

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

**The City of Starkville, Mississippi
May 1, 2012**

Be it remembered that the Mayor and Board of Alderman met in a Regular Meeting on May 1, 2012 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 Sandra Sistrunk, Ben Carver, 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 May 1, 2012 Official Agenda:

Add to Consent Item X-A approval of the Special Event Permit for the Starkville Community Day Scheduled for Saturday, July 21, 2012, at J.L. King Park with In-Kind Services from the Police Department, Fire Department and the Sanitation and Environmental Services Department as presented, without the requested cash donation.

Add to Consent Item X-E approval to revise the 2011 Capital Improvement Program to include an overlay of Critz Street from Jackson Street to Old West Point Road instead of the Central Avenue Rebuild Project as presented with costs exceeding the existing Restricted Fund amount to be expensed from the fiscal year 2013 Budget.

Add to Consent Item X-G approval to add Eutaw Street to the 2012 Overlay Project List with the funds of \$34,573.00 to be paid from the fiscal year 2013 Budget.

Add to Consent Item X-H approval of a Franchise Contract with Telepak for the use of the City's Rights-of-way.

Add Consent Item XI-I-1 approval to promote Justin Edwards to the position of Sergeant in the Fire Department with the standard probationary 6-month period.

Add to Consent Item XI-I-7 approval to advertise for three (3) vacant Police Officer positions.

Remove from the Official Agenda Item X1-I-3 consideration of advertising to fill a vacant Foreman position in the Landfill Division of Sanitation and Environmental Services Department.

Remove from the Official Agenda Item XI-I-4 consideration of advertising to fill the vacant position of Foreman in the Landscape Division of Sanitation and Environmental Services Department.

Add to Consent Item IV-A approval of the Minutes of the March 20, 2012, Recess Meeting of the Mayor and Board of Aldermen.

Change Item IX-A consideration of calling for a Public Hearing on Repealing the 2003 ICC Code and the 2002 National Electric Code (NEC) as Ordinance 2005-04 and Replacing them with the 2012 ICC Codes and the 2011 NEC and amending the City of Starkville Code of Ordinances Chapter 26 Articles I-VI to reflect the deletion of all references to the 2012 edition of the International Energy Conservation Code (IECC).

Alderman Sandra Sistrunk requested the following changes to the May 1, 2012 Official Agenda.

Remove from Consent Item XI-I-5 consideration of advertising to fill the vacant position of Deputy Clerk - Accounts Receivable - in the City Clerk's Office.

Remove from Consent Item XI-I-6 consideration of advertising to fill the vacant position of Deputy Clerk - General Records Clerk - in the City Clerk's Office. Temp.

Alderman Roy A'. Perkins requested the following changes to the May 1, 2012 Official Agenda.

Change Consent agenda Item XI-F-1 the approval to advertise for Bids for the Greta Lane and Collier Road Improvements Project to reflect the deletion of the paragraph inserted by Staff that begins with "Due to the relatively small quantity and somewhat specialized construction.."

1.

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

There came for consideration the matter of approving and adopting the May 1, 2012 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 May 1, 2012 Official Agenda as revised, the Board unanimously voted to approve 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

REGULAR MEETING OF TUESDAY, MAY 1, 2012
5:30 P.M., COURT ROOM, CITY HALL
101 EAST LAMPKIN STREET

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

******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. APPROVAL OF THE CONSENT AGENDA
- IV. **APPROVAL OF BOARD OF ALDERMEN MINUTES**
 - A. REQUEST APPROVAL OF THE MINUTES FROM THE RECESS MEETING OF MARCH 20, 2012, OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.
- V. **ANNOUNCEMENTS AND COMMENTS**
 - A. MAYOR'S COMMENTS:
 - B. BOARD OF ALDERMEN COMMENTS:

ANNOUNCEMENT OF THE EMPLOYEE(S) OF THE MONTH BY ALDERMAN PARKER:

KEITH FORTENBERRY – WASTEWATER DIVISION OF PUBLIC SERVICES
- VI. **CITIZEN COMMENTS**
- VII. **PUBLIC APPEARANCES**
 - A. PUBLIC APPEARANCE BY ANITA LINDSEY REQUESTING A SPECIAL EVENT PERMIT FOR THE STARKVILLE COMMUNITY DAY SCHEDULED FOR SATURDAY, JULY 21, 2012, AT J.L. KING PARK, REQUESTING STREET CLOSINGS, IN-KIND SERVICES AND A CASH DONATION FROM THE CITY OF STARKVILLE.
- VIII. **PUBLIC HEARING**
 - A. FIRST PUBLIC HEARING ON AMENDING THE SIDEWALK ORDINANCE 2011-01 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 98, ARTICLE III, TO

CREATE A SIDEWALK DEVELOPMENT DISTRICT MANDATING SIDEWALKS IN CERTAIN AREAS OF THE CITY AND EXEMPTING OTHERS FROM SIDEWALK REQUIREMENTS AND OTHER RELATED MATTERS.

