

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

**The City of Starkville, Mississippi
September 20, 2011**

Be it remembered that the Mayor and Board of Alderman met in a Recess Meeting on September 20, 2011 at 5:30 p.m. in the Courtroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS. There being present were Mayor Parker Wiseman, Aldermen Ben Carver, Sandra Sistrunk, Eric Parker, Richard Corey, Jeremiah Dumas, Roy A'. Perkins and Henry Vaughn, Sr. Attending the Board were City Attorney Chris Latimer and City Clerk Markeeta Outlaw.

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

REQUESTED REVISIONS TO THE OFFICIAL AGENDA

Alderman Jeremiah Dumas requested the following changes to the September 20, 2011 Official Agenda.

Add to Consent Item XI-I-1 regarding Approval to Employ Marco Rodriguez and James Hays to fill the vacant positions of Firefighter in the Fire Department.

Alderman Roy A'. Perkins requested the following changes to the September 20, 2011 Official Agenda.

Add to Consent Item X-E-1 regarding Approval of Budget Amendment #2011-3

Add to Consent Item X-E-2 regarding Renaming the Budget Committee to the Audit and Budget Committee and revising the duties and responsibilities.

Change Consent Item X-B regarding Closure of Main Street by adding October 4, 2011 between 5-7 p.m. as the date and time of the event.

Alderman Sandra Sistrunk requested the following changes to the September 20, 2011 Official Agenda.

Remove from the Official Agenda Item X-E regarding a Budget Report from the Budget Committee Chair.

Alderman Eric Parker requested the following changes to the September 20, 2011 Official Agenda.

Add to Consent Item X-D regarding Appointing Kane Overstreet of Ward 3 to the Transportation Committee, Julia Pendley of Ward 2 and Nick Wilson of Ward 4 to the Solid Waste and Recycling Committee.

1.

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

There came for consideration the matter of approving and adopting the September 20, 2011 Official Agenda of the Recess Meeting of the Mayor and Board of Alderman, as revised. After discussion, and

upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, to approve the September 20, 2011 Official Agenda as modified with items listed as consent, the Board voted its unanimous approval.

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

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

RECESS MEETING OF TUESDAY, SEPTEMBER 20, 2011
5:30 P.M., COURT ROOM, CITY HALL
101 EAST LAMPKIN STREET

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

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

- I. **CALL THE MEETING TO ORDER**
- II. **PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE**
- III. **APPROVAL OF THE OFFICIAL AGENDA**
 - A. CONSIDERATION OF THE APPROVAL OF THE CONSENT AGENDA
(SEE APPENDIX A)
- IV. **APPROVAL OF BOARD OF ALDERMEN MINUTES**
 - A. CONSIDERATION OF THE APPROVAL OF THE MINUTES OF THE
RECESS MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF
STARKVILLE FOR AUGUST 16, 2011.
- V. **ANNOUNCEMENTS AND COMMENTS**

MAYOR'S COMMENTS:

THE BOND REFERENDUM IS SET FOR NEXT TUESDAY, SEPTEMBER 27, 2011.
THE POLLS WILL BE OPEN FROM 7:00 AM TO 7:00 PM. ABSENTEE VOTING IS

AVAILABLE FROM 8:00 AM TO 12:00 PM ON SATURDAY IN THE CITY CLERK'S OFFICE.

NEW EMPLOYEE INTRODUCTIONS:

FRANK ROGERS III – LABORER IN SANITATION AND ENVIRONMENTAL SERVICES DEPARTMENT

RODRIGUES HINTON - LABORER IN SANITATION AND ENVIRONMENTAL SERVICES DEPARTMENT

BOARD OF ALDERMEN COMMENTS:

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

A. PUBLIC APPEARANCE REQUEST BY JENNIFER GREGORY FROM THE MAIN STREET ASSOCIATION REQUESTING BOARD APPROVAL FOR THE DOWNTOWN EVENTS OF PUMPKINPALOOZA AND THE BLOCK PARTY AND FOR IN-KIND SERVICES TO BE PROVIDED BY THE CITY VALUED AT \$2,323.00.

***** B. *PUBLIC APPEARANCE BY RHETT HOBART FOR THE STUDENT ASSOCIATION REQUESTING APPROVAL OF THE SPECIAL EVENT, BULLDOG BASH, AND IN-KIND SERVICES FROM THE CITY OF STARKVILLE IN THE AMOUNT OF \$8,794.94.*

VIII. PUBLIC HEARING

THERE ARE NO PUBLIC HEARINGS SCHEDULED

IX. MAYOR'S BUSINESS

THERE IS NO MAYOR'S BUSINESS SCHEDULED

X. BOARD BUSINESS

A. CONSIDERATION OF THE APPROVAL OF THE SPECIAL EVENT REQUESTS FOR PUMPKINPALOOZA SCHEDULED FOR OCTOBER 14, 2011, AND THE DOWNTOWN BLOCK PARTY SCHEDULED FOR SEPTEMBER 23, 2011, AND AUTHORIZATION FOR THE IN-KIND SERVICES VALUED AT \$2,323.00 TO BE PROVIDED BY THE CITY.

B. CONSIDERATION OF THE APPROVAL OF THE CLOSURE OF MAIN STREET FOR THE ANNUAL POPS ON THE PLAZA FROM JACKSON STREET EAST TO CALDWELL STREET.

C. REPORT FROM THE CHIEF ADMINISTRATIVE OFFICER ON THE STATUS OF THE H & H STUDY OF CARVER DRIVE DITCH.

D. CONSIDERATION OF MAKING APPOINTMENTS TO THE TRANSPORTATION COMMISSION FOR WARD 3 AND THE SOLID WASTE AND RECYCLING COMMITTEE FOR WARDS 2, 4 AND 6.

E. REPORT FROM THE BUDGET COMMITTEE.

1. CONSIDERATION OF APPROVING A BUDGET AMENDMENT FOR FISCAL YEAR 2011.
2. CONSIDERATION OF RENAMING THE BUDGET COMMITTEE TO THE AUDIT & BUDGET COMMITTEE AND REVISING THE DUTIES AND RESPONSIBILITIES.

