

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

**The City of Starkville, Mississippi
January 18, 2011**

Be it remembered that the Mayor and Board of Alderman met in a Recess Meeting on January 18, 2011 at 5:30 p.m. in the Courtroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS. There being present were Mayor Parker Wiseman, Aldermen Ben Carver, Sandra Sistrunk, Eric Parker, Richard Corey, Jeremiah Dumas, Roy A. Perkins, and Henry Vaughn, Sr. Attending the Board were City Attorney Chris Latimer and City Clerk Markeeta Outlaw.

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

REQUESTED REVISIONS TO THE OFFICIAL AGENDA

Alderman Eric Parker requested the following changes to the January 18, 2011 Official Agenda

Remove Consent: Item X-C regarding acceptance of the bid for the eight (8) yard rear-loading sanitation truck with cab-over from Sansom Equipment in the amount of \$98,888.00; **and**

Replace with Consent Item X-C, Consideration to reject all bids received and authorize re-advertising for bids with corrected specifications on an eight (8) yard rear-loading sanitation truck.

Alderman Jeremiah Dumas requested the following changes to the January 18, 2011 Official Agenda

Add to Consent: Item X-A regarding the City's participation in assisting with the repair and upgrade to the heating and air conditioning system for the Oktibbeha Heritage Museum in an amount not to exceed \$2,500.00 (**contingency**)

Remove Agenda Item VII-B, the Public Appearance by Ms. Joan Wilson on behalf of the Oktibbeha County Heritage Museum seeking financial assistance for maintenance and repair of the heating and air conditioning system at the museum

Add to Consent Item XI-H1 regarding employing Mr. Bennie Williams to fill the vacant position of maintenance worker 1 in the street with a salary of \$18,325.21 (\$8.81 per/hr) at Grade 4 and Step 4 with a 1-year probationary period

Add to consent Item X1-H2 regarding authorization to hire a temporary full time equipment operator to fill a position of due to a medical leave of absence of the employee in that position.

1.

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

There came for consideration the matter of approving and adopting the January 18, 2011 Official Agenda of the Recess Meeting of the Mayor and Board of Alderman. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the January 18, 2011 Official Agenda as modified with items listed as consent, the vote of the Board was unanimous in favor of the motion.

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

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

RECESS MEETING OF TUESDAY, JANUARY 18, 2011
5:30 P.M., COURT ROOM, CITY HALL
101 EAST LAMPKIN STREET

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

*****ITEMS SHOWN IN ITALICS WITH AN ASTERISK HAVE BEEN ADDED, ~~DELETED~~
OR MODIFIED FROM THE ORIGINAL AGENDA.

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

THERE ARE NO MINUTES AVAILABLE FOR APPROVAL
- V. **ANNOUNCEMENTS AND COMMENTS**

MAYOR'S COMMENTS:

BOARD OF ALDERMEN COMMENTS:

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

- A. FIRST ANNUAL REPORT BY DR. MICHAEL FAZIO, CHAIRMAN OF THE CITY'S HISTORIC PRESERVATION COMMISSION, ON ACTIVITIES OF 2010 AND A PRESENTATION OF IMMEDIATE TASKS.
- B. PRESENTATION BY JOAN WILSON ON BEHALF OF THE OKTIBBEHA COUNTY HERITAGE MUSEUM REQUESTING FINANCIAL ASSISTANCE FOR THE MAINTENANCE AND REPAIR OF THE HEATING AND AIR CONDITIONING SYSTEM AT THE MUSEUM.

VIII. PUBLIC HEARING

THERE ARE NO PUBLIC HEARINGS SCHEDULED

IX. MAYOR'S BUSINESS

THERE IS NO MAYOR'S BUSINESS SCHEDULED

X. BOARD BUSINESS

- A. CONSIDERATION OF THE REQUEST BY THE OKTIBBEHA COUNTY HERITAGE MUSEUM FOR THE CITY'S PARTICIPATION IN THE REPAIR AND UPGRADE OF THE HEATING AND AIR CONDITIONING SYSTEM FOR THE MUSEUM.

B. CONSIDERATION OF RESOLUTION OF THE CITY OF STARKVILLE, MISSISSIPPI, CONCERNING DESIGNATION OF THE TAX INCREMENT FINANCING REVENUE BONDS, SERIES 2011 (MIDDLETON MARKETPLACE PROJECT) AS QUALIFIED TAX EXEMPT OBLIGATIONS AND COMPLIANCE WITH THE TAX REFORM ACT OF 1986.

- C. CONSIDERATION OF THE ACCEPTANCE OF THE BID FOR THE EIGHT (8) YARD REAR LOADING SANITATION TRUCK WITH CABOVER FROM SANSOM EQUIPMENT IN THE AMOUNT OF \$98,888.00.

D. CONSIDERATION OF THE APPROVAL OF THE FUEL AGREEMENT WITH BLOSSMAN GAS INC. IN ACCORDANCE WITH THE REQUIREMENTS OF THE BID PROPOSAL ACCEPTED BY THE CITY OF STARKVILLE FOR THE ALTERNATIVE FUEL GRANT #GT11-0910-0021.