- B. FIRST PUBLIC HEARING ON AMENDING THE CITY OF STARKVILLE SAFETY HELMET ORDINANCE, 2010-06, AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 106, TRAFFIC AND VEHICLES, ARTICLE XVI. SECS. 106-606 ET SEQ.

IX. MAYOR'S BUSINESS

A. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON REPEALING THE 2003 ICC CODE AND THE 2005 NATIONAL ELECTRIC CODE (NEC) AS ORDINANCE 2005-04 AND REPLACING THEM WITH THE 2012 ICC CODES AND THE 2011 NATIONAL ELECTRIC CODE AND AMENDING THE CITY OF STARKVILLE CODE OF ORDINANCES CHAPTER 26. ARTICLES I-VI.

**** B. *CONSIDERATION OF ADVERTISING FOR LETTERS OF INTEREST FOR THE EXISTING AND UPCOMING VACANCIES ON THE COMMISSION ON DISABILITY, THE SOLID WASTE AND RECYCLING COMMITTEE, LIBRARY BOARD OF TRUSTEES AND THE BEAUTIFICATION COMMITTEE.*

X. BOARD BUSINESS

- A. CONSIDERATION OF APPROVAL OF THE SPECIAL EVENT PERMIT FOR THE STARKVILLE COMMUNITY DAY SCHEDULED FOR SATURDAY, JULY 21, 2012, AT J.L. KING PARK, REQUESTING STREET CLOSINGS, IN-KIND SERVICES AND A CASH DONATION FROM THE CITY OF STARKVILLE.
- B. CONSIDERATION OF APPROVING THE REVISED JOB DESCRIPTION OF THE CITY CLERK AND AUTHORIZING ADVERTISING FOR A CITY CLERK FOR THE CITY OF STARKVILLE.

C. CONSIDERATION OF APPROVING A RESOLUTION AND A CONTINGENCY CONTRACT WITH GOVERNMENT SERVICES, LLC, FOR THE AUDIT OF METROCAST FRANCHISE PAYMENTS TO THE CITY.

- D. REPORT ON THE MDOT PLANS FOR THE REBUILD OR OVERLAY FOR HIGHWAY 182 AT THE REQUEST OF ALDERMAN PERKINS.

E. *CONSIDERATION OF REVISING THE 2011 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE AN OVERLAY OF CRITZ STREET FROM JACKSON STREET TO OLD WEST POINT ROAD INSTEAD OF THE CENTRAL AVENUE REBUILD PROJECT.*

F. CONSIDERATION OF APPOINTING WILLIAM H. (BILL) WEBB TO THE BOARD OF ADJUSTMENTS AND APPEALS TO FILL THE UNEXPIRED TERM (JUNE 30, 2013) OF JAMES H. JOHNSON FOR WARD VI.

**** G. *CONSIDERATION OF ADDING EUTAW STREET TO THE 2012 OVERLAY PROJECT LIST WITH THE FUNDS OF \$34,573.00 COMING FROM ENDING FUND BALANCE.*

- ***** H. *CONSIDERATION OF THE APPROVAL OF A FRANCHISE CONTRACT WITH TELEPAK FOR THE USE OF THE CITY RIGHTS OF WAY.*

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 THE FIRE DEPARTMENT AS OF APRIL 26, 2012.

2. REQUEST CONSIDERATION OF THE APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF APRIL 26, 2012.

D. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

E. ELECTRIC DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

F. ENGINEERING AND STREETS

1. REQUEST APPROVAL TO ADVERTISE FOR BIDS FOR THE GRETA LANE AND COLLIER ROAD IMPROVEMENTS PROJECT.

2. REQUEST APPROVAL OF THE LOW QUOTE FOR PERMANENT EROSION CONTROL MATTING FROM G&O SUPPLY.

G. FIRE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

H. INFORMATION TECHNOLOGY

1. REQUEST CONSIDERATION OF ACCEPTING THE QUOTE FROM PRECISION COMMUNICATIONS IN THE AMOUNT OF \$14,735.00 FOR THE REPAIR OF THE EMERGENCY SIRENS IN THE CITY OF STARKVILLE.

I. PERSONNEL

1. REQUEST APPROVAL TO PROMOTE JUSTIN EDWARDS TO THE POSITION OF SERGEANT IN THE FIRE DEPARTMENT.

2. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF CREW LEADER IN THE WATER/SEWER DIVISION OF PUBLIC SERVICES.

3. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF FOREMAN IN THE LANDFILL DIVISION OF SANITATION AND ENVIRONMENTAL SERVICES.

4. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF FOREMAN IN THE LANDSCAPE DIVISION OF SANITATION AND ENVIRONMENTAL SERVICES.

5. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF DEPUTY CLERK--ACCOUNTS RECEIVABLE IN THE CITY CLERK'S OFFICE.

6. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF DEPUTY CLERK—GENERAL RECORDS CLERK IN THE CITY CLERK'S OFFICE.

7. REQUEST APPROVAL TO ADVERTISE FOR VACANT POLICE OFFICER POSITIONS.

8. REQUEST APPROVAL TO ADVERTISE FOR A VACANT COURT SECURITY POSITION.

J. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

K. PUBLIC SERVICES

1. REQUEST APPROVAL TO PURCHASE A PRE-FABRICATED CHLORINE GAS STORAGE ROOM FOR THE MONTGOMERY STREET WATER PLANT FROM GLOBAL-TREAT, THE SUBMITTER OF THE LOWEST QUOTE, IN THE AMOUNT OF \$10,595.00.

L. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

XII. CLOSED DETERMINATION SESSION

XIII. OPEN SESSION

XIV. EXECUTIVE SESSION

A. PENDING LITIGATION

B. PERSONNEL

XV. OPEN SESSION

XVI. RECESS UNTIL MAY 15, 2012 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Bob Hall, at (662) 323-2525, ext. 132 at least forty-eight (48) hours in advance for any services requested.

APPENDIX A

PROPOSED CONSENT AGENDA

IX. MAYOR'S BUSINESS

- A. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON REPEALING THE 2003 ICC CODE AND THE 2005 NATIONAL ELECTRIC CODE (NEC) AS ORDINANCE 2005-04 AND REPLACING THEM WITH THE 2012 ICC CODES AND THE 2011 NATIONAL ELECTRIC CODE AND AMENDING THE CITY OF STARKVILLE CODE OF ORDINANCES CHAPTER 26. ARTICLES I-VI.

- B. *CONSIDERATION OF ADVERTISING FOR LETTERS OF INTEREST FOR THE EXISTING AND UPCOMING VACANCIES ON THE COMMISSION ON DISABILITY, THE SOLID WASTE AND RECYCLING COMMITTEE, LIBRARY BOARD OF TRUSTEES AND THE BEAUTIFICATION COMMITTEE.*

X. BOARD BUSINESS

- C. CONSIDERATION OF APPROVING A RESOLUTION AND A CONTINGENCY CONTRACT WITH GOVERNMENT SERVICES, LLC, FOR THE AUDIT OF METROCAST FRANCHISE PAYMENTS TO THE CITY.

- ~~E. CONSIDERATION OF REVISING THE 2011 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE AN OVERLAY OF CRITZ STREET FROM JACKSON STREET TO OLD WEST POINT ROAD INSTEAD OF THE CENTRAL AVENUE REBUILD PROJECT.~~

- F. CONSIDERATION OF APPOINTING WILLIAM H. (BILL) WEBB TO THE BOARD OF ADJUSTMENTS AND APPEALS TO FILL THE UNEXPIRED TERM (JUNE 30, 2013) OF JAMES H. JOHNSON.

XI. DEPARTMENT BUSINESS

- A. AIRPORT –NO ITEMS

- B. BUILDING DEPARTMENT – NO ITEMS

- C. OFFICE OF THE CITY CLERK
 - 1. REQUEST CONSIDERATION OF THE APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR THE REMAINING DEPARTMENTS AS OF APRIL 26, 2012.

- D. COURTS – NO ITEMS

- E. ELECTRIC DEPARTMENT – NO ITEMS

- F. ENGINEERING AND STREETS
 - 1. REQUEST APPROVAL TO ADVERTISE FOR BIDS FOR THE GRETA LANE AND COLLIER ROAD IMPROVEMENTS PROJECT.
 - 2. REQUEST APPROVAL OF THE LOW QUOTE FOR PERMANENT EROSION CONTROL MATTING FROM G&O SUPPLY.

- G. FIRE DEPARTMENT - NO ITEMS

- H. INFORMATION TECHNOLOGY

1. REQUEST CONSIDERATION OF ACCEPTING THE QUOTE FROM PRECISION COMMUNICATIONS IN THE AMOUNT OF \$14,735.00 FOR THE REPAIR OF THE EMERGENCY SIRENS IN THE CITY OF STARKVILLE.
- I. PERSONNEL
2. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF CREW LEADER IN THE WATER/SEWER DIVISION OF PUBLIC SERVICES.
 5. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF DEPUTY CLERK--ACCOUNTS RECEIVABLE IN THE CITY CLERK'S OFFICE.
 6. REQUEST APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF DEPUTY CLERK—GENERAL RECORDS CLERK IN THE CITY CLERK'S OFFICE.
 8. REQUEST APPROVAL TO ADVERTISE FOR A VACANT COURT SECURITY POSITION.
- J. POLICE DEPARTMENT - NO ITEMS
- K. PUBLIC SERVICES
1. REQUEST APPROVAL TO PURCHASE A PRE-FABRICATED CHLORINE GAS STORAGE ROOM FOR THE MONTGOMERY STREET WATER PLANT FROM GLOBAL-TREAT, THE SUBMITTER OF THE LOWEST QUOTE, IN THE AMOUNT OF \$10,595.00.
- L. SANITATION DEPARTMENT – NO ITEMS

CONSENT ITEMS 2 - 19

2. APPROVAL OF THE MARCH 20, 2012 RECESS MEETING OF THE CITY OF STARKVILLE MAYOR AND BOARD OF ALDERMEN

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval of the March 20, 2012 Recess Meeting of the City of Starkville Mayor and Board of Aldermen," is enumerated, this consent item is thereby approved.