F. CONSIDERATION OF AUTHORIZING IN-KIND SERVICES FROM THE STREET DIVISION OF THE ENGINEERING DEPARTMENT FOR PHASE III OF THE MUSEUM CAPITAL IMPROVEMENT PLAN IN THE AMOUNT OF \$2,487.32.

***** G. CONSIDERATION OF THE SPECIAL EVENT REQUEST BY RHETT HOBART ON BEHALF OF THE STUDENT ASSOCIATION FOR APPROVAL OF BULLDOG BASH, AND IN-KIND SERVICES FROM THE CITY OF STARKVILLE IN THE AMOUNT OF \$8,794.94.

***** H. DISCUSSION OF SPECIAL EVENTS APPLICATION AND PROCESS.

XI. DEPARTMENT BUSINESS

A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

B. BUILDING, CODES AND PLANNING DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

C. OFFICE OF THE CITY CLERK

~~### 1.~~ REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF SEPTEMBER 29, 2011.

2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING AUGUST 31, 2011, IN ACCORDANCE WITH §21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

D. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

E. ELECTRIC DEPARTMENT

1. REQUEST AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STARKVILLE AND TVA TO SUPPLEMENT AND AMEND THE MARGIN ASSURANCE AGREEMENT DATED FEBRUARY 8, 2008.

F. ENGINEERING AND STREETS

THERE ARE NO ITEMS FOR THIS AGENDA

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 APPROVAL TO HIRE MARCO RODRIGUEZ AND JAMES HAYS TO FILL VACANT POSITIONS OF FIREFIGHTER IN THE FIRE DEPARTMENT.

J. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

K. PUBLIC SERVICES

1. REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO CONTROL SYSTEMS INCORPORATED, A SINGLE SOURCE, FOR ELECTRICAL WORK ASSOCIATED WITH RELOCATING AND UPGRADING THE CHEMICAL FEED SYSTEMS AT THE MONTGOMERY STREET FILTER PLANT IN THE AMOUNT OF \$13,667.00

2. REQUEST APPROVAL OF THE FIRST AND FINAL CHANGE ORDER IN THE CONSTRUCTION CONTRACT WITH BK EDWARDS FOR PUMP AND PIPING UPGRADES AT THE SAND ROAD PUMP STATION IN THE AMOUNT OF \$4,994.72.

L. SANITATION & ENVIRONMENTAL SERVICES

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. ADJOURN UNTIL OCTOBER 4, 2011 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Ben Griffith, at (662) 323-2525, ext. 119 at least forty-eight (48) hours in advance for any services requested.

APPENDIX A

PROPOSED CONSENT AGENDA

IX. MAYOR'S BUSINESS – NO ITEMS

X. BOARD BUSINESS

- A. CONSIDERATION OF THE APPROVAL OF THE SPECIAL EVENT REQUESTS FOR PUMPKINPALOOZA SCHEDULED FOR OCTOBER 14, 2011, AND THE DOWNTOWN BLOCK PARTY SCHEDULED FOR SEPTEMBER 23, 2011, AND AUTHORIZATION FOR THE IN-KIND SERVICES VALUED AT \$2,323.00 TO BE PROVIDED BY THE CITY.
- B. CONSIDERATION OF THE APPROVAL OF THE CLOSURE OF MAIN STREET FOR THE ANNUAL POPS ON THE PLAZA FROM JACKSON STREET EAST TO CALDWELL STREET.
- F. CONSIDERATION OF AUTHORIZING IN-KIND SERVICES FROM THE STREET DIVISION OF THE ENGINEERING DEPARTMENT FOR PHASE III OF THE MUSEUM CAPITAL IMPROVEMENT PLAN IN THE AMOUNT OF \$2,437.82.

XI. DEPARTMENT BUSINESS

- A. AIRPORT – NO ITEMS
- B. BUILDING DEPARTMENT – NO ITEMS
- C. OFFICE OF THE CITY CLERK
 - 1. ~~REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF SEPTEMBER 29, 2011.~~
 - 2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING AUGUST 31, 2011, IN ACCORDANCE WITH §21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.
- D. COURTS – NO ITEMS
- E. ELECTRIC DEPARTMENT
 - 1. REQUEST AUTHORIZATION TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF STARKVILLE AND TVA TO SUPPLEMENT AND AMEND THE MARGIN ASSURANCE AGREEMENT DATED FEBRUARY 8, 2008.
- F. ENGINEERING AND STREETS – NO ITEMS
- G. FIRE DEPARTMENT - NO ITEMS
- H. PERSONNEL – NO ITEMS
- I. POLICE DEPARTMENT – NO ITEMS

J. PUBLIC SERVICES

1. REQUEST APPROVAL TO ISSUE A NOTICE TO PROCEED TO CONTROL SYSTEMS INCORPORATED, A SINGLE SOURCE, FOR ELECTRICAL WORK ASSOCIATED WITH RELOCATING AND UPGRADING THE CHEMICAL FEED SYSTEMS AT THE MONTGOMERY STREET FILTER PLANT IN THE AMOUNT OF \$13,667.00
2. REQUEST APPROVAL OF THE FIRST AND FINAL CHANGE ORDER IN THE CONSTRUCTION CONTRACT WITH BK EDWARDS FOR PUMP AND PIPING UPGRADES AT THE SAND ROAD PUMP STATION IN THE AMOUNT OF \$4,994.72.

K. SANITATION AND ENVIRONMENTAL SERVICES - NO ITEMS

CONSENT ITEMS 2 - 11

2.

APPROVAL OF CLOSURE OF MAIN STREET FROM JACKSON STREET TO CALDWELL STREET OCTOBER 4, 2011 BETWEEN THE HOURS OF 5 AND 7 P.M. FOR THE ANNUAL POPS ON THE PLAZA .

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of the Closure of Main Street from Jackson Street eastward to Caldwell Street on October 4, 2011, between 5:00 and 7:00 p.m. for the annual Pops on the Plaza event" is enumerated, this consent item is thereby approved.

3.

APPROVAL OF APPOINTING KANE OVERSTREET OF WARD 3 TO THE TRANSPORTATION COMMISSION, JULIA PENDLEY OF WARD 2 AND NICK WILSON OF WARD 4 TO THE SOLID WASTE AND RECYCLING COMMITTEE

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of appointing Kane Overstreet of Ward 3 to the Transportation Commission, Julia Pendley of Ward 2 and Nick Wilson of Ward 4 to the Solid Waste and Recycling Committee" is enumerated, this consent item is thereby approved.

