

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

**The City of Starkville, Mississippi
February 1, 2011**

Be it remembered that the Mayor and Board of Alderman met in a Regular Meeting on February 1, 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 with the Pledge of Allegiance followed by a moment of silence.

REQUESTED REVISIONS TO THE OFFICIAL AGENDA

Alderman Jeremiah Dumas requested the following changes to the February 1, 2011 Official Agenda

Add to Consent Item XI-B1 regarding Planning and Zoning item #CU 10-08: A request by the Creamery at Central Station, LLC, to allow multi-family residential use in a C-2 (General Business) zoning district located at 200 S. Montgomery Street with five (5) conditions as recommended by City Staff.

Alderman Roy A'. Perkins requested the following changes to the February 1, 2011 Official Agenda

Add to Consent Item X-F regarding the Parking Garage Use Agreement with the Cotton Mill Conference Center and Hotel as recommended by City Attorney Chris Latimer.

Add to Consent Item XI-H4 regarding the employment of Curtland Vickers as a Full-Time, Firefighter on a temporary basis, at a Grade 5, Step 1 with a starting annual salary of \$26,517.81 / (\$8.87/hour - 2990 hours) with full benefits subject to a one year probationary period.

Add to Consent Item XI-H1 regarding the promotion of Fire Department Employees with a 10% increase in salary:

PROMOTIONS

EMPLOYEE	CURRENT RANK AND SALARY	NEW RANK AND SALARY	PROBATIONARY PERIOD
Stewart Bird	Lieutenant G7	Captain G8 - \$46,325.40 (15.49/hour - 2990 hours/yr)	6 months

Brian Arnett	Sergeant G6	Lieutenant G7 - \$35,061.85 (\$11.73/hour - 2990 hours/yr)	6- months
Jeff Whitehead	Firefighter G5	Sergeant G6 - \$33,487.26 (\$11.20/hour - 2990 hours/yr)	6-months

and to retain a "Promotion List" of successful candidates for one year should further promotional opportunities develop:

**PROMOTION LIST VALID
THROUGH JANUARY 14, 2014**

Tony Clayborn	Eligible for Promotion to Rank of Lieutenant through January 14, 2012
Revis Lee Kellum	Eligible for Promotion to Rank of Lieutenant through January 14, 2012
Sam Wilkes	Eligible for Promotion to Rank of Sergeant through January 14, 2012

Add to Consent Item IX-B regarding establishing the time, date and location to interview the Starkville School Board candidates for the 5-year term beginning March 8, 2011 as 4:30 p.m. on February 15, 2011 at the City Hall Boardroom located at 101 E. Lampkin Street.

Remove from Consent Item X-C regarding the purchase of an additional block of 40 hours with Synergetics for IT services during the Department transition.

Aldermen Ben Carver requested the following changes to the February 1, 2011 Official Agenda

Correction to Item XI-H2 regarding educational assistance for City Engineer Edward Kemp from a not to exceed amount of \$2,400.00 to \$1,400.00

1.

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

There came for consideration the matter of approving and adopting the February 1, 2011 Official Agenda of the Regular 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 February 1, 2011 Official Agenda, as revised, the Board voted unanimously in favor of the motion.

2.

**A MOTION TO AMEND THE AGENDA TO INCLUDE ITEM III - A,
"CONSIDERATION OF THE APPROVAL OF THE CONSENT AGENDA"**

There came for consideration the matter of amending the Official Agenda to include an item "A" under section III -

III. APPROVAL OF THE OFFICIAL AGENDA

**A. CONSIDERATION OF THE APPROVAL OF THE CONSENT
ITEMS**

upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Richard Corey to amend the agenda to add Item III - A, "Consideration of the approval of the Consent Agenda," the Board unanimously voted its approval.

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

OFFICIAL AGENDA

THE MAYOR AND BOARD OF ALDERMEN

OF THE

CITY OF STARKVILLE, MISSISSIPPI

REGULAR MEETING OF TUESDAY, FEBRUARY 1, 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**

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

- A. REQUEST CONSIDERATION FOR THE APPROVAL OF THE DECEMBER 21, 2010, RECESS MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.
- B. REQUEST CONSIDERATION FOR THE APPROVAL OF THE JANUARY 4, 2011, REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.
- C. REQUEST CONSIDERATION FOR THE APPROVAL OF THE JANUARY 18, 2011, RECESS MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.

V. ANNOUNCEMENTS AND COMMENTS

- A. MAYOR'S COMMENTS:

INTRODUCTION OF A NEW EMPLOYEE:

BENNIE WILLIAMS – STREET DEPARTMENT

- B. BOARD OF ALDERMEN COMMENTS:

RECOGNITION OF EMPLOYEE OF THE MONTH: ALDERMAN
SISTRUNK PRESENTING TO:

TONY SYKES – STREET DEPARTMENT

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

- A. PUBLIC APPEARANCE BY JUDGE RODNEY FAVER AND COURT ADMINISTRATOR, TONY ROOK PROVIDING THE ANNUAL REPORT OF COURT ACTIVITIES.
- B. ANNUAL PRESENTATION AND UPDATE BY ADMINISTRATIVE HEARING OFFICER JENNY TURNER AND HEARING ENFORCEMENT ADMINISTRATOR BILL GREEN ON THE ACTIVITIES OF THE ADMINISTRATION ADJUDICATION DIVISION FOR 2010.

VIII. PUBLIC HEARING

THERE ARE NO PUBLIC HEARINGS SCHEDULED

IX. MAYOR'S BUSINESS

- A. DISCUSSION AND CONSIDERATION OF THE APPROVAL OF THE STRATEGIC PLAN AS REVISED AT THE BOARD RETREAT OF JANUARY 14-15, 2011.
- B. DISCUSSION OF SETTING A TIME FOR INTERVIEWS OF STARKVILLE SCHOOL BOARD CANDIDATES FOR THE 5 YEAR TERM BEGINNING MARCH 8, 2011.

X. BOARD BUSINESS

- A. REPORT FROM THE TECHNOLOGY COMMITTEE
 - 1. CONSIDERATION OF THE APPROVAL OF HIRING JOEL CLEMENTS AS INFORMATION TECHNOLOGY MANAGER AT A GRADE 16/STEP 4A SALARY WITH A ONE YEAR PROBATIONARY PERIOD.
 - 2. CONSIDERATION OF THE APPROVAL OF ADVERTISING FOR AN RFQ FOR FACILITIES ENERGY PERFORMANCE BASED CONTRACTING SERVICES.