***** E. *DISCUSSION AND INTERVIEWS OF THE CANDIDATES FOR THE POSITION OF INFORMATION TECHNOLOGY MANAGER FOR THE CITY OF STARKVILLE.*

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 CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JANUARY 13, 2011.

2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING DECEMBER 31, 2010, IN ACCORDANCE WITH § 21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

3. REQUEST APPROVAL OF THE SOURCE OF SUPPLY FOR THE ELECTRIC DEPARTMENT FOR JANUARY THROUGH JUNE, 2011.

4. REQUEST APPROVAL OF THE SOURCE OF SUPPLY FOR THE CITY OF STARKVILLE FOR THE CALENDAR YEAR 2011.

D. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

E. ELECTRIC DEPARTMENT

1. REQUEST APPROVAL OF PROPOSED AGREEMENT COVERING STARKVILLE ELECTRIC DEPARTMENT'S PARTICIPATION IN THE DEPOSIT ASSURANCE PROGRAM (DAP).

2. REQUEST APPROVAL OF AMENDATORY AGREEMENT BETWEEN STARKVILLE ELECTRIC DEPARTMENT AND TVA FOR THE EXISTING ENHANCED SECURITY DEPOSIT PROGRAM WHICH TERMINATES ON MARCH 3, 2011.

3. REQUEST AUTHORIZATION TO ADVERTISE FOR LEASE/PURCHASE, WITH TRADE IN, OF NEW BACKYARD HYDRAULIC DIGGER DERRICK WITH CHASSIS AND TRAILER.

4. REQUEST AUTHORIZATION TO ADVERTISE FOR LEASE/PURCHASE, WITH TRADE IN, OF FIFTY-FIVE (55) FOOT MATERIAL HANDLING BUCKET TRUCK WITH CHASSIS

5. REQUEST AUTHORIZATION TO DECLARE SCRAP METAL AS SURPLUS AND ADVERTISE FOR BIDS TO SELL.

F. ENGINEERING AND STREETS

THERE ARE NO ITEMS FOR THIS AGENDA

G. FIRE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

H. PERSONNEL

1. RECOMMENDATION TO HIRE BENNIE WILLIAMS TO FILL THE VACANT POSITION OF MAINTENANCE WORKER 1 IN THE STREET DEPARTMENT.

- ***** 2. *REQUEST APPROVAL TO HIRE A TEMPORARY, FULL-TIME EQUIPMENT OPERATOR FOR THE LANDFILL DUE TO THE MEDICAL LEAVE OF ABSENCE OF WALTER ATTERBERRY.*

I. POLICE DEPARTMENT

1. REQUEST FOR AUTHORIZATION FOR SERGEANT SHAWN WORD, OFFICERS ANDY ROUND AND SHANE KELLY TO TRAVEL OUT-OF-TOWN TO ATTEND THE LIFE SAVERS CONFERENCE 2011, IN PHOENIX ARIZONA ON MARCH 26-28, 2011.

2. REQUEST FOR AUTHORIZATION FOR OUT-OF-STATE TRAVEL FOR CHIEF DAVID B. LINDLEY, CAPTAIN R. FRANK NICHOLS AND TRAINING OFFICER LAURA ROBERSON TO ATTEND THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA) IN BETHESDA MARYLAND FROM MARCH 22-26, 2011.

J. PUBLIC SERVICES

THERE ARE NO ITEMS FOR THIS AGENDA

K. SANITATION & ENVIRONMENTAL SERVICES

1. REQUEST AUTHORIZATION TO ACCEPT AND EXECUTE THE RECYCLING GRANT AGREEMENT # WITH MDEQ IN THE AMOUNT OF \$50,000.

2. REQUEST AUTHORIZATION TO DECLARE FORTY (40) REFUSE CONTAINERS AND THREE (3) SANITATION TRUCKS AS SURPLUS WITH AUTHORIZATION TO ADVERTISE FOR BIDS TO SELL

3. REQUEST AUTHORIZATION TO PURCHASE FROM SOURCE OF SUPPLY TWENTY (20) REFUSE CONTAINERS TO CONSIST OF TEN (10) SIX (6) YARD CONTAINERS AND TEN (10) EIGHT (8) YARD CONTAINERS.

XII. CLOSED DETERMINATION SESSION

XIII. OPEN SESSION

XIV. EXECUTIVE SESSION

A. PENDING LITIGATION

***** B. PERSONNEL

XV. OPEN SESSION

XVI. ADJOURN UNTIL FEBRUARY 1, 2011 @ 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 – NO ITEMS

X. BOARD BUSINESS

B. CONSIDERATION OF RESOLUTION OF THE CITY OF STARKVILLE, MISSISSIPPI, CONCERNING DESIGNATION OF THE TAX INCREMENT FINANCING REVENUE BONDS, SERIES 2011 (MIDDLETON MARKETPLACE PROJECT) AS QUALIFIED TAX EXEMPT OBLIGATIONS AND COMPLIANCE WITH THE TAX REFORM ACT OF 1986.

