

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

**The City of Starkville, Mississippi  
August 21, 2012**

Be it remembered that the Mayor and Board of Alderman met in a Recess Meeting on August 21, 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 Ben Carver, Sandra Sistrunk, Eric Parker, Jeremiah Dumas, Roy A.' Perkins and Henry Vaughn, Sr. Attending the Board were City Attorney Chris Latimer and Chief Administrative Officer and Deputy Clerk, D. Lynn Spruill.

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

Mayor Wiseman asked for any revisions to the modified agenda that was available to the Board of Aldermen at the table and in the I-pad access dropbox.

**REQUESTED REVISIONS TO THE MODIFIED OFFICIAL AGENDA**

Alderman Jeremiah Dumas requested the following changes to the August 21, 2012 modified Official Agenda:

Add to Consent Agenda: Item X.D.1. Consideration of the approval of the appointment of the Chief Administrative Officer, Lynn Spruill, as the Chairperson of the Audit and Budget committee as recommended by the Audit and Budget committee.

Add to Consent Agenda: Item X.D.2. Consideration of calling for a public hearing on the budget for the fiscal year 2013 for the City of Starkville at the board meeting of September 4, 2012.

Add to Consent Agenda: Item X.D.3. Consideration of the approval of the engagement letter with Watkins, Ward and Stafford for the fiscal year 2012 audit for the City of Starkville.

Mayor Wiseman asked for objections to the addition of Agenda Items X.D.1; X.D.2 and X.D.3 as presented. There being no objections noted, the Agenda Items X.D.1; X.D.2 and X.D.3 were added to the Modified Official Agenda for consent.

Mayor Wiseman asked Alderman Dumas for any further amendments to the agenda. Alderman Dumas requested that the following be included on the consent agenda:

Add to Consent Agenda: Item X.E. Consideration of the special event request by the Mississippi State University Athletic Department to have the Research Park declared a special event area for the MSU home football games.

Mayor Wiseman provided the City Attorney, Chris Latimer, the opportunity to provide the Board of Aldermen information regarding the potential concerns from the lack of an insurance subrogation agreement and an indemnification agreement from MSU for this special event. Mayor Wiseman asked for further questions and any objections to the revision proposed by Alderman Dumas. Mayor Wiseman again sought objections; there being no objections noted to the proposed revision by Alderman Dumas, the Mayor declared the revision to be added to the Consent Agenda.

Further additions to the Consent Agenda were proposed by Alderman Dumas:

Add to Consent Agenda: Item XI.I.1. Request authorization to advertise to fill vacant position of equipment operator in New Construction/Rehab division of Public Services.

Add to Consent Agenda: Item XI.I.2. Request authorization to advertise to fill vacant position of Maintenance Worker in the Water/Sewer division of Public Services.

Add to Consent Agenda: Item XI.I.3 Request authorization to advertise for promotions in the Police Department.

Add to Consent Agenda: Item XI.I.4. Request authorization to hire a temporary employee to cover service needs in the position of Cashier in the Electric Department due to medical leave of absence.

Add to Consent Agenda: Item XI.I.5. Request authorization to hire an intern in the Electric Department to work with testing and maintenance as part of our metering program.

Add to Consent Agenda: Item XI.I.6. Discussion and consideration of changes in the personnel policy on donation of leave time.

Mayor Wiseman asked for objections to the proposed additions to the consent agenda by Alderman Dumas. Alderman Ben Carver objected to the inclusion of agenda item XI.I.6. There being no objections to the items XI.I.1 through XI.I.5. as proposed for the Consent Agenda, the Mayor declared those items added to the Consent Agenda.

Alderman Jeremiah Dumas requested further changes to the August 21, 2012 modified Official Agenda:

Add To Consent Agenda: Item XI.K.3. Request approval pursuant to Mississippi Code Sections 31-7-1 and 31-7-13(k), with a finding of fact that emergency conditions exist to justify the Public Services Director to issue a notice to proceed to a qualified provider of sewer evaluation services to locate sources of inflow and infiltration that are causing sanitary sewer overflows on Carver Drive and Woodland Heights and to notify the Starkville Board of Aldermen of the selected provider, along with a schedule of rates, all to be spread on the minutes, at the board's regular meeting of September 4, 2012.

Mayor Parker Wiseman asked for any objections to the addition proposed by Alderman Dumas to the Consent Agenda of the Modified Official Agenda. Alderman Sistrunk inquired as to the limited areas for the focus of the sewer evaluation service. Public Services Director, Doug Devlin, indicated that these two areas were the ones that had not responded adequately to the prior City efforts to cure the problems occurring. Alderman Carver inquired as to the reason for the priority to be given to the areas enumerated in the Board action item. Mr. Devlin responded that there were no other high priority areas identified that were subject to surcharging that would necessitate an emergency action.

Mayor Wiseman asked for any further objections. There being none the Mayor declared that item added to the Consent agenda. Mayor Wiseman asked for any further revisions to the Modified Official Agenda.

Alderman Eric Parker requested the following changes to the August 21, 2012 modified Official Agenda:

Add To Consent Agenda: Item XI.B.1. Consideration to approve P&Z ITEM #FP 12-02: a request by Jackson Construction, Inc. for approval of ~~Huntington Park~~ Subdivision, Phase 8—Part 6 Final Plat” located in an R-4 zoning district on Kingwood Drive in the Huntington Park Subdivision, west of South Montgomery Street in Ward 3, Alderman Parker further requested that this consent agenda item include the Planning and Zoning conditions for this item.

There being no further proposed revisions to the Modified Official Agenda, Mayor Wiseman suggested a motion for the approval of the Modified Official Agenda as revised.

1.

**A MOTION TO APPROVE THE  
MODIFIED OFFICIAL AGENDA OF THE AUGUST 21, 2012  
RECESS MEETING AS REVISED**

There came for consideration the matter of approving and adopting the modified August 21, 2012 Official Agenda of the Recess Meeting of the Mayor and Board of Alderman, as revised. With no further discussion, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, to approve the August 21, 2012 modified Official Agenda as revised with items listed as consent, 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>Yea</u>

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

There being no objections to consent agenda as revised, the Mayor declared the consent items as enumerated approved.