- B. CONSIDERATION OF DECLARING IN ACCORDANCE WITH THE AUTHORITY GRANTED BY MS CODE §21-19-13 THAT THE DRAINAGE MATTERS IMPACTING MAPLE STREET ARE A PUBLIC HEALTH AND SAFETY CONCERN THAT ESTABLISHES THE NEED FOR THE CITY TO ENTER ONTO PRIVATE PROPERTY AS NECESSARY TO ALLEVIATE SUCH EROSION AND FLOODING SO AS TO PRESERVE PUBLIC SAFETY AND WELFARE.

- ### C. CONSIDERATION OF AUTHORIZING AN ADDITIONAL BLOCK OF 40 HOURS WITH SYNERGETICS FOR IT SERVICES DURING THE DEPARTMENT TRANSITION.

- ### D. REQUEST AUTHORIZATION FOR CITY'S HISTORIC PRESERVATION COMMISSION TO MAKE APPLICATION TO THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY FOR "CERTIFIED LOCAL GOVERNMENT" STATUS, INCLUDING MAYOR'S EXECUTION OF LETTER OF SUPPORT.

- ### E. CONSIDERATION OF THE APPOINTMENT OF JASON BARRETT TO THE HISTORIC PRESERVATION COMMISSION FOR THE VACANT TERM ENDING JULY 1, 2013.

- F. CONSIDERATION OF THE APPROVAL OF THE PARKING GARAGE USE AGREEMENT WITH THE COTTON MILL CONFERENCE CENTER & HOTEL, LLC.

XI. DEPARTMENT BUSINESS

- A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

- B. BUILDING, CODES AND PLANNING DEPARTMENT
 - 1. CONSIDERATION TO APPROVE P&Z ITEM #CU 10-08: A REQUEST BY THE CREAMERY AT CENTRAL STATION, LLC, TO ALLOW MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 200 SOUTH MONTGOMERY STREET IN WARD 5.

- C. OFFICE OF THE CITY CLERK
 - 1. REQUEST APPROVAL OF THE CITY OF STARKVILLE FIRE DEPARTMENT CLAIMS DOCKET AS OF JANUARY 28, 2011.

2. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JANUARY 28, 2011.

D. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

E. ELECTRIC DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

F. ENGINEERING AND STREETS

THERE ARE NO ITEMS FOR THIS AGENDA

G. FIRE DEPARTMENT

1. REQUEST AUTHORIZATION TO USE NORTH GREENVILLE FITNESS IN THE AMOUNT OF \$14,326.00 FOR ANNUAL FIREFIGHTER FITNESS TESTING TO BE CONDUCTED MARCH 28-31, 2011.

H. PERSONNEL

1. RECOMMENDATION OF CANDIDATES FOR PROMOTION IN FIRE DEPARTMENT.

2. REQUEST APPROVAL OF EDUCATIONAL ASSISTANCE REQUEST FOR EDWARD KEMP.

3. REQUEST AUTHORIZATION TO ADVERTISE FOR TWO VACANT LABORER POSITIONS IN THE SANITATION AND ENVIRONMENTAL SERVICES DEPARTMENT.

4. REQUEST AUTHORIZATION TO HIRE CURT VICKERS AS A FIREFIGHTER TO FILL A VACANT POSITION.

I. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

J. PUBLIC SERVICES

1. REQUEST APPROVAL OF A REVISION TO THE 2011 WATER AND SEWER TAP FEES BASED ON SOURCE OF SUPPLY MATERIAL BIDS.

2. REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO GULF COAST UNDERGROUND, THE LOWEST SOURCE OF SUPPLY BIDDER, TO INSTALL LININGS IN DETERIORATED MANHOLES IN THE ROLLING HILLS SUBDIVISION AND ON BANYAN ROAD IN THE AMOUNT OF \$31,855.34 WITH A 10% CONTINGENCY.

3. REQUEST APPROVAL TO RE-ADVERTISE FOR CERTAIN SOURCE OF SUPPLY BIDS WHERE BID RESPONSES DID NOT COMPLY WITH SPECIFICATIONS, WERE NON-COMPETITIVELY PRICED OR NO BIDS WERE RECEIVED.

4. REQUEST APPROVAL TO ADVERTISE FOR BIDS FOR THE SALE OF SCRAP METAL AND WATER METERS.

K. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

XII. CLOSED DETERMINATION SESSION

XIII. OPEN SESSION

XIV. EXECUTIVE SESSION

A. PENDING LITIGATION

XV. OPEN SESSION

XVI. RECESS UNTIL FEBRUARY 15, 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

C. CONSIDERATION OF AUTHORIZING AN ADDITIONAL BLOCK OF 40 HOURS WITH SYNERGETICS FOR IT SERVICES DURING THE DEPARTMENT TRANSITION.

D. REQUEST AUTHORIZATION FOR CITY'S HISTORIC PRESERVATION COMMISSION TO MAKE APPLICATION TO THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY FOR "CERTIFIED LOCAL GOVERNMENT" STATUS, INCLUDING MAYOR'S EXECUTION OF LETTER OF SUPPORT.

E. CONSIDERATION OF THE APPOINTMENT OF JASON BARRETT TO THE HISTORIC PRESERVATION COMMISSION FOR THE VACANT TERM ENDING JULY 1, 2013.

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 JANUARY 28, 2011.
- D. COURTS – NO ITEMS
- E. ELECTRIC DEPARTMENT – NO ITEMS
- F. ENGINEERING AND STREETS – NO ITEMS
- G. FIRE DEPARTMENT
 - 1. REQUEST AUTHORIZATION TO USE NORTH GREENVILLE FITNESS IN THE AMOUNT OF \$14,326.00 FOR ANNUAL FIREFIGHTER FITNESS TESTING TO BE CONDUCTED MARCH 28-31, 2011.
- H. PERSONNEL
 - 2. REQUEST APPROVAL OF EDUCATIONAL ASSISTANCE REQUEST FOR EDWARD KEMP.
 - 3. REQUEST AUTHORIZATION TO ADVERTISE FOR TWO VACANT LABORER POSITIONS IN THE SANITATION AND ENVIRONMENTAL SERVICES DEPARTMENT.
- I. POLICE DEPARTMENT – NO ITEMS
- J. PUBLIC SERVICES
 - 1. REQUEST APPROVAL OF A REVISION TO THE 2011 WATER AND SEWER TAP FEES BASED ON SOURCE OF SUPPLY MATERIAL BIDS.
 - 2. REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO GULF COAST UNDERGROUND, THE LOWEST SOURCE OF SUPPLY BIDDER, TO INSTALL LININGS IN DETERIORATED MANHOLES IN THE ROLLING HILLS SUBDIVISION AND ON BANYAN ROAD IN THE AMOUNT OF \$31,855.34 WITH A 10% CONTINGENCY.
 - 3. REQUEST APPROVAL TO RE-ADVERTISE FOR CERTAIN SOURCE OF SUPPLY BIDS WHERE BID RESPONSES DID NOT COMPLY WITH SPECIFICATIONS, WERE NON-COMPETITIVELY PRICED OR NO BIDS WERE RECEIVED.
 - 4. REQUEST APPROVAL TO ADVERTISE FOR BIDS FOR THE SALE OF SCRAP METAL AND WATER METERS.
- K. SANITATION DEPARTMENT - NO ITEMS

3.