4.

APPROVAL OF FY 2010-11 BUDGET AMENDMENT #3

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of FY 2010-11 Budget Amendment #3" is enumerated, this consent item is thereby approved.

THE CITY OF
STARKVILLE,
MISSISSIPPI
BUDGET
AMENDMENT #3
FY 2010-2011

<u>ACCOUNT DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>	<u>ORIGINAL BUDGET AMOUNT</u>	<u>AMENDMENT AMOUNT</u>		<u>AMENDED BUDGET AMOUNT</u>
<u>GENERAL FUND</u>					
REVENUE:					
HOMELAND SECURITY OVERTIME	001-000-239	7,432.00	2,378.00	+	9,810.00
HOMELAND SECURITY	001-000-240	0.00	39,966.00	+	39,966.00
POLICE SCHOOL REIMBURSEMENT	001-000-254	6,000.00	4,560.00	+	10,560.00
OKTIBBEHA CO ROAD TAX	001-000-271	425,000.00	53,309.00	+	478,309.00
SPECIAL POLICE	001-000-285	24,000.00	10,000.00	+	34,000.00
POLICE FOREITED FUNDS	001-000-289	0.00	<u>14,130.00</u>	+	14,130.00
			124,343.00		
EXPENSES:					
BOARD OF ALD/PROF SUPPLIES	001-005-601	900.00	67,885.00	+	68,785.00
COURT/GROUP INSURANCE	001-010-480	30,800.00	-9,000.00	-	21,800.00
COURT/SUPPLIES	001-010-501	10,000.00	1,500.00	+	11,500.00
COURT/EQUIP MAINT	001-010-635	1,000.00	7,500.00	+	8,500.00
MAYORS OFFICE/OFFICE SUPPLIES	001-020-501	4,000.00	-2,000.00	-	2,000.00
MAYORS OFFICE/MACH & EQUIP	001-020-730	0.00	2,000.00	+	2,000.00
ADMIN/SALARY	001-023-430	93,981.00	-5,000.00	-	88,981.00
ADMIN/OFFICE SUPPLY	001-023-501	3,000.00	5,000.00	+	8,000.00
CITY CLERK/HOSPITAL INSURANCE	001-042-480	30,800.00	-3,000.00	-	27,800.00
CITY CKERJ/AUDITING	001-042-600	30,000.00	3,000.00	+	33,000.00
CITY CLERK/BEAUTIFICATION	001-042-605	19,800.00	2,700.00	+	22,500.00
LEGAL EXPENSE	001-069-601	100,206.00	-55,000.00	-	45,206.00
LEGAL/CITY ATTORNEY	001-069-602	0.00	95,000.00	+	95,000.00
LEGAL/CITY ATTORNEY, LITIGAT	001-069-603	0.00	18,000.00	+	18,000.00
LEGAL/CITY ATTORNEY,BOND	001-069-604	0.00	2,700.00	+	2,700.00
CITY PLANNER/SALARY	001-090-410	77,689.00	6,590.00	+	84,279.00
CITY PLANNER/RETIREMENT	001-090-460	13,008.00	791.00	+	13,799.00
CITY PLANNER/SOCIAL SECURITY	001-090-470	8,293.00	504.00	+	8,797.00
TRANSFER/ORDINANCE CODIFICAT	001-095-691	0.00	400.00	+	400.00
ENG/GAS AND OIL	001-097-525	500.00	300.00	+	800.00
ENG/COMMUNICATIONS	001-097-605	1,500.00	3,600.00	+	5,100.00
ENG/NEW EQUIPMENT	001-097-730	10,000.00	-3,900.00	-	6,100.00

POLICE/ SALARY	001-112-420	1,861,528.00	-70,000.00	-	1,791,528.00
POLICE/OVERTIEM	001-112-450	163,934.00	12,378.00	+	176,312.00
POLICE/HOSPITAL INSURANCE	001-112-480	237,600.00	-35,000.00	-	202,600.00
POLICE/ GAS AND OIL	001-112-525	100,000.00	30,000.00	+	130,000.00
POLICE/MULTI JURISDRICTIC	001-112-606	25,000.00	-25,000.00	-	0.00
POLICE/SHOP REPAIRS	001-112-612	40,000.00	75,000.00	+	115,000.00
POLICE/MACHINERY & EQUIP	001-112-730	17,721.00	14,130.00	+	31,851.00
POLICE/ POLICE SCHOOL	001-130-690	24,292.00	4,560.00	+	28,852.00
POLICE/FIRING RANGE	001-137-545	3,000.00	25,000.00	+	28,000.00
POLICE/WIRELESS LATE FEE	001-144-610	0.00	400.00	+	400.00
FIRE/SHOP REPAIRS	001-161-612	85,568.00	-3,000.00	-	82,568.00
FIRE/FIRE TRAINING	001-163-690	34,976.00	3,000.00	+	37,976.00
BUILDING DEPT/SALARY	001-181-420	39,569.00	18,703.00	+	58,272.00
BUILDING DEPT/RETIREMENT	001-181-460	8,255.00	2,244.00	+	10,499.00
BUILDING DEPT/SOCIAL SECURITY	001-181-470	5,263.00	1,431.00	+	6,694.00
BUILDING DEPT/HOSPITAL INS HOMELAND SECURITY/EQUIPMENT	001-181-480	8,800.00	1,290.00	+	10,090.00
SECURITY/EQUIPMENT	001-193-730	0.00	39,966.00	+	39,966.00
STREET/SALARY	001-201-440	304,764.00	-26,000.00	-	278,764.00
STREETS/HOSPOITAL INSURANCE	001-201-480	61,600.00	-8,000.00	-	53,600.00
STREETS/GAS AND OIL	001-201-525	26,000.00	18,000.00	+	44,000.00
STREETS/SHOP REPAIR	001-201-612	30,000.00	16,000.00	+	46,000.00
ANIMAL SHELTER/SALARY	001-260-420	49,031.00	27,467.00	+	76,498.00
ANIMAL SHELTER/RETIREMENT	001-260-460	6,004.00	3,296.00	+	9,300.00
ANIMAL SHERLTER/SOCIAL SECUR	001-260-470	3,827.00	2,101.00	+	5,928.00
ANIMAL CONTROL/HOSP INS	001-260-480	8,800.00	3,881.00	+	12,681.00
ANIMAL SHELTER/GAS & OIL	001-260-525	3,000.00	2,500.00	+	5,500.00
CONTINGENCY	001-900-991	204,199.00	-149,574.00	-	54,625.00
			124,343.00		

