create or set forth any contractual commitments or obligations by the City for employment or other employment benefits to any applicant or employee. The policies described in this policy are subject to being modified, revoked, terminated or changed in whole or in part at any time, with or without notice, by the City.

19. Employee Questions

All questions regarding this policy should be directed to the Personnel Director.

20. Policy Revisions

Exceptions to this policy can be made only by the City's Board of Aldermen. The Board reserves the right to change or discontinue this drug testing policy at any time and nothing in this policy should be construed as granting anyone a right to specific benefits or continued employment.

APPENDIX A:

SUMMARY OF "CUTOFFS"

SUBSTANCE	IMMUNOASSAY SCREEN	GC/MS CONFIRMATION
CANNABINNOIDS (Marijuana)	50 ng/ml	15 ng/ml
COCAINE	300 ng/ml	150 ng/ml
AMPHETAMINES	1000 ng/ml	
"Amphetamine"		500 ng/ml
"Methamphetamine"		500 "Met." PLUS 200 "Amp."
OPIATES		
"screen" (class assay)	2,000 ng/ml	
"morphine"		2,000 ng/ml
"codeine"		2,000 ng/ml
"Heroin" [6-MAM]		10 ng/ml
"Poppy seeds"		Formula = $M/C < 2$ = Codeine Use
PCP	25 ng/ml	25 ng/ml
BARBITURATES	300 ng/ml	300 ng/ml
BENZODIAZEPINES	300 ng/ml	300 ng/ml
METHADONE	300 ng/ml	300 ng/ml
METHAQUALONE	300 ng/ml	300 ng/ml
PROPOXYPHENE	300 ng/ml	300 ng/ml
Alcohol Concentration		Any detectable amount.

APPENDIX B:

The City will select a qualified facility for collection of specimen and will notify employee's of such collection site at the time of testing. The City reserves the right to change such collection facility as it may determine necessary.

THE CITY'S MRO IS:

Dr. AnnMarie B Stokes, MD

THE CITY'S AGENT FOR SPECIMEN COLLECTION IS:

**The Clinic at Elm Lake
3700 North Frontage Road
Columbus, MS 39701
(662) 240-9999**

{NOTE: Change to allow change in clinic and / or MRO without necessitating a revision of the policy. Change may be determined necessary based on availability, hours of operation, pricing, etc. Dr. Stokes is no longer in this area and is not available to serve as our MRO. We currently still use The Clinic at Elm Lake, but occasionally have to use Laird Clinic or other facilities due to hours of operation. We want to be able to accept proposals for services from other facilities.}

9.

**A MOTION TO APPROVE THE PERSONNEL POLICY ON DRIVER'S
LICENSE AND DRIVING RECORDS FOR EMPLOYEES ASSIGNED TO
OPERATE CITY VEHICLES OR EQUIPMENT AND INCLUSION OF THE
THIS POLICY IN THE PERSONNEL POLICY MANUAL**

Upon the motion of Alderman Richard Corey, duly second by Alderman Henry Vaughn, and adopted by the board to approve the January 3, 2012 Official Agenda, and to accept listed items on Consent, whereby the "the Personnel Policy on driver's license and driving records for employees assigned to operate City vehicles or equipment and inclusion of the this policy in the Personnel Policy Manual" is enumerated, this consent item is thereby approved.

**City of Starkville Personnel Policy
Driver's License and Driving Record (MVR) for Employees
Assigned to Operate City Vehicles or Equipment**

Certain jobs within the City of Starkville require the employee to operate City owned vehicles or motorized equipment. Any employee assigned to such job, or any employee who may be asked to operate a City vehicle or motorized equipment including but not limited to tractors, graders, backhoes, etc., must have a valid Driver's License and an acceptable driving record (MVR). This is required for coverage under the City's Insurance policy. By accepting a job requiring operation of City vehicles or equipment or by accepting an assignment to operate City vehicles or equipment, the employee agrees to compliance with these requirements and conditions. The attached MVR Criteria defines an unacceptable driving record. Employees must furnish the Personnel Office a copy of their valid driver's license. Upon any change in license or renewal of license, the employee shall furnish the Personnel Office an updated copy. Driver's license and MVR checks will be performed as a screening process for applicants for positions requiring operation of City vehicles or equipment. Such checks will also be done for any employee who may be asked to operate City vehicles or equipment even though such operation may not be a requirement of the classification.