## OFFICIAL AGENDA

### THE MAYOR AND BOARD OF ALDERMEN

### OF THE

### CITY OF STARKVILLE, MISSISSIPPI

RECESS MEETING OF TUESDAY, AUGUST 21, 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. CONSIDERATION OF THE APPROVAL OF THE CONSENT AGENDA.
- IV. **APPROVAL OF BOARD OF ALDERMEN MINUTES**

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

MAYOR'S COMMENTS: CONGRATULATIONS TO THE ELECTRIC DEPARTMENT FOR THE LEED CERTIFICATION ON THE ADMINISTRATION BUILDING; AND

THE NEXT GROUP OF DEPARTMENT HEAD EVALUATIONS IS DUE ON AUGUST 31, 2012.

INTRODUCTION OF NEW EMPLOYEES:

<b>LADANIEL JORDAN</b>	NEW CONSTRUCTION/REHAB
<b>JOSEPH –BEN” PENNEL</b>	NEW CONSTRUCTION/REHAB
<b>LATOYA BROWN</b>	AUTO MAINTENANCE
<b>COURTNEY GOODSON</b>	MUNICIPAL COURTS
<b>MIKE ST. LOUIS</b>	ELECTRIC

BOARD OF ALDERMEN COMMENTS:

**VI. CITIZEN COMMENTS**

**VII. PUBLIC APPEARANCES**

- A. PUBLIC APPEARANCE BY DR. LEWIS HOLLOWAY, STARKVILLE PUBLIC SCHOOL SUPERINTENDENT, PRESENTING THE 2013 BUDGET AND THE REPORT ON SCHOOL DISTRICT ACTIVITIES.
- B. PUBLIC APPEARANCE REQUESTED BY JIMMIE MOORE OF WASTE PRO TO PROVIDE INFORMATION ABOUT THE COMPANY SERVICING THE LOCAL AREA.

**VIII. PUBLIC HEARING**

*THERE ARE NO PUBLIC HEARINGS SCHEDULED*

**IX. MAYOR'S BUSINESS**

*THERE IS NO MAYOR'S BUSINESS SCHEDULED*

**X. BOARD BUSINESS**

- A. CONSIDERATION OF AN APPEAL BY ATTORNEY JOHN E. WADE, JR., ON BEHALF OF CELLULAR SOUTH REAL ESTATE, OF THE DENIAL OF C SPIRE'S REQUEST FOR TWO VARIANCES TO ARTICLE III, SECTION 104-55(B)(8) OF THE CITY OF STARKVILLE'S CODE OF ORDINANCES FOR A 60-FOOT SETBACK IN LIEU OF THE 100-FOOT SETBACK REQUIREMENT AND A 60-FOOT SETBACK IN LIEU OF THE 2,640-FOOT RADIUS REQUIREMENT FROM A RESIDENTIALLY-ZONED DISTRICT FOR A PROPOSED COMMUNICATIONS TOWER LOCATED IN A C-2 ZONING DISTRICT AT 403 ABERNATHY DRIVE IN WARD 1.
- B. CONSIDERATION TO APPROVE P&Z ITEM #CT 12-01: A REQUEST BY DAVID MCGEHEE OF CMI ACQUISITIONS, REPRESENTING C SPIRE WIRELESS, FOR APPROVAL OF A COMMUNICATIONS TOWER LOCATED IN A C-2 ZONING DISTRICT AT 403 ABERNATHY DRIVE IN WARD 1.

- C. CONSIDERATION OF HIRING THE NEW DIRECTOR OF THE SANITATION AND ENVIRONMENTAL SERVICES DEPARTMENT AT A GRADE 16/STEP 1.
- D. REPORT FROM THE AUDIT AND BUDGET COMMITTEE
  - 1. CONSIDERATION OF THE APPROVAL OF THE APPOINTMENT OF THE CHIEF ADMINISTRATIVE OFFICER, LYNN SPRUILL, AS THE CHAIRPERSON OF THE AUDIT AND BUDGET COMMITTEE AS RECOMMENDED BY THE AUDIT AND BUDGET COMMITTEE.
  - 2. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON THE BUDGET FOR THE FISCAL YEAR 2013 FOR THE CITY OF STARKVILLE AT THE BOARD MEETING OF SEPTEMBER 4, 2012.
  - 3. CONSIDERATION OF THE APPROVAL OF THE ENGAGEMENT LETTER WITH WATKINS, WARD AND STAFFORD FOR THE FISCAL YEAR 2012 AUDIT FOR THE CITY OF STARKVILLE.
- E. CONSIDERATION OF THE SPECIAL EVENT REQUEST BY THE MISSISSIPPI STATE UNIVERSITY ATHLETIC DEPARTMENT TO HAVE THE RESEARCH PARK DECLARED A SPECIAL EVENT AREA FOR THE MSU HOME FOOTBALL GAMES.

**XI. DEPARTMENT BUSINESS**

A. AIRPORT

*THERE ARE NO ITEMS FOR THIS AGENDA*

B. BUILDING, CODES AND PLANNING DEPARTMENT

- 1. CONSIDERATION TO APPROVE P&Z ITEM #FP 12-02: A REQUEST BY JACKSON CONSTRUCTION, INC. FOR APPROVAL OF ~~HUNTINGTON PARK SUBDIVISION, PHASE 8—PART 6 FINAL PLAT~~ LOCATED IN AN R-4 ZONING DISTRICT ON KINGWOOD DRIVE IN THE HUNTINGTON PARK SUBDIVISION, WEST OF SOUTH MONTGOMERY STREET IN WARD 3.

C. COURTS

*THERE ARE NO ITEMS FOR THIS AGENDA*

D. ELECTRIC DEPARTMENT

- ##### 1. REQUEST AUTHORIZATION FOR JONATHAN UPCHURCH TO TRAVEL TO SCOTTSBORO, AL FOR TVPPA APPRENTICE ASSESSMENT LAB (SEPTEMBER 23-29, 2012) AT A COST OF \$2154.00 WITH ADVANCE TRAVEL REQUESTED.

##### 2. REQUEST AUTHORIZATION FOR WILLIAM BROOKS AND ROBBIE GILLILAND TO TRAVEL TO SCOTTSBORO, AL FOR TVPPA LINEWORKER CONSTRUCTION LAB 2 (OCTOBER 1-5, 2012) AT A TOTAL COST OF \$3022.00 WITH ADVANCE TRAVEL REQUESTED.

E. ENGINEERING AND STREETS

##### 1. REQUEST CONSIDERATION OF THE BIDS FOR THE 2012 FALL STREET IMPROVEMENT PROJECT, ACCEPTING THE LOW BIDDER AND AUTHORIZATION FOR THE MAYOR TO EXECUTE A CONTRACT WITH THE APPROVED CONTRACTOR.