D. CONSIDERATION OF THE APPROVAL OF THE FUEL AGREEMENT WITH BLOSSMAN GAS INC. IN ACCORDANCE WITH THE REQUIREMENTS OF THE BID PROPOSAL ACCEPTED BY THE CITY OF STARKVILLE FOR THE ALTERNATIVE FUEL GRANT #GT11-0910-0021.

XI. DEPARTMENT BUSINESS

A. AIRPORT – NO ITEMS

B. BUILDING DEPARTMENT – NO ITEMS

C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF DECEMBER 16, 2010.

2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING NOVEMBER 30, 2010, IN ACCORDANCE WITH § 21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

3. REQUEST APPROVAL OF THE SOURCE OF SUPPLY FOR THE ELECTRIC DEPARTMENT FOR JANUARY THROUGH JUNE, 2011.

4. REQUEST APPROVAL OF THE SOURCE OF SUPPLY FOR THE CITY OF STARKVILLE FOR THE CALENDAR YEAR 2011.
- D. COURTS – NO ITEMS
- E. ELECTRIC DEPARTMENT
1. REQUEST APPROVAL OF PROPOSED AGREEMENT COVERING STARKVILLE ELECTRIC DEPARTMENT'S PARTICIPATION IN THE DEPOSIT ASSURANCE PROGRAM (DAP).
 2. REQUEST APPROVAL OF AMENDATORY AGREEMENT BETWEEN STARKVILLE ELECTRIC DEPARTMENT AND TVA FOR THE EXISTING ENHANCED SECURITY DEPOSIT PROGRAM WHICH TERMINATES ON MARCH 3, 2011.
 3. REQUEST AUTHORIZATION TO ADVERTISE FOR LEASE/PURCHASE, WITH TRADE IN, OF NEW BACKYARD HYDRAULIC DIGGER DERRICK WITH CHASSIS AND TRAILER.
 4. REQUEST AUTHORIZATION TO ADVERTISE FOR LEASE/PURCHASE, WITH TRADE IN, OF FIFTY-FIVE (55) FOOT MATERIAL HANDLING BUCKET TRUCK WITH CHASSIS
 5. REQUEST AUTHORIZATION TO DECLARE SCRAP METAL AS SURPLUS AND ADVERTISE FOR BIDS TO SELL.
- F. ENGINEERING AND STREETS – NO ITEMS
- G. FIRE DEPARTMENT - NO ITEMS
- H. PERSONNEL – NO ITEMS
- I. POLICE DEPARTMENT
1. REQUEST FOR AUTHORIZATION FOR SERGEANT SHAWN WORD, OFFICERS ANDY ROUND AND SHANE KELLY TO TRAVEL OUT-OF-TOWN TO ATTEND THE LIFE SAVERS CONFERENCE 2011, IN PHOENIX ARIZONA ON MARCH 26-28, 2011.
 2. REQUEST FOR AUTHORIZATION FOR OUT-OF-STATE TRAVEL FOR CHIEF DAVID B. LINDLEY, CAPTAIN R. FRANK NICHOLS AND TRAINING OFFICER LAURA ROBERSON TO ATTEND THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES (CALEA) IN BETHESDA MARYLAND FROM MARCH 22-26, 2011.
- J. PUBLIC SERVICES – NO ITEMS
- K. SANITATION AND ENVIRONMENTAL SERVICES

1. REQUEST AUTHORIZATION TO ACCEPT AND EXECUTE THE RECYCLING GRANT AGREEMENT # WITH MDEQ IN THE AMOUNT OF \$50,000.
2. REQUEST AUTHORIZATION TO DECLARE FORTY (40) REFUSE CONTAINERS AND THREE (3) SANITATION TRUCKS AS SURPLUS WITH AUTHORIZATION TO ADVERTISE FOR BIDS TO SELL
3. REQUEST AUTHORIZATION TO PURCHASE FROM SOURCE OF SUPPLY TWENTY (20) REFUSE CONTAINERS TO CONSIST OF TEN (10) SIX (6) YARD CONTAINERS AND TEN (10) EIGHT (8) YARD CONTAINERS.

CONSENT ITEMS 2 - 21

2.

APPROVAL TO EXPEND UP TO \$2,500.00 FROM THE CITY'S CONTINGENCY FUND FOR THE PURPOSE OF REPAIRING OR REPLACING THE HEATING AND AIR CONDITIONING SYSTEM AT THE OKTIBBEHA COUNTY HERITAGE MUSEUM

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to expend up to \$2,500.00 from the City's Contingency Fund for the purpose of repairing or replacing the heating and air conditioning system at the Oktibbeha County Heritage Museum" is enumerated, this consent item is thereby unanimously approved.

3.

APPROVAL OF A RESOLUTION OF THE CITY OF STARKVILLE, MISSISSIPPI, CONCERNING DESIGNATION OF THE TAX INCREMENT FINANCING REVENUE BONDS, SERIES 2011 (MIDDLETON MARKETPLACE PROJECT) AS QUALIFIED TAX EXEMPT OBLIGATIONS AND COMPLIANCE WITH THE TAX REFORM ACT OF 1986

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of a Resolution of the City of Starkville, Mississippi, concerning Designation of the Tax Increment Financing Revenue Bonds, Series 2011 (Middleton Marketplace Project) as Qualified Tax Exempt Obligations and Compliance with the Tax Reform Act of 1986" is enumerated, this consent item is thereby unanimously approved.