Employees who fail to maintain a valid driver's license and/or acceptable driving record may not be assigned to or remain in a job classification that requires operation of City vehicles or equipment. It is the employee's responsibility to promptly report any failure to maintain a valid driver's license or acceptable driving record. Failure to report these matters may lead to disciplinary action up to and including termination of employment. Any employee in a job classification requiring operation of City vehicles or equipment who fails to maintain a valid driver's license and/or acceptable driving record will be removed from the classification. The employee may be assigned to a different job classification if an opening exists in a classification that does not require vehicle or equipment operation. If no such opening exists, the employee may choose to resign their employment or face possible recommendation for termination of their employment based on their inability to meet the required job duties.

In any case where failure to maintain a valid license and/or driving record is a part of a disability as defined and covered by the Americans with Disabilities Act, then reasonable accommodations will be evaluated and provided where applicable.

It is the responsibility of the Department Head and the Personnel Office to ensure the employee's compliance with these requirements. To ensure such compliance and to protect the City from undue liability, the following guidelines will be used:

1. The City will check the validity of the driver's license and the driving record annually.
2. The City may check the validity of the driver's license and the driving record at any time any reasonable suspicion arises concerning the validity of the license or the acceptability of the MVR. Cases involving reasonable suspicion will be documented and submitted to the Personnel Office in writing. Supervisors and Managers are prohibited from requesting checks without reasonable suspicion.

An unacceptable driving record will include one or a combination of the following:

- **One (1) or more major violations.**
- **Three (3) or more incidents (at-fault accidents or minor violations)**

Violations occurring in excess of three (3) years prior to the date of the MVR check will not be considered in evaluation of the driving record.

Major Violations

- **DUI or other alcohol or drug-related violation**
- **Failure to stop and report an accident**
- **Attempting to elude an officer of the law**
- **Murder or assault with a motor vehicle**
- **Negligent homicide**
- **Driving with a suspended or revoked drivers' license**
- **Reckless driving**
- **Speed contests, drag or highway racing**
- **Possession of an opened alcoholic beverage container**
- **Major speeding conviction (20 mph over posted speed limit).**
- **Hit and run Minor Violations**
- **Minor speeding violation (less than 20 mph over the posted speed limit)**
- **Driving too fast for conditions**
- **Careless or inattentive driving**
- **Unsafe lane change**
- **Failure to stop or yield the right of way**
- **Improper passing**
- **Following too closely**
- **Any standard moving violation that does not fall into the major violation category**

END OF CONSENT

MAYOR'S COMMENT

Mayor Parker Wiseman reminded the Board of the upcoming annual Board retreat scheduled for January 13, 2012 starting at 9:00 a.m. and January 14, 2012 beginning at 1:00 p.m.

Mayor Parker Wiseman introduced the new employees to the City's workforce:

Terry Curry	Water Department
Anthony Davis	Water Department
Calvin Bell	Street Department
Adreial Hickman	Street Department
Shasta Plunkett	Electric Department

BOARD OF ALDERMEN COMMENTS

Alderman Ben Carver commented on the recent appointment of Bendetrese Reeves to the Airport Board. Alderman Carver expressed his concerns about having removed a member with aviation license, FAA knowledge and other avionic credentials and replacing them with someone who simply lived within the proximity of the Airport.

Alderman Roy A'. Perkins also commented on the appointment, stating that the Board at its previous meeting appointed Ms. Reeves to the Airport Board, by a majority of votes cast. He further commented that the Board is not required to reappoint any incumbent to a commission; that in the Board did nothing wrong, illegal, or unethical in appointing Ms. Reeves and that matter is final.

Alderman Sandra Sistrunk addressed Alderman Carver's concerns offering a reminder that the Airport Boards is a advisory Boards and the final decision concerning Airport operations is still that of the Board of Alderman.

CITIZEN COMMENTS

Mr. Alvin Turner, Ward 7 addressed the Mayor and Board with the following concerns: the \$18,000 due to the IRS, the upcoming election and seeking information about the legality of carrying a stun gun.

PUBLIC HEARING

Mayor Parker Wiseman introduced the next item, the second Public Hearing Item #OR 11-01: A proposed Ordinance repealing and replacing the “Chart of Permitted Uses” found in Appendix A, Article VII, Section M and the definitions found in appendix A article II of the City’s Code of Ordinance.

City Planner Ben Griffith presented the seconded Public Hearing for item # OR 11-01: A proposed Ordinance Repealing and Replacing the “Chart of Permitted Uses” associated revision definitions.

Alderman Eric Parker stated that the chart of Permitted Uses is too restricted. And does not allow certain existing businesses any flexibility.

Alderman Jeremiah Dumas requested the following changes to the “payday loan” switch the conditional use (C) in M-1 to a permitted use (p), then make a conditional use (c) in C-2 to allow some flexibility.