RESTRICTED FIRE

EXPENSE:

MISCELLANEOUS	003-560-690	0.00	1,281.00	+	1,281.00
ENDING FUND	003-560-990	23,776.00	-1,281.00	-	22,495.00
			0.00		

AIRPORT

EXPENSE:

OPERATING SUPPLIES	015-550-540	300.00	7,579.00	+	7,879.00
REPAIR AND MAINT	015-550-575	6,000.00	2,421.00	+	8,421.00
CONTRACTS	015-550-601	8,700.00	500.00	+	9,200.00
UTILITIES	015-550-630	9,750.00	1,500.00	+	11,250.00
CAPITAL OUTLAY	015-550-730	29,512.00	-12,000.00	-	17,512.00
			0.00		

SANITATION

EXPENSES:

OVERTIME	022-222-450	70,000.00	50,000.00	+	120,000.00
GAS AND OIL	022-222-525	100,000.00	35,000.00	+	135,000.00
SUPPLIES/GARBAGE BAGS	022-222-551	120,000.00	40,000.00	+	160,000.00
RECYCLE/EDU	022-222-608	25,000.00	40,000.00	+	65,000.00
SHOP REPAIRS	022-222-612	95,000.00	55,000.00	+	150,000.00
TRASH COLLECTION	022-222-640	131,501.00	15,000.00	+	146,501.00
MACHINERY AND EQUIP	022-222-730	401,084.00	-265,000.00	-	136,084.00
LANDSCAPE/GAS AND OIL	022-241-525	12,500.00	25,000.00	+	37,500.00
LANDSCAPE/SHOP REPAIRS	022-241-612	16,000.00	<u>5,000.00</u>	+	21,000.00
			0.00		

COMPUTER ASSEMENTS

REVENUE:

CITY'S COMPUTER ASSEMENTS	107-000-319	48,041.00	13,649.00	+	61,690.00
MISC REVENUE	107-000-354	0.00	<u>1,693.00</u>	+	1,693.00
			15,342.00		

EXPENSES:

EQUIPMENT MAINTENANCE	107-110-635	0.00	15,342.00	+	15,342.00
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MIDDLETON MARKETPLACE

REVENUE:

PROCEEDS FROM BOND	125-000-391	0.00	510,000.00	+	510,000.00
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EXPENSE:

LEGAL EXPENSES	125-655-601	0.00	47,810.00	+	47,810.00
CONSTRUCTION	125-655-901	0.00	<u>462,190.00</u>	+	462,190.00
			510,000.00		

ROAD MAINTENANCE BOND

EXPENSES:

2010 ROAD MAINTENANCE PROJ

CONSTRUCTION	304-302-912	330,538.00	-105,000.00	-	225,538.00
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2010 DRAINAGE IMPROVEMENT PROJ

CAPITAL IMPROVEMENT	304-304-918	37,907.00	-15,000.00	-	22,907.00
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**2009 DRAINAGE IMPROVEMENT
BOND**

DRAINAGE PROJECTS	304-306-918	270,757.00	-270,757.00	-	0.00
DRAINAGE PROJ/CONTINGENCY	304-306-922	41,376.00	-34,243.00	-	7,133.00

HOSPITAL ROAD REBUILD

CONSTRUCTION	304-310-912	400,000.00	-85,000.00	-	315,000.00
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STORM DRAINAGE MAINT

STORM DRAINAGE MAINT	304-311-918	15,701.00	35,000.00	+	50,701.00
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SIDEWALK CONSTRUCTION

SIDEWALK CONSTRUCTION	304-312-912	20,000.00	20,000.00	+	40,000.00
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LOUISVILLE ST WIDENING PROJ

CONSTRUCTION	304-313-912	0.00	105,000.00	+	105,000.00
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CARVER DRIVE

PROFESSIONAL SERVICE	304-314-601	0.00	8,000.00	+	8,000.00
H & H STUDY	304-314-604	0.00	7,500.00	+	7,500.00
CONSTRUCTION	304-314-912	0.00	50,000.00	+	50,000.00

MAPLE DRIVE DRAINAGE

H & H STUDY	304-317-604	0.00	7,500.00	+	7,500.00
CONSTRUCTION	304-317-912	0.00	28,525.00	+	28,525.00
CONTINGENCY	304-317-922	0.00	16,118.00	+	16,118.00

HOLLIS I DRAINAGE IMP

CONSTRUCTION	304-318-912	0.00	43,500.00	+	43,500.00
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**SOUTH MONTGOMERY
DRAINAGE**

CONSTRUCTION	304-319-912	0.00	4,600.00	+	4,600.00
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COLONIAL HILLS DRAINAGE

H & H STUDY	304-320-604	0.00	7,500.00	+	7,500.00
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CENTRAL AVE REBUILD

TEST AND INSPECTION	304-321-603	0.00	4,630.00	+	4,630.00
CONSTRUCTION	304-321-912	0.00	92,592.00	+	92,592.00
CONTINGENCY	304-321-922	0.00	4,630.00	+	4,630.00

**2011 ROADWAY MAINTENANCE
PROJ**

CONSTRUCTION	304-322-912	0.00	74,905.00	+	74,905.00
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**TOTAL ROAD MAINTENANCE
BOND**

0.00

WATER/SEWER

EXPENSE:

NEW CONSTRUCTION

SALARY	400-672-410	44,802.00	-44,802.00	-	0.00
CHEMICALS	400-672-577	1,000.00	44,802.00	+	45,802.00

WASTEWATER

EQUIPMENT REPAIR	400-673-635	150,000.00	40,000.00	+	190,000.00
CAPITAL IMPROVEMENTS	400-673-720	565,000.00	-40,000.00	-	525,000.00

WATER

ENDING FUND	400-677-990	613,766.00	-35,000.00	-	578,766.00
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BOND

MDA CAP LOAN FIRE MAIN	400-690-896	0.00	35,000.00	+	35,000.00
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TOTAL WATER

0.00

5.

