

**CITY OF STARKVILLE, MISSISSIPPI MINUTE BOOK 39**

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

The City of Starkville, Mississippi  
January 2, 2007

Be it remembered that the Mayor and Board of Aldermen met in a Regular Meeting on January 2, 2007 at 5:30 p.m. in the Courtroom of City Hall. There being present were Mayor Robert D. Camp, Aldermen Sumner D. Davis, III, Ward 1, James 'Jim' Mills Ward 2, P. C. 'Mac' McLaurin, Jr., Ward 3, Richard Corey, Ward 4, Matt Cox, Ward 5, Roy A. Perkins, Ward 6 and Janette Self, Ward 7.

Attending the Mayor and Board was City Attorney Rodney P. Faver and Deputy City Clerk Tammy R. Tyndall.

**1. AN ORDER TO APPROVE A MOTION TO APPROVE THE OFFICIAL  
AGENDA OF THE JANUARY 2, 2007 BOARD MEETING.**

There came for consideration the matter of the approval of a motion to approve the Official Agenda of the January 2, 2007 regular meeting with revisions as follows:

**REMOVE: C. PERSONNEL**

~~\*\*\*\*\*1. REQUEST AUTHORIZATION TO PROMOTE FIREFIGHTERS MATT SCHOBEL, BRIAN ARNETT, AND LEE KELLUM TO SERGEANT GRADE 6, STEP 3 AT THE SALARY OF \$28,830.56 PER YEAR.~~

~~\*\*\*\*\*2. REQUEST AUTHORIZATION TO TEMPORARILY PROMOTE LIEUTENANT DOUG WARE TO ACTING CAPTAIN AT 10% SALARY INCREASE TO \$38,498.76; LIEUTENANT RICKY WILLIAMS TO ACTING CAPTAIN AT A 10% SALARY INCREASE TO \$37,599.08; SERGEANT TONY CLAYBORN TO ACTING LIEUTENANT AT A 10% SALARY INCREASE TO \$35,962.50; SERGEANT JEROME CLARK TO ACTING LIEUTENANT AT A 10% SALARY INCREASE TO \$36,138.40; FIREFIGHTER ARTHUR LOGAN TO ACTING SERGEANT TO A 10% SALARY INCREASE TO \$32,135.33; AND FIREFIGHTER BOBBY ROBINSON TO