3. APPROVAL TO AUTHORIZE CALLING FOR A PUBLIC HEARING ON REPEALING THE 2003 ICC CODE AND THE 2002 NATIONAL ELECTRIC CODE (NEC) AS ORDINANCE 2005-04 AND REPLACING THEM WITH THE 2012 ICC CODES AND THE 2011 NATIONAL ELECTRIC CODE AND AMENDING THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 26. ARTICLES I-VI AND DELETING ALL REFERENCES TO THE IEC (INTERNATIONAL ENERGY CONSERVATION) CODE

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012

Official Agenda, and to accept items for Consent, whereby the "approval to authorize calling a Public Hearing on Repealing the 2003 ICC Code and the 2002 National Electric Code (NEC) as Ordinance 2005-04 and Replacing them with the 2012 ICC Codes and the 2011 NEC and amending the City of Starkville Code of Ordinances Chapter 26 Articles I-VI to reflect the deletion of all references to the International Energy Conservation Code (IECC)" is enumerated, this consent item is thereby approved.

4.

APPROVAL TO ADVERTISE FOR LETTERS OF INTEREST FOR THE EXISTING AND UPCOMING VACANCIES ON THE COMMISSION ON DISABILITY, THE SOLID WASTE AND RECYCLING COMMITTEE, LIBRARY BOARD OF TRUSTEES AND THE BEAUTIFICATION COMMITTEE

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to advertise for letters of interest for the existing and upcoming vacancies on the Commission on Disability, the Solid Waste and Recycling Committee, Library Board of Trustees and the Beautification Committee" is enumerated, this consent item is thereby approved.

5.

APPROVAL OF THE SPECIAL EVENT PERMIT FOR THE STARKVILLE COMMUNITY DAY SCHEDULED FOR SATURDAY, JULY 21, 2012, AT J.L. KING PARK WITH IN-KIND SERVICES AS PRESENTED, WITHOUT THE REQUESTED CASH DONATION OF \$2,500.00

(see related motion #20 below)

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval of the Special Event Permit for the Starkville Community Day on Saturday, July 21, 2012, at J.L. King Park with In-Kind Services as presented, without the requested cash donation of \$2,500.00" is enumerated, this consent item is thereby approved.

IN-KIND SERVICES

Police Department	\$800.00	Patrolling
Sanitation & Environmental		
Services Department	\$238.00	Clean-up
Fire Department	<u>\$ 50.00</u>	First-Aid
	\$1,088.00	

6.

APPROVAL OF A RESOLUTION AND A CONTINGENCY CONTRACT WITH LOCAL GOVERNMENT SERVICES, LLC, FOR THE AUDIT OF METROCAST FRANCHISE PAYMENTS TO THE CITY

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012

Official Agenda, and to accept items for Consent, whereby the "approval of a Resolution and a Contingency Contract with Government Services, LLC, for the audit of Metrocast franchise payments to the City" is enumerated, this consent item is thereby approved.

AGREEMENT
BETWEEN THE CITY OF
STARKVILLE,
MISSISSIPPI
AND
LOCAL GOVERNMENT SERVICES, LLC
FOR CABLE TELEVISION FRANCHISE FEE PAYMENT COMPLIANCE
SERVICE

WHEREAS, the City of Starkville desires to determine if the local cable company serving the City is in compliance with the City ordinance regarding franchise fee payments to the City;

WHEREAS, Local Government Services, LLC ("LGS") has available a cable television franchise fee payment compliance service; and,

WHEREAS, the City has a need for such cable television franchise fee compliance service.

THEREFORE, THE CITY AND LGS AGREE AS FOLLOWS:

Section 1. Service options provided to the City of Starkville:

LGS will accomplish its services in a timely manner with the cooperation and assistance of the City. LGS agrees to provide, either directly or through its agents or subcontractors a franchise fee payment compliance review to determine whether the local cable company is complying with the City's Television Franchise Ordinance for the period of January 1, 2009 through December 31, 2011. This service will include a jurisdictional coding test to determine if City streets have been correctly coded in the cable company's billing database. LGS shall also assist the City in enforcing the franchise fee payment provisions of the City's Franchise Ordinance. (LGS is not responsible for cost associated with filing of a court action or legal representation in a court proceeding).

In the event that the City at a later date desires to obtain additional services offered by LGS, the parties may execute an addendum or addenda to this agreement for the City to obtain such services

Section 2. Effective Date. Payment and Termination.

- a) This agreement shall become effective upon the signature of both parties.
- b) The total obligation of the City is 40% of any franchise fee amount recovered by LGS including any interest or other amounts recovered for the City.
- c) The City shall pay LGS 40% of any amount recovered within fourteen (14) days following the recovery of any franchise fees that are owed to the City. The City agrees to utilize whatever reasonable enforcement remedies that exist in the City's

current cable television franchise ordinance to assist LGS in obtaining the information necessary for LGS to perform the review and to recover any franchise fees due. Failure of the City to enforce its ordinance will relieve LGS from any obligations to the City.

- d) Either party may terminate this agreement at any time upon thirty (30) days written notice to the other party. All fees and costs incurred to the date of receipt of the notice shall be paid to LGS.