**APPROVAL AUTHORIZING RENAMING THE BUDGET COMMITTEE
TO THE AUDIT AND BUDGET COMMITTEE AND REVISING
THE DUTIES AND RESPONSIBILITIES OF THE COMMITTEE AS OUTLINED**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to rename the Budget Committee to the Audit and Budget Committee and to revise the duties and responsibilities of said committee" is enumerated, this consent item is thereby approved.

**THE CITY OF STARKILLE
AUDIT AND BUDGET COMMITTEE
GUIDELINES**

09-20-2011

Audit/Budget Committee

STRUCTURE

The composition of the Audit & Budget Committee shall be made up of three (3) members, as appointed by the Board of Aldermen. The Committee shall designate a chairman who shall be responsible for reporting to the Board of Aldermen the activities and recommendations of the committee on matters related to the annual audit, the financial health and welfare of the City and any matters of budgetary significance.

The membership of the committee shall include the appropriate ex-officio staff personnel; the Chief Administrative Officer, the City Clerk and the City Accountant. The remaining staff personnel will be made available on an as needed basis for discussion and information related to departmental budgetary matters.

MEETINGS

The Committee shall meet as often as necessary during the development of the annual budget. The committee shall meet monthly to review budget performance of City departments, develop an understanding of significant variances, and review any requests for budget amendments. Additionally, the committee shall meet as needed to act on any matters directed to it through the Board of Aldermen, through the request of the Mayor as the Executive of the City, or at the specific request of a department head if approved by the Chairman of the committee. Any item that is directed to the committee shall be presented along with the reports by the committee chair until it is concluded and finalized through board action.

The Committee shall meet as appropriate during the preparation and development of the audit report; specifically they shall meet with the auditors prior to their commencing the audit, during the development of the audit on an as needed basis and after the preliminary findings are established and before the acceptance of the final report. The Audit & Budget committee shall report to the Board of Aldermen on the findings of the audit and make recommendations as to the acceptance of the audit.

TERM IN OFFICE

The City of Starkville deems this committee to be an internal, standing committee. The terms of office shall be for a period of four years with the effective dates of service to begin at the date of the appointment at the time of the first regularly scheduled board meeting in August of the year of the election at which the newly elected Aldermen are seated. Any changes to the make up of the committee during the term in office will be considered by the Board at the request of any member of the Board of Aldermen.

RULES

The Committee shall keep minutes in accordance with the requirements of the open meetings and open records act and shall make their meetings accessible and available to the public. They shall report monthly to the Board any matter of importance and issues of interest to the Board for their consideration.

MISSION AND PURPOSE:

The City of Starkville Audit & Budget Committee is formed to act as an oversight and advisory body to the Board of Aldermen for the purpose of resource management and reporting.

The mission of the Committee is to oversee the development and implementation of annual and long-range budgets which provide for and ensure the health, safety, and welfare of the City of Starkville. The Committee is also charged with facilitating and communicating with the auditors prior, during and after the audit process to ensure that the auditors timely receive the information and timely provide the audit results to the

Board of Aldermen. The committee shall make recommendations to the full Board of Aldermen for the annual and long-range budgets and any necessary budget amendments.

GOALS:

1. To link the annual budget process more closely to the city's planning process.
2. To present budget data in a transparent format that is widely accessible to City departments and residents. (This is in addition to presenting the budget in a format that is required by state statute.)
3. To provide accurate and timely reports to the Board of Alderman which compare departmental financial performance to budget.
4. To receive and communicate audit results to the Board of Aldermen on a timely basis
5. To provide access to the audit results for the public

6.

**APPROVAL AUTHORIZING IN-KIND SERVICES FROM
THE STREET DIVISION OF THE ENGINEERING DEPARTMENT
FOR PHASE III OF THE MUSEUM CAPITAL IMPROVEMENT PLAN
WITH AN ESTIMATED VALUE OF \$2,487.32**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval authorizing "In-Kind" services from the Street Division of the Engineering Department for phase III of the Museum Capital Improvement Plan with an estimated value of \$2,487.32" is enumerated, this consent item is thereby approved.

7.

**APPROVAL TO ACCEPT THE AUGUST, 2011 FINANCIALS
FOR THE CITY OF STARKVILLE**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval to accept the August, 2011 financials for the City of Starkville" is enumerated, this consent item is thereby approved.

8.

**APPROVAL AUTHORIZING THE EXECUTION OF AN
AGREEMENT BETWEEN THE CITY OF STARKVILLE AND
TVA SUPPLEMENTING AND AMENDING THE MARGIN
ASSURANCE AGREEMENT DATED FEBRUARY 8, 2008**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval authorizing the execution of an agreement between the City of Starkville and TVA supplementing and amending the

Margin Assurance Agreement dated February 8, 2008" is enumerated, this consent item is thereby approved.

**AGREEMENT
Between
CITY OF STARKVILLE, MISSISSIPPI
And
TENNESSEE VALLEY AUTHORITY**

Date: May 1, 2011

TV-48326A, Supp. No. 71

THIS AGREEMENT, made and entered into between CITY OF STARKVILLE, MISSISSIPPI (Distributor), a municipal corporation created and existing under and by virtue of the laws of the State of Mississippi, and TENNESSEE VALLEY AUTHORITY (TVA), a corporation created and existing under and by virtue of the Tennessee Valley Authority Act of 1933, as amended (TVA Act);

W I T N E S S E T H:

WHEREAS, Distributor purchases its entire requirements for electric power and energy from TVA for resale under a contract numbered TV-48326A and dated February 8, 1978, as amended (Power Contract); and

WHEREAS, a separate agreement between TVA and Mississippi State University (University) dated February 8, 2008, (Power Generation Agreement), covers arrangements under which University will provide capacity and generate energy from its facilities located in Starkville, Mississippi (Project); and

WHEREAS, Distributor has entered into a separate agreement with University to provide for the supply of power and energy to the University; and

WHEREAS, under a separate agreement between Distributor and TVA dated February 8, 2008 (Margin Assurance Agreement), TVA and Distributor have entered into arrangements to provide Distributor the margin it would have otherwise received on the amounts of energy University generates under the Power Generation Agreement; and

WHEREAS, Distributor and TVA wish to revise the calculation for such margin to accommodate recent changes to the wholesale and resale rate structure;

NOW, THEREFORE, for and in consideration of the premises and of the mutual covenants hereinafter set forth, and subject to the provisions of the TVA Act, the parties hereto mutually covenant and agree as follows:

SECTION 1 - TERM OF AGREEMENT

This agreement becomes effective as of the date first above written and continues in effect for the term of the Power Contract or the Margin Assurance Agreement, whichever terminates first, or any extension, renewal, or replacement thereof.