The Mayor opened the Floor for comments from the Citizens. He devoted 15 minutes to those in favor of the proposed Ordinance repealing and replacing the “Chart of Permitted Uses” found in Appendix A, Article VII, Section M and the definitions found in appendix A article II of the City’s Code of Ordinance, and 15 minutes to those opposing with an aggregate of 30 minutes.

Speaking in opposition of this was **Mr. Alvin Turner, Ward 7.**

With no further comments from the public or members of the Board the Mayor closed the Public Hearing on Item #OR 11-01: A proposed Ordinance repealing and replacing the “Chart of Permitted Uses” found in Appendix A, Article VII, Section M and the definitions found in appendix A article II of the City’s Code of Ordinance.

Alderman Jeremiah Dumas introduced the next item, the second Public Hearing Item #OR 11-02: A proposed Ordinance amending the City’s official Zoning Map and Code of Ordinance by adding ‘Appendix A, Zoning, Article VII, District Regulations, Section T, Transect Districts, by means of a prepared form based code entitled “Downtown/MSU Corridors Code” for areas which include portions of MS Highway 182, Main Street, University Drive, Lampkin Street and Russell Street.

City Planner Ben Griffith presented the seconded Public Hearing for item # OR 11-02: A proposed Ordinance amending the City’s official Zoning Map and Code of Ordinance.

Nathan Norris, Placemaker conducted a power point presentation of the proposed Ordinance amending the City’s official Zoning Map and Code of Ordinance.

The Mayor opened the Floor for comments from the Citizens. He devoted 15 minutes to those in favor of the amending the City’s official Zoning Map and Code of Ordinance by adding ‘Appendix A, Zoning, Article VII, District Regulations, Section T, Transect Districts, by means of a prepared form based code entitled “Downtown/MSU Corridors Code” for areas which include portions of MS Highway 182, Main Street, University Drive, Lampkin Street and ussell Street, and 15 minutes to those opposing with an aggregate of 30 minutes.

Speaking in opposition of this was **Mr. Alvin Turner, Ward 7.**

With no further comments from the public or members of the Board the Mayor closed the Public Hearing on Item #OR 11-01: A proposed Ordinance repealing and replacing the “amending the City’s official Zoning Map and Code of Ordinance.

NOTE: Alderman Sandra Sistrunk exits the meeting.

10.

A MOTION TO UPHOLD THE DECISION OF THE ADMINISTRATIVE HEARING OFFICER, TO FURTHER EMPOWER THE CITY ATTORNEY TO SEEK ALL FINE COLLECTIONS PROCESS ALLOWED UNDER THE LAW, INCLUDING ALL POTENTIAL LEANS, IMPOUNDMENTS AND REMOVAL OF THE PROPERTY

There came for consideration the matter to approve the upholding the decision of the administrative hearing officer, to further empower the City Attorney to seek all fine collections process allowed under the law, including all potential leans, impoundments and removal of the property. After discussion,

and upon the motion of Alderman Henry Vaughn, duly seconded by Roy A'. Perkins, the Board voted as follows:

Alderman Ben Carver	voted: <u>YEA</u>
Alderman Sandra Sistrunk	voted: <u>absent, not voting</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>YEA</u>

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

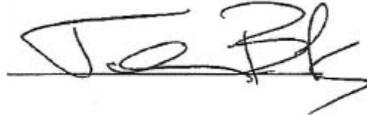
IN THE ADMINISTRATIVE HEARING DIVISION
City of Starkville, Mississippi

City of Starkville, Mississippi	:	
	:	
	:	
vs.	:	Citation No.: 8-1165
	:	Ordinance Violation: App A, Art VII
	:	
Mr. John Bounds,	:	
Defendant:	:	

APPEAL OF DECISION OF ADMINISTRATIVE HEARING DIVISION

Pursuant to Section 14 of the Administrative Adjudication Process Ordinance, I appeal the judgment entered in the above captioned case to the Mayor and Board of Aldermen of the City of Starkville.

This 6th day of December, 2011.

A handwritten signature in black ink, appearing to be "J. B. Bounds", written over a horizontal line.

IN THE ADMINISTRATIVE HEARING DIVISION
City of Starkville, Mississippi

City of Starkville, Mississippi :
: :
: :
vs. : Citation No.: 8-1165
: Ordinance Violation: App A, Art VII
: :
Mr. John Bounds, :
Defendant: :

ORDER

An administrative hearing was conducted in the above captioned case on December 6th, 2011. After hearing the evidence, the Administrative Hearing Officer finds an ordinance violation has occurred.

Judgment is entered in favor of the City with \$300.00 in fines, and \$50.00 in administrative costs.

