

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

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

Be it remembered that the Mayor and Board of Alderman met in a Regular Meeting on July 3, 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 Acting City Clerk D. Lynn Spruill.

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

Mayor Parker Wiseman asked for any revisions to the Official Agenda.

REQUESTED REVISIONS TO THE OFFICIAL AGENDA

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

Table the following item on the Agenda and bring it back for Board consideration at the Recess meeting of July 17, 2012

Agenda Item IV.A. Consideration of the approval of the June 5, 2012 Minutes of the Regular Meeting of the Board of Aldermen of the City of Starkville.

Mayor Wiseman asked for objections to the requested revision and no objections were noted.

Alderman Roy A.' Perkins requested to revise the July 3, 2012 Official Agenda as follows:

The agenda is amended to show that the Board of Aldermen will recess the July 3, 2012 meeting until July 10, 2012 at 5:00 P.M. at 405 Lynn Lane in the Sportsplex conference room.

Mayor Wiseman asked for objections to the proposed revision and no objections were noted.

Alderman Richard Corey made a motion to approve the Official Agenda as revised and to approve the below enumerated items:

X.D CONSIDERATION OF THE APPROVAL OF THE CONTRACT WITH VERIZON FOR THE EXTENSION OF 311 USE FOR VERIZON CUSTOMERS.

XI.A.1 REQUEST APPROVAL OF PAY REQUEST # 2 INVOICE # 1121201P FROM CLEARWATER CONSULTANT'S, INC. ON CONTRACT FOR SERVICES DATED OCTOBER 11, 2011 WORK AUTHORIZATION 11-02 FOR UPDATE OF THE AIRPORT LAYOUT PLAN FOR BRYAN FIELD IN THE AMOUNT OF \$18,100.00 FROM THE FAA GRANT 3-28-0068-016-2011.

- XI.A.2** REQUEST APPROVAL FOR AIRPORT MANAGER RODNEY LINCOLN TO TRAVEL & ATTEND THE WILDLIFE HAZARD MANAGEMENT AND WILDLIFE IDENTIFICATION TRAINING COURSE ON JULY 10, 2012 AT THE GULFPORT-BILOXI INTERNATIONAL AIRPORT.
- XI.E.1** REQUEST APPROVAL OF ACCEPTING THE LOWEST AND BEST BID WITH A CONTINGENCY FOR BED REPAIR ON A USED DUMP TRUCK FOR THE STREET DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$42,750.00.
- XI.E.2** REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FALL STREET OVERLAY CONSTRUCTION WORK.
- XI.F.2** REQUEST CONSIDERATION OF THE APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JUNE 28, 2012.
- XI.F.3** REQUEST CONSIDERATION OF APPOINTING D. LYNN SPRUILL AS A CITY OF STARKVILLE ACTING CITY CLERK/FINANCE DIRECTOR AND DEPUTY CITY CLERK.
- XI.I.6** REQUEST AUTHORIZATION TO ADVERTISE TO FILL A VACANT POSITION OF FOREMAN IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.
- XI.I.7** REQUEST AUTHORIZATION TO HIRE JOYNER WILLIAMS TO FILL THE VACANT POSITION OF BUILDING OFFICIAL IN THE BUILDING, CODES, & PLANNING DEPARTMENT
- XI.K.2** REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, FOR CONSTRUCTION SERVICES FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT, IN THE AMOUNT OF \$38,060.00.
- XI.K.3.** REQUEST APPROVAL TO PURCHASE FIRE HYDRANTS FROM CONSOLIDATED PIPE, THE SOLE QUALIFIED BIDDER, FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT IN THE AMOUNT OF \$13,189.00.

Mayor Wiseman restated the motion as an amendment to the agenda with the clarification as requested by Alderman Perkins to be a revision to the Official Agenda that would reorder those enumerated agenda items collectively to add a new item IV to the Official Agenda. Alderman Corey confirmed the clarification of the intent of the requested revision.

Mayor Wiseman asked for objections to the proposed revisions.

Ensuing discussion by the Board included concerns expressed by Alderman Perkins regarding this motion as an attempt to maneuver around the elimination of the consent agenda from the Board's agenda structure.

Alderman Perkins requested the opinion of Attorney Latimer on the matter of the ability of Board members to use the collective motion for Board action.

Attorney Latimer cited two Attorney General's opinions conveying the status of the Board of Aldermen as having the ultimate control over the agenda and that their (the Board) will controls.

Alderman Perkins further questioned Attorney Latimer on his direction for the preparation of the subject matter for this particular agenda subject matter.

Attorney Latimer stated that he has been asked a procedural question by Alderman Corey and he had researched the matter in preparation for the Board meeting.

1.

A MOTION TO AMEND THE OFFICIAL AGENDA WITH THE ADDITION OF AGENDA ITEM IV CONTAINING AGENDA ITEMS X.D; XI.A.1; XI.A.2; XI.E.1; XI.E.2; XI.F.2; XI.F.3; XI.I.6; XI.I.7; XI.K.2 AND XI.K.3

There came for consideration the motion to amend the Official Agenda as revised with the addition of an agenda item IV. containing the collective agenda items X.D; XI.A.1; XI.A.2; XI.E.1; XI.E.2; XI.F.2; XI.F.3; XI.I.6; XI.I.7; XI.K.2 and XI.K.3.

Upon the motion of Alderman Richard Corey duly seconded by Alderman Jeremiah Dumas to amend the Official Agenda as revised to insert the addition of an agenda item IV as consideration of the following items:

- X.D** CONSIDERATION OF THE APPROVAL OF THE CONTRACT WITH VERIZON FOR THE EXTENSION OF 311 USE FOR VERIZON CUSTOMERS.
- XI.A.1** REQUEST APPROVAL OF PAY REQUEST # 2 INVOICE # 1121201P FROM CLEARWATER CONSULTANT'S, INC. ON CONTRACT FOR SERVICES DATED OCTOBER 11, 2011 WORK AUTHORIZATION 11-02 FOR UPDATE OF THE AIRPORT LAYOUT PLAN FOR BRYAN FIELD IN THE AMOUNT OF \$18,100.00 FROM THE FAA GRANT 3-28-0068-016-2011.
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- XI.I.6** REQUEST AUTHORIZATION TO ADVERTISE TO FILL A VACANT POSITION OF FOREMAN IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.

XI.I.7 REQUEST AUTHORIZATION TO HIRE JOYNER WILLIAMS TO FILL THE VACANT POSITION OF BUILDING OFFICIAL IN THE BUILDING, CODES, & PLANNING DEPARTMENT

XI.K.2 REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, FOR CONSTRUCTION SERVICES FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT, IN THE AMOUNT OF \$38,060.00.

XI.K.3. REQUEST APPROVAL TO PURCHASE FIRE HYDRANTS FROM CONSOLIDATED PIPE, THE SOLE QUALIFIED BIDDER, FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT IN THE AMOUNT OF \$13,189.00.

After discussion by Aldermen Ben Carver and Eric Parker stating general support for the Board's prior use of the consent agenda, the Board voted as follows:

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

Having failed to receive a majority affirmative vote of those members present and voting, the Mayor declared the motion failed.

2.

A MOTION TO APPROVE THE OFFICIAL AGENDA AS REVISED

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

Upon the motion of Alderman Eric Parker, duly seconded by Alderman Richard Corey, to approve the July 3, 2012 Official Agenda as revised, the Board unanimously voted to approve the motion.

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

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

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. CONSIDERATION OF THE APPROVAL OF THE JUNE 5, 2012 MINUTES OF THE REGULAR MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF STARKVILLE.
- B. CONSIDERATION OF THE APPROVAL OF THE JUNE 14, 2012 MINUTES OF THE SPECIAL CALL MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF STARKVILLE.

V. ANNOUNCEMENTS AND COMMENTS

A. MAYOR'S COMMENTS:

STARKVILLE FIRE DEPARTMENT WILL HOST A CHILDREN'S FIRE ACADEMY TO BE HELD ON JULY 16-20, 2012.