SECTION 2 - MARGIN ASSURANCE

Section 2, paragraphs 2 and 3 of the Margin Assurance Agreement are hereby replaced with the following:

"To account for University's use of Requested Generation in place of receiving energy from Distributor, Distributor shall receive margin assurance for such amount of energy. For any month that Requested Generation was generated by University, such margin assurance shall be calculated by taking the following steps:

- (a) The total amount of wholesale energy charges billed to Distributor by TVA for energy supplied to University in that month shall be subtracted from the total amount of energy charges billed to University by Distributor in that month.
- (b) A per-kWh amount shall be calculated by dividing the amount calculated in (a) above by the total kWh of energy supplied to University by Distributor in that month.
- (c) The per-kWh amount determined in (b) above shall be multiplied by the kWh amount of Requested Generation generated by University.

This calculation is designed to work under the current wholesale and resale rate structure, and in the event of any change in (a) Distributor's wholesale rate structure, (b) the resale rate structure applied to University, (c) the product pricing structure or any power supply product University receives other than firm power, or (d) the power supply product mix taken by University, TVA and Distributor will endeavor to agree on any needed changes to accurately calculate the margin Distributor would otherwise make on Requested Generation."

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their duly authorized representatives, as of the day and year first above written.

CITY OF STARKVILLE, MISSISSIPPI

By _____
Title:

TENNESSEE VALLEY AUTHORITY

By _____
Senior Vice President
Commercial Operations and Pricing

9.

**APPROVAL TO AUTHORIZE HIRING FIREFIGHTERS IN THE
FIRE DEPARTMENT WITH ONE-YEAR PROBATIONARY PERIOD
AND 2990 WORK HOURS ANNUALLY; MARCO RODRIGUEZ AS A
CERTIFIED FIREFIGHTER ANNUAL SALARY OF \$27,313.35 (\$9.13 HOURLY)
GRADE 5 STEP 2 AND JAMES HAYS AS FIREFIGHTER WITH AN ANNUAL
SALARY OF \$26,517.81 (\$8.87 HOURLY) GRADE 5 STEP 1**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval authorizing the employment of James Hays as a Firefighter with an annual salary of \$26,517.81 (\$8.87 per hour) at Grade 5 Step 1 and Marco Rodriguez as a Certified Firefighter with an annual salary of \$27,313.35 (\$9.13 per hour) at Grade 5 Step 2; each with 2990 work hours annually and the standard 1-year probationary period" is enumerated, this consent item is thereby approved.

10.

**APPROVAL AUTHORIZING THE ISSUANCE OF A NOTICE TO PROCEED
TO CONTROL SYSTEMS INCORPORATED, A SINGLE SOURCE, FOR
ELECTRICAL WORK ASSOCIATED WITH RELOCATING AND
UPGRADING THE CHEMICAL FEED SYSTEMS AT THE MONTGOMERY
STREET FILTER PLANT IN THE AMOUNT OF \$13,667.00**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval authorizing the issuance of a Notice to Proceed to Control Systems Incorporated, a single source, for electrical work associated with relocating and upgrading the Chemical Feed Systems at the Montgomery Street Filter Plant in the amount of \$13,337.00" is enumerated, this consent item is thereby approved.

11.

**APPROVAL OF THE CHANGE ORDER IN THE CONSTRUCTION
CONTRACT WITH BK EDWARDS FOR PUMP AND PIPING
UPGRADES AT THE SAND ROAD PUMP STATION
IN THE AMOUNT OF \$4,994.72**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, and adopted by the Board to approve the September 20, 2011 Official Agenda, and to accept items for Consent, whereby the "approval of the Change Order in the Construction Contract with BK Edwards for pump and piping upgrades at the Sand Road Pump Station in the amount of \$4,994.72" is enumerated, this consent item is thereby approved.

END CONSENT ITEMS

12.

**A MOTION TO APPROVE THE MINUTES OF THE AUGUST 16, 2011
RECESS MEETING OF THE MAYOR AND BOARD OF ALDERMEN**

There came for consideration the matter of approving the August 16, 2011 minutes of the Mayor and Board of Aldermen. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Ben Carver to approve the Minutes of the August 16, 2011 Recess Meeting of the Mayor and Board of Aldermen, the Board unanimously voted to approve the motion .

ANNOUNCEMENTS FROM MAYOR AND BOARD OF ALDERMEN

Mayor Parker Wiseman announced the Bond Referendum being held on September 27, 2011. He informed the public of the Polls opening and closing times of 7:00 a.m. - 7:00 p.m. The Mayor also informed the public of the last hours for absentee voting being Saturday, September 24, 2011 from 8:00 a.m. until 12:00 noon, in the City Clerk's Office located in City Hall, 101 E. Lampkin Street.

Alderman Roy A'. Perkins urged and encouraged all registered voters to vote on September 27, 2011. He also informed the public of their polling locations by ward, announcing the locations as follows:

Ward 1	National Guard Armory
Ward 2	Sportsplex
Ward 3	Sportsplex
Ward 4	City Hall Courtroom
Ward 5	Fire Station #3
Ward 6	Mt. Peilier Church
Ward 7	Courthouse Annex

Alderman Henry Vaughn, Sr. directed Ms. Spruill and the Mayor to investigate the complaint made by Ms. Dora McGehee on 306 Washington Street and report back to the Board regarding the water usage.