Section 4. Assignment/Transfer

LGS is prohibited from assigning or transferring any of its obligations of this Agreement without obtaining prior written approval of the City.

Section 5. Amendments.

This contract may be amended by future written agreements executed on behalf of the City and LGS.

Section 6. Law and Venue.

This agreement shall be construed under the laws of the State of Mississippi. In the event that a dispute arises between the parties that results in litigation, venue for such litigation will be in the Oktibbeha County Circuit Court or United States District Court for the Northern District of Mississippi, Eastern Division, as applicable.

Section 7. Indemnification.

LGS shall defend, indemnify, and hold harmless *City*, its officers, employees, or agents, from any and all claims, demands, or judgments whatsoever, including the costs, expenses and reasonable attorney's fees, incurred for any breach of LGS's obligations under this agreement or by any act or omission of LGS in providing franchise fee payment compliance service under this agreement.

EXECUTED ON BEHALF OF THE CITY OF STARKVILLE THIS _____ DAY OF _____, 20__.

ATTEST:

Mayor: _____
City of Starkville

By _____

EXECUTED ON BEHALF OF LOCAL
GOVERNMENT SERVICES, LLC

(SEAL)

By _____
Member

7. APPROVAL TO REVISE THE 2011 CAPITAL IMPROVEMENT PROGRAM TO INCLUDE AN OVERLAY OF CRITZ STREET FROM JACKSON STREET TO OLD WEST POINT ROAD INSTEAD OF THE CENTRAL AVENUE REBUILD PROJECT WITH THE REMAINDER OF THE FUNDS NECESSARY TO COMPLETE THE PROJECT COMING FROM THE FISCAL YEAR 2013 BUDGET

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to revise the 2011 Capital Improvement Program to include an overlay of Critz Street from Jackson Street to Old West Point Road instead of the Central Avenue Rebuild Project with the remainder of the funds necessary to complete the Project coming from the FY13 Budget" is enumerated, this consent item is thereby approved.

8.
**APPROVAL TO APPOINT WILLIAM H. (BILL) WEBB TO THE
BOARD OF ADJUSTMENTS AND APPEALS TO FILL
THE UNEXPIRED TERM, (ENDING JUNE 30, 2013) OF
JAMES H. JOHNSON FOR WARD VI**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to appoint William H. (Bill) Webb to the Board of Adjustments and Appeals to fill the unexpired term (ending June 30, 2013) of James H. Johnson for Ward VI," is enumerated, this consent item is thereby approved.

9.
**APPROVAL TO ADD EUTAW STREET TO THE 2012 OVERLAY
PROJECT LIST WITH FUNDS IN THE AMOUNT OF \$34,573.00 TO
COME FROM THE FISCAL YEAR 2013 BUDGET**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to include Eutaw Street in the 2012 Overlay Project List with funds in the amount of \$34,573.00 to come from the FY13 Budget" is enumerated, this consent item is thereby approved.

10.
**APPROVAL OF A FRANCHISE CONTRACT WITH TELEPAK, INC.,
FOR THE USE OF THE CITY OF STARKVILLE RIGHTS-OF-WAYS,
AND AUTHORIZATION FOR THE MAYOR TO EXECUTE THE
CONTRACT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval of a Franchise Contract with Telepak, Inc. for the use of the City of Starkville Rights-of-Ways, and authorization for the Mayor to execute the contract" is enumerated, this consent item is thereby approved.

11.
**APPROVAL OF CLAIMS DOCKET #05-01-12-A
FOR THE CITY OF STARKVILLE CLAIMS THROUGH
APRIL 26, 2012 IN THE AMOUNT OF \$1,572,733.28 EXCLUDING
FIRE DEPARTMENT CLAIMS**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval of Claims Docket #05-01-12-A for the City of Starkville Claims through April 26, 2012 in the amount of \$1,572,733.28 excluding Fire Department Claims," is enumerated, this consent item is thereby approved.

CLAIMS DOCKET

05-01-12-A

APRIL 26, 2012

General Fund	001	\$220,820.77
Restricted Police Fund	002	0.00
Restricted Fire Fund	003	0.00
Airport Fund	015	1,052.71
Sanitation	022	47,495.44
Landfill	023	3,583.44
Computer Assessments	107	3,827.97
City Bond and Interest	202	0.00
2009 Road Maint. Bond	304	145,665.73
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	3,958.39
Water/Sewer	400	140,366.56
Vehicle Maintenance	500	2,187.38
Hotel/Motel	610	12,013.61
2% (VCC, EDA, MSU)	630	66,352.98
Electric		925,408.30
TOTAL CLAIMS		\$1,572,733.28

12.

APPROVAL TO ADVERTISE TO ACCEPT BIDS FOR THE GRETA LANE AND COLLIER ROAD IMPROVEMENTS

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to accept bids for the Greta Lane and Collier Road Improvements" is enumerated, this consent item is thereby approved.