JULY 4TH FESTIVITIES AT THE SPORTSPLEX WILL BEGIN AT 6:00 WITH ACTIVITIES FOR THE WHOLE FAMILY
FIREWORKS ARE AT 9:00

B. BOARD OF ALDERMEN COMMENTS:

RECOGNITION OF RETIRING EMPLOYEES AND PRESENTATION OF PLAQUES:

ROBERT STALLINGS-	PUBLIC SERVICES
THURMAN WARD-	PUBLIC SERVICES
MARKEETA OUTLAW –	CITY CLERK
ROBERT MILLER-	PUBLIC SERVICES
JAMES WELCH-	PUBLIC SERVICES
BENNIE GAZAWAY-	PUBLIC SERVICES
RUBY SHURDEN-	POLICE DEPARTMENT

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

ALLEN CALHOUN FROM THE VEHICLE MAINTENANCE SHOP

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

- A. PUBLIC APPEARANCE BY DIANE WALL REQUESTING APPROVAL OF THE OKTIBBEHA COUNTY HUMANE SOCIETY UTILITY INSERT IN THE SEPTEMBER BILLING CYCLE.

- B. PUBLIC APPEARANCE AT THE REQUEST OF ALDERMAN VAUGHN FOR MR. ALVIN TURNER TO PRESENT CITIZENS' CONCERNS TO THE BOARD.

VIII. PUBLIC HEARING

- A. SECOND PUBLIC HEARING ON AMENDING THE ZONING ORDINANCE AND THE CITY OF STARKVILLE CODE OF ORDINANCES, APPENDIX A- ZONING, ARTICLE 1, SEC.E.5. TO INCLUDE EXEMPTIONS FOR NON-CONFORMING RESIDENTIAL REBUILDING REQUIREMENTS.
- B. FIRST PUBLIC HEARING ON ADOPTING A NEW ORDINANCE AND AMENDING THE CODE OF ORDINANCES TO REGULATE THE USE OF OUTDOOR DISPLAYS AT COMMERCIAL ESTABLISHMENTS, OUTSIDE STORAGE AND YARD SALES IN THE CITY OF STARKVILLE.

IX. MAYOR'S BUSINESS

THERE IS NO MAYOR'S BUSINESS SCHEDULED

X. BOARD BUSINESS

- A. CONSIDERATION OF APPROVING THE SEPTEMBER UTILITY BILL INSERT FROM THE OKTIBBEHA COUNTY HUMANE SOCIETY.
- B. CONSIDERATION OF AMENDING THE ZONING ORDINANCE AND THE CITY OF STARKVILLE CODE OF ORDINANCES, APPENDIX A- ZONING, ARTICLE 1, SEC.E.5. TO INCLUDE EXEMPTIONS FOR NON-CONFORMING RESIDENTIAL REBUILDING REQUIREMENTS.
- C. REPORT FROM CITY ATTORNEY, CHRIS LATIMER, ON THE FINDINGS REGARDING CITY MAINTENANCE ON THE PIPED AND COVERED SECTION OF CARVER DRIVE DITCH.
- D. CONSIDERATION OF THE APPROVAL OF THE CONTRACT WITH VERIZON FOR THE EXTENSION OF 311 USE FOR VERIZON CUSTOMERS.

XI. DEPARTMENT BUSINESS

- A. AIRPORT
 - 1. REQUEST APPROVAL OF PAY REQUEST # 2 INVOICE # 1121201P FROM CLEARWATER CONSULTANT'S, INC. ON CONTRACT FOR SERVICES DATED OCTOBER 11, 2011 WORK AUTHORIZATION 11-02 FOR UPDATE OF THE AIRPORT LAYOUT PLAN FOR BRYAN FIELD IN THE AMOUNT OF \$18,100.00 FROM THE FAA GRANT 3-28-0068-016-2011.
 - 2. REQUEST APPROVAL FOR AIRPORT MANAGER RODNEY LINCOLN TO TRAVEL & ATTEND THE WILDLIFE HAZARD MANAGEMENT AND WILDLIFE IDENTIFICATION TRAINING COURSE ON JULY 10, 2012 AT THE GULFPORT-BILOXI INTERNATIONAL AIRPORT.
- B. BUILDING, CODES AND PLANNING DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

C. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

D. ELECTRIC DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

E. ENGINEERING AND STREETS

1. REQUEST APPROVAL OF ACCEPTING THE LOWEST AND BEST BID WITH A CONTINGENCY FOR BED REPAIR ON A USED DUMP TRUCK FOR THE STREET DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$42,750.00.
2. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE FALL STREET OVERLAY CONSTRUCTION WORK.

F. FINANCE AND ADMINISTRATION

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR THE FIRE DEPARTMENT AS OF JUNE 28, 2012.
2. REQUEST CONSIDERATION OF THE APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JUNE 28, 2012.
3. REQUEST CONSIDERATION OF APPOINTING D. LYNN SPRUILL AS A CITY OF STARKVILLE ACTING CITY CLERK/FINANCE DIRECTOR AND DEPUTY CITY CLERK.

G. FIRE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

H. INFORMATION TECHNOLOGY

THERE ARE NO ITEMS FOR THIS AGENDA

I. PERSONNEL

1. RECOMMENDATION TO HIRE LOVRENT GAINES AND JEREMY AKINS AS POLICE OFFICERS.
2. REQUEST AUTHORIZATION TO PROMOTE DONNA LOTT TO FILL THE VACANT POSITION OF STAFF SUPPORT TECHNICIAN LEVEL 3 IN THE POLICE DEPARTMENT.
3. REQUEST AUTHORIZATION TO HIRE MARCUS SMITH AS MAINTENANCE WORKER 1 IN THE WATER/SEWER DIVISION OF PUBLIC SERVICES.
4. REQUEST AUTHORIZATION TO HIRE CALVIN YOUNG AS MAINTENANCE WORKER 1 IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.

5. REQUEST AUTHORIZATION TO PROMOTE DANIEL SMITH TO VACANT POSITIONS OF FOREMAN IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.
6. REQUEST AUTHORIZATION TO ADVERTISE TO FILL A VACANT POSITION OF FOREMAN IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.
7. REQUEST AUTHORIZATION TO HIRE JOYNER WILLIAMS TO FILL THE VACANT POSITION OF BUILDING OFFICIAL IN THE BUILDING, CODES, & PLANNING DEPARTMENT

J. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

K. PUBLIC SERVICES

1. REQUEST APPROVAL TO PURCHASE PVC WATER PIPE FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT FROM FERGUSON ENTERPRISES, THE SUBMITTER OF THE LOWEST QUOTE BASED ON UNIT PRICING, IN THE AMOUNT OF \$49,935.60.
2. REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, FOR CONSTRUCTION SERVICES FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT, IN THE AMOUNT OF \$38,060.00.
3. REQUEST APPROVAL TO PURCHASE FIRE HYDRANTS FROM CONSOLIDATED PIPE, THE SOLE QUALIFIED BIDDER, FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT IN THE AMOUNT OF \$13,189.00.

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 JULY 17, 2012 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator at (662) 323-2525, ext. 121 at least forty-eight (48) hours in advance for any services requested.

3.

**A MOTION TO APPROVE THE MINUTES OF THE JUNE 14, 2012
SPECIAL CALL MEETING OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF STARKVILLE**

There came for consideration the matter of approving the minutes of the June 14, 2012 special call meeting of the Board of Aldermen as presented. There being no discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker, to approve minutes of the June 14, 2012 special call meeting, 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>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Nay</u>

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

MAYOR'S COMMENTS

Mayor Parker Wiseman noted the first City of Starkville Children's Fire Academy to be held on July 16-20, 2012.

Mayor Wiseman invited everyone to the July 4th fireworks celebration at the Sportsplex beginning at 6:00 P.M. with fireworks at 9:00 P.M.

Mayor Wiseman recognized City of Starkville retirees and presented retirement plaques to the following:

ROBERT STALLINGS-	PUBLIC SERVICES
THURMAN WARD-	PUBLIC SERVICES
JAMES WELCH-	PUBLIC SERVICES
BENNIE GAZAWAY-	PUBLIC SERVICES

BOARD COMMENTS

Alderman Jeremiah Dumas introduced the Employee of the Month:

Allen Calhoun from the vehicle maintenance shop in the Public Services Department and the Street Department.

Alderman Henry Vaughn expressed concerns over the vote of the Board regarding the treatment of Carver Drive ditch and requested that the Board reconsider its action in that matter.