APPROVAL ESTABLISHING THE TIME, DATE AND LOCATION TO INTERVIEW THE STARKVILLE SCHOOL BOARD CANDIDATES FOR THE 5-YEAR TERM BEGINNING MARCH 8, 2011 AS 4:30 P.M. ON FEBRUARY 15, 2011 IN THE CITY HALL BOARDROOM LOCATED AT 101 E. LAMPKIN STREET.

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to set the time, date, and location to interview the Starkville School Board candidates for the 5-year term beginning March 8, 2011 as 4:30 p.m. on February 15, 2011 in the City Hall Boardroom located at 101 E. Lampkin Street" is enumerated, this consent item is thereby unanimously approved.

4.

APPROVAL AUTHORIZING THE HISTORIC PRESERVATION COMMISSION TO MAKE APPLICATION TO THE MISSISSIPPI DEPARTMENT OF ARCHIVES AND HISTORY FOR "CERTIFIED LOCAL GOVERNMENT STATUS" AND AUTHORIZING THE MAYOR TO EXECUTE A LETTER OF SUPPORT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to authorize the Historic Preservation Commission to apply to the Mississippi Department of Archives and History for "Certified Local Government" status and authorize the Mayor to execute a letter of support" is enumerated, this consent item is thereby unanimously approved.

5.

APPROVAL TO APPOINT JASON BARRETT TO THE HISTORIC PRESERVATION COMMISSION FOR THE VACANT TERM ENDING JULY 1, 2013

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to appoint Jason Barrett to the Historic Preservation Commission of the vacant term ending July 1, 2013" is enumerated, this consent item is thereby unanimously approved.

6.

APPROVAL TO EXECUTE THE PARKING GARAGE USE AGREEMENT WITH THE COTTON MILL CONFERENCE CENTER AND HOTEL AS RECOMMENDED BY CITY ATTORNEY CHRIS LATIMER

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011

Official Agenda, with no objections to consent items, whereby the "approval to execute the Parking Garage Use Agreement with the Cotton Mill Conference Center and Hotel as recommended by City Attorney, Chris Latimer," is enumerated, this consent item is thereby unanimously approved

PARKING GARAGE USE AGREEMENT

THIS PARKING GARAGE USE AGREEMENT (this "Use Agreement") made and entered into as of the 1st day of February, 2011 by and between the **CITY OF STARKVILLE, MISSISSIPPI**, (the "City") a body corporate and politic of the State of Mississippi (the "State") and **COTTON MILL CONFERENCE CENTER & HOTEL, LLC**, a Mississippi limited liability company, as Cotton Mill ("Cotton Mill").

Recitals:

1. The City has applied for and received a Katrina Supplemental CDBG Economic Development Grant in the amount of \$8,000,000 to secure the location and construction of a parking garage (the "Parking Garage") to facilitate Cotton Mill's acquisition of the E.E. Cooley Cotton Mill (the "Cooley Building"), which contains approximately 97,597 square feet of space, and its renovation and conversion to a conference center and offices, including a new addition consisting of an additional ballroom and meeting facility containing approximately 16,864 square feet of space, and with the offices containing approximately 35,865 square feet of space within the Cooley Building, and (b) the acquisition, construction, furnishing, and equipping of a free standing 150 room hotel and a free standing restaurant building containing approximately 11,500 square feet of space, all located on approximately 6.85 acres adjacent to the campus of Mississippi State University in Starkville, Mississippi (collectively, the "Project").

2. Cotton Mill desires to obtain from the City the exclusive use of a certain number of parking spaces in the Parking Garage for the benefit and use of Cotton Mill's Project, and the City is willing grant this exclusive use such parking spaces to Cotton Mill on the terms set forth herein in consideration for Cotton Mill locating the Project within the boundaries of the City and for the management, maintenance, and operation of the entire Parking Garage by Cotton Mill at its sole cost and expense for the duration of the Agreement.

NOW, THEREFORE, in consideration of the foregoing, and for other good and valuable consideration, receipt and sufficiency of which are acknowledged, the City and Cotton Mill hereby agree as follows:

Section 1. Definitions.

All terms not defined herein shall have the same meaning as ascribed to them in the Loan Agreement.

Section 2. Use of Parking Spaces.

2.1 Commencing on the day of the opening of the Parking Garage, the City hereby grants to Cotton Mill and Cotton Mill hereby accepts from the City the exclusive use of One Hundred Fifty (150) parking spaces within the Parking Garage. Of those One Hundred Fifty (150) spaces _____ (____) parking spaces for the Hotel shall be located on floors ____ of the Parking Garage, _____ (____) parking spaces for the Restaurant shall be located on floors ____ of the Parking Garage, _____ (____) parking spaces for the Conference Center shall be located on floors ____ of the Parking Garage and _____ (____) parking spaces for the Office shall be located on floors ____ of the Parking Garage (collectively, the "Cotton Mill Parking Spaces").

The City shall enter into a management agreement (the “Management Agreement”) with an entity that has experience operating parking garages (the “Operator”) prior to the day of the opening of the Parking Garage. At least thirty (30) days prior to the effective date of any such Management Agreement, the City shall furnish to Cotton Mill a copy of such agreement for Cotton Mill’s acknowledgement and approval of such agreement, with such acknowledgement and approval not to be unreasonably withheld. Any such Management Agreement shall contain (1) a provision pursuant to which the Operator acknowledges this Use Agreement and (2) a provision that restricts the overall usage of the Parking Garage in such a manner as the Operator shall determine in cooperation with Cotton Mill to insure that there are always available to Cotton Mill One Hundred Fifty (150) parking spaces on a priority basis over all other users within the Parking Garage and is compliant with this Use Agreement.