F. FINANCE AND ADMINISTRATION

##### 1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF AUGUST 16, 2012.

##### 2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING JULY 31, 2012, IN ACCORDANCE WITH §21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

G. FIRE DEPARTMENT

*THERE ARE NO ITEMS FOR THIS AGENDA*

H. INFORMATION TECHNOLOGY DEPARTMENT

*THERE ARE NO ITEMS FOR THIS AGENDA*

I. PERSONNEL

1. REQUEST AUTHORIZATION TO ADVERTISE TO FILL VACANT POSITION OF EQUIPMENT OPERATOR IN NEW CONSTRUCTION/REHAB DIVISION OF PUBLIC SERVICES.
2. REQUEST AUTHORIZATION TO ADVERTISE TO FILL VACANT POSITION OF MAINTENANCE WORKER IN THE WATER/SEWER DIVISION OF PUBLIC SERVICES.
3. REQUEST AUTHORIZATION TO ADVERTISE FOR PROMOTIONS IN THE POLICE DEPARTMENT.
4. REQUEST AUTHORIZATION TO HIRE A TEMPORARY EMPLOYEE TO COVER SERVICE NEEDS IN THE POSITION OF CASHIER IN THE ELECTRIC DEPARTMENT DUE TO MEDICAL LEAVE OF ABSENCE.
5. REQUEST AUTHORIZATION TO HIRE AN INTERN IN THE ELECTRIC DEPARTMENT TO WORK WITH TESTING AND MAINTENANCE AS PART OF OUR METERING PROGRAM.
6. DISCUSSION AND CONSIDERATION OF CHANGES IN THE PERSONNEL POLICY ON DONATION OF LEAVE TIME.

J. POLICE DEPARTMENT

*THERE ARE NO ITEMS FOR THIS AGENDA*

K. PUBLIC SERVICES

##### 1. REQUEST APPROVAL TO DECLARE ITEMS AS PRESENTED AS SURPLUS PROPERTY AND ADVERTISE FOR SALE.

##### 2. REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, TO REPLACE A FAILING SEWER PUMP STATION AT HIGHLAND ESTATES WITH A GRAVITY SEWER IN AN AMOUNT NOT TO EXCEED \$12,112.50.

\*\*\*\*\* 3. *REQUEST APPROVAL PURSUANT TO MISSISSIPPI CODE SECTIONS 31-7-1 AND 31-7-13(K), WITH A FINDING OF FACT THAT EMERGENCY CONDITIONS EXIST TO JUSTIFY THE PUBLIC SERVICES DIRECTOR TO ISSUE A NOTICE TO PROCEED TO A QUALIFIED PROVIDER OF SEWER EVALUATION SERVICES TO LOCATE SOURCES OF INFLOW AND INFILTRATION THAT ARE CAUSING SANITARY SEWER OVERFLOWS ON CARVER DRIVE AND WOODLAND HEIGHTS AND TO NOTIFY THE STARKVILLE BOARD OF ALDERMEN OF THE SELECTED PROVIDER, ALONG WITH A SCHEDULE OF RATES, ALL TO BE SPREAD ON THE MINUTES, AT THE BOARD'S REGULAR MEETING OF SEPTEMBER 4, 2012.*

L. SANITATION & ENVIRONMENTAL SERVICES

##### 1. REQUEST AUTHORIZATION TO OBTAIN BIDS FOR TIMBER SALE AND CLEARING AT THE RUBBISH LANDFILL IN ORDER TO GET FILL MATERIAL FOR COVER FOR THE LANDFILL OPERATIONS.

**XII. CLOSED DETERMINATION SESSION**

**XIII. OPEN SESSION**

**XIV. EXECUTIVE SESSION**

A. PENDING LITIGATION

B. PROPERTY ACQUISITION

**XV. OPEN SESSION**

**XVI. ADJOURN UNTIL SEPTEMBER 4, 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. Joyner Williams, at (662) 323-2525, ext. 121 at least forty-eight (48) hours in advance for any services requested.*

**APPENDIX A**

**PROPOSED CONSENT AGENDA**

**IX. MAYOR'S BUSINESS – NO ITEMS**

**X. BOARD BUSINESS – NO ITEMS**

**XI. DEPARTMENT BUSINESS**

A. AIRPORT – NO ITEMS

B. BUILDING DEPARTMENT – NO ITEMS

C. COURTS – NO ITEMS

D. ELECTRIC DEPARTMENT

1. REQUEST AUTHORIZATION FOR JONATHAN UPCHURCH TO TRAVEL TO SCOTTSBORO, AL FOR TVPPA APPRENTICE ASSESSMENT LAB (SEPTEMBER 23-29, 2012) AT A COST OF \$2154.00 WITH ADVANCE TRAVEL REQUESTED.

2. REQUEST AUTHORIZATION FOR WILLIAM BROOKS AND ROBBIE GILLILAND TO TRAVEL TO SCOTTSBORO, AL FOR TVPPA LINEWORKER CONSTRUCTION LAB 2 (OCTOBER 1-5, 2012) AT A TOTAL COST OF \$3022.00 WITH ADVANCE TRAVEL REQUESTED.

E. ENGINEERING AND STREETS

1. REQUEST CONSIDERATION OF THE BIDS FOR THE 2012 FALL STREET IMPROVEMENT PROJECT, ACCEPTING THE LOW BIDDER AND AUTHORIZATION FOR THE MAYOR TO EXECUTE A CONTRACT WITH THE APPROVED CONTRACTOR.

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1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF AUGUST 16, 2012.

2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING JULY 31, 2012, IN ACCORDANCE WITH §21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

G. FIRE DEPARTMENT – NO ITEMS

H. INFORMATION TECHNOLOGY – NO ITEMS

I. PERSONNEL – NO ITEMS

J. POLICE DEPARTMENT – NO ITEMS

K. PUBLIC SERVICES

1. REQUEST APPROVAL TO DECLARE ITEMS AS PRESENTED AS SURPLUS PROPERTY AND ADVERTISE FOR SALE.
  2. REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, TO REPLACE A FAILING SEWER PUMP STATION AT HIGHLAND ESTATES WITH A GRAVITY SEWER IN AN AMOUNT NOT TO EXCEED \$12,212.50.
- L. SANITATION DEPARTMENT
1. REQUEST AUTHORIZATION TO OBTAIN BIDS FOR TIMBER SALE AND CLEARING AT THE RUBBISH LANDFILL IN ORDER TO GET FILL MATERIAL FOR COVER FOR THE LANDFILL OPERATIONS.