Alderman Ben Carver expressed his support of the Board's use of the consent agenda and urged the Board to work to bring that back as an option for conducting Board business.

CITIZEN COMMENTS

Several residents of Wards 6 and 7 expressed their concerns about their current living conditions as a result of the status of the Carver Drive ditch. Those addressing the Board were: Alvin Turner, Margaret Mason, Daisy McDowell, Louise Williams. Lisa Wynn of Ward 2 also expressed concerns regarding Carver Drive ditch. .

Several residents addressed the Board regarding concerns in the matter of the public/private partnership for the construction of a new city hall and court facility. Those addressing the Board were: Emmett Smitherman, Ward 7; Marnita Henderson, Ward 1; Judd Ward, Ward 5; Shelby Yeatman, Ward 3; Jane Beemer, Ward 3; Bob Husbands, Ward 3 and Jim Mills, Ward 1.

PUBLIC APPEARANCES

Dr. Diane Wall presented a request to the Board of Aldermen for the annual insert in the utility bills to inform the public about the City of Starkville animal control ordinance and the services of the Oktibbeha County Humane Society.

Alderman Ben Carver exits the meeting.

Alvin Turner reported to the Board of Aldermen on the concerns of the citizens of Starkville related to Carver Drive ditch.

PUBLIC HEARINGS

Alderman Roy Perkins requested that Chief Administrative Officer introduce the proposed revision to the zoning ordinance and code of ordinances for the second public hearing on the proposed amendment. CAO Lynn Spruill provided the background on the genesis of the change recommended by Alderman Perkins as a fire that destroyed 4-plex in an area on Carver Drive that was zoned C-1. In order for that property owner or other similarly situated property owners to be allowed to rebuild they must seek a conditional use or a rezoning of the property affected.

Attorney Latimer recommended to the Board changes to the ordinance which have been reduced to writing as noted below:

“Restoration: No building damaged by fire or other causes to the extent of more than 50 percent of its market value shall be repaired or rebuilt except in conformity with the regulations of this ordinance. Notwithstanding the foregoing, any residential structure damaged by fire or other causes to any extent of its market value may be repaired, restored or rebuilt to its previous condition despite its non-conformity with the regulations of this ordinance.”

The Mayor opened the Floor for comments from the Citizens. He devoted 15 minutes to those in favor of amending the Sidewalk Ordinance, and 15 minutes to those opposing for an aggregate of 30 minutes.

FOR ORDINANCE	AGAINST ORDINANCE	NEITHER FOR/OR AGAINST ORDINANCE
		Alvin Turner

The Mayor closed the citizens comment portion of the Public Hearing and asked the Board for further comments or questions. Having no further comments by the Board, the Mayor closed the Public Hearing.

The Mayor requested that Alderman Jeremiah Dumas introduce the next proposed ordinance listed on the agenda for a public hearing. Said ordinance being to adopt a new ordinance and amend the code of ordinances to regulate the use of outdoor displays at commercial establishments, outside storage and yard sales in the City of Starkville.

The Mayor opened the floor for comments from the citizens. He devoted 15 minutes to those in favor and 15 minutes to those opposing for an aggregate of 30 minutes.

FOR ORDINANCE	AGAINST ORDINANCE	NEITHER FOR/OR AGAINST ORDINANCE
	Mike Allen	Marnita Henderson
		Alvin Turner

Alderman Ben Carver reenters the meeting.

The Mayor closed the citizen comment portion of the Public Hearing and asked the Board for further comments or questions. Alderman Carver inquired as to the ability of the City to keep track of the number of yard sales and if there was a fee for the yard sales. Alderman Dumas responded that there was no intent to charge for holding a yard sale. Having no further comments by the Board, the Mayor closed the Public Hearing.

4.

**A MOTION TO APPROVE THE SEPTEMBER UTILITY BILL
INSERT FROM THE OKTIBBEHA COUNTY HUMANE SOCIETY.**

There came for consideration the matter of approving the request by the Oktibbeha County Humane Society to place in the September utility billing insert a flyer outlining the City of Starkville animal control ordinance and the services offered by the Oktibbeha County Humane Society.

Upon the motion of Alderman Henry Vaughn, duly seconded by Alderman Sandra Sistrunk, to approve the utility insert outlining the animal control ordinance for the City of Starkville, with no discussion, the Board voted unanimously to approve the motion.

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

5.

A MOTION TO AMEND THE ZONING ORDINANCE AND THE CITY OF STARKVILLE CODE OF ORDINANCES, APPENDIX A- ZONING, ARTICLE 1, SEC.E.5. TO INCLUDE EXEMPTIONS FOR NON-CONFORMING RESIDENTIAL REBUILDING REQUIREMENTS.

There came for consideration the matter of approving amending the zoning ordinance and the City of Starkville Code of Ordinances, Appendix A- Zoning, Article 1, Sec. E.5. to include exemptions for non-conforming residential rebuilding requirements.

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Ben Carver, to approve the amendment to the zoning ordinance and the City of Starkville Code of Ordinances, Appendix A- Zoning, Article 1, Sec. E.5. to include exemptions for non-conforming residential rebuilding requirements, with no discussion, 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>Nay</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

ORDINANCE NUMBER 2012-07

AN ORDINANCE AMENDING THE CITY OF STARKVILLE ORDINANCE 1992-01 AND AMENDING THE CODE OF ORDINANCES, APPENDIX A-ZONING. ARTICLES I. SEC. E. 5. TO ALLOW FOR THE REPAIR AND RECONSTRUCTION OF RESIDENTIAL USES IN NON-CONFORMING ZONING CLASSIFICATIONS

WHEREAS, the Mayor and Board of Aldermen are authorized by Mississippi Code Annotated (1972) §17-1-1 et seq. to adopt rules and regulations for zoning within the confines of the city limits of the City of Starkville; and

WHEREAS, the Mayor and Board of Aldermen find that it is appropriate to adopt an amendment to the zoning code that recognizes the existence of non-conforming uses that meet certain requirements and needs of the community; and

WHEREAS, the Mayor and Board of Aldermen wish to encourage the redevelopment and reconstruction of existing residential uses in areas that are not in conformity with the zoning ordinance;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville, Mississippi as follows:

ARTICLE I. - CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS

Sec. A. - Short title.

Sec. B. - Purpose.

Sec. C. - Zoning districts.

Sec. D. - Zoning district map.

Sec. E. - Uses.

Sec. F. - Building lots, yards, and open space.

Sec. G. - Heights.

Sec. H. - Off-street automobile storage.

Sec. I. - Off-street loading and unloading.

Sec. J. - Structures.

Sec. K. - Classifications of annexed territory.

Sec. A. - Short title.

This article shall be known as the "Zoning Ordinance" and the map herein referred to identified by the title "Official Zoning District Map of Starkville Mississippi," shall be certified by the Mayor and attested by the City Clerk. The Zoning District Map and all explanatory matter thereon is hereby adopted and made a part of this article. Said map shall be filed in the Planning Department and shall show thereon the date of adoption of this article.

(Ord. No. 2001-4, 11-6-01)

Sec. B. - Purpose.

The purpose of this ordinance is to preserve and promote public health, safety, morals and general welfare of the people of the City of Starkville and of the public generally

through the regulation of: The location, height, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; the use of buildings, structures and land for commercial, industrial, residential and other purposes, and of off-street parking and off-street loading.

Sec. C. - Zoning districts.

For the purpose of this ordinance, the City of Starkville is hereby divided into the 16 districts designated as follows. The listing in parentheses indicates more restrictive districts in order with (1) being most restrictive and (15) being least restrictive:

A-1	agricultural district	(1)
R-E	residential estate district	(2)
R-1	residential district	(3)
R-2	residential district	(5)
R-3	residential district	(6)
R-3A	single-family, medium density	
R-4	residential district	(4)
R-4A	single-family, high density	
R-5	residential district	(7)
R-6	residential district (mobile homes)	(8)
R-M	residential district	(8)
B-1	buffer district	(11)
C-1	business district (local shopping)	(12)
C-2	business district (general)	(14)
C-3	central business district	(13)
M-1	industrial district (light)	(15)
SU	special use district	(10)
PUD	planned use district	(9)

(Ord. No. 2004-2, 11-2-04; Ord. No. 2008-9, § II, 11-4-08)

Sec. D. - Zoning district map.