RESOLUTION OF THE CITY OF STARKVILLE, MISSISSIPPI, CONCERNING DESIGNATION OF THE TAX INCREMENT FINANCING REVENUE BONDS, SERIES 2011 (MIDDLETON MARKETPLACE PROJECT) AS QUALIFIED TAX EXEMPT OBLIGATIONS AND COMPLIANCE WITH THE TAX REFORM ACT OF 1986.

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi (the “Board” of the “Municipality”), acting for and on behalf of the City of Starkville, Mississippi, hereby finds, determines, adjudicates and declares as follows:

1. The Tax Increment Financing Revenue Bonds, Series 2011 (Middleton Marketplace Project) of the Municipality to be dated such date as is subsequently set out in the bond purchase agreement to be entered into between the Municipality and the Purchaser (the “Series 2011 Bonds Purchase Agreement”), in the maximum aggregate principal amount of Two Million One Hundred Thousand Dollars (\$2,100,000) (the “Series 2011 Bonds”) are not private activity bonds as such term is defined in Section 141 of the Code and the Governing Body does not reasonably anticipate that the Municipality or any other subordinate entities thereof will issue more than Ten Million Dollars (\$10,000,000) of qualified tax-exempt obligations (other than private activity bonds) in this calendar year. It is necessary to designate the Series 2011 Bonds as qualified tax-exempt obligations of the Municipality within the meaning of Section 265(b)(3) of the Code.

2. The Code provides that noncompliance with the provisions thereof may cause interest on obligations to become taxable retroactive to the initial date of issuance, and provides that the tax-exempt status of interest on obligations such as the Series 2011 Bonds are contingent on a number of future actions by the Municipality. It is necessary to make certain covenants pertaining to the exclusion of the interest on the Series 2011 Bonds from gross income for purposes of federal income taxes since such exclusion may depend, in part, upon continuing compliance by the Municipality with certain requirements of the Code.

3. The Municipality reasonably expects that not less than eighty-five percent (85%) of the spendable proceeds of the Series 2011 Bonds will be used to carry out the governmental purposes of the Series 2011 Bonds within a three-year period beginning on the date of issuance of the Series 2011 Bonds. No more than fifty percent (50%) of the proceeds of the Series 2011 Bonds will be invested in non-purpose investments (as defined in Section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four (4) years or more.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

SECTION 1. (a) The Municipality covenants and certifies to and for the benefit of the owners of the Series 2011 Bonds that it will neither take any action nor omit to take any action nor make any investment or use of the proceeds from the issue and sale of the Series 2011 Bonds, including amounts treated as proceeds, if any, which will cause the Series 2011 Bonds to be classified as an arbitrage bonds within the meaning of Section 148 of the Code, and any regulations thereunder as such may be applicable to the Series 2011 Bonds, at the time of such action, investment or use.

(b) (1) The Governing Body has made findings indicating that no rebate relating to the Series 2011 Bonds will be required to be made under the Code.

However, in the event it is subsequently determined for any reason that rebates should be made on the Series 2011 Bonds, then the Municipality shall take all actions necessary in order to comply with the requirements of paragraphs (2) and (3) of Subsection 148(f) in order that the Series 2011 Bonds shall not be treated as an arbitrage bonds pursuant to paragraph (1) of Subsection 148(f), including payment of all amounts, if any, required to be paid to the United States of America in accordance with and within the time limits prescribed in Subsection 148(f) and the Subsection 148(f) Regulations, the making of any and all calculations, computations and filings required pursuant to Subsection 148(f) and the Subsection 148(f) Regulations, and the maintenance of all such records as may be required pursuant to Subsection 148(f) and the Subsection 148(f) Regulations.

(2) In order to effectuate the foregoing covenants, the Municipality hereby covenants and certifies that: (A) prior to delivery of the Series 2011 Bonds, it shall have received written instructions from nationally-recognized bond counsel with respect to specific actions which will, under Subsection 148(f) and such regulations as may have been promulgated prior to delivery of the Series 2011 Bonds, assure compliance with such covenants; and (B) the Municipality shall comply with such instructions until the Municipality shall have received from nationally-recognized bond counsel written advice that continued compliance with such instructions is not necessary in order to avoid adversely affecting the tax-exempt status of the Series 2011 Bonds or alternative written instructions with respect to certain actions which will assure compliance with the covenants set forth above, in which event the Municipality shall thereafter comply with all such alternative instructions.

(c) The Municipality shall not intentionally use any portion of the proceeds (within the meaning of Subsection 148(a) of the Code and any regulations promulgated pursuant thereto) of the Series 2011 Bonds to acquire higher yielding investments (as defined in Subsection 148(a) of the Code and all regulations promulgated pursuant thereto) or to replace funds which were used directly or indirectly to acquire higher yielding investments, except to the extent specifically permitted pursuant to Section 148 of the Code and any regulations promulgated thereunder.