2.2 Anything to the contrary notwithstanding, except as provided in this paragraph, Cotton Mill’s possession of Cotton Mill Parking Spaces shall be limited to parking of vehicles for patrons of Cotton Mill’s Project. Cotton Mill shall not be entitled to use Cotton Mill Parking Spaces for non-Cotton Mill purposes or to offer or make available Cotton Mill Parking Spaces to the general public. The City and Cotton Mill acknowledge that Cotton Mill may not use all Cotton Mill Parking Spaces each day throughout the Term. To the extent Cotton Mill does not use all of Cotton Mill Parking Spaces, the City shall have the right to offer such unused spaces to the public subject to Cotton Mill’s priority right of use. Pursuant to this Use Agreement, the City and Cotton Mill agree that Cotton Mill may agree on operating arrangements that make Cotton Mill Parking Spaces available to persons other than patrons of the Project on a temporary basis so long as such arrangements do not adversely affect or otherwise limit the availability of adequate parking in Cotton Mill Parking Spaces. Cotton Mill and the City shall coordinate regarding the installation of appropriate signage to direct patrons of the Project to the Parking Garage but this coordination will not impose any duty on the City to construct, place, maintain or pay for the signage.

2.3 Cotton Mill, and, its agents, employees, and invitees, shall have vehicular and pedestrian right of ingress and egress to Cotton Mill Parking Spaces from the entrance into the Parking Garage and through the exit out of the Parking Garage, over the interior driveways and ramps leading to and from the entrance and the exit and to and from the elevators and stairwells within the Parking Garage.

Section 3. Term.

The term of this Use Agreement shall commence upon the opening of the Parking Garage and continue in full force and effect until the expiration of forty-one (41) full calendar years after the opening of the Parking Garage.

Section 4. Taxes.

All taxes relating to the ownership of the Parking Garage by the City shall be paid by the City. Any taxes arising from Cotton Mill’s use interest in the Parking Garage shall be paid by Cotton Mill.

Section 5. Construction and Maintenance of Parking Garage.

5.1 Pursuant to State law, the City is currently in the process of bidding the design and construction of the Parking Garage with a minimum of 654 parking spaces. The City shall enter into a construction contract (the “Construction Contract”) with an entity that has experience building parking garages (the “Contractor”). At least thirty (30) days prior to the effective date of any such Construction Contract, the City shall furnish to Cotton Mill a copy of such agreement for Cotton Mill’s acknowledgement of such agreement, with such acknowledgement not to be unreasonably withheld. Both parties understand that the furnishing of the Construction Contract to Cotton Mill is for the intention of allowing Cotton Mill’s contractor for the Project and the Contractor of the Parking Garage to coordinate, to the fullest extent possible, the construction of both the Project and the Parking Garage in a timely and efficient manner. The City understands that the Parking Garage must be open and operating prior to or concurrently with the occupancy of the Cooley Building by Cotton Mill’s tenant, Mississippi State University, and that time is of the essence for the construction, completion and opening of the Parking

Garage. The City will not, however, be responsible for any damages resulting from any delay in the construction, completion, or opening of the Parking Garage.

5.2 Cotton Mill's use of the Parking Garage under this Use Agreement shall be in accordance with State law.

Section 6. Parking Garage Operations.

6.1 Subject to Force Majeure, the Parking Garage shall be open to the public and to patrons of the Project twenty-four (24) hours per day, every day of the year, including weekends and holidays.

6.2 Cotton Mill acknowledges that the City intends to enter into a Management Agreement with the Operator.

6.3 The Parking Garage shall be used by the City and Cotton Mill as a public parking garage that is open to the public, subject to the terms of this Use Agreement and to patrons of the Project and the Parking Garage shall not be used for any other purpose.

6.4 The City shall be entitled to enter into or cause the Operator to enter into any portion of the Parking Garage for the purpose of making any alteration, addition, or repair which the City deems necessary.

Section 7. Assignment and Subuse.

Except as provided herein, neither the City nor Cotton Mill shall be permitted to assign its interest in this Use Agreement or sub-use all or any of Cotton Mill Parking Spaces without the prior written consent of either party.

Section 8. Representations and Warranties of the City.

The City hereby represents and warrants to Cotton Mill that: (i) the City is authorized to enter into and perform this Use Agreement and each agreement to be executed and performed by the City, pursuant to this Use Agreement; (ii) this Use Agreement was duly authorized by the governing body of the City; (iii) at Closing counsel to the City shall also deliver its legal opinion to Cotton Mill with respect to each of the foregoing matters; and (iv) this Use Agreement is binding upon, and enforceable against the City, in accordance with its terms.

Section 9. Representations and Warranties of Cotton Mill.

Cotton Mill hereby represents and warrants to the City that: (i) Cotton Mill consists of a duly organized limited liability company existing under the laws of the State and has full power and authority to perform its obligations under this Use Agreement; (ii) Cotton Mill is not in default of its obligations under any other agreement, and the execution and performance of Cotton Mill obligations hereunder will not constitute a default under any agreement to which Cotton Mill is a party; (iv) there is no pending litigation or administrative proceeding to which Cotton Mill is a party, or which challenges Cotton Mill's right to perform its obligations hereunder; at Closing counsel to Cotton Mill shall also deliver its legal opinion to the City with respect to each of the foregoing matters; and (v) this Use Agreement is binding upon, and enforceable against, Cotton Mill in accordance with its terms.

Section 10. Warranty: Right to Make Agreement.

The City and Cotton Mill each warrant to the other with respect to itself that neither the execution of this Use Agreement nor the finalization of the transactions contemplated hereby shall: (i) violate any provision of law or judgment, writ, injunction, order or decree of any court or governmental authority having jurisdiction over it; (ii) result in or constitute a breach or default under any indenture, contract, other

commitment or restriction to which it is a party or by which it is bound; or (iii) require any consent, vote or approval which has not been taken, or at the time of the transaction involved shall not have been given or taken.

Section 11. Consents and Cooperation.

Except as otherwise provided herein, wherever in this Use Agreement the consent or approval of the City or Cotton Mill is required, such consent or approval shall not be unreasonably withheld, delayed or conditioned, shall be in writing and shall be executed by a duly authorized officer or agent of the party granting such consent or approval. Further, the City and Cotton Mill agree to take such reasonable actions as may be necessary both to carry out the terms, provisions and intent of this Use Agreement, and to aid and assist each other in carrying out such terms, provisions and intent.

Section 12. Relationship.

In the performance of this Use Agreement, Cotton Mill shall act solely as a user of the Parking Garage. Neither this Use Agreement nor any agreements, instruments, documents, or transactions contemplated hereby shall in any respect be interpreted, deemed or construed as making Cotton Mill a partner, joint venturer with, or agent of, the City.

Section 13. Applicable Law and Venue.

This Use Agreement shall be taken and deemed to have been fully executed, made by the parties in, and governed by, the laws of the State of Mississippi for all purposes and intents, without regard to principles of conflict of laws. The parties consent to the exclusive jurisdiction and venue of the courts of Oktibbeha County, Mississippi for any disputes that are in any way related to this Agreement, or the rights, duties, remedies, or performance of the parties in relation thereto.