The city is herein divided into zones, or districts, as shown on the official zoning district map. The official zoning district map, together with all notations, references, or other information thereon, is made a part of this article and has the same force and effect as if fully set forth and described herein. The official zoning district map covers the entire jurisdictional area of the City of Starkville. The original of the official zoning district map shall be properly attested, bear the seal of the city, and be on file in the planning department. It shall be the duty of the city planner to maintain and keep the zoning district map up-to-date at all times. The official zoning district map shall be available for public inspection as provided by law for all matters which are public record.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning district map, the following rules shall apply:

1. Where district boundaries are indicated as following streets, highways, or alleys, the centerlines of such streets, highways, or alleys shall be construed to be such boundaries.
2. Where the land has been or may hereafter be divided into blocks and lots where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. In un-subdivided property the district boundary lines on the zoning district map shall be determined by use of the scale appearing on the map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located on the abutting property line of said railroad line.
5. Questions concerning the exact location of district boundary lines shall be decided by the board of adjustments and appeals.
6. In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board of aldermen may by resolution adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map may correct drafting errors or other omissions of the prior official zoning district map, but no such correction shall have the effect of amending the original official zoning district map or any subsequent amendment thereof. The new official zoning district map shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city under the following words:

"This is to certify that this Official Zoning District Map supersedes and replaces the Official Zoning District Map adopted as part of Appendix A of the Code of Ordinances, City of Starkville, Mississippi, on November 15, 1977."

(Ord. No. 2001-4, 11-6-01)

Sec. E. - Uses.

In each district no use other than the type specified as "permitted" or "permitted as an exception" shall be allowed. (See article VII.) Uses specified as permitted shall be permitted upon application to the city planner and approved as meeting the terms of this article. Uses specified as permitted as an exception are special exceptions, and no permit shall be issued for such uses except with the written approval of the planning and zoning commission and subject to such conditions as said commission may require to preserve and protect the character of the district.

Any use or structure existing at the time of enactment of or subsequent amendment to this ordinance, but not in conformity with its provisions, may be contained [continued] or rebuilt after fire or other damage with the following limitations:

1. *Construction approved prior to ordinance:* Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been diligently prosecuted within three months of the date of

such permit, and the ground story framework of which, including the second tier beams, shall have been completed within six months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from date of this ordinance.

2. *Extension:* A nonconforming use shall not be extended or enlarged except when required to do so by law or by ordinance. The attachment of signs to the building, or the attachment of racks, balconies, or other projections from the building shall be considered as an extension of the use of the building.

3. *Displacement:* No nonconforming use shall be extended to displace a conforming use.

4. *Alterations and/or replacement:* A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost of 50 percent of the market value of the building unless said building is changed to a conforming use. If a nonconforming use and/or structure is removed from any building site, the reuse of that site must be for a conforming use and/or structure.

5. *Restoration:* No building damaged by fire or other causes to the extent of more than 50 percent of its market value shall be repaired or rebuilt except in conformity with the regulations of this ordinance. Notwithstanding the foregoing, any residential structure damaged by fire or other causes to any extent of its market value may be repaired, restored or rebuilt to its previous condition despite its non-conformity with the regulations of this ordinance.

6. *Unsafe structures:* Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.

7. *Changes:* If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A use changed to a more restricted nonconforming use shall not be permitted to revert to a least [less] restricted nonconforming use.

8. *Discontinuance:* No building or portion thereof or land used in whole or in part for nonconforming purposes according to the provisions of this article, which thereafter becomes and remains vacant for a period of one year, or for a period of six months if the vacancy is caused by a voluntary act of the owner of such a building or land, or has a cessation of use for like period, shall again be used except in conformity with the regulations of the district in which such building or land is situated.

Neither the intention of the owner, nor that of anyone else, to use a building or any part thereof for any nonconforming use, nor the fact that said building or lot or any part of either may have been used by a makeshift or pretended nonconforming use, shall be taken into consideration in interpreting and construing the words "vacant" or "cessation of such use" as used in this article.

9. *District changes:* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions [of this section] shall also apply to any nonconforming uses existing therein.

Any lawful use of a structure or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

(Ord. No. 2001-4, 11-6-01)

Sec. F. - Building lots, yards, and open space.

In each district, each structure hereafter erected or altered shall be on a lot of the area and width specified in article VII. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

Exceptions to the district requirements for building lots and yards follow:

1. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the board of adjustments and appeals, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five feet.
2. No building need be set back more than the average of the setbacks of the existing residences within 100 feet or two lots on either side of [the building,] whichever is greater.
3. Under further provisions of this ordinance, PUDs have special requirements meeting lot and yard provisions.

Sec. G. - Heights.

In each district, each structure hereafter erected or altered shall not exceed the height specified in the district requirements, article VII.

Height limitations shall not apply to church steeples, hospitals, sanatoriums, barns, silos, farm structures, chimneys, flagpoles, public utility poles, radio and television towers and aerials, cooling towers, or water tanks.

Sec. H. - Off-street automobile storage.

In each district each structure hereafter erected or altered shall be provided with off-street automobile storage as specified in district schedule, article VII and VIII. No off-street automobile storage space required for a building or structure shall during its life be occupied by or counted as off-street automobile space for another building or structure, but may be included in the required yard space.

Sec. I. - Off-street loading and unloading.

In each business and industrial district each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities as specified in the district schedule, article VII.

Sec. J. - Structures.

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes except as otherwise specifically permitted; also that accessory structures shall not include living quarters.

Sec. K. - Classifications of annexed territory.

All territory which may hereafter be annexed to the City of Starkville, Mississippi, shall be classified as preliminarily [preliminary] as set out in the annexation proceedings until otherwise changed by ordinance after public hearing.

This Ordinance shall become effective on the 30th day after its adoption and be in force from and after its passage in the manner provided by law after its adoption.

The City Clerk is directed to post the Ordinance in three conspicuous public places, place the Ordinance on the City’s website and to publish the Ordinance one time in the Starkville Daily News, obtaining proof of publication thereof.

THE FOREGOING ORDINANCE, having first been reduced to writing, was proposed in a motion by Alderman Roy A.’ Perkins, duly seconded by Alderman Ben Carver, that the aforesaid Ordinance be adopted. The vote being as follows:

Ben Carver	Voted: Yea
Richard Corey	Voted: Yea
Jeremiah Dumas	Voted: Nay
Eric Parker	Voted: Yea
Roy A’. Perkins	Voted: Yea
Sandra Sistrunk	Voted: Yea
Henry Vaughn, Sr.	Voted: Yea

ORDAINED AND ADOPTED, this the 3rd day of July, A.D., 2012, at the Regular/Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Oktibbeha County, Mississippi.

PARKER WISEMAN, Mayor
City of Starkville, Mississippi

D. Lynn Spruill, Acting City Clerk
City of Starkville, Mississippi

(SEAL)

The next item for the Board was the report from the City Attorney, Chris Latimer, on the matter of the authority of the City for the cleanup of the piped and covered area of Carver Drive ditch. Mr. Latimer highlighted the language in the statute that could provide the authority for such cleanup.

6.

A MOTION TO APPROVE THE USE OF MISSISSIPPI CODE SECTION 21-19-11 EXCLUDING ALL COSTS AND PENALTIES RECOVERABLE UNDER THE STATUTE FOR THE CITY TO MOW THE OVERGROWN PORTION OF CARVER DRIVE DITCH THAT HAS ALREADY BEEN PIPED AND COVERED ON OR BEFORE AUGUST 31, 2012 DUE TO THE FACT THAT THE AREA IS IN SUCH A STATE OF UNCLEANLINESS THAT IT IS A MENACE TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Henry Vaughn, with discussion regarding the possible implications of the motion, Alderman Sistrunk inquired of the Chief Administrative Officer regarding the prior use by the City of the code section relied upon by Alderman Perkins motion.

7.

A MOTION TO MOVE INTO CLOSED SESSION TO DETERMINE THE NEED FOR AN EXECUTIVE SESSION

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Jeremiah Dumas, to go into closed session for the purpose of discussing the need for an executive session on the matter of potential litigation surrounding the mowing of Carver Drive ditch, 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.