(d) The Municipality shall not purchase or acquire any investment property with proceeds (within the meaning of Section 148 of the Code) of the Series 2011 Bonds in a manner or for a price which would cause the Series 2011 Bonds to be or become an arbitrage bond, within the meaning of Section 148 of the Code and all regulations promulgated thereunder, including, without limitation, to the extent prescribed by applicable regulations, investments (regardless of yield) which do not comply with the provisions of any regulations intended to assure that obligations are acquired at their "market price" or "fair market value."

(e) The Mayor and/or City Clerk are hereby authorized to execute a "nonarbitrage and federal tax certificate" in connection with the sale and delivery of the Series 2011 Bonds, setting forth the reasonable expectations of the Municipality with respect to the investment and use of proceeds of the Series 2011 Bonds and also setting forth certain covenants, stipulations and certifications with respect to the investment and expenditures of the proceeds of the Series 2011 Bonds, and the Municipality shall comply

with all certifications, stipulations and covenants set forth in such certificate. In addition, such officials are authorized to make such elections on behalf of the Municipality as are necessary or appropriate under the Code or the Subsection 148(f) Regulations.

SECTION 2. (a) The Municipality shall take such actions as may be necessary in order to assure that the Series 2011 Bonds are not private activity bonds within the meaning of Section 141 of the Code.

(b) No more than ten percent (10%) of the Series 2011 Bonds proceeds will be used, directly or indirectly, in a trade or business carried on by any person other than a governmental unit.

(c) No more than ten percent (10%) of any property with respect to which all or any part of the Series 2011 Bonds proceeds will be used, directly or indirectly, will be used in a trade or business carried on by any person other than a governmental unit.

(d) None of the Series 2011 Bonds proceeds will be used for any private business use (within the meaning of Section 141 of the Code) which is not related to the governmental use (within the meaning of Section 141 of the Code) of such Series 2011 Bonds proceeds.

(e) The amount of Series 2011 Bonds proceeds used with respect to any private business use which is related to a governmental use of such Series 2011 Bonds proceeds will not exceed the amount of Series 2011 Bonds proceeds which are used for the governmental use to which such private business use relates.

(f) None of the proceeds of the Series 2011 Bonds will be used to make or finance loans for persons other than governmental units.

(g) In no event will the payment of the principal of or the interest on more than ten percent (10%) of the proceeds of the Series 2011 Bonds be (under the terms of the Series 2011 Bonds or any underlying arrangement) directly or indirectly secured (within the meaning of Section 141 of the Code) by any interest in property used or to be used in a private business use or payments in respect to such property or to be derived from payments (whether or not to the Municipality) in respect of property or borrowed money used or to be used for a private business use.

(h) The Municipality covenants and certifies that there are no other obligations heretofore issued or to be issued by or on behalf of any state, territory or possession of the United States of America, or political subdivision of any of the foregoing, or of the District of Columbia, by or for the benefit of the Municipality, which (1) were or are to be sold at substantially the same time as the Series 2011 Bonds, (2) were or are to be issued pursuant to the same plan of financing as the financing plan for the Series 2011 Bonds, and (3) are payable directly or indirectly by the Municipality or from the source from which the Series 2011 Bonds are payable. The Municipality covenants and certifies that there are no additional facts or circumstances which may further evidence that the Series 2011 Bonds are part of any other issue of obligations.

(i) The Municipality covenants and certifies that no payment of principal of or interest on the Series 2011 Bonds is or will be guaranteed (in whole or in part, directly or indirectly) by the United States of America, or any agency or instrumentality thereof or any entity with statutory authority to borrow from the United States of America. The Municipality represents, warrants and covenants that none of the Series 2011 Bonds proceeds will be: (1) used to make loans, the payment of principal of or interest on which is or will be guaranteed (in whole or in part, directly or indirectly) by the United States of America or any agency or instrumentality thereof or any entity with statutory authority to borrow from the United States; or (2) invested (directly or indirectly) in any deposit or account which is insured under federal law by the Federal Deposit Insurance Corporation, the National Credit Union Administration or any similar federally chartered corporation (other than: (A) the investment of the Bond proceeds for an initial temporary period (within the meaning of subparagraph 3(B) of Subsection 149(b) of the Code) until such proceeds are needed for the purpose for which the Series 2011 Bonds is being issued; (B) investments of a bona fide debt service fund (within the meaning of Subparagraph 3(B) of Subsection 149(b) of the Code); (C) investments of a reserve which meets the requirements of Subsection 148(d) of the Code; (D) investments in bonds issued by the United States of America Treasury; or (E) other investments permitted under regulations promulgated by the Internal Revenue Service pursuant to Subsection 149(b) of the Code).

(j) The Municipality covenants and certifies that, notwithstanding any provision of this Resolution or the rights of the Municipality hereunder, the Municipality will not take or permit to be taken on its behalf any action which would impair the exclusion of interest on the Series 2011 Bonds from gross income for purposes of federal income taxation, and it will take such reasonable action as may be necessary to continue such exclusion, including, without limitation, the preparation and filing of any statements required to be filed by it in order to maintain such exclusion.

SECTION 3. The Series 2011 Bonds are hereby designated as a portion of the Ten Million Dollars (\$10,000,000) of qualified tax-exempt obligations of the Municipality within the meaning and for the purposes of Section 265(b)(3) of the Code.