Section 14. Entire Agreement; Amendment.

This Use Agreement constitutes the entire agreement between the City and Cotton Mill with respect to the matters herein and no other agreements or representations other than those contained in this Use Agreement have been made by the parties. It supercedes all prior written or oral understandings with respect thereto. This Use Agreement shall be amended only in writing and effective when signed by the authorized agents of the City and Cotton Mill.

Section 15. Counterparts.

This Use Agreement is executed in multiple counterparts, each of which shall constitute one and the same instrument.

Section 16. Severability.

In the event any term or provision of this Use Agreement is held to be unenforceable by a court of competent jurisdiction, the remainder shall continue in full force and effect to the extent the remainder can be given effect without the invalid provision, unless the unenforceable or invalid term or provision is such that a court reasonably would find that the parties, or either of them, would not have entered this Use Agreement without such term or provision, or would not have intended the remainder of this Use Agreement to be enforced without such term or provision.

Section 17. Representatives Not Personally Liable.

No director, officer, agent, employee, representative or consultant of the City shall be personally liable to Cotton Mill in the event of any default or breach by the City under this Use Agreement or with respect to any obligation under this Use Agreement.

Section 18. Headings, etc.

Headings of articles and sections are inserted only for convenience and are in no way to be construed as a limitation on the scope of the particular articles or sections to which they refer. Words in the singular shall include the plural, and vice versa, where appropriate.

Section 19. Indemnification.

Cotton Mill, along with its directors, officers, employees, representatives, agents, insurers, and/or assigns, agree to assume the defense, hold harmless, and fully indemnify the City from any and all claims, suits, judgments, damages, attorney's fees, costs and any and all other expenses whatsoever arising out of or relating in any manner to Cotton Mill's use of the premises that is the subject of this Agreement. This indemnification provision shall survive the termination of this Agreement.

Section 20. Insurance.

(a) Cotton Mill shall obtain and maintain at its sole cost and expense, with insurers acceptable to the City, the following insurance coverage related to its use of the Parking Garage: a commercial general liability insurance policy with general aggregate limit of \$2,000,000.00, personal injury limit of \$1,000,000.00, each occurrence limit of \$1,000,000.00, fire damage limit of \$100,000.00 and medical expense limit of \$5,000.00; garagekeepers comprehensive and collision insurance against liability for damage to automobiles of others of not less than \$500,000.00. Cotton Mill shall also provide any and all other insurance required by any applicable law, rules, or regulations. Cotton Mill agrees to notify the City and all applicable insurance carriers of any bodily injury or death to any person and any property damage at or relating to the Parking Garage or claims concerning the same. The City shall be named as an additional insured on all of the applicable coverages. Cotton Mill shall secure a waiver of subrogation in favor of the City on all policies. Copies of such insurance policies will be delivered to the City, and must be approved by the City in writing, prior to the execution of this Agreement.

(b) In the event of any assignment of Cotton Mill's use approved by the City pursuant to Section 7 hereof, any approved subuser or assignee shall be covered by liability insurance in kind and amounts equal to the insurance required by Cotton Mill pursuant to this Agreement, unless otherwise agreed to in writing by the City. The City shall be named as an additional insured to any subuser's or assignee's policies referenced herein. Any approved subuser or assignee shall secure a waiver of subrogation in favor of the City on all policies. Certificates of insurance evidencing such coverage and conditions shall be obtained and delivered to the City, and must be approved by the City in writing, prior to the start of use or assignment.

(c) Cotton Mill shall provide the City with a certificate stating that the above listed insurance is primary to any coverage that may be available to the City. Such certificate shall be in a form acceptable to and underwritten by insurance company(ies) satisfactory to the City in its sole discretion. Cotton Mill shall agree to provide at least thirty (30) days' prior written notice to the City of cancellation, modification, or material change to any policy. The purchase of appropriate insurance coverage by Cotton Mill or the furnishing of certificate(s) of insurance shall not release Cotton Mill from its obligations or liabilities under this Agreement.

IN WITNESS WHEREOF, the parties have caused this Use Agreement to be executed as of the date first written above.

CITY OF STARKVILLE, MISSISSIPPI

By: /s/ Parker Wiseman
Mayor

ATTEST:

By: /s/ Markeeta Outlaw
City Clerk

**COTTON MILL CONFERENCE CENTER & HOTEL,
LLC**

By: Cotton Mill Development Group, LLC,
Manager

By: Nicholas Properties, LLC, Manager

By: _____
Mark Nicholas, Manager

Jackson 5830958v7

7.

**APPROVAL OF PLANNING AND ZONING ITEM #CU 10-08: TO ALLOW
MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS)
ZONING DISTRICT LOCATED AT 200 S. MONTGOMERY STREET WITH
FIVE (5) CONDITIONS AS RECOMMENDED BY CITY STAFF**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval of Planning and Zoning item #CU 10-08: to allow Multi-Family Residential Use in a C-2 (General Business) Zoning District, located at 200 S. Montgomery Street with Five (5) conditions as recommended by City Staff" is enumerated, this consent item is thereby unanimously approved.

5 Conditions Recommended by Staff

Upon review of the proposed conditional use application, the Planning & Zoning Commission's recommendation for approval to grant the Conditional Use to allow multi-family residential use in a C-2 (General Business) zoning district located at 200 South Montgomery Street, would be based on the findings of fact and conclusions of this staff report dated January 5, 2011, and the following conditions:

1. No residential uses shall be allowed on the first (ground) floor of the structure.
2. The second floor may be used for either residential or commercial use, or a combination of the two, so long as adequate on-site parking is provided.
3. The applicant shall obtain building permits and begin construction of residential units within ~~one (1) year~~ six (6) months of the approval of the conditional use request by the Mayor and Board of Aldermen; otherwise, the conditional use shall expire and become null and void.
4. A final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk prior to the sale of any residential units.

5. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

8.

**APPROVAL OF CLAIMS DOCKET #02-01-11-A
FOR THE CITY OF STARKVILLE
CLAIMS THROUGH JANUARY 27, 2011
IN THE AMOUNT OF \$4,189,597.90 IN ACCORDANCE WITH
SECTION 17-3-1 OF THE MISSISSIPPI CODE OF 1972, ANNOTATED
EXCLUDING FIRE DEPARTMENT CLAIMS**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously adopted by the Board to approve the February 1, 2011 Official Agenda, and to accept items for Consent, whereby the "Claims Docket #02-01-11-A which contains claims from all departments (excluding Fire), through January 27, 2011, totaling \$4,189,597.90" is enumerated, this consent item is thereby unanimously approved.