Alderman Ben Carver exited the meeting.

8.

A MOTION TO MOVE OUT OF CLOSED SESSION

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Richard Corey, to move out of closed session back into open session, the Board voted as follows:

Alderman Sandra Sistrunk exited the meeting.

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

9.

A MOTION TO RESCIND AND RESTATE THE PREVIOUS MOTION AND FOR THE CITY ATTORNEY TO CONDUCT A TITLE SEARCH TO CONFIRM OWNERSHIP OF THE LAND OVER THE PIPED AND COVERED SECTION OF THE CARVER DRIVE DITCH, AND AFTERWARDS FOR THE CITY TO PROVIDE NOTICE TO THE PROPERTY OWNERS THAT THE PROPERTY NEEDS TO BE MOWED AND CLEANED BY THE OWNERS OR THE CITY WILL CONTEMPLATE ACTION UNDER MISSISSIPPI CODE SECTION 21-19-11.

Upon the motion of Alderman Roy Perkins, duly seconded by Henry Vaughn, for the City Attorney to conduct a title search to confirm ownership of the land over the piped and covered section of the Carver Drive ditch, and afterwards for the City to provide notice to the property owners that the property needs to be mowed and cleaned by the owners or the City will contemplate action under Mississippi Code Section 21-19-11, there being no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

10.

A MOTION TO APPROVE THE CONTRACT WITH VERIZON FOR THE

EXTENSION OF 311 USE FOR VERIZON CUSTOMERS.

There came for consideration the matter of the approval of the contract with Verizon for the extension of 311 service to the Starkville area Verizon customers.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to approve the contract with Verizon for the extension of 311 use for the Verizon customers in the Starkville area, with no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

311 – VERIZON WIRELESS SERVICE AGREEMENT FORM LOCAL CALLING AREA

This 311 Service Agreement ("Agreement") is entered into by and between Cellco Partnership d/b/a Verizon Wireless ("Verizon Wireless"), a Delaware general partnership with its principal place of business at 1 Verizon Way, Basking Ridge, NJ 07920, and the City of Starkville ("Requesting Entity"). Verizon Wireless and the Requesting Entity may be referred to in this Agreement individually as a "Party" and collectively as the "Parties".

1. Service Description: Pursuant to this Agreement, Verizon Wireless will translate the 311 abbreviated dialing code to and for the benefit of the Requesting Entity as set forth below; in compliance with the Federal Communications ("FCC") order in Docket No. 92-105 ("FCC Order"), but only in the Service Area as defined below where Verizon Wireless operates its wireless service.

- (a) Verizon Wireless customers will be able to dial 311 using their wireless handsets when within the area serviced ("Service Area") as specified in Exhibit A to this agreement by certain Verizon Wireless Mobile Telephone Switching Office(s) ("MTSO(s)"), and Verizon Wireless will translate those calls to the telephone number provided to Verizon Wireless by the Requesting Entity within this area. Verizon Wireless will use commercially reasonable efforts to design call routing based on the location of its MTSO to include the entire Service Area indicated by the Requesting Entity however, both Parties acknowledge that the actual Service Area may differ from the Service Area requested. In those instances in which calls are routed from Service Areas beyond those served by the Requesting Entity, the Requesting Entity is responsible for properly transferring or redirecting calls to the adjacent jurisdictions' dispatch or call centers.
- (b) Requesting Entity will have sole responsibility to answer, respond to, transfer, terminate or otherwise handle 311 calls routed to the Requesting Entity's dispatch or call center via the telephone number referenced below, and to make non-emergency public services available in

response to such calls ("311 Service"). The Requesting Entity cannot use the 311 Service for any purpose other than to make non-emergency public services available to Verizon Wireless customers in the Service Area.

- (c) The 311 Service is subject to transmission limitations and dropped calls. The Service Area may contain areas with no service. The 311 Service is subject to network and transmission limitations, including cell site unavailability, particularly in remote areas. Customer equipment, weather, topography and other atmospheric and environmental considerations associated with radio technology also will affect the 311 Service. Voice clarity and reception may vary near coverage boundaries. Additionally, voice clarity and reception may vary significantly within buildings depending on location or building structure. The 311 Service may be temporarily refused, limited, interrupted or curtailed due to Service Area coverage disputes, system capacity limitations and/or equipment modifications, upgrades, relocations, repairs and similar activities necessary for the proper operation of the 311 Service. Requesting Party acknowledges that Verizon Wireless assumes no liability for any such limitations, constraints or restrictions.
- (d) Unless otherwise stated herein, there shall be no charge to Requesting Entity to design, implement and maintain the 311 Service as outlined in this Agreement. However, certain fees and charges may be assessed in the event that modifications are required after implementation to continue providing the 311 Service which result from: (1) a change in the current scope of the 311 Service, (2) the Requesting Entity's failure to comply with the terms of this Agreement or (3) other conditions required by law.
- (e) **No Rights in ADCs:** Requesting Entity acknowledges and agrees that there are a limited number of ADC's (Abbreviated Dialing Code) available. Requesting Entity has no property right or interest in the ADC(s) covered by the Agreement. Requesting Entity has no rights or presumptions regarding substitute or additional ADCs. Verizon Wireless reserves the right to change, augment, disconnect or cancel the ADC upon thirty (30) days notice to Requesting Entity. Notwithstanding the foregoing, Verizon Wireless may immediately change the ADC to comply with laws, rules or regulations without notice to Requestor. If Requesting Entity changes its designated telephone number under the Agreement, Requesting Entity must provide written notice to Verizon Wireless thirty (30) days prior to the change.

2. Responsibilities of Third Parties: The Parties acknowledge that Verizon Wireless' ability to support the Requesting Entity's provision of the 311 Service may be dependent upon the timely performance of third parties, including, but not limited to, actions that must be completed by the Requesting Entity's agents, call center, hardware providers and various other suppliers and manufacturers.

3. Confidential Information: Each Party acknowledges that, during the term of this Agreement, the other Party may disclose to it, or it may receive from the other Party in performing its obligations under this Agreement, information, whether communicated or received in oral, written, electronic or any other form, that is considered proprietary, confidential and/or competitively sensitive by the other Party ("Confidential Information"). Both Parties agree to take all reasonable and necessary steps to ensure the confidentiality of all Confidential Information of the other Party. All Confidential Information shall be marked or otherwise designated as proprietary, confidential and/or competitively sensitive by the Party that deems it proprietary, confidential and/or competitively sensitive. The receiving Party shall use not less than the same degree of care it uses with regard to its own proprietary, confidential and/or competitively sensitive information, but not less than reasonable care to prevent the disclosure, unauthorized use or publication of Confidential Information. Confidential Information shall neither be used, nor allowed to be used, by the receiving Party for any purpose other than to facilitate the performance by it of its obligations under this Agreement.

This section shall not apply to: (i) information that at the time of disclosure was generally available to the public; (ii) information that, subsequent to its disclosure, is published or otherwise becomes available to the public through any means other than an act or omission of the receiving Party; (iii) information that

was previously known to the receiving Party free of any obligation to keep it in confidence or that is subsequently developed in good faith by the receiving Party; and (iv) information rightfully acquired in good faith from a third party on a non-confidential basis. Further, the receiving Party may disclose Confidential Information if required to do so by applicable law, rule or regulation, or a court or other governmental authority of competent jurisdiction; provided, however, that the receiving Party shall provide the disclosing Party prior written notice of any such disclosure and exercise its best efforts to afford the disclosing Party an opportunity to contest the disclosure and to limit the extent of the disclosure to the maximum extent practicable.

The Requesting Entity acknowledges that preservation of the confidentiality of individually identifiable information about Verizon Wireless customers, including, but not limited to, their telephone numbers, is an important component of the wireless services provided by Verizon Wireless. The Requesting Entity, therefore, agrees that it will not, and it will ensure that any agents used by it to provide the 311 Service will not, inappropriately disclose or abuse such information about Verizon Wireless customers to the extent gained in connection with providing the 311 Service. For purposes of this Agreement, the inappropriate disclosure or use of such information includes, but is not limited to, the following: (i) use of such information for any purpose other than the provision of the 311 Service or for internal analysis; (ii) sale or disclosure of such information, or any data derived from such information, to third parties or (iii) use for sales and marketing purposes or other income generating activity. In the event that the Requesting Entity or any of its agents used for the provision of the 311 Service inappropriately disclose or use such information, as determined by Verizon Wireless in its sole discretion, Verizon Wireless may immediately terminate this Agreement as provided for in Section 4 and pursue any rights available to it at law or equity.