Alderman Ben Carver commended Park Director Matthew Rye on the success of the first annual "Rockin the Park." He also invited the public to attend the Block Party and Pumpkinpaloosa.

CITIZEN COMMENTS

Mr. Alvin Turner, ward 7, informed the Board of the citizens growing concerns regarding the Hospital and Schools, stating that "they look good from the outside but citizens wanted to know what they look like on the inside." Mr. Turner also voiced

concerns of the safety of the current Police Department citing the unsafe characteristics of the building that houses the Police Department.

Alderman Jeremiah Dumas introduced the discussion of the Special Event process. CAO Lynn Spruill explained the Special Event Application process and the established policy.

Alderman Roy A'. Perkins requested Ms. Spruill to differentiate the requests made by the Oktibbeha County Heritage Museum from that of the MSU Student Association President for Bulldog Bash. Ms. Spruill explained the Museum's request being assistance with capital improvements of the Museum, while MSU Student Association's request is assistance with community functions.

PUBLIC APPEARANCES

Ms. Jennifer Gregory appeared before the Board to request in-kind services for the Downtown events "Pumpkinpalooza" scheduled for October 14, 2011 and the "Block Party" scheduled for September 23, 2011. These service requests have an approximate value of \$2,323.00.

Rhett Hobart and Emily Nations of the MSU Student Association appeared before the Board to request in-kind services for "Bulldog Bash" scheduled for November 11, 2011. This request has an approximate value of \$8,794.94.

Alderman Roy A'. Perkins asked the MSU Student Association to speak with all property and business owners that are impacted by the Bulldog Bash event.

Alderman Sandra Sistrunk's inquiry was directed at obtaining reciprocal co-operation from the MSU Student Association with citizenry concerns within the community.

Alderman Ben Carver's concern was the level of cleanup of the city streets after the events.

13.

A MOTION TO APPROVE MAIN STREET CLOSURES AND IN-KIND SERVICES FOR THE 2011 DOWNTOWN BLOCK PARTY ON SEPTEMBER 23, 2011 FROM 6:00 P.M. UNTIL 8:00 P.M. BETWEEN WASHINGTON AND LAFAYETTE STREETS; AND THE PUMPKINPALOOSA EVENT ON OCTOBER 14, 2011 FROM 6:00 P.M. UNTIL 8:00 P.M. BETWEEN WASHINGTON AND JACKSON STREETS, WITH A TOTAL ESTIMATED VALUE OF \$2,323.00

There came for consideration the matter of approving In-Kind Services the closure of Main Street on September 23, 2011 and October 14, 2011 from 6:00 p.m. until 8:00 p.m. between Washington and Lafayette Streets for the 2011 Block Party and between Washington and Jackson Streets for the Pumpkinpalooza Event. Estimated value of city in-kind services is \$2,323.00 for both events. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve in-kind services and Main Street closures from 6 – 8 p.m. for the 2011 Downtown Block Party on September 23, 2011 between Washington and Lafayette Streets; and between Washington and Jackson Streets on October 14, 2011 for the Pumpkinpaloosa, with an estimated in-kind services value of \$2,323.00 for both events, 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.

14.

A MOTION TO APPROVE STREET CLOSURES NOVEMBER 11, 2011 BETWEEN THE HOURS OF 2:00 A.M UNTIL 5:00 A.M. NOVEMBER 12, 2011 (UNIVERSITY DR. BETWEEN NORTH NASH STREET AND CAMP AVENUE ALONG WITH PAGE AND MAXWELL STREETS) AND IN-KIND SERVICES WITH AN ESTIMATED VALUE OF \$8,794.94 FOR THE 2011 BULLDOG BASH

There came for consideration the matter of approving in-kind services and street closures on November 11, 2011 between the hours of 2:00 a.m. until 5:00 a.m. on November 12, 2011 for the annual Bulldog Bash. Streets to be closed are University Drive between North Nash Street and Camp Avenue. City in-kind services have an estimated value of \$8,794.94. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve in-kind services and street closures on November 11, 2011 between the hours of 2:00 a.m. until 5:00 a.m. on November 12, 2011 for the annual Bulldog Bash. Streets to be closed are University Drive between North Nash Street and Camp Avenue, Maxwell Street and Page Avenue, the Board voted as follows:

Alderman Ben Carver	voted: <u>Yea</u>
Alderman Sandra Sistrunk	voted: <u>abstained</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.

CAO Lynn Spruill gave the report on the H&H Study as it pertains to Carver Drive Ditch.

NOTE: Aldermen Sandra Sistrunk and Ben Carver exited the meeting

15.

**A MOTION TO APPROVE CLAIMS DOCKET #09-20-11-B
FOR THE CITY OF STARKVILLE CLAIMS, EXCLUDING
FIRE DEPARTMENT CLAIMS, THROUGH SEPTEMBER 16, 2011
IN THE AMOUNT OF \$501,363.85 IN ACCORDANCE WITH
SECTION 17-3-1 OF THE MISSISSIPPI CODE OF 1972, ANNOTATED**

There came for consideration the matter of approving Claims Docket #09-20-11-B. After discussion, and

upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Richard Corey, to approve Claims Docket #09-20-11-B which contains claims from all departments through September 16, 2011, except the Fire department, with all claims totaling \$501,363.85, the Board voted as follows:

Alderman Ben Carver	voted: <u>absent</u>
Alderman Sandra Sistrunk	voted: <u>absent</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

**CLAIMS DOCKET
09-20-11-B
September 20, 2011**

General Fund	001	\$152,132.75
Restricted Police Fund	002	0.00
Restricted Fire Fund	003	0.00
Airport Fund	015	1,137.99
Sanitation	022	144,363.53
Landfill	023	7,045.67
Computer Assessments	107	0.00
Middleton Marketplace TIF Bond	125	0.00
City Bond and Interest	202	0.00

2009 Road Maint. Bond	304	0.00
Fire Station No. 5	306	0.00
American Recovery & Reinvestment Act	309	0.00
P & R Bond Series 2007	325	0.00
Park & Rec Tourism 2%	375	0.00
Water/Sewer	400	174,844.99
Vehicle Maintenance	500	21,838.92
Hotel/Motel	610	0.00
2% (VCC, EDA, MSU)	630	0.00
Electric		0.00
TOTAL CLAIMS		\$501,363.85

16.