**CLAIMS DOCKET
02-01-11-A
JANUARY 27, 2011**

General Fund	001	\$298,544.74
Restricted Police Fund	002	0.00
Restricted Fire Fund	003	0.00
Airport Fund	015	35,433.53
Sanitation	022	12,713.93
Landfill	023	3,252.71
Computer Assessments	107	4,836.67
City Bond and Interest	202	0.00
2009 Road Maint. Bond	304	0.00
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	287,029.25
Water/Sewer	400	112,849.08
Vehicle Maintenance	500	18,084.30
Hotel/Motel	610	0.00
2% (VCC, EDA, MSU)	630	23,742.20
Electric		3,393,111.49
TOTAL CLAIMS		\$4,189,597.90

9.

**APPROVAL OF THE ANNUAL FIREFIGHTER FITNESS TESTING TO BE
CONDUCTED MARCH 28 – 31, 2011 BY NORTH GREENVILLE FITNESS AT A
COST OF \$14,326.00**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011

Official Agenda, with no objections to consent items, whereby the "approval of the annual Firefighter Fitness Testing to be conducted March 28 – 31, 2011 by North Greenville Fitness at a cost of \$14,326.00 " is enumerated, this consent item is thereby unanimously approved.

10.

APPROVAL OF PROMOTIONS OF FIRE DEPARTMENT EMPLOYEES TO INCLUDE THE 10% INCREASE IN SALARY AS OUTLINED IN THE CITY OF STARKVILLE PERSONNEL POLICY, AND AUTHORIZATION TO RETAIN A "PROMOTION LIST" AS PROVIDED FOR IN THE STARKVILLE FIRE DEPARTMENT PERSONNEL MANUAL

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval of Promotions within the Fire Department, and the 10% increase in salary for those employees being promoted, as outlined in the City of Starkville Personnel Policy, and in accordance with the Starkville Fire Department Personnel Policy Manual, to retain a "Promotion List" of successful candidates for one year should further promotional opportunities develop" is enumerated, this consent item is thereby unanimously approved.

PROMOTIONS

EMPLOYEE	CURRENT RANK AND SALARY	NEW RANK AND SALARY	PROBATIONARY PERIOD
Stewart Bird	Lieutenant G7	Captain G8 - \$46,325.40 (15.49/hour - 2990 hours/yr)	6 months
Brian Arnett	Sergeant G6	Lieutenant G7 - \$35,061.85 (\$11.73/hour - 2990 hours/yr)	6- months
Jeff Whitehead	Firefighter G5	Sergeant G6 - \$33,487.26 (\$11.20/hour - 2990 hours/yr)	6-months

and to retain a "Promotion List" of successful candidates for one year should further promotional opportunities develop:

PROMOTION LIST VALID THROUGH JANUARY 14, 2014

Tony Clayborn	Eligible for Promotion to Rank of Lieutenant through January 14, 2012
Revis Lee Kellum	Eligible for Promotion to Rank of

	Lieutenant through January 14, 2012
Sam Wilkes	Eligible for Promotion to Rank of Sergeant through January 14, 2012

11.

**APPROVAL GRANTING EDUCATIONAL ASSISTANCE TO EDWARD KEMP
IN ACCORDANCE TO THE CITY OF STARKVILLE'S EDUCATIONAL
ASSISTANCE POLICY FOR THE SPRING 2011 SEMESTER**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to grant educational assistance to Edward Kemp in accordance with the City of Starkville's Educational Assistance Policy for the Spring 2011 Semester, not to exceed \$1,400.00" is enumerated, this consent item is thereby unanimously approved.

12.

**APPROVAL TO ADVERTISE AND ACCEPT APPLICATIONS FOR TWO
VACANT LABORER POSITIONS IN THE SANITATION AND
ENVIRONMENTAL SERVICES DEPARTMENT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to advertise and accept applications for two vacant laborer positions in the Sanitation and Environmental Services Department" is enumerated, this consent item is thereby unanimously approved.

13.

**APPROVAL TO EMPLOY CURTLAND VICKERS AS A TEMPORARY,
FULL-TIME, FIREFIGHTER AT A GRADE 5, STEP 1 WITH A
STARTING ANNUAL SALARY OF \$26,517.81 / (\$8.87/HOUR - 2990
HOURS) WITH FULL BENEFITS AND THE STANDARD ONE YEAR
PROBATIONARY PERIOD**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to employ Curtland Vickers as a Temporary, Full-time Firefighter at a Grade 5 Step 1 with a starting salary of \$26,517.81 annually (\$8.87/hour - 2990 hours) with full benefits and the standard one-year probationary period" is enumerated, this consent item is thereby unanimously approved.

14.

APPROVAL TO ACCEPT THE REVISED WATER AND SEWER TAP FEES DERIVED FROM HIGHER METER COSTS REFLECTED ON THE CITY OF STARKVILLE 2011 SOURCE OF SUPPLY LIST

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to accept the revised water and sewer tap fees derived from higher meter costs as reflected on the City of Starkville's 2011 Source of Supply List" is enumerated, this consent item is thereby unanimously approved.

**REVISED WATER / SEWER TAP FEES
As of February 1, 2011**

METER TYPE	CURRENT FEE	PROPOSED FEE	AMOUNT OF INCREASE
1.5"disc	\$596.29	\$618.29	\$22.00
6"cmpd rem rd	\$6,380.46	\$6,659.42	\$278.96
8"compound	New Item	\$9,718.91	N/A

15.

APPROVAL TO ISSUE A NOTICE TO PROCEED TO GULF COAST UNDERGROUND, THE LOWEST SOURCE OF SUPPLY BIDDER, TO INSTALL LININGS IN DETERIORATED MANHOLES IN ROLLING HILLS SUBDIVISION AND ON BANYAN ROAD IN THE AMOUNT OF \$31,855.34 WITH A 10% CONTINGENCY

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to issue a Notice to Proceed to Gulf Coast Underground, the lowest Source of Supply bidder, to install linings in deteriorated manholes in Rolling Hills Subdivision and on Banyan Road at a cost of \$31,855.34 with a 10% contingency" is enumerated, this consent item is thereby unanimously approved.

**2011 SOURCE OF SUPPLY
BIDDERS**

NAME	BID AMOUNT	APPARENT BEST BID
Gulf Coast Underground	\$31,855.34	Apparent Best Bid
Suncoast	\$55,311.43	

16.