SECTION 4. The Municipality reasonably expects that not less than eighty-five percent (85%) of the spendable proceeds of the Series 2011 Bonds will be used to carry out the governmental purposes of the Series 2011 Bonds within a three-year period beginning on the date of issuance of the Series 2011 Bonds. No more than fifty percent (50%) of the proceeds of the Series 2011 Bonds will be invested in non-purpose investments (as defined in Section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four years or more.

SECTION 5. In the event it is determined the Series 2011 Bonds do not meet the requirements of paragraph (4) of Subsection 148(f), but in the event the Municipality receives an opinion of nationally recognized bond counsel to the effect that any of the computations, deposits or payments referenced in Sections 1 and 2 herein are not required to be made in order to maintain the tax-exempt status of interest on the Series 2011 Bonds, the Municipality need not make such computations, deposits or payments.

Alderman Richard Corey moved and Alderman Henry Vaughn, Sr. seconded the motion to adopt the foregoing resolution and, and the question being put to a roll call vote, the result was as follows:

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

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, on this the 18th day of January, 2011.

City of Starkville, Mississippi

Parker Wiseman, Mayor

ATTEST:

Markeeta Outlaw, City Clerk

CERTIFICATE

I, Markeeta Outlaw, City Clerk of the City of Starkville, Mississippi, do hereby certify that the above and foregoing resolution is a true and correct copy of the resolution of the Mayor and Board of Aldermen of the City of Starkville, Mississippi, adopted on the 18th day of January, 2011.

Witness my hand this the 18th day of January, 2011.

City of Starkville, Mississippi

Markeeta Outlaw, City Clerk

(SEAL)

4.

**APPROVAL TO REJECT ANY AND ALL BIDS RECEIVED ON THE EIGHT (8)
YARD REAR LOADING SANITATION TRUCK WITH CABOVER; MAKE
CORRECTIONS TO SPECIFICATIONS; AND RE-BID**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "authorization to reject any and all bids received on the Eight (8) yard rear-loading sanitation truck with cab-over; to revise and correct specifications; and to re-bid the item" is enumerated, this consent item is thereby unanimously approved.

5.

**APPROVAL OF THE FUEL AGREEMENT WITH BLOSSMAN GAS, INC., AS
AMENDED BY THE CITY ATTORNEY FOR A 3-YEAR TERM FOR THE
PURCHASE OF PROPANE IN ACCORDANCE WITH MDA
TRANSPORTATION ALTERNATIVE FUEL GRANT #GT11-0910-0021**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of the Fuel Agreement with Blossman Gas, Inc., as amended by the City Attorney for a 3-year term, for the purchase of propane in accordance with Mississippi Development Authority (MDA) Transportation Alternative Fuel Grant #GT11-0910-0021" is enumerated, this consent item is thereby unanimously approved.



**Blossman Gas Inc.
Customer Agreement**

Date: January 19, 2011

This agreement is entered into by and between **Blossman Gas Inc.** and the City of Starkville, Mississippi, customer, whose address is:

101 East Lampkin Street, Starkville, Mississippi 39759

(Address of Business)

For the term of this agreement, **Blossman Gas Inc.** agrees to sell to customer and customer agrees to purchase from **Blossman Gas** all of customer's AutoGas needs for use as a motor fuel used in vehicles and equipment either converted or manufactured to operate on propane AutoGas.

The term of this agreement shall be the THREE (3) years period commencing on February 1, 2011 and ending on January 31, 2014.

For such AutoGas, **Blossman Gas** agrees to charge and customer agrees to pay a price per gallon computed as follows:

Blossman's laid in cost of Autogas (propane) at the Hattiesburg terminal of the Dixie Pipeline as published in Butane Propane News, in effect on the day of purchase plus \$.55 cents per gallon, plus applicable federal, state and local motor fuel, excise and/or sales taxes. Exemption certificates must be provided before taxes can be exempted from billings.

Blossman Gas will invoice customer for each delivery of AutoGas purchased under this agreement within five days of the purchase date. All invoice payments will be due within ten (10) days from the invoice date, and shall be considered past due on the 30th day following the invoice date.

Signed and agreed to this 19th January, 2011.

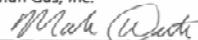
Customer: City of Starkville, Mississippi

By


Parker Wiseman, Mayor, City of Starkville

Blossman Gas, Inc.

By



6.

**APPROVAL OF CLAIMS DOCKET #01-18-11-B
FOR THE CITY OF STARKVILLE CLAIMS, EXCLUDING
FIRE DEPARTMENT CLAIMS, THROUGH JANUARY 13, 2011
IN THE AMOUNT OF \$481,047.29 IN ACCORDANCE WITH
SECTION 17-3-1 OF THE MISSISSIPPI CODE OF 1972, ANNOTATED**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of Claims Docket #01-18-11-B which contains claims from all departments through January 13, 2011, except the Fire department, with all claims totaling \$481,047.29" is enumerated, this consent item is thereby unanimously approved.