4. Term and Termination: This Agreement is effective on the date of the Verizon Wireless' signature ("Effective Date"), and shall remain in effect for a period of one (1) year from the Effective Date, (Initial Term). Verizon Wireless shall have six (6) months from the Effective Date to complete the work necessary to provide the services required by this Agreement. This Agreement shall automatically renew on a month-to-month term ("Subsequent Term") unless written notice of termination is given by the terminating Party to the other Party not less than 30 days prior to the expiration of the Initial Term, or each Subsequent Term.

This Agreement may be terminated without liability: (i) at any time by both Parties upon mutual agreement; (ii) immediately, by Verizon Wireless if, by order of the FCC, wireless carriers no longer are required to translate 311 calls to governmental authorities; (iii) immediately by Verizon Wireless in the event the Requesting Entity fails to pay any amount due Verizon Wireless by the due date after delivery of written notice by Verizon Wireless that payment is due; (iv) immediately by Verizon Wireless if the Requesting Entity fails to fulfill any of its responsibilities set forth in Section 14 within 30 days of receiving written notice from Verizon Wireless of such failure; (v) immediately by either Party upon a material breach of this Agreement by the other Party if the material breach is not cured by the breaching Party within 30 days of receiving written notice of the breach; (vi) immediately by Verizon Wireless in the event the Requesting Entity discontinues, suspends or substantially curtails its provision of the 311 Service in the Service Area; (vii) immediately by Verizon Wireless in the event the Requesting Entity, or any agents used by it to provide the 311 Service, inappropriately discloses or abuses individually identifiable information about Verizon Wireless customers; or (viii) immediately by either Party in the event this Agreement, or any provision(s) contained herein, is found to violate any existing or future law, rules regulations, or orders of courts or governmental authorities of competent jurisdiction, as set forth in Section 18.

Termination shall be effective upon written notice of such termination, taking into account any required cure periods, by the terminating Party to the other Party; provided, however, that neither termination nor expiration of this Agreement shall relieve either Party of liabilities previously accrued under this Agreement. The liabilities that will survive expiration or termination will include: (i) all accrued payment obligations as set forth in this Agreement; and (ii) the rights and obligations of the Parties with regards to Sections 3, 5, 6, 7, 8, 10, 11, 15, 17 and 19.

5. Limitation of Liability: To the extent allowed by Law, in no event shall Verizon Wireless be liable to the Requesting Entity, its employees, agents or any third party, for any indirect, incidental, consequential, special or exemplary damages, whether in an action of contract, negligence, strict liability or other tortious action, arising out of this Agreement. Both Parties recognize that this Agreement reflects a reasonable allocation of risks and that such allocation is a significant inducement for Verizon Wireless to provide the services described in this Agreement to the Requesting Entity.

7. DISCLAIMER OF WARRANTIES: To the extent allowed by Law, THE PARTIES ACKNOWLEDGE THAT THIS AGREEMENT IS A CONTRACT FOR THE PROVISION OF SERVICES AND THAT ANY GOODS PROVIDED HEREUNDER ARE ANCILLARY TO THE PROVISION OF THE REQUESTED SERVICES. ALL GOODS ARE PROVIDED "AS IS". FURTHER, TO THE EXTENT ALLOWED BY LAW, THE PARTIES AGREE THAT THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE AND ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, ARE EXCLUDED FROM THIS TRANSACTION AND SHALL NOT APPLY TO ANY GOODS OR SERVICES PROVIDED HEREUNDER. ADDITIONALLY, TO THE EXTENT ALLOWED BY LAW, VERIZON WIRELESS EXPRESSLY EXCLUDES AND DISCLAIMS ANY AND ALL WARRANTIES, GUARANTEES OR REPRESENTATIONS WHATSOEVER, EXPRESS OR IMPLIED, ORAL, WRITTEN OR OTHERWISE, RELATED TO ANY EQUIPMENT, FACILITIES, FEATURES, REPAIR, MAINTENANCE AND TO ANY AND ALL GOODS AND SERVICES PROVIDED OR TO BE PROVIDED PURSUANT TO THIS AGREEMENT

8. No Third Party Beneficiary Relationship or Liability Created: Verizon Wireless offers the services described in this Agreement solely as an aid in the Requesting Entity's provision of non-emergency public safety services pursuant to the FCC Order. Verizon Wireless' provision of the services described in this Agreement does not create any relationship or obligation, direct or indirect, to any person or entity other than the Requesting Entity.

9. Delay/Force Majeure: Verizon Wireless shall provide the services described in this Agreement pursuant to applicable law, rules and regulations, and any mutually agreed to implementation plan, but Verizon Wireless shall not be liable for any delays resulting from acts of God, acts of third parties, equipment failures, strikes, severe weather conditions, fires, riots, wars, earthquakes, equipment or facility shortages or any other causes beyond its reasonable control. The Parties further acknowledge that successful and timely provision of the 311 Service is contingent upon the timely performance of actions by and cooperation of many third parties, including, but limited to, actions that must be completed by the provider of the transmission links between Verizon Wireless and the Requesting Entity or between Verizon Wireless and any agents used by the Requesting Entity.

10. Assignment: The Requesting Entity may not assign any of its rights, nor delegate any of its obligations, under this Agreement without the prior written consent of Verizon Wireless. Verizon Wireless, however, may assign this Agreement to any third party without the consent of the Requesting Entity. All the terms and conditions of this Agreement will be binding upon, inure to the benefit of and be enforceable by the Parties and their respective permitted successors and assigns.

11. Dispute Resolution: In the event of a dispute between Verizon Wireless and the Requesting Entity, the Parties agree to attempt in good faith to resolve any controversy or claim arising out of or relating to this Agreement in accordance with the United States Arbitration Act, 9 U.S.C. §§1-16, and judgment for the award may be entered by any court having jurisdiction thereof. The place of arbitration shall be Starkville, MS.

If applicable law prevents arbitration of disputes between the Parties, the Parties' respective project managers shall attempt in good faith to reach an agreement about the nature of the deficiency and the corrective action to be taken. If the project managers are unable to reach agreement, each of them shall produce a detailed report about the nature of the dispute for his or her appropriate management and senior level personnel who shall attempt to reach an agreement within 30 days of receipt of the report.

12. Independent Contractor: Verizon Wireless' relationship with the Requesting Entity under this Agreement is that of an independent contractor.

13. Responsibilities of Verizon Wireless: Verizon Wireless shall:

- Make good faith efforts, based on the location of its MTSO to translate 311 calls in the Service Area to the number provided by the Requesting Entity.
- Make good faith efforts to implement the services described in this Agreement within six (6) months of the Effective Date.

14. Responsibilities of the Requesting Entity: The Requesting Entity shall:

- Establish and maintain a telephone number for the entire Service Area, and provide that number to Verizon Wireless, so as to enable Verizon Wireless to translate 311 calls within the Service Area to the Requesting Entity's designated call center. The Requesting Entity will be responsible for all costs associated with the establishment, operation and maintenance of such telephone number and call center. The Requesting Entity also will be responsible for ensuring that, even during peak calling periods and times of increasing call volumes, sufficient capacity is available in connection with such telephone number to enable 311 calls to be answered by the Requesting Entity's call center within a reasonable period of time.
- Have sole responsibility for obtaining approvals, authorization and consent from entities and/or jurisdictions affected by the request made by the Requesting Entity
- Have sole responsibility to answer, respond to, transfer, redirect, terminate or otherwise handle 311 calls made by Verizon Wireless customers in the Service Area and translated by Verizon Wireless to the number provided to Verizon Wireless by the Requesting Entity.
- Promptly furnish Verizon Wireless, at the Requesting Entity's expense, all technical material, data and like information reasonably requested by Verizon Wireless under this Agreement as necessary to provide the services described in this Agreement.
- Provide Verizon Wireless with prompt access to the Requesting Entity's premises if reasonably requested by Verizon Wireless as necessary to provide the services described in this Agreement.
- Cooperate with Verizon Wireless and all necessary third parties in all aspects of implementing, scheduling, testing, verifying, operating and maintaining the 311 Service.
- Develop and provide to Verizon Wireless, processes for receiving and responding to inquiries, complaints and requests for information from Verizon Wireless customers about the 311 Service. The Requesting Entity will provide Verizon Wireless with a telephone number that can be provided by it to customers with questions, concerns or other issues about the 311 Service.