APPROVAL TO RE-ADVERTISE FOR ITEMS LISTED ON SOURCE OF SUPPLY WHERE BID RESPONSES EITHER DID NOT COMPLY WITH SPECIFICATIONS, WERE NOT COMPETITIVELY PRICED OR NON-EXISTENT: (TURBINE WATER METERS; CONCRETE METER BOXES;

**CROSS LINKED POLYETHEYLENE WATER SERVICE TUBING; AND ITRON
RADIO READ REGISTERS AND ERT'S WITH REVISED SPECIFICATIONS
FOR QUICK CONNECT/DISCONNECT)**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to re-advertise for items listed on source of supply where bid responses, either, did not comply with specifications, were not competitively priced or non-existent (turbine water meters; concrete meter boxes; cross linked polyethylene water service tubing; Itron radio read registers and ERT's with revised specifications for quick connect/disconnect)" is enumerated, this consent item is thereby unanimously approved.

17.

**APPROVAL TO AUTHORIZE ADVERTISING FOR BIDS FOR THE SALE OF
SCRAP METAL AND WATER METERS**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and unanimously approved by the Board, to approve the February 1, 2011 Official Agenda, with no objections to consent items, whereby the "approval to authorize advertising for bids for the sale of scrap metal and water meters," is enumerated, this consent item is thereby unanimously approved.

END CONSENT ITEMS

18.

**A MOTION TO APPROVE THE MINUTES OF THE DECEMBER 21, 2010
RECESS MEETING OF THE MAYOR AND BOARD OF ALDERMEN**

There came for consideration the matter of the Minutes of the December 21, 2010 Recess Meeting of the Mayor and Board of Aldermen. It was noted that the following corrections were necessary.

1. Replace conditions on Order #23 – with the corrected set of conditions
2. Re-number conditions on Order #34

After discussion, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and unanimously approved by the Board of Aldermen, to approve the Minutes of the December 21, 2010 Recess Meeting of the Mayor and Board of Aldermen after corrections.

19.

A MOTION TO APPROVE THE MINUTES OF THE JANUARY 4, 2011

REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN

There came for consideration the matter of the Minutes of the January 4, 2011 Regular Meeting of the Mayor and Board of Aldermen. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to approve the Minutes of the January 4, 2011 Regular Meeting of the Mayor and Board of Aldermen as presented, the Board unanimously voted to approve the motion.

20.

A MOTION TO APPROVE THE MINUTES OF THE JANUARY 18, 2011 RECESS MEETING OF THE MAYOR AND BOARD OF ALDERMEN

There came for consideration the matter of the Minutes of the January 18, 2011 Recess Meeting of the Mayor and Board of Aldermen. After discussion, and

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Jeremiah Dumas, to approve the Minutes of the January 18, 2011 Recess Meeting of the Mayor and Board of Aldermen as presented, the Board unanimously voted to approve the motion.

ANNOUNCEMENTS AND COMMENTS BY MAYOR AND BOARD OF ALDERMEN

Mayor Parker Wiseman introduced the new employee to the City's work force.

MR. BENNIE WILLIAMS – STREET DEPARTMENT

Mayor Parker Wiseman thanked Starkville Daily News reporter Kelly Daniels for her service to the City of Starkville during her tenure as a reporter with the Starkville Daily News and wished her well in her move to Birmingham, Alabama.

Alderman Sandra Sistrunk recognized the Employee of the Month for the Month of January 2011.

MR. TONY SYKES - STREET DEPARTMENT

CITIZEN COMMENTS

Mr. Alvin Turner - ward 7 - expressed concerns of traffic speed on Hwy 389 North in front of Mt. Peilier Baptist Church. He also noted that nothing has been heard of the Carver Dr. Ditch, and that citizens in that area are nervous about the conditions of the ditch with the amount of rainfall we are experiencing. Mr. Turner provided photos of areas of the city that require city official's attention.

Ms. Dorothy Isaac - ward 6 - informed the Board of an incident where Officer Willard stopped her sister for tint violations although a sticker was on the windshield. She suggested the police department show more professionalism.

PUBLIC APPEARANCES

Judge Rodney Faver provided an Annual Report of Court Activities and contributed the slight increase in collections during a 23% reduction in cases to the diligence of Court Personnel and the implementation of additional policies and procedures.

Administrative Hearing Officer Jenny Turner and Hearing Enforcement Administrator Bill Green provided an Annual Report of the Administration Adjudication Division Activities, reporting of 100 cases paid for a total of approximately \$5,000 collected.

MAYOR'S BUSINESS

21.

A MOTION TO APPROVE ADOPTING THE STRATEGIC PLAN AS REVISED AT THE BOARD RETREAT OF JANUARY 14-15, 2011

There came for consideration the matter of adopting the revised Strategic Plan for the City of Starkville. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, to approve adopting the Strategic Plan as revised at the Board of Alderman Retreat of January 14-15, 2011, the Board unanimously voted to approve the motion.

CITY OF STARKVILLE

STRATEGIC PLAN

(revisions discussed by the Board January 15-16, 2011)

Vision: Being known as the most progressive city in Mississippi

Mission: The City of Starkville is committed to promoting the highest quality of life for all residents by providing fiscally sound, responsive municipal services and delivering those services equitably and professionally with the highest degree of integrity.

INTRODUCTION

Strategic planning determines where an organization should be going so that all organizational efforts can be pointed in that direction. A strategic plan is a framework for carrying out strategic thinking, direction, and action leading to the achievement of consistent and planned results. The Starkville strategic plan is comprised of specific, measurable goals in the following key areas:

CITY SERVICES

COMPREHENSIVE PLANNING/LAND USE

IMAGE

INFRASTRUCTURE

MUNICIPAL COMPLEX

REGIONAL COOPERATION

CITY SERVICES

- B. A unified procedure will be developed for services request, distribution (workflow) and follow-up.
- C. The City will establish a positive work/culture attitude.
- D. An Information Technology (IT) department will be considered as part of the 2011 budget process.
- E. An analysis will be made for the need for environment service division.
- F. The Board will discuss the reorganization of the Planning Department into a Community Development Division to better reflect its duties and to focus on current development and future land use/planning.
- G. The City will add a litter control program.
- H. The City will work to extend 311 call program to all carriers.
- I. Efforts will be made to update the website and to make full use of technology to interact with citizens.
- J. The City will emphasize the enforcement of existing laws.

COMPREHENSIVE PLANNING/LAND USE

- A. A non-ward specific Community Planning Committee with specific skills will be appointed.
- B. The Community Planning Committee will review and analyze the existing plan and will brief the Board of Aldermen with recommendations on timeline and specific elements, which include enacting of specific ordinances and regulations and modification of the existing plan.
- C. The Board of Aldermen will go forth and amend the plan with a formalized timeline and process.