**CLAIMS DOCKET
01-18-11-B
JANUARY 13, 2011**

General Fund	001	\$305,491.69
Restricted Police Fund	002	2,963.08
Restricted Fire Fund	003	0.00
Airport Fund	015	112.50
Sanitation	022	53,025.07
Landfill	023	432.34
Computer Assessments	107	0.00
City Bond and Interest	202	3,880.00
2009 Road Maint. Bond	304	40,395.57
Fire Station No. 5	306	0.00
American Recovery & Reinvestment Act	309	0.00
P & R Bond Series 2007	325	0.00
Park & Rec Tourism 2%	375	6,152.95
Water/Sewer	400	62,947.01
Vehicle Maintenance	500	5,647.08
Hotel/Motel	610	0.00
2% (VCC, EDA, MSU)	630	0.00
Electric		0.00
TOTAL CLAIMS		\$481,047.29

7.

**APPROVAL TO ACCEPT THE DECEMBER 2010 FINANCIALS
FOR THE CITY OF STARKVILLE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the January 18, 2011 Official Agenda with no objections to consent items, whereby the "approval of the

Acceptance of the December, 2010 Financials for the City of Starkville as presented," is enumerated, this consent item is thereby unanimously approved.

8.

APPROVAL TO ACCEPT THE LOWEST AND BEST BID RECEIVED FOR THE JANUARY 2011 THROUGH JUNE 2011 SOURCE OF SUPPLY LISTING FOR THE STARKVILLE ELECTRIC DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to accept the lowest and best bid received for the January 2011 through June 2011 Source of Supply listing for the Starkville Electric Department" is enumerated, this consent item is thereby unanimously approved.

9.

APPROVAL TO ACCEPT THE LOWEST AND BEST BIDS RECEIVED FOR THE 2011 SOURCE OF SUPPLY LISTING FOR ALL DEPARTMENTS

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to accept the lowest and best bids received for the 2011 Source of Supply listing for all Departments" is enumerated, this consent item is thereby unanimously approved.

10.

APPROVAL TO AUTHORIZE THE MAYOR TO EXECUTE THE PROPOSED DEPOSIT ASSURANCE PROGRAM AGREEMENT BETWEEN THE CITY OF STARKVILLE AND TENNESSEE VALLEY AUTHORITY

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval authorizing the Mayor to execute the proposed Deposit Assurance Program Agreement (DAP) between the City of Starkville and Tennessee Valley Authority" is enumerated, this consent item is thereby unanimously approved.

11.

**APPROVAL TO AUTHORIZE THE MAYOR TO EXECUTE THE PROPOSED
AMENDED ENHANCED SECURITY DEPOSIT PROGRAM AGREEMENT
BETWEEN THE CITY OF STARKVILLE AND
TENNESSEE VALLEY AUTHORITY**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval authorizing the Mayor to execute the proposed amended Enhanced Security Deposit Program (ESDP) agreement between the City of Starkville and Tennessee Valley Authority" is enumerated, this consent item is thereby unanimously approved.

12.

**APPROVAL TO ADVERTISE FOR THE LEASE/PURCHASE OF A
BACKYARD HYDRAULIC DIGGER DERRICK
WITH CHASSIS AND TRAILER**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to advertise for the lease/purchase of a Backyard Hydraulic Digger Derrick with Chassis and Trailer" is enumerated, this consent item is thereby unanimously approved.

13.

**APPROVAL TO ADVERTISE FOR THE LEASE/PURCHASE OF A 55-FOOT
MATERIAL HANDLING BUCKET TRUCK WITH CHASSIS**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to advertise for the lease/purchase of a 55-foot Material Handling Bucket Truck with Chassis" is enumerated, this consent item is thereby unanimously approved

14.

**APPROVAL TO DECLARE SCRAP METAL AS SURPLUS AND
AUTHORIZATION TO ADVERTISE FOR BIDS FOR
THE SALE OF SURPLUS SCRAP METAL
IN THE ELECTRIC DEPARTMENT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to declare scrap metal from the Electric Department as surplus, and to authorize advertising for bids for the Sale of Scrap Metal" is enumerated, this consent item is thereby unanimously approved.

15.

**APPROVAL TO EMPLOY BENNIE WILLIAMS TO FILL THE VACANT
POSITION OF MAINTENANCE WORKER I IN THE STREET DEPARTMENT
AT AN ANNUAL SALARY OF \$18,325.21 (\$8.81/HR), GRADE 4 STEP 4 WITH
A ONE-YEAR PROBATIONARY PERIOD**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to employ Bennie Williams to fill the vacant position of Maintenance Worker I in the Street Department at an annual salary of \$18,325.21 (\$8.81 per/hr), Grade 4 Step 4 with a one-

year probationary period" is enumerated, this consent item is thereby unanimously approved.

16.

APPROVAL TO HIRE A TEMPORARY, FULL-TIME EQUIPMENT OPERATOR FOR THE LANDFILL NECESSITATED BY AN EXTENDED MEDICAL RELATED ABSENCE OF AN EMPLOYEE

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to hire a temporary full time equipment operator for the Landfill necessitated by an extended medical related absence of an employee" is enumerated, this consent item is thereby unanimously approved.

17.