The Defendant has 10 days from the date of the hearing to remove the structure from 307 West Main Street, Starkville, Mississippi. If said structure is not removed after 10 days, a \$100 fine will be imposed for each day it remains on the property.

SO ORDERED, this 6th day of December, 2011.


Virginia Bond Turner
Administrative Hearing Officer

NOTE: Alderman Sandra Sistrunk rejoins the meeting

11.

**A MOTION IMPROVING THE GRETA LANE, COLLIER ROAD
AND SUDDUTH ROAD AS RECOMMENDED BY CITY STAFF
WITH FUNDING COMING FROM CDBG FUND 116-000-341
AND THE PRIORITY IS TO BE GRETA LANE, COLLIER
ROAD SUDDUTH ROAD**

There came for consideration the matter to approve the improving the Greta Lane, Collier Road and Sudduth Road as recommended by City Staff with funding coming from CDGB Fund 116-000-341 and the priority is to be Greta Lane, Collier Road AND Sudduth Road. After discussion, and upon the motion of Alderman Sandra Sistrunk, duly seconded by Richard Corey, the Board voted as follows:

Alderman Ben Carver	voted: <u>NAY</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>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.

**GRETA LANE PAVING PROJECT
PROJECT ALTERNATIVES & COST ESTIMATES**

PROJECT:	11134
DATE:	12/12/2011
DESCRIPTION:	OPTION 1: Install 6" Clay Gravel Base*, Soil Cement 6" depth at 6%, Double Bituminous Surface Treatment

PAY ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
00304-A	GRANULAR MATERIAL (CLASS III, GROUP B) (LVM)*	CY	1277.8	\$20.00	\$25,555.56
00308-A	PORTLAND CEMENT	CWT	1778.7	\$1.50	\$2,668.00
00308-B	ASPHALT FOR PRIME COAT (EA-1)	GAL	1788.9	\$4.50	\$8,050.00
00308-C	PORTLAND CEMENT SOIL/ WATER MIXING	SY	5111.1	\$2.25	\$11,500.00
00403-A	BITUMINOUS ASPHALTIC CEMENT (CRS-2P)	GAL	3475.6	\$3.00	\$10,426.67
00403-B	SEAL AGGREGATE	CF	53.0	\$100.00	\$5,300.41
00403-C	COARSE AGGREGATE	CF	98.4	\$90.00	\$8,859.26
00618-A	MAINTENANCE OF TRAFFIC	LS	1.0	\$3,000.00	\$3,000.00
00620-A	MOBILIZATION	LS	1.0	\$10,000.00	\$10,000.00

SUBTOTAL \$85,359.89

15% TESTING, INSPECTION & CONTINGENCY \$12,803.98

OPTION 1 TOTAL ESTIMATED COST \$98,163.88

* Geotechnical Investigation results may result in an increase or reduction in granular material quantity depending on existing base material quality and quantity

**ANNEXED AREA ROADWAY IMPROVEMENTS
COST ESTIMATES**

PROJECT:	11134
DATE:	12/12/2011
DESCRIPTION:	COLLIER ROAD: Improve failed roadway area (approx. 0.1 mile) with 6" clay gravel and 3" Hot Mix Asphalt

PAY ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
00304-A	GRANULAR MATERIAL (CLASS III, GROUP B) (LVM)*	CY	444.4	\$20.00	\$8,888.89
00403-D	HOT MIX ASPHALT SURFACE	TON	293.3	\$105.00	\$30,800.00
00620-A	MOBILIZATION	LS	1.0	\$2,000.00	\$2,000.00

SUBTOTAL \$41,688.89

15% TESTING, INSPECTION & CONTINGENCY \$6,253.33

TOTAL ESTIMATED COST \$47,942.22

DESCRIPTION:	SUDDUTH ROAD: Blade, Grade and maintain gravel section east of Rutherford Road. Install gravel as necessary. Maintain chip seal area (between Rutherford and last house)and upon completion of useful life, grind up, install gravel and maintain by periodic blading and grading
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PAY ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
00304-A	GRANULAR MATERIAL (CLASS III, GROUP B) (LVM)*	CY	400.0	\$20.00	\$8,000.00
00618-A	HIRE MOTORGRADER FOR ROADWAY MAINTENANCE	HR	32.0	\$120.00	\$3,840.00

SUBTOTAL \$11,840.00

TOTAL ESTIMATED ANNUAL COST \$11,840.00

TOTAL COSTS FOR ALL PROJECTS \$157,946.10

TOTAL FUNDS AVAILABLE AS OF MAY, 2012 \$133,430.00

SHORTFALL \$24,516.10

12.