IMAGE

- A. The Board of Aldermen will adopt an official logo, slogan, seal, and flag.
- B. The Mayor of Starkville will discuss and explore the possibility of a strategic vision statement for the City of Starkville, the Greater Starkville Development Partnership, Mississippi State University and Oktibbeha County with the leaders of those institutions.
- C. The vision statement (see B above) will be promoted to the city, state and university communities.
- D. Youth representation will be included in the above goals.

E. Starkville will become known for its Christmas celebration and will become a Christmas destination for visitors.

INFRASTRUCTURE

A. The Board of Aldermen will pass an improved storm water ordinance.

B. The City will make a determination of services to be provided for the 1998 Annex Area and budget for any service to be provided.

C. The City will establish and operationalize a plan for the revitalization of Highway 182.

D. A determination will be made regarding the need for re-establishment of the infrastructure committee.

E. A long-range (10-year) capital improvement plan and budget as well as a maintenance schedule will be developed for all infrastructure. The City Engineer's list of long-range drainage projects will be prioritized, and funding possibilities explored.

MUNICIPAL COMPLEX

A. A municipal complex committee will be formed among the Board of Aldermen.

B. The Board committee will work in conjunction with a citizen group and a consultant to determine feasibility and recommend a site for the municipal complex.

C. A preliminary concept will be presented for public comments and input.

D. The final project will be placed before the public.

REGIONAL COOPERATION

A. The Mayor of Starkville will host regular monthly meetings with the President of the Oktibbeha County Board of Supervisors and the President of Mississippi State University.

B. The Mayor of Starkville will meet quarterly with the mayors of West Point and Columbus.

C. The Mayor and Board of Aldermen will meet quarterly with the Oktibbeha County Board of Supervisors and Mississippi State University.

D. The City will investigate and pursue Metropolitan Planning Organization (MPO) status with the Greater Starkville Development Partnership and Columbus/Lowndes County. An MPO is a federally-funded transportation policy organization for urbanized areas, which are defined as having a population of over 50,000.

E. The City will investigate and pursue regional efforts that address issues common to the region.

BOARD BUSINESS

NOTE:

Technology Committee Chairman – Richard Corey gave a Technology Committee report of their meeting further reviewing the applications and resumés of candidates for the IT Manager position.

Alderman Roy A'. Perkins offered dialogue expressing the idea that the full board interviewed the candidates, therefore it is not standard for the Technology Committee to make a recommendation, he further stated that if the Techonolgy Committee had been the interviewer, a recommendation from them would then be proper.

22.

A MOTION TO HIRE JOEL CLEMENTS AS IT MANAGER FOR THE CITY OF STARKVILLE AT A GRADE 16 STEP 4-A WITH SALARY OF \$58,087.47 AND THE STANDARD ONE YEAR PROBATIONARY PERIOD

There came for consideration the matter of employing an applicant to fill the IT Manager Position. After discussion, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Jeremiah Dumas, to approve the employment of Joel Clements as the IT Manager for the City of Starkville with an annual salary of \$58,087.47, Grade 16 Step 4-A, and subject to the standard one-year probationary period, 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>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Nay</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Nay</u>

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

23.

A MOTION TO APPROVE ADVERTISING FOR REQUEST FOR QUALIFICATIONS (RFQ's) FOR FACILITIES ENERGY PERFORMANCE BASED CONTRACTING SERVICES AS PROVIDED SUBJECT TO CHANGERS TO BE MADE BY THE TECHNOLOGY

There came for consideration the matter of the matter of needing energy performance services. After discussion, and

upon the motion of Alderman Richard Corey duly seconded by Alderman Jeremiah Dumas, to approve advertising for RFQ's (Request for Qualifications) for Facilities Energy Performance Based Contracting Services, subject to changes to be made by the Technology Committee, the Board voted unanimously in favor of the motion.

24.

A MOTION TO DECLARE THAT DRAINAGE MATTERS ASSOCIATED WITH MAPLE STREET ARE A PUBLIC HEALTH AND SAFETY CONCERN THAT ESTABLISHES THE NEED FOR THE CITY TO ENTER UPON PRIVATE PROPERTY TO MITIGATE EROSION AND FLOODING AND SUCH ENTRANCE IS IN ACCORDANCE WITH §21-19-13 OF THE MISSISSIPPI CODE OF 1972, ANNOTATED

There came for consideration the matter of the Maple Street drainage issue that presents a concern for general public health, safety and welfare of the community. After discussion, and

upon the motion of Alderman Ben Carver, duly seconded by Alderman Eric Parker, to declare that drainage matters associated with Maple Street are a Public Health and Safety Concern that establishes the need for the City to enter upon private property to mitigate erosion and flooding and such entrance is in Accordance with Section 21-19-13 of the Mississippi Code of 1972, annotated, the Board's approval was unanimous.

25.

A MOTION TO APPROVE AUTHORIZING AN ADDITIONAL BLOCK OF FORTY (40) HOURS WITH SYNERGETICS FOR I T SERVICES DURING DEPARTMENT TRANSITION

There came for consideration the matter of needing additional service hours for computer system and network assistance. After discussion, and

Upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Richard Corey and unanimously approved by the Board, to approve purchasing an additional Forty (40) hour block with Synergetics for IT service during Department Transition. The Board unanimously approved the motion.

Alderman Ben Carver exited the meeting room.

26.

A MOTION TO APPROVE CLAIMS FOR THE FIRE DEPARTMENT FOR THE PERIOD ENDING JANUARY 27, 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 Eric Parker, duly seconded by Alderman Richard Corey, to approve the Fire Department Claims for the period ending January 27, 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: <u>Yea</u>

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

FIRE DEPARTMENT CLAIMS
PERIOD ENDING JANUARY 27, 2011
DOCKET #02-01-11-A

FIRE DEPARTMENT	001-161	\$12,552.22
FIRE PREVENTION	001-162	\$ 61.67
FIRE TRAINING	001-163	\$ 2,590.00
FIRE COMMUNICATIONS	001-164	\$4,191.38
FIRE STATIONS & BLDGS	001-167	\$3,058.23
	TOTAL	\$23,223.50

NOTE: Alderman Ben Carver rejoins the meeting.

27.

**A MOTION TO RECESS UNTIL 4:30 P.M.
TUESDAY, FEBRUARY 15, 2011**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to recess until Tuesday, February 15, 2011, at 4:30 p.m.; said meeting will be in the Boardroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS., the Board's vote unanimously in favor of the motion.

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2010.

MARKEETA OUTLAW, CITY CLERK

PARKER WISEMAN, MAYOR

(SEALED)