### **CONSENT ITEMS 2 - 14**

2. **APPROVAL OF THE APPOINTMENT OF THE CHIEF ADMINISTRATIVE OFFICER, LYNN SPRUILL, AS THE CHAIRPERSON OF THE AUDIT AND BUDGET COMMITTEE AS RECOMMENDED BY THE AUDIT AND BUDGET COMMITTEE.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby "approving the appointment of the Chief Administrative Officer as the Chairperson of the Audit and Budget Committee as recommended by the Audit and Budget Committee" is enumerated, this consent item is thereby approved.

3. **APPROVAL OF CALLING FOR A PUBLIC HEARING ON THE BUDGET FOR THE FISCAL YEAR 2013 FOR THE CITY OF STARKVILLE AT THE BOARD MEETING OF SEPTEMBER 4, 2012.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval of calling for a public hearing on the budget for the fiscal year 2013 for the City of Starkville at the regular board meeting of September 4, 2012" is enumerated, this consent item is thereby approved.

4.

**APPROVAL OF THE ENGAGEMENT LETTER WITH WATKINS, WARD  
AND STAFFORD FOR THE FISCAL YEAR 2012 AUDIT FOR  
THE CITY OF STARKVILLE.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval of the engagement letter with Watkins, Ward and Stafford for the fiscal year 2012 audit for the City of Starkville" is enumerated, this consent item is thereby approved.



**WATKINS, WARD AND STAFFORD**

Professional Limited Liability Company  
Certified Public Accountants

1 Professional Plaza – Hospital Rd.  
P.O. Box 1345  
Phone (662) 323-9071

Starkville, MS 39760  
Fax (662) 323-9075

James L. Stafford, CPA  
Harry W. Stevens, CPA  
S. Keith Winfield, CPA  
William B. Staggers, CPA  
Aubrey R. Holder, CPA  
Michael W. McCully, CPA  
Mort Stroud, CPA  
R. Steve Sinclair, CPA  
Michael L. Pierce, CPA  
Marsha L. McDonald, CPA

Wanda S. Holley, CPA  
Robin Y. McCormick, CPA/PFS  
J. Randy Scrivner, CPA  
Kimberly S. Caskey, CPA  
Susan M. Lummus, CPA  
Thomas J. Browder, CPA  
Stephen D. Flake, CPA  
John N. Russell, CPA  
Thomas A. Davis, CPA  
Anita L. Goodrum, CPA

August 9, 2012

To the Honorable Mayor and Board of Aldermen  
City of Starkville  
Starkville, Mississippi 39759

We are pleased to confirm our understanding of the services we are to provide the City of Starkville, for the year ended September 30, 2012. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the basic financial statements, of the City of Starkville, as of and for the year ended September 30, 2012. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City of Starkville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to City of Starkville's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.

We have also been engaged to report on supplementary information other than RSI that accompanies City of Starkville's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting

and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

- 1) Schedule of Expenditures of Federal Awards.
- 2) Statement of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual (Non-GAAP Budgetary Basis)
- 3) Combining Statement of Activities – General Fund
- 4) Combining Schedules of Revenues, Expenditures and Changes in fund Balance
- 5) Schedule of Surety Bonds

### **Audit Objectives**

The objective of our audit is the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. The objective also includes reporting on—

- Internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.
- Internal control related to major programs and an opinion (or disclaimer of opinion) on compliance with laws, regulations, and the provisions of contracts or grant agreements that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The reports on internal control and compliance will each include a statement that the report is intended solely for the information and use of management, the body or individuals charged with governance, others within the entity specific legislative or regulatory bodies, federal awarding agencies, and if applicable, pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of OMB Circular A-133, and will include tests of accounting records, a determination of major program(s) in accordance with OMB Circular A-133, and other procedures we consider necessary to enable us to express such opinions and to render the required reports. If our opinions on the financial statements or

the Single Audit compliance opinions are other than unqualified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Management Responsibilities**

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. Management is also responsible for identifying government award programs and understanding and complying with the compliance requirements, and for preparation of the schedule of expenditures of federal awards in accordance with the requirements of OMB Circular A-133. As part of the audit, we will assist with preparation of your financial statements, schedule of expenditures of federal awards, and related notes. You are responsible for making all management decisions and performing all management functions relating to the financial statements, schedule of expenditures of federal awards, and related notes and for accepting full responsibility for such decisions. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and schedule of expenditures of federal awards and that you have reviewed and approved the financial statements, schedule of expenditures of federal awards, and related notes prior to their issuance and have accepted responsibility for them. Further, you are required to designate an individual with suitable skill, knowledge, or experience to oversee any nonaudit services we provide and for evaluating the adequacy and results of those services and accepting responsibility for them.

Management is responsible for establishing and maintaining effective internal controls, including internal controls over compliance, and for evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met and that there is reasonable assurance that government programs are administered in compliance with compliance requirements. You are also responsible for the selection and application of accounting principles; for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the City of Starkville and the respective changes in financial position and, where applicable, cash flows in conformity with U.S. generally accepted accounting principles; and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities also include identifying significant vendor relationships in which the vendor has responsibility for program compliance and for the accuracy and completeness of that information. Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the

current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud or illegal acts affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants. Additionally, as required by OMB Circular A-133, it is management's responsibility to follow up and take corrective action on reported audit findings and to prepare a summary schedule of prior audit findings and a corrective action plan. You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon].

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

#### **Audit Procedures—General**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective,

*Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements or noncompliance may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or major programs. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential, and of any material abuse that comes to our attention. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

#### **Audit Procedures—Internal Controls**

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by OMB Circular A-133, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each major federal award program. However, our tests will be less in scope than would be necessary to render an

opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to OMB Circular A-133.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards, *Government Auditing Standards*, and OMB Circular A-133.

#### **Audit Procedures—Compliance**

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of City of Starkville's compliance with applicable laws and regulations and the provisions of contracts and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

OMB Circular A-133 requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the *OMB Circular A-133 Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of City of Starkville's major programs. The purpose of these procedures will be to express an opinion on City of Starkville's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to OMB Circular A-133.