**A MOTION TO APPROVE FUNDING OF THE GOLDEN TRIANGLE
PLANNING AND DEVELOPMENT DISTRICT AREA AGENCY ON
AGING MINIBUS PROGRAM IN THE AMOUNT OF \$28,697**

There came for consideration the matter to approve funding of the Golden Triangle Planning and Development District Area Agency on Aging Minibus Program in the amount of \$28,697. After discussion, and upon the motion of Alderman Eric Parker, duly seconded by Ben Carver, the Board voted as follows:

Alderman Ben Carver	voted: <u>YEA</u>
Alderman Sandra Sistrunk	voted: <u>NAY</u>
Alderman Eric Parker	voted: <u>YEA</u>
Alderman Richard Corey	voted: <u>NAY</u>
Alderman Jeremiah Dumas	voted: <u>NAY</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.

NOTE: Alderman Ben Carver exits meeting

13.

**A MOTION TO APPROVE CLAIMS
FOR THE FIRE DEPARTMENT FOR THE
PERIOD ENDING DECEMBER 30, 2011**

There came for consideration the matter of approving claims submitted by the City of Starkville's Fire Department. After discussion, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Jeremiah Dumas, to approve the Fire Department Claims for the period ending December 30, 2011, the Board voted as follow:

Alderman Ben Carver	Voted: <u>Recusal</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: Yea

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

FIRE DEPARTMENT CLAIMS
PERIOD ENDING December 30, 2011
DOCKET #12-30-11-B

FIRE FUND	001-161	\$113,344.19
	001-163	\$3,114.00
	001-164	\$161.00
	001-167	\$851.02
	TOTAL	\$117,470.21

Alderman Ben Carver rejoins meeting

14.

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

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, the Board voted unanimously to move into a closed determination session.

15.

**A MOTION DECLARING THAT DISCUSSIONS PERSONNEL
MATTERS AND PENDING LITIGATION OF MCCO
ARE PROPER CAUSES FOR EXECUTIVE SESSION**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk declaring discussions regarding Personnel matters and Pending Litigation of MCCO are proper causes for Executive Session, the Board unanimously voted in favor of the motion.

16.

**A MOTION TO ENTER INTO EXECUTIVE SESSION FOR THE
DISCUSSION OF PERSONNEL MATTERS IN THE CITY CLERKS OFFICE
AND THE PENDING LITIGATION OF MCCO**

Upon the motion of Alderman Jeremiah Dumas, duly second by Alderman Richard Corey to exit Closed Session and return to Open Session, the Board voted unanimously in favor of the motion.

Note: Mayor announced the result of the Closed Determination Session and moved the Board into Executive Session

17.

**A MOTION TO AUTHORIZE CITY STAFF TO WITHHOLD BUILDING
PERMITS, SITE PLANS, LICENSES AND ANY OTHER MATERIAL
RELATED TO BUILDING AND/OR DEVELOPMENT IN THE CITY OF
STARKVILLE BY DOUG MCREYNOLDS, JOE COUVILLION, OR ANY
COOPERATE OR BUSINESS ENTITY ASSOCIATED WITH THEM UNTIL
FINAL PAYMENT IS ACCOMPLISHED PURSUANT TO CITY
SPECIFICATIONS AT EAST POINTE SUBDIVISION**

There came for consideration the matter of the approval to authorize City Staff to withhold building permits, site plans, licenses and any other material related to building and/or development in the City of Starkville by Doug McReynolds, Joe Couvillion, or any cooperate or business entity associated with them until final payment is accomplished pursuant to city specifications at East Pointe Subdivision. After discussion, and

Upon the motion of Alderman Roy A'. Perkins, duly second by Alderman Henry Vaughn 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>ABSTAIN</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.

18.

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

Upon the motion of Alderman Roy A'. Perkins, duly second by Alderman Richard Corey, to exit Executive Session and return to Open Session, the Board voted unanimously in favor of the motion.

19.

**A MOTION TO RECESS UNTIL 5:30 PM
ON TUESDAY JANUARY 17, 2012**

Alderman Roy A'. Perkins, moved that the Board of Aldermen recess until 5:30 p.m. on Tuesday, January 17, 2012, in the Court Room of City Hall located at 101 Lampkin Street, Starkville, MS., Alderman Henry Vaughn, seconded, with the motion carrying unanimously.

SIGNED AND SEALED THIS THE _____ DAY OF _____
2012.

PARKER WISEMAN, MAYOR

Attest:

EMMA G. GANDY, DEPUTY CITY CLERK

(SEALED)