STARKVILLE

THE CITY OF STARKVILLE
ENGINEERING DEPARTMENT
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MS38381 39759-2944

GRETA LANE & COLLIER ROAD PAVING PROJECT PROJECT COST ESTIMATE

PROJECT:	11134
DATE:	4/17/2012
DESCRIPTION:	OPTION 1: install 6" Clay Gravel Base*, Soil Cement 6" depth at 6%, Double Bituminous Surface Treatment

BASE BID -GRETA LANE ROADWAY IMPROVEMENTS

PAY ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
C0304-A	GRANULAR MATERIAL (CLASS III. GROUP B) (LVM)*	CY	679.5	\$20.00	\$13,590.00
00308-A	PORTLAND CEMENT	TON	93.5	\$120.00	\$11,217.57
00308-B	PORTLAND CEMENT SOIL/WATER MIXING (6" DEPTH)	SY	5378.0	\$2.00	\$10,756.00
00408-A	ASPHALT PRIME COAT (EA-1)	GAL	1882.0	\$3.50	\$6,587.00
00408-B	BLOTTER MATERIAL	CY	8.0	\$15.00	\$120.00
00410-A	BITUMINOUS ASPHALTIC CEMENT (CRS-2P)	GAL	3657.0	\$3.00	\$10,971.00
QD410-B	SEAL AGGREGATE (SIZE 7 STONE) (LVM) (fijh)	CY	52.0	\$75.00	\$3,900.00
00410-C	COARSE AGGREGATE (SIZE 56 STONE) (LVM) (AH)	CY	108.0	\$90.00	\$9,720.00
00618-A	MAINTENANCE OF TRAFFIC	LS	1.0	\$3,000.00	\$3,000.00
00620-A	MOBILIZATION	LS	1.0	\$10,000.00	\$10,000.00

SUBTOTAL (BASE BID) \$79,861.57

10% TESTING, INSPECTION & CONTINGENCY \$7,988.16

GRETA LANE TOTAL ESTIMATED COST \$87,847.73

ADDITIVE ALTERNATE 1 -GRETA LANE DRAINAGE IMPROVEMENTS

PAY ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
00202-A	REMOVE EXISTING DRAINAGE CULVERTS	LF	50	\$5.00	\$250.00
00203-A	CHANNEL EXCAVATION	LF	2789.0	\$0.50	\$1,394.50
00203-B	EXCESS EXCAVATION (LVM) (AH)	CY	83.0	\$4.50	\$373.50
00225-A	ESTABLISHMENT OF PERMANENT VEGETATION	SY	1659.0	\$0.75	\$1,394.25
00225-B	9" DIAMETER STRAW WATTLES	LF	132.0	\$5.00	\$660.00
00603-A	INSTALL 15' HDPE DRAINAGE CULVERT	LF	50.0	\$20.00	\$1,000.00

SUBTOTAL (ADDITIVE ALTERNATE 1) \$5,072.25

10% TESTING, INSPECTION & CONTINGENCY \$507.23

TOTAL (ADDITIVE ALTERNATE 1) \$5,579.48

ADDITIVE ALTERNATE 2 - COLLIER ROAD ROADWAY IMPROVEMENTS

PAY ITEM	DESCRIPTION	UNIT	ESTIMATED QUANTITY	UNIT PRICE	ESTIMATED COST
00308-A	PORTLAND CEMENT	TON	16.0	\$144.00	\$2,304.00
00308-B	PORTLAND CEMENT SOIL/WATER MIXING (6" DEPTH)	SY	918.0	\$2.40	\$2,203.20
00408-A	ASPHALT PRIME COAT (EA-1)	GAL	321.0	\$4.20	\$1,348.20
00408-B	BLOTTER MATERIAL	CY	1.5	\$18.00	\$27.00
C0410-A	BITUMINOUS ASPHALTIC CEMENT (CRS-2P)	GAL	624.0	\$3.60	\$2,246.40
00410-B	SEAL AGGREGATE (SIZE 7 STONE) (LVM) (AH)	CY	10.0	\$90.00	\$900.00
00410-C	COARSE AGGREGATE (SIZE 56 STONE) (LVM) (AH)	CY	18.5	\$108.00	\$1,998.00
00618-A	MAINTENANCE OF TRAFFIC	LS	1.0	\$1,800.00	\$1,800.00
00620-A	MOBILIZATION	LS	1.0	\$6,000.00	\$6,000.00

SUBTOTAL (ADDITIVE ALTERNATE 2) \$18,826.80

10% TESTING, INSPECTION & CONTINGENCY \$1,882.68

TOTAL (ADDITIVE ALTERNATE 2) \$20,709.48

COLLIER AND GRETA LANE TOTAL ESTIMATED COST \$114,136.68

13.

APPROVAL TO ACCEPT THE LOW QUOTE IN THE AMOUNT OF \$19,878.09 FROM G&O SUPPLY FOR PERMANENT EROSION CONTROL MATTING

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to accept the low quote in the amount of \$19,878.09 from G&O Supply for Permanent Erosion Control Matting" is enumerated, this consent item is thereby approved.

**QUOTES
PERMANENT EROSION CONTROL MATTING**

NAME	QUOTE AMOUNT	APPARENT BEST QUOTE
G&O SUPPLY	\$19,878.09	Apparent Best Quote
HANES INDUSTRIES	\$20,161.90	

14.