**A MOTION TO ENTER INTO A CLOSED
DETERMINATION SESSION TO DETERMINE IF
EXECUTIVE SESSION IS PROPER**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., authorizing the entrance into a Closed Determination Session to determine the need for Executive Session, the Board voted as follows:

Alderman Ben Carver	voted: <u>absent</u>
Alderman Sandra Sistrunk	voted: <u>absent</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 DETERMINING THAT DISCUSSIONS REGARDING
PENDING LITIGATIONS ON MCCO AND BLUEFIELD WATER
ASSOCIATION; AND PERSONNEL PERFORMANCE ARE PROPER CAUSES
FOR EXECUTIVE SESSION, AND AUTHORIZATION TO ENTER
INTO AN EXECUTIVE SESSION FOR THOSE DISCUSSIONS**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A'. Perkins, determining that discussions regarding Pending Litigations of MCCO and Bluefield Water Acquisition; and Personnel performance are proper causes for Executive Session, and authorization to enter into an Executive Session for those discussions, the Board voted unanimously in favor of the motion.

Mayor Parker Wiseman moved the meeting into a brief Open Session to announced to the public the Board's determination that discussions regarding Pending Litigations regarding MCCO and Bluefield Water Association; and Personnel performance as proper causes for Executive Session, and the Board's decision to move into an Executive Session for those discussions.

18.

**A MOTION TO EXECUTE THE CONTRACT BETWEEN
THE CITY OF STARKVILLE AND MITCHELL MCNUTT AND SAMS
FOR LEGAL SERVICES AS PRESENTED IN THE AMENDED CONTRACT**

There came for consideration the matter of obtaining Legal Services for the City of Starkville, Mississippi. After discussion, and

upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Richard Corey to execute the contract between the City of Starkville and Mitchell, McNutt, and Sams as presented for Legal Services, the Board voted unanimously in favor of the motion.

**CITY OF STARKVILLE
CONTRACT FOR LEGAL SERVICES**

MITCHELL, McNUTT & SAMS, P.A.

September 23, 2011 - September 23, 2012

DESCRIPTION OF SERVICES: This firm, through Christopher J. Latimer, proposes to serve as general counsel to the Mayor and Board of Aldermen of the City of Starkville, which will include the following:

1. Provide legal counsel on administration of municipal government, the exercise of municipal authority and police power, the preparation of official actions of the Mayor and Board of Aldermen, review of minutes, and attendance at regular and special meetings of the Board of Aldermen and Starkville Planning and Zoning Commission.
2. Serve as litigation counsel for the protection of the municipality and its public officials against liability; representation in state and federal courts and before administrative boards and commissions.
3. Legal services and advice regarding labor and employment, municipal taxation and finance, purchasing and government contracts, and environmental regulations and other general and/or routine legal issues. Such services will be upon demand and provided only at the request of those persons authorized by the Mayor and Board of Aldermen.
4. Legal services and advice regarding the issuance of bonds and other debt instruments by the City.
5. Rates for legal services will be as follows:
 - \$115/hour for attorneys, capped at \$95,000 yearly for non-litigated matters¹ unless additional expenditures are expressly approved by the Starkville Board of Alderman.
 - \$55/hour for paralegals to be counted towards the cap.

¹ Litigated matters not covered through the City's insurance will be billed at \$115/hour outside the cap. Litigated matters covered by the City's insurance will be billed to the City at \$115/hour outside the cap up to the amount of the City's deductible. Then the City Attorney will bill the insurer directly at a negotiated rate.

- The City will not be charged for any time or expenses incurred for counsel's travel between Columbus and Starkville.

6. In addition to the fees listed above, fees for legal services as counsel for the issuer on bonds and other debt instruments will be at \$190/hour. This fee can include, among other things, drafting the opinion letter validating the legality of the bond and overseeing validation proceedings in Chancery Court. Out-of-pocket expenses, including cost of publication and filing fees, will be billed separately. All bond fees will be outside of the yearly cap.

7. If Christopher J. Latimer is delayed, for example, by involvement in depositions, trial, or out-of-state work or travel, from immediately addressing an urgent and necessitous task of the City of Starkville, Ronald L. Roberts or Richard H. Spann, of Mitchell McNutt & Sams may fill in on that task in Mr. Latimer's absence. Further, the Mayor and Board of Aldermen reserve the right to employ other counsel for any matter if such action is deemed to be in the best interest of the City of Starkville.

8. This proposal does not include legal services as municipal prosecutor, municipal public defender or municipal judge or services related to municipal court, as such services are performed by other independent counsel retained by the City.

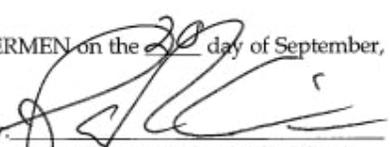
9. It is the goal of this firm to provide legal services to the City of Starkville for the next budget year within a predetermined level as established by the administration and the Board of Aldermen.

MITCHELL, McNUTT & SAMS, P.A.

By: 

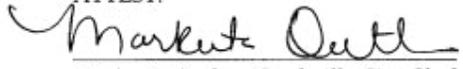
Christopher J. Latimer

APPROVED BY MAYOR AND BOARD OF ALDERMEN on the 29 day of September, 2011.

By: 

Parker Wiseman, Starkville Mayor

ATTEST:



Markeeta Outlaw, Starkville City Clerk

687833-1

19.

A MOTION TO RETURN TO OPEN SESSION

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Richard Sandra Sistrunk, the Board voted unanimously in favor of the motion to return to Open Session.

Mayor Parker Wiseman announced the motion made in executive session to execute the contract between the City of Starkville and Mitchell, McNutt, and Sams for legal services provided by their firm through Chris Latimer serving as the City of Starkville's City Attorney.

20.

A MOTION TO ADJOURN

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to adjourn the 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>Yea</u>

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

The next meeting of the Mayor and Board of Alderman will be October 4, 2011, at 5:30 p.m., said meeting will be in the Courtroom/Boardroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS.

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2011.

MARKEETA OUTLAW, CITY CLERK

PARKER WISEMAN, MAYOR

(SEALED)