15. Acknowledgements: The Parties acknowledge that:

- The terms and conditions set forth in this Agreement are for the Parties' mutual benefit and should encourage the efficient and cooperative deployment of the 311 Service.
- The Requesting Entity has no ownership rights in, or to the use of, the 311 abbreviated dialing code.
- Verizon Wireless customers who make 311 calls using their wireless handsets in the Service Area will be charged by Verizon Wireless in accordance to the calling plans applicable to each such customer at the time of the calls. These charges are subject to change at any time, in the sole discretion of Verizon Wireless, in accordance with the agreements in place between Verizon Wireless and the customers.
- The relationship between Verizon Wireless and the Requesting Entity created by this Agreement is not exclusive.

16. Amendment/Modification: Any provision of this Agreement may be amended upon mutual agreement of the Parties, executed in writing, and the observance of any provision may be waived only in

writing signed by a duly authorized representative of the Parties. Verizon Wireless may also modify this Agreement upon 30 days written notice to the Requesting Entity: (i) if there is a change in applicable law, rules or regulations or the FCC Order; or (ii) if Verizon Wireless should sell or otherwise dispose of all or part of its wireless service licenses for the provision of wireless service in any portion of the Service Area.

17. Governing Law: The laws of the state where the Requesting Entity is based shall govern this Agreement except as otherwise provided for herein, except for matters within the exclusive jurisdiction of the FCC or federal law, rules or regulations.

18. Severability: If any provision(s) of this Agreement is determined to be invalid or contrary to any existing or future law, rules or regulations in any jurisdiction, or any order of a court of competent jurisdiction or other governmental authority of competent jurisdiction, such invalidity shall not impair the operation of any other provision(s) in this Agreement or affect the operation of that provision(s) in any other jurisdiction. To the extent a provision(s) cannot be severed from this Agreement without substantially diminishing the economic value of this Agreement to a Party, that Party may terminate this Agreement consistent with Section 4.

19. Headings: The headings and captions of this Agreement are inserted for convenience and identification only and are in no way intended to define, limit or expand the scope and intent of this Agreement. Where the context so requires, the singular shall include the plural. The references in this Agreement to "Section" or "section" are to sections of this Agreement unless the context clearly requires otherwise.

20. Notices: All notices required by this Agreement must be in writing and delivered via United States mail, postage prepaid, courier or facsimile with confirmation receipt to the persons and addresses set forth beneath the signature blocks. Notices will be deemed effective upon receipt.

21. Entire Agreement: This Agreement constitutes the entire agreement between the Parties and supersedes all prior agreements or understandings, whether written or oral, with respect to the 311 Service.

SIGNATURES:

By signing below, each represents that he/she is authorized to commit their organization to the Service set forth in this Agreement.

ENTITY

Cellco Partnership d/b/a Verizon Wireless

Signature: _____

Signature: _____

Printed Name: _____

Printed Name: Dean Taylor

Title: _____

Title: President, South Central

Date: _____

Date: _____

VERIZON WIRELESS:

Name: Robin Huffman
Address: 777 Yamato Road, Suite 600

CONTACT INFORMATION (24x7x365)

Please Note: These counties are not depictions of actual wireless service availability or wireless coverage. The Service Area contains areas with no service. The 311 Service is subject to network and transmission limitations, including cell site unavailability, particularly in remote areas. Customer equipment, weather, topography and other environmental considerations associated with radio technology also will affect the 311 Service. Voice clarity and reception may vary near coverage boundaries. Additionally, voice clarity and reception may vary significantly within buildings depending on location or building structure.

11.

A MOTION TO APPROVE THE PAY REQUEST # 2 INVOICE # 1121201P FROM CLEARWATER CONSULTANT’S, INC. ON CONTRACT FOR SERVICES DATED OCTOBER 11, 2011 WORK AUTHORIZATION 11-02 FOR UPDATE OF THE AIRPORT LAYOUT PLAN FOR BRYAN FIELD IN THE AMOUNT OF \$18,100.00 FROM THE FAA GRANT 3-28-0068-016-2011.

There came for consideration the matter of approving the pay request #2 invoice #1121201P from Clearwater Consultants, inc. on contract for services dated October 11, 2011 work authorization 11-02 for update of the airport layout plan for Bryan Field in the amount of \$18,100.00 from FAA Grant 3-28-0068-016-2011.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve Pay Request # 2 Invoice # 1121201P From Clearwater Consultant’s, Inc. on Contract for Services dated October 11, 2011 Work Authorization 11-02 for update of the Airport Layout Plan For Bryan Field in the amount of \$18,100.00 from the FAA Grant 3-28-0068-016-2011.

There being no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A’. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

12.

A MOTION TO APPROVE AIRPORT MANAGER RODNEY LINCOLN TO TRAVEL & ATTEND THE WILDLIFE HAZARD MANAGEMENT AND WILDLIFE IDENTIFICATION TRAINING COURSE ON JULY 10, 2012 AT THE GULFPORT-BILOXI INTERNATIONAL AIRPORT.

There came for consideration a motion to approve the travel of Airport Manager Rodney Lincoln to travel and attend the Wildlife Hazard Management and Wildlife Identification Training course on July 10, 2012 at the Gulfport Biloxi International Airport.

Upon the motion of Alderman Henry Vaughn, duly seconded by Alderman Jeremiah Dumas, to approve airport manager Rodney Lincoln to travel and attend the Wildlife Hazard Management and Wildlife Identification training course on July 10, 2012 at the Gulfport-Biloxi International Airport, with no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

13.

A MOTION TO APPROVE THE LOWEST AND BEST BID WITH A CONTINGENCY FOR BED REPAIR ON A USED DUMP TRUCK FOR THE STREET DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$42,750.00.

There came for consideration a motion to approve the lowest and best bid with a contingency for bed repair on a used dump truck for the street department in an amount not to exceed \$42,750.00 utilizing a lease/purchase option as presented.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to approve the lowest and best bid with a contingency for bed repair on a used dump truck for the street department in an amount not to exceed \$42,750.00 utilizing a lease/purchase option as presented; upon discussion and clarification of the need by the City Engineer, the Board voted as follows:

Alderman Ben Carver	Voted: <u>absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>absent not voting</u>

Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

14.

A MOTION TO ADVERTISE FOR BIDS FOR THE FALL STREET OVERLAY CONSTRUCTION WORK.

There came for consideration a motion to advertise for bids for the fall street overlay construction work.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to approve advertising for bids for the fall street overlay construction work, with no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

15.

REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR THE FIRE DEPARTMENT AS OF JUNE 28, 2012.

There came for consideration the matter of the approval of the City of Starkville claims docket for the fire department.

FIRE REFUND	261	\$323,960.29
	262	
	263	\$2,956.00
	264	\$2,762.65
	267	\$9,558.35

	TOTAL	\$339,237.29
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Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, to approve the City of Starkville claims docket for the fire department, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

16.

A MOTION TO APPROVE THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JUNE 28, 2012.

There came for consideration the matter of the approval of the City of Starkville claims docket for all departments except the fire department as of June 28, 2012.

General Fund	1	\$208,472.23
Restrcted Police Fund	2	
Rstricted Fire Fund	3	
Airport Fund	15	\$5,006.04
Saniation	22	\$29,314.52
Landfill	23	\$3,447.76
CDBG Henderson Street Project	102	\$4,380.50
IT	107	\$3,827.97
City Bond and Interest	202	
2009 Road Maintenance	304	
Fire Station No. 5	306	
A R R Act	309	
P & R Bond Series 2007	325	
Park & Rec Tourism 2%	375	
Water/Sewer	400	\$153,373.68
Vehicle Maintenance	500	\$4,259.71
Hotel/Motel	610	

2% (VCC, EDA, MSU)	630	
Total		
Electric Department		\$3,699,365.30
Total Claims		\$4,111,447.71

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Jeremiah Dumas, to approve the City of Starkville claims docket for all departments except the fire department as of June 28, 2012, with verification of the validation by the acting city clerk as requested by Alderman Perkins, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

17.