#### **Engagement Administration, Fees, and Other**

We may from time to time, and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and corrective action plan) along with the Data Collection Form to the federal audit clearinghouse. We will coordinate with you the electronic submission and certification. If applicable, we will provide copies of our report for you to include with the reporting package you will submit to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

The audit documentation for this engagement is the property of Watkins, Ward and Stafford, PLLC and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to Department of Transportation or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Watkins, Ward and Stafford, PLLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release or for any additional period requested by the Department of Transportation. If we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

We expect to begin our audit on approximately December 15th and to issue our reports no later than March 15th. J. Randy Scrivner, CPA, is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. Our fee for these services will be at our standard hourly rates plus out-of-pocket costs (such as report reproduction, word processing, postage, travel, copies, telephone, etc.) except that we agree that our gross fee, including expenses, will not exceed \$25,000. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 120 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification

of termination, even if we have not completed our report(s). You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. Previous years have required additional billings as follows: GASB 34 conversion - \$4,000, Federal programs - \$1,200 and depreciation schedules - \$1,500. If significant additional time above these identified areas is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs. If these areas have been completed without our assistance, there will be no additional charges.

The audit will be performed within the time frame as stipulated above. If the data as requested by us is provided in full and the audit commences upon completion of such provision, we will agree to a penalty of 1.5% of the contract price for every week that the audit extends beyond the ninety (90) day agreed completion time

*Government Auditing Standards* require that we provide you with a copy of our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. Our 2010 peer review report accompanies this letter.

We appreciate the opportunity to be of service to City of Starkville and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Watkins, Ward and Stafford, PLLC  
Certified Public Accountants



J. Randy Scrivner, CPA  
Partner

RESPONSE:

This letter correctly sets forth the understanding of City of Starkville.

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



HENDERSON HUTCHERSON & McCULLOUGH, PLLC  
CERTIFIED PUBLIC ACCOUNTANTS

System Review Report

October 6, 2011

To the Owners of  
Watkins, Ward and Stafford, PLLC  
And the Peer Review Committee of the  
Mississippi Society of CPAs

We have reviewed the system of quality control for the accounting and auditing practice of Watkins, Ward and Stafford, PLLC (the firm) in effect for the year ended April 30, 2011. Our peer review was conducted in accordance with the Standards for Performing and Reporting on Peer Reviews established by the Peer Review Board of the American Institute of Certified Public Accountants. The firm is responsible for designing a system of quality control and complying with it to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Our responsibility is to express an opinion on the design of the system of quality control and the firm's compliance therewith based on our review. The nature, objectives, scope, limitations of, and the procedures performed in a System review are described in the standards at [www.aicpa.org/prsummary](http://www.aicpa.org/prsummary).

As required by the standards, engagements selected for review included engagements performed under *Government Auditing Standards* and audits of employee benefit plans.

In our opinion, the system of quality control for the accounting and auditing practice of Watkins, Ward and Stafford, PLLC in effect for the year ended April 30, 2011 has been suitably designed and complied with to provide the firm with reasonable assurance of performing and reporting in conformity with applicable professional standards in all material respects. Firms can receive a rating of *pass*, *pass with deficiency* or *fail*. Watkins, Ward and Stafford, PLLC has received a peer review rating of *pass*.

Henderson Hutcherson  
& McCullough, PLLC

5.

**APPROVAL OF THE SPECIAL EVENT REQUEST BY THE MISSISSIPPI STATE UNIVERSITY ATHLETIC DEPARTMENT TO DECLARE THE RESEARCH PARK A SPECIAL EVENT AREA FOR THE MSU HOME FOOTBALL GAMES.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval of the special event request by the Mississippi State University Athletic Department to declare the research park a special event area for the MSU home football games" is enumerated, this consent item is thereby approved.

6.

**APPROVAL OF P&Z ITEM #FP 12-02: A REQUEST BY JACKSON CONSTRUCTION, INC. FOR —HUNTINGTON PARK SUBDIVISION, PHASE 8—PART 6 FINAL PLAT” LOCATED IN AN R-4 ZONING DISTRICT ON KINGWOOD DRIVE IN THE HUNTINGTON PARK SUBDIVISION WITH PLANNING AND ZONING CONDITIONS INCLUDED**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval of P&Z item #FP 12-02: A request by Jackson Construction, Inc. for approval of —Huntington Park Subdivision, Phase 8—Part 6 Final Plat” located in an R-4 zoning district on Kingwood Drive in the Huntington Park Subdivision" is enumerated with the Planning and Zoning conditions included, this consent item is thereby approved.

7.

**APPROVAL FOR JONATHAN UPCHURCH TO TRAVEL TO SCOTTSBORO, AL FOR TVPPA APPRENTICE ASSESSMENT LAB (SEPTEMBER 23-29, 2012) AT A COST OF \$2154.00 WITH ADVANCE TRAVEL INCLUDED.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval for Jonathan Upchurch to travel to Scottsboro, AL for TVPPA Apprentice Assessment lab (September 23-29, 2012) at a cost of \$2,154.00 with advance travel as requested" is enumerated, this consent item is thereby approved.

8.

**APPROVAL FOR WILLIAM BROOKS AND ROBBIE GILLILAND TO TRAVEL TO SCOTTSBORO, AL FOR TVPPA LINEWORKER**

**CONSTRUCTION LAB 2 (OCTOBER 1-5, 2012) AT A TOTAL COST OF  
\$3,022.00 WITH ADVANCE TRAVEL AS REQUESTED.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval for William Brooks and Robbie Gilliland to travel to Scottsboro, AL for TVPPA Lineworker Construction Lab 2 (October 1-5, 2012) at a total cost of \$3,022.00 with advance travel as requested" is enumerated, this consent item is thereby approved.

9.

**APPROVAL OF THE BIDS FOR THE 2012 FALL STREET IMPROVEMENT  
PROJECT, ACCEPTING THE LOW BIDDER AND AUTHORIZATION  
FOR THE MAYOR TO EXECUTE A CONTRACT WITH THE  
APPROVED CONTRACTOR.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval of the bids for the 2012 fall street improvement project, accepting the low bidder and authorization for the Mayor to execute a contract with the approved contractor" is enumerated, this consent item is thereby approved.

10.

**APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR  
ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF  
AUGUST 16, 2012.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval of the City of Starkville claims docket for all departments except the Fire Department as of August 16, 2012" is enumerated, this consent item is thereby approved.