APPROVAL OF OUT-OF-STATE TRAVEL FOR POLICE SERGEANT SHAWN WORD, POLICE OFFICER ANDY ROUND AND POLICE OFFICER SHANE KELLY TO ATTEND THE 2011 LIFE SAVERS CONFERENCE IN PHOENIX, ARIZONA; MARCH 26-28, 2011 WITH ADVANCED TRAVEL EXPENSES APPROXIMATED AT \$3,654.00

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of out-of-state travel for Police Sergeant Shawn Word, Police Officer Andy Round, and Police Officer Shane Kelly to attend the 2011 Life Savers Conference in Phoenix, Arizona; March 26-28, 2011 with advance travel expenses approximated at \$3,654.00" is enumerated, this consent item is thereby unanimously approved.

18.

APPROVAL OF OUT-OF-STATE TRAVEL FOR POLICE CHIEF DAVID LINDLEY, POLICE CAPTAIN R. FRANK NICHOLS, AND POLICE TRAINING OFFICER LAURA ROBERSON TO ATTEND THE COMMISSION ON ACCREDITATION FOR LAW ENFORCEMENT AGENCIES IN BETHESDA, MARYLAND; MARCH 22-26, 2011 WITH ADVANCED TRAVEL EXPENSES APPROXIMATED AT \$4,830.00

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of out-of-state travel for Police Chief David Lindley, Police Captain R. Frank Nichols, and Police Training Officer Laura Roberson to attend the Commission on Accreditation for Law Enforcement Agencies in Bethesda, Maryland; March 22-26, 2011 with advanced travel

expenses approximated at \$4,830.00" is enumerated, this consent item is thereby unanimously approved.

19.

APPROVAL TO ACCEPT A \$50,000.00 GRANT FROM THE DEPARTMENT OF ENVIRONMENTAL QUALITY (MDEQ) THROUGH THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM (EECBG) UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "authorization to accept a Fifty Thousand Dollar Grant (\$50,000.00) from the Department of Environmental Quality (MDEQ) through the Energy Efficiency and Conservation Block Grant Program (EECBG) under the American Recovery and Reinvestment Act of 2009" is enumerated, this consent item is thereby unanimously approved

20.

APPROVAL TO DECLARE 40 REFUSE CONTAINERS AND 3 REFUSE TRUCKS AS SURPLUS, AND AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE SALE OF SURPLUS REFUSE CONTAINERS AND REFUSE TRUCKS IN THE SANITATION DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to declare forty (40) refuse containers and three (3) refuse trucks as surplus, and authorization to advertise for bids for the Sale of Surplus Refuse Containers and Refuse Trucks in the Sanitation Department" is enumerated, this consent item is thereby unanimously approved.

REFUSE TRUCKS

YEAR	VIN NUMBER	MODEL NUMBER
1996	4V2DC6UE92B336119	15MU320HP2100RPM
1996	1M2K195C8YM015262	MR6885
1994	1FDZU90LCTVA51334	230847

21.

APPROVAL TO PURCHASE 20 REFUSE CONTAINERS FROM 2011 CITY OF STARKVILLE SOURCE OF SUPPLY (TEN 6-YARD CONTAINERS AND TEN 8-YARD CONTAINERS)

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the January 18, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to purchase 20 Refuse Containers (Ten 6-yard containers and Ten 8-yard containers) from the City of

Starkville 2011 Source of Supply List" is enumerated, this consent item is thereby unanimously approved.

END OF CONSENT ITEMS

MAYOR AND BOARD OF ALDERMEN COMMENTS

Alderman Sandra Sistrunk recognized the awards won by the Starkville Community Theatre and the Starkville High School Theatre Department.

Alderman Ben Carver commented on the success of the Mayor and Board's Retreat held this past weekend.

CITIZEN COMMENTS

Alvin Turner ward 7 made inquiries regarding the emergency vehicles that were dispatched to the Starkville Electric Department building at the corner of Jefferson Street and Lafayette Street. Mr. Turner also presented the Board with snap shots of Downtown Starkville.

PUBLIC APPEARANCE

Michael Fazio of the Historic Preservation Committee Introduced members of the committee and gave the Board an update of the Committee's activities over the past year. He informed the Board of the need to survey the three national historic districts in Starkville, and forewarned the Board of the financial assistance needed for design services related to the three Historic Districts.

Alderman Sistrunk thanked the committee for their time and efforts in preserving Starkville.

INTERVIEWS

The Board interviewed the following candidates for the IT Manager position:

Johnny Hughes of Meridian, MS

Matthew Harrison of Elora, TN

Tim McCoy of New Albany, MS

Joel Clements of Starkville, MS

22.

A MOTION TO ADJOURN

Upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Henry Vaughn, Sr., to adjourn the meeting, the Board voted as follows:

Alderman Ben Carver

Voted: Yea

Alderman Sandra Sistrunk

Voted: Yea

Alderman Eric Parker

Voted: Yea

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.

The next meeting of the Mayor and Board of Aldermen will be held Tuesday, February 1, 2011, at 5:30 p.m. Meeting will be in the Boardroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS.

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2010.

Markeeta Outlaw
MARKEETA OUTLAW, CITY CLERK

Parker Wiseman
PARKER WISEMAN, MAYOR

(SEAL)