APPROVAL TO ACCEPT THE WRITTEN QUOTE SUBMITTED BY PRECISION COMMUNICATIONS IN THE AMOUNT OF \$14,735.00 FOR THE REPAIR OF THE CITY'S EMERGENCY SIRENS

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to accept the quote submitted by Precision Communications in the amount of \$14,735.00 for the repair of the emergency sirens" is enumerated, this consent item is thereby approved.

15.

APPROVAL TO PROMOTE JUSTIN EDWARDS TO THE POSITION OF SERGEANT IN THE FIRE DEPARTMENT WITH THE STANDARD PROBATIONARY PERIOD

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to promote Justin Edwards to the position of Sergeant in the Fire Department with an annual salary of \$34,286.04 (\$11.47/hr., 2990 hours/yr.) Grade 6 subject to the standard 6-month probationary period" is enumerated, this consent item is thereby approved.

16.

APPROVAL TO ADVERTISE TO FILL THE VACANT POSITION OF CREW LEADER IN THE WATER/SEWER DIVISION OF THE PUBLIC SERVICES DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to fill the vacant position of Crew

leader in the Water/Sewer Division of the Public Services Department," is enumerated, this consent item is thereby approved.

17.

APPROVAL TO ADVERTISE TO FILL THREE VACANT POSITIONS OF POLICE OFFICERS IN THE POLICE DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to advertise to fill three vacant Police Officer positions in the Police Department," is enumerated, this consent item is thereby approved.

18.

APPROVAL TO ADVERTISE TO FILL A TEMPORARY, PART-TIME POSITION OF COURT SECURITY OFFICER IN THE POLICE DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to advertise to fill a Temporary, Part-time position of Court Security Officer in the Police Department," is enumerated, this consent item is thereby approved.

19.

APPROVAL TO ACCEPT THE LOW QUOTE IN THE AMOUNT OF \$10,595.00 SUBMITTED BY GLOBAL TREAT, INC. FOR A PRE-FABRICATED CHLORINE GAS STORAGE ROOM TO BE PLACED AT THE MONTGOMERY STREET WATER PLANT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the May 1, 2012 Official Agenda, and to accept items for Consent, whereby the "approval to accept the low quote in the amount of \$10,595.00, submitted by Global Treat, Inc. for a pre-fabricated Chlorine Gas Storage room to be placed at the Montgomery Street Water Plant," is enumerated, this consent item is thereby approved.

**QUOTES
PRE-FABRICATED CHLORINE GASE
STORAGE ROOM**

NAME	QUOTE AMOUNT	APPARENT BEST QUOTE
GLOBAL TREAT, INC.	\$10,595.00	Apparent Best Quote
TRACOM	\$10,795.75	

END OF CONSENT ITEMS

Mayor Parker Wiseman, acknowledge and informed the public of the retirement of City Clerk Markeeta Outlaw. He also informed the public of the Electric Department's General Manager, Terry Kemp's appointment to the TVPPA Distributor's Board.

The Mayor reminded Board Members of the Department Head Evaluations due April 30, 2012 (yesterday). He urged Board Members to complete the evaluation forms and submit them to the Mayor's Office for compilation.

Alderman Eric Parker presented the employee of the month for May, 2012 to:

Keith Fortenberry - Wastewater Treatment Division of Public Services

Alderman Jeremiah Dumas announced the 175th Birthday Celebration for the City of Starkville will be held on May 11, 2012 at the Greater Starkville Development Partnership Lobby and along Lafayette Street beginning at 4:00 p.m. He invited the public to attend.

Alderman Sandra Sistrunk reminded the Board of the City's financial position and explained that the City's Contingency Fund is almost depleted and we recently began to use the City's Ending fund.

CITIZEN COMMENTS

Alvin Turner, ward 7, indicated that citizens are upset and that we will hold your feet to the fire. The citizens thank the department heads; Starkville housing wants the citizens to slow down in Pecan Acres; emergency vehicles should please use their sirens to alert citizens.

Chris Taylor, ward 7, requested more patrolling from the police in the Long Street area to slow motorists.

Dorothy Isaac, ward 6, thanked City Clerk Markeeta Outlaw for her service to the city, and wished her well in her retirement. She also asked for assistance with noise in the Rolling Hills Subdivision. Ms. Isaac was appreciative of the department that trimmed the power line but asked them to move trash to allow motorist to safely enter the roadway.

PUBLIC APPEARANCES

Ms. Anita Lindsey requested the Street closures and that the Board consider this event as an annual event.

20.

**A MOTION TO AMEND AGENDA ITEM X-A TO INCLUDE
CLOSING WESTSIDE DRIVE BETWEEN LONG STREET AND HENDERSON
STREET FROM 9 A.M. UNTIL 12 P.M.**

There came for consideration the matter of amending Agenda Item X-A to include closing Westside Drive between Long Street and Henderson Street from 9 a.m. until 12 p.m. After discussion, and

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Richard Corey, to approve amending the Official Agenda Item X-A to include closing Westside Drive between Long Street and Henderson Street from 9 a.m. until 12 p.m., the Board voted unanimously in favor of the motion.