August 21, 2012 BOA Meeting

General Fund	1	\$262,329.90
Restrcted Police Fund	2	\$
Rstricted Fire Fund	3	\$
Airport Fund	15	\$1,597.64
Restricted Airport	16	\$
Saniation	22	\$8,004.83
Landfill	23	\$15,485.50

CDBG Henderson Street Project	102	\$
IT	107	\$
CDBG Rehab Loan Program	116	\$104,907.19
City Bond and Interest	202	\$
2009 Road Maintenance	304	\$63,527.62
Fire Station No. 5	306	
A R R Act	309	
P & R Bond Series 2007	325	
Park & Rec Tourism 2%	375	\$49,237.81
Water/Sewer	400	\$48,364.87
Vehicle Maintenance	500	\$366.06
Hotel/Motel	610	\$
2% (VCC, EDA, MSU)	630	\$22,524.77
Total		
Electric Department		\$
Total Claims	<b>Total</b>	<b>\$576,346.19</b>

**11.**

**ACCEPTANCE OF THE REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING JULY 31, 2012, IN ACCORDANCE WITH §21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "acceptance of the report of the receipts and expenditures for the period ending July 31, 2012, in accordance with §21-35-13 of the Mississippi Code of 1972 Annotated" is enumerated, this consent item is thereby approved.

**12.**

**APPROVAL TO DECLARE ITEMS AS PRESENTED AS SURPLUS PROPERTY AND ADVERTISE FOR SALE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval to declare items as

presented as surplus property and advertise for sale" is enumerated, this consent item is thereby approved.

Approval is requested to declare the following items as Surplus Property and advertise items with market value for sale and scrap those items with no market value.

I. Wastewater Treatment Plant

1. Pump, Peabody Barnes Model SE-73, 3HP
2. Pump, Hydromatic Model S4M1003-4, 10 HP
3. Pump, Hydromatic Model S4P750M2-4, 7.5 HP
4. Pump, Hydromatic Model S4M100M3-4, 10 HP
5. Pump, Peabody Barnes, Model 4SEH-301, 3 HP
6. Pump, Hydromatic Model S4K200M3- 4, 20 HP
7. Pump, Hydromatic Model S4P750M2-4, 7.5 HP
8. Pump, Hydromatic Model S4K000M3-4, 20 HP
9. Pump, Hydromatic Model S4M500K3-4, 5 HP
10. Pump, Hydromatic Model S4M500K3, 5 HP
11. Pump, Hydromatic Model SPG200M2-2, 2 HP
12. Pump, Myers MW 150-21, 1.5 HP
13. Pump, Reliance, Frame # 184Y, 1 HP
14. Pump, Loeller Model M292-B, 0.5 HP
15. Pump, Little Giant, Model# 8E CIA-RIS I Phase
16. Pump, information unknown.
17. Pump, information unknown.
18. Electrical Panels, Scrap, Lot of 12
19. Motor, 30 HP, Type TDR, 230/460 V, 3 Phase, Marathon Elec. Model KL326TTDR7694AAW, 1175 RPM
20. Motor, 60 HP, Type TDR, 230/460V, 3 Phase, Marathon Elec. Model KL404TTDS7376DDW, 1185 RPM
21. Motor, 125 HP, Type TDS, 230/460 V 3 Phase, Marathon Elec. Model KL445TTDS8395AAW, 1185 RPM
22. Motor, 125 HP, Type TDS, 230/460 V 3 Phase, Marathon Elec. Model KL445TTDS8395AAW, 1185 RPM

II. Water Department

1. Excavator, Mini, IHI Model 18J, Asset Tag # 822
2. Excavator, Mini, IHI Model 18J, Asset Tag# 823
3. Truck, Ford F-150, 1995, Asset Tag #422
4. Car, Chevrolet Caprice, 1989, Asset Tag# 294
5. Car, Ford Crown Victoria, 1995, Asset Tag# 326
6. Ford Tractor Trencher, Model 2000, Asset Tag# 830
7. Ice Maker, Manitowoc, Asset Tag#817

III. New Construction/Rehab

1. Band Saw, S#21246, Asset Tag#567
  2. Ice Maker, S#049770-03N, Asset Tag#562
  3. Lathe, Jet 1340 S#5007594, Asset Tag#564
  4. Air Compressor, S#131355
  5. Truck, Ford F-250,1993, Asset Tag # 417
  6. Truck, Ford F-700, 1990, Asset Tag# 400
  7. WAG GPS Unit, Asset Tag#796 (Remaining Book Value = \$877)
-

13.

**APPROVAL TO ISSUE A NOTICE TO PROCEED TO STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, TO REPLACE A FAILING SEWER PUMP STATION AT HIGHLAND ESTATES WITH A GRAVITY SEWER IN AN AMOUNT NOT TO EXCEED \$12,212.50.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval to issue a notice to proceed to Stidham Construction, the lowest source of supply bidder, to" is enumerated, this consent item is thereby approved.

14.

**APPROVAL TO OBTAIN BIDS FOR TIMBER SALE AND CLEARING AT THE RUBBISH LANDFILL IN ORDER TO GET FILL MATERIAL FOR COVER FOR THE LANDFILL OPERATIONS.**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk, and adopted by the Board to approve the August 21, 2012 Modified Official Agenda, and to accept items for Consent, whereby the "approval to obtain bids for timer sale and clearing at the rubbish landfill in order to get fill material for cover for the landfill operations" is enumerated, this consent item is thereby approved.

**END OF CONSENT AGENDA ITEMS**

**ANNOUNCEMENTS AND COMMENTS:**

The Mayor introduced the architect for the Starkville Electric Department, Chris Cosper, to highlight the achievement of the new administration building in receiving a LEED certification standard.

The Mayor also announced the improved fire rating for the City of Starkville from a 5 to a 4 which will impact the commercial rates by a possible 7-9% reduction.

The Mayor introduced new City of Starkville employees:

<b>LADANIEL JORDAN</b>	NEW CONSTRUCTION/REHAB
<b>JOSEPH –BEN” PENNEL</b>	NEW CONSTRUCTION/REHAB
<b>LATOYA BROWN</b>	AUTO MAINTENANCE
<b>COURTNEY GOODSON</b>	MUNICIPAL COURTS
<b>MIKE ST. LOUIS</b>	ELECTRIC

Alderman Sistrunk commented to highlight the upcoming public hearing on the budget at the next board meeting of September 4, 2012, and announced that it would be on website the following day.

**CITIZEN COMMENTS:**

There were several citizens who had concerns about the status of the Carver Drive ditch: Those commenting were: Alvin Turner, Ward 7 and Ms. Daisy McDowell, Ward 6.

Mr. Douglas McClelland, Ward 1, spoke to the matter of a new church on Whitfield Street and its potential impact on his property on Patton Drive due to parking in the rear of their property allowing cut through traffic.