A MOTION TO APPOINT D. LYNN SPRUILL AS A CITY OF STARKVILLE ACTING CITY CLERK/FINANCE DIRECTOR AND DEPUTY CITY CLERK.

There came for consideration the matter of appointing D. Lynn Spruill as the City of Starkville acting City Clerk/Finance Director and as a Deputy City Clerk.

Upon the motion of Alderman Henry Vaughn, duly seconded by Alderman Jeremiah Dumas, to appoint D. Lynn Spruill as the acting City Clerk/Finance Director and as a Deputy City Clerk, with discussion regarding no increase in pay for such an appointment, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

18.

A MOTION TO APPROVE THE RECOMMENDATION TO HIRE

LOVRENT GAINES AND JEREMY AKINS AS POLICE OFFICERS.

There came for consideration the matter of a recommendation to hire Lovrent Gaines and Jeremy Akins as Police Officers.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to approve hiring Lovrent Gains and Jeremy Akins as police officers, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

19.

REQUEST AUTHORIZATION TO PROMOTE DONNA LOTT TO FILL THE VACANT POSITION OF STAFF SUPPORT TECHNICIAN LEVEL 3 IN THE POLICE DEPARTMENT.

There came for consideration the matter of promoting Donna Lott to fill the vacant position of Staff Support Technician Level 3 in the Police Department.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to approve promoting Donna Lott to fill the vacant position of Staff Support Technician Level 3 in the Police Department, with no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

20.

REQUEST AUTHORIZATION TO HIRE MARCUS SMITH AS MAINTENANCE WORKER 1 IN THE WATER/SEWER DIVISION OF PUBLIC SERVICES.

There came for consideration the matter of hiring Marcus Smith as maintenance worker 1 in the water/sewer division of Public Services.

Upon the motion of Alderman Henry Vaughn, duly seconded by Alderman Jeremiah Dumas, to hire Marcus Smith as a Maintenance Worker 1 in the water/sewer division of the Public Services Department, with no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

21.

A MOTION TO HIRE CALVIN YOUNG AS MAINTENANCE WORKER 1 IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.

There came for consideration the matter of hiring Calvin Young as a Maintenance Worker 1 in the New Construction Rehab division of the Public Services Department.

Upon the motion of Alderman Henry Vaughn, duly seconded by Alderman Jeremiah Dumas, to hire Calvin Young as a Maintenance Worker 1 in the New Construction Rehab division of Public Services, with no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

22.

A MOTION TO PROMOTE DANIEL SMITH TO THE VACANT POSITION OF FOREMAN IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.

There came for consideration the matter of promoting Daniel Smith to the vacant position of foreman in the New Construction Rehab Division of Public Services.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve the promotion of Daniel Smith to the vacant position of Foreman in the New Construction/Rehab division of the Public Services Department, without discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>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.

REQUEST AUTHORIZATION TO ADVERTISE TO FILL A VACANT POSITION OF FOREMAN IN THE NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.

There came for consideration the matter of advertising to fill a vacant position of foreman in the New Construction Rehab Division of Public Services.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to authorize advertising for the vacant position of foreman in the New Construction Rehab Division in the Public Services Department, without discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Nay</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Nay</u>

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

24.

A MOTION TO HIRE JOYNER WILLIAMS TO FILL THE VACANT POSITION OF BUILDING OFFICIAL IN THE BUILDING, CODES, & PLANNING DEPARTMENT

There came for consideration the matter of hiring Joyner Williams to fill the vacant position of Building Official in the Building Official in the Building, Codes and Planning Department.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker, to approve hiring Joyner Williams to fill the vacant position of Building Official in the Building, Codes and Planning Department, without discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Nay</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Nay</u>

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

25.

A MOTION TO PURCHASE PVC WATER PIPE FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT FROM FERGUSON ENTERPRISES, THE SUBMITTER OF THE LOWEST QUOTE BASED ON UNIT PRICING, IN THE AMOUNT OF \$49,935.60.

There came for consideration the matter of purchasing PVC water pipe for Phase I of the Northeast Starkville Fire Protection Distribution Project from Ferguson Enterprises, the submitter of the lowest quote based on unit pricing in the amount of \$49,935.60.

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Henry Vaughn, to approve the purchase of PVC water pipe for Phase I of the Northeast Starkville Fire Protection Distribution Project from Ferguson Enterprises, with discussion regarding concerns about using local businesses for purchases, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Nay</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

26.

A MOTION TO ISSUE A NOTICE TO PROCEED TO STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, FOR CONSTRUCTION SERVICES FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT, IN THE AMOUNT OF \$38,060.00.

There came for consideration the matter of issuing a notice to proceed to Stidham Construction, the lowest source of supply bidder, for construction services for phase I of the Northeast Starkville Fire Protection Distribution Project, in the amount of \$38,060.00.

Upon the motion of Alderman Henry Vaughn, duly seconded by Alderman Roy Perkins, to approve the authority to issue a notice to proceed to Stidham Construction as the lowest source of supply bidder for the construction services for phase I of the Northeast Starkville Fire Protection Distribution Project, in the amount of \$38,060.00, with no discussion, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

27.

A MOTION TO PURCHASE FIRE HYDRANTS FROM CONSOLIDATED PIPE, THE SOLE QUALIFIED BIDDER, FOR PHASE I OF THE NORTHEAST STARKVILLE FIRE PROTECTION DISTRIBUTION PROJECT IN THE AMOUNT OF \$13,189.00.

There came for consideration the matter of purchasing fire hydrants from Consolidated Pipe, the sole qualified bidder, for phase I of the Northeast Starkville Fire Protection Distribution Project in the amount of \$13,189.00.

Upon the motion of Alderman Roy Perkins, duly seconded by Richard Corey, to approve the purchase of fire hydrants from Consolidated Pipe, the sole qualified bidder for phase I of the Northeast Starkville Fire Protection Distribution Project in the amount of \$13,189.00, without discussion the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

28.

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

There came for consideration the matter of entering a closed session to determine if there is proper cause for an executive session.

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Richard Corey, to enter into a Closed Session to determine if there is proper cause for Executive Session, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

29.

A MOTION TO ENTER EXECUTIVE SESSION

After discussion, there came for consideration the matter of entering executive session for the purpose of discussing the following:

Pending Litigation regarding the Municipal Building Construction
Potential Litigation regarding an upcoming special event
Personnel Issues

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to enter into executive session for the purpose of discussing pending litigation regarding the construction of the municipal building; potential litigation regarding an upcoming special event and personnel issues, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

The Mayor announced to the public that the Board would be going into executive session for the purpose of discussing the following:

Pending Litigation regarding the Municipal Building Construction
Potential Litigation regarding an upcoming special event
Personnel Issues

The Board then entered Executive Session.

30.

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

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Jeremiah Dumas, to exit Executive Session and return to Open Session, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent not voting</u>
Alderman Sandra Sistrunk	Voted: <u>Absent not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Yea</u>
Alderman Jeremiah Dumas	Voted: <u>Yea</u>
Alderman Roy A'. Perkins	Voted: <u>Yea</u>
Alderman Henry Vaughn, Sr.	Voted: <u>Yea</u>

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

31.

**A MOTION TO RECESS UNTIL 5:00 PM
ON TUESDAY JULY 10, 2012**

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Jeremiah Dumas, for the Board of Aldermen to recess the meeting until 5:00 p.m., on Tuesday, July 10, 2012, in the conference room of the Sportsplex located at 405 Lynn Lane, the Board voted as follows:

Alderman Ben Carver	voted: <u>absent not voting</u>
Alderman Sandra Sistrunk	voted: <u>absent not voting</u>
Alderman Eric Parker	voted: <u>Yea</u>
Alderman Jeremiah Dumas	voted: <u>Yea</u>
Alderman Roy A'. Perkins	voted: <u>Yea</u>

Alderman Henry Vaughn, Sr. voted: Yea

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

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2012.

PARKER WISEMAN, MAYOR

Attest:

D. LYNN SPRUILL, ACTING CITY CLERK

(SEALED)