PUBLIC HEARING (SIDEWALK)

The Mayor opened the Public Hearing on Amending the City of Starkville Sidewalk Ordinance.

Alderman Jeremiah Dumas introduced the subject of the Sidewalk Ordinance and noted several changes being proposed.

SIDEWALK ORDINANCE AMENDMENT

FOR	AGAINST	INDIFFERENT
CHRIS TAYLOR	ALVIN TURNER	JUDY RITNER
CHARLES HENDERSON		
DAVE CARRAWAY		

The Mayor closed the discussion on the Sidewalk Ordinance and opened the Public Hearing on Amending the Helmet Ordinance

Alderman Richard Corey introduced the subject of amending the Helmet Ordinance and noted several changes being proposed.

HELMET ORDINANCE AMENDMENT

FOR	AGAINST	INDIFFERENT
BRET CRAWFORD	ALVIN TURNER	
CHRIS TAYLOR	RON COSSMAN	
AUSTIN CHET	DOROTHY ISAAC	
EXCHANGE STUDENT	DAVE CARRAWAY	
GEORGIA MURPHY	JUDY RITNER	

The Mayor closed the discussion on the Helmet Ordinance Amendment.

21.

A MOTION TO TABLE CONSIDERATION OF APPROVING THE REVISED JOB DESCRIPTION OF THE CITY CLERK AND AUTHORIZING ADVERTISING FOR A CITY CLERK FOR THE CITY OF STARKVILLE; DIRECTING THE CHIEF ADMINISTRATIVE OFFICER TO REPORT ON THE ADVANTAGES AND DISADVANTAGES OF HAVING A FINANCE DEPARTMENT

There came for consideration the matter of a revised job description for the City Clerk position. After discussion, and

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Eric Parker, to table consideration of a revised job description for the City Clerk position as well as the authorization to advertise for a City Clerk for the City of Starkville; directing the Chief Administrative Officer to report on the advantages and disadvantages of having a Finance Department, the Board voted unanimously in favor of the motion.

NOTE: Alderman Ben Carver exited the meeting room.

Chief Administrative Officer Lynn Spruill and City Engineer Edward Kemp reported on the status of Highway 182 improvements and the possibility of reconstruction. The project has been delayed because Hwy 182 has encroachments that prevent the use of Federal Funds and State Funds are limited.

22.

**A MOTION TO APPROVE CLAIMS FOR THE
FIRE DEPARTMENT FOR THE PERIOD ENDING APRIL 26, 2012**

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

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Eric Parker, to approve the Fire Department Claims for the period ending April 26, 2012, 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 APRIL 26, 2012
DOCKET #05-01-12-A**

FIRE DEPARTMENT	001-261	\$48,050.73
FIRE PREVENTION	001-262	\$ 0.00
FIRE TRAINING	001-263	\$ 720.49
FIRE COMMUNICATIONS	001-264	\$ 1,313.41

FIRE STATIONS & BLDGS	001-267	\$ 4,847.28
	TOTAL	\$54,931.91

NOTE: Alderman Ben Carver rejoined the meeting.

23.

**A MOTION TO EXTEND THE TEMPORARY FULL-TIME EMPLOYEE
AND INCLUDE FULL BENEFITS**

There came for consideration the matter of the Accounts Receivable position in the City Clerk's Office. After discussion, and

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Eric Parker, to extend the Temporary Full-time employee, Latonya Henderson, with full benefits, the Board voted unanimously in favor of the motion.

24.

**A MOTION TO TABLE THE REQUEST TO ADVERTISE TO
FILL THE VACANT POSITION OF DEPUTY CLERK - GENERAL
RECORDS CLERK IN THE CITY CLERKS OFFICE**

There came for consideration the matter of filling a vacant position in the City Clerk's Office. After discussion, and

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Henry Vaughn, Sr., to Table the request to fill the vacant position of Deputy Clerk - General Records Clerk in the City Clerk's Office, the Board voted unanimously in favor of the motion.

25.

**A MOTION TO ENTER INTO A CLOSED SESSION TO DETERMINE IF
DISCUSSIONS REGARDING PERSONNEL MATTERS AND PENDING
LITIGATION ARE PROPER FOR EXECUTIVE SESSION.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Eric Parker, to enter into a Closed Session to determine if items to be discussed are proper cause for Executive Session, and after discussion,

Alderman Perkins moved to Table the motion to enter into a Closed Session, duly seconded by Alderman Henry Vaughn, Sr., the Board voted unanimously in favor of the motion to table the motion to enter into a Closed Session.

26.

**A MOTION TO RECESS UNTIL 5:30 P.M.
TUESDAY, MAY 15, 2012**

Upon the motion of Alderman Roy A. Perkins, duly seconded by Alderman Henry Vaughn, Sr., to recess until Tuesday, May 15, 2012, at 5:30 p.m.; said meeting will be

held in the Courtroom/Boardroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS., the Board voted unanimously in favor of the motion.

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2012.

MARKEETA OUTLAW, CITY CLERK

PARKER WISEMAN, MAYOR

(SEALED)