Ms. Iona Smith expressed concerns regarding the safety of the children and the bus traffic along Garrard Road between Highway 389 and North Montgomery Street.

Mr. Christopher Outlaw invited everyone to attend the annual Travis Outlaw Day at McKee Park on Saturday, August 25, 2012, from 10:00 AM until 3:00 PM.

Mr. Milo Burnham expressed his concerns over the confusing language in the city ordinance controlling the placement of cell towers within the City of Starkville. Mr. John Wade expressed his concerns regarding the cell tower location and the City's ordinance regarding cell towers and residential neighborhood restrictions.

**PUBLIC APPEARANCES:**

Dr. Lewis Holloway provided a report on the goals and strategies of the Starkville School District which included such information as the student/teacher ratio and he also included the annual budget presentation with revenue projections and tax implications.

Mr. Jimmie Moore with Waste Pro introduced his company to the Board of Aldermen and provided the information regarding the services that the company provided to the local area.

There were no Public Hearings held at this meeting.

There was no Mayor's Business for this meeting.

Note: Mayor Wiseman recused himself from the Board meeting in its consideration of agenda items X.A. and X.B. due to the involvement of the Brunini law firm in the presentation and his spouse's employment with that firm.

A brief recess was called by Mayor Pro Tempore Sandra Sistrunk.

**15.**

**APPROVAL OF AN APPEAL AND ADOPTION OF AN OVERRIDE OF THE RECOMMENDATION BY THE CITY OF STARKVILLE BOARD OF ADJUSTMENTS AND APPEALS BY ATTORNEY JOHN E. WADE, JR., ON BEHALF OF CELLULAR SOUTH REAL ESTATE, FOR TWO VARIANCES TO ARTICLE III, SECTION 104-55(B)(8) OF THE CITY OF STARKVILLE'S CODE**

**OF ORDINANCES FOR A 60-FOOT SETBACK IN LIEU OF THE 100-FOOT SETBACK REQUIREMENT AND A 60-FOOT SETBACK IN LIEU OF THE 2,640-FOOT RADIUS REQUIREMENT FROM A RESIDENTIALLY-ZONED DISTRICT FOR A PROPOSED COMMUNICATIONS TOWER LOCATED IN A C-2 ZONING DISTRICT AT 403 ABERNATHY DRIVE IN WARD 1.**

There came for consideration the matter of the approval of an appeal and adoption of an override from the City of Starkville Board of Adjustments and Appeals denial of two variances to the City of Starkville Code of Ordinances for a 60 foot setback in lieu of a 100 foot setback and a 60 foot setback in lieu of a 2,640 foot radius requirement from a residentially zoned district for a communications tower located in a C-2 zoning district at 403 Abernathy Drive.

There was a presentation by John E. Wade, Jr., and David McGehee on behalf of Cellular South Real Estate stating the need for additional service in the area. Alderman Perkins clarified his concerns on the status of the Planning and Zoning Commission as an advisory body. Alderman Carver discussed his research on the safety of the tower and the need to have cellular service in his ward. Alderman Carver also noted that there were no opponents to the new tower. Mayor Pro Tempore Sistrunk asked for public comment on the matter of the appeal. There being no public comment, the City Attorney stated the criteria for the Board's determination on the consideration of this matter is reflected in the report by the City Planner, Ben Griffith, located in the information provided to the Board. There being no further comments, and

Upon the motion of Alderman Ben Carver, duly seconded by Alderman Eric Parker, to approve the two variances and to override the recommendation of the Board of Adjustments and Appeals with findings of fact in the affirmative consistent with Starkville Code of Ordinances Section 2-176(5), the Board voted as follows:

Alderman Ben Carver	Voted: <u>Yea</u>
Alderman Sandra Sistrunk	Voted: <u>Presiding, not voting</u>
Alderman Eric Parker	Voted: <u>Yea</u>
Alderman Richard Corey	Voted: <u>Nay</u>
Alderman Jeremiah Dumas	Voted: <u>Nay</u>
Alderman Roy A'. Perkins	Voted: <u>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 Pro Tempore declared the motion failed.

16.

**ADOPTION OF THE RECOMMENDATION BY THE CITY OF STARKVILLE BOARD OF ADJUSTMENTS AND APPEALS FOR DENIAL OF TWO VARIANCES TO ARTICLE III, SECTION 104-55(B)(8) OF THE CITY OF STARKVILLE'S CODE OF ORDINANCES FOR A 60-FOOT SETBACK IN LIEU OF THE 100-FOOT SETBACK REQUIREMENT AND A 60-FOOT**

**SETBACK IN LIEU OF THE 2,640-FOOT RADIUS REQUIREMENT FROM A  
RESIDENTIALLY-ZONED DISTRICT FOR A PROPOSED  
COMMUNICATIONS TOWER LOCATED IN A C-2 ZONING  
DISTRICT AT 403 ABERNATHY DRIVE IN WARD 1.**

There came for consideration the matter of adopting the recommendation by the City of Starkville Board of Adjustments and Appeals for the denial of two variances to the City of Starkville Code of Ordinances for a 60 foot setback in lieu of a 100 foot setback and a 60 foot setback in lieu of a 2,640 foot radius requirement from a residentially zoned district for a communications tower located in a C-2 zoning district at 403 Abernathy Drive.

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy Perkins, to uphold the denial of the two variances and upon a finding of fact in the negative on the criteria listed in the City Planner's report and Starkville ordinance 2-176(5) to adopt the recommendation of the Board of Adjustments and Appeals, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Nay</u>
Alderman Sandra Sistrunk	Voted: <u>Presiding, 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 a majority affirmative vote of those members present and voting, the Mayor Pro Tempore declared the motion passed.

The denial of the request from Cellular South Real Estate for a reversal by the Board of Aldermen from the denial of the City of Starkville Board of Adjustments and Appeals for the two variances on the height and the distance of the tower made the agenda item X.B. a moot issue as it was contingent upon the override of the Board of Adjustments and Appeals and the approval of the variances as requested by the applicant in agenda item X.A.

Note: Mayor Wiseman returned to the meeting to resume presiding duties.

17.

**APPROVAL OF HIRING EMMA GANDY AS THE NEW DIRECTOR OF  
THE SANITATION AND ENVIRONMENTAL SERVICES  
DEPARTMENT EFFECTIVE SEPTEMBER 1, 2012, AT A GRADE  
16/STEP 1, WITH THE APPLICABLE PROBATIONARY PERIOD.**

There came for consideration the matter of approving hiring Emma Gandy as the new Director of Sanitation and Environmental Services at a Grade 16/Step 1, effective September 1, 2012, with the applicable probationary period, and

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Henry Vaughn, to hire Emma Gandy as the new Director of Sanitation and Environmental Services at a Grade 16/Step 1, effective September 1, 2012, with the applicable probationary period, and with discussion regarding the candidate's qualifications from Alderman Ben Carver and the strong qualifications of two applicants by Alderman Eric Parker, the Board voted as follows:

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

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

**18.**

**APPROVAL OF CHANGES IN THE PERSONNEL  
POLICY ON DONATION OF LEAVE TIME.**

There came for consideration the matter of approving changes in the personnel policy on donation of leave time as presented in the board packet.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve the changes in the personnel policy amending the ability to donate leave time to personnel within the probationary period, and with a question regarding the length of the probationary status from Alderman Ben Carver, 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>Yea</u>

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

# City of Starkville, Mississippi

## Addition to Personnel Policy Manual

(approved by Board on June 2, 2009, revised \_\_\_\_\_)

### DONATION OF LEAVE

Any City of Starkville employee may donate a portion of his or her earned major medical leave and/or personal leave to another employee who is suffering from a catastrophic illness or catastrophic injury as defined below, or to another employee who has a member of his or her immediate family who is suffering from a catastrophic illness or injury, in accordance with the following:

1. The employee donating the leave (the "donor employee") shall designate the employee who is to receive the leave (the "recipient employee") and the amount of earned major medical leave and/or personal leave that is to be donated, and shall notify the Personnel Officer of his or her designation. The Personnel Officer shall then notify the recipient employee's department head of the amount of leave that has been donated by the donor employee to the recipient employee.
2. The maximum amount of earned major medical leave and/or personal leave that an employee may donate to any other employee may not exceed a number of days that would leave the donor employee with fewer than a total of ten (10) days each of major medical leave and/or personal leave left, and the maximum amount of earned major medical leave and/or personal leave that an employee may donate to any other employee may not exceed fifty percent (50%) of the earned leave of the donor employee, with a not to exceed amount of ten (10) days or eighty (80) hours. All donated leave shall be in increments of not less than eight (8) hours.
3. The maximum period of time that an employee may use donated leave without resuming work is ninety (90) days, which commences on the first day that the recipient employee uses donated leave.
4. An employee must have exhausted all of his or her earned sick and vacation leave before he or she will be eligible to receive any leave donated by another employee.
5. Before an employee may receive donated leave, he or she must provide his or her Department Head and the Personnel Officer with a physician's statement that confirms the beginning date of the catastrophic illness or injury, a description of the illness or injury, a prognosis for recovery, and an anticipated date that the recipient employee will be able to return to work. He or she must submit a request to his/her department head to use the donated leave policy.
6. The request for donated leave will be evaluated by a board of three (3) comprised of the Personnel Officer, the City Clerk and the Chief Administrative Officer. The board will consider the employee's employment record, the nature of the circumstances surrounding the request and any other relevant matters. Any denial of the use of donated leave may be appealed to the Board of Aldermen at the next regular meeting.

7. If the total amount of leave donated to any employee is not used by the recipient employee, the donated leave will be returned to the donor employee(s) on a pro rata basis, based on the ratio of the number of days of leave donated by each donor employee to the total number of days of leave donated by all employees.
8. For the purpose of this policy, "immediate family" means spouse, child, step-child, parent, step-parent, or sibling.
9. No person through the use of coercion, threats or intimidation shall require or attempt to require any employee to donate his or her leave to another employee. Any person who alleges a violation of this paragraph shall report the violation to the Personnel Officer of the City. Any person found to have violated this paragraph shall be subject to disciplinary action up to and including termination of employment.
10. No employee can donate leave after tendering notice of separation for any reason or after termination.
11. In order for an employee to be eligible to receive donated leave, the employee must *be a regular, full-time employee on the date on which the leave is donated.*
  - A. *Have been employed by the City of Starkville as a regular, full-time employee for a total of at least twelve (12) months on the date on which the leave is donated; and*
  - B. *Have worked at least one thousand two hundred fifty (1,250) hours of service with the City of Starkville during the previous twelve-month period from the date on which the leave is donated.*
12. Donated leave shall not be used in lieu of disability retirement.
13. "Catastrophic injury or illness" means a *life-threatening serious* injury or illness of an employee or a member of an employee's immediate family which totally incapacitates the employee from work for a period of time of not less than ten (10) continuous days {five (5) shifts for firefighters}, as verified by a licensed physician, and forces the employee to exhaust all leave time earned by that employee, resulting in the loss of compensation from the City for the employee. Conditions that are short-term in nature, including, but not limited to, common illnesses such as influenza and the measles, and common injuries, are not catastrophic. Chronic illnesses or injuries, such as cancer or major surgery, which result in intermittent absences from work and which are long-term in nature and require long recuperation periods, may be considered catastrophic.

19.

**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 Richard Corey, duly seconded by Alderman Eric Parker, 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>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>Yea</u>

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

20.

**A MOTION TO ENTER EXECUTIVE SESSION**

There came for consideration the matter of entering Executive Session for the purpose of discussing pending litigation over a zoning matter; potential litigation over a zoning matter and property acquisition regarding city right of way; and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to enter into an Executive Session to discuss an issue on pending litigation over a zoning matter, potential litigation over a zoning matter and property acquisition regarding city right of way, 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>Yea</u>

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

The Mayor invited the Public back in to make the announcement of the Board's decision to enter into executive session to discuss the matter of pending litigation over a zoning matter, potential litigation over a zoning matter and property acquisition regarding city right of way.

At this time the Board entered executive session.

21.

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

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

The Mayor announced that the Board had taken no action in executive session.

22.

**A MOTION TO ADJOURN UNTIL 5:30 PM  
ON TUESDAY SEPTEMBER 4, 2012**

There came for consideration the matter of adjourning until the next Regular session of the Board of Aldermen scheduled for September 4, 2012 at 5:30 in the courtroom of City Hall.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, for the Board of Aldermen to adjourn the meeting until 5:30 p.m., on Tuesday, September 4, 2012, in the courtroom of City Hall located at 101 East Lampkin Street, 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>Yea</u>

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, CHIEF ADMINISTRATIVE  
OFFICER/DEPUTY CITY CLERK  
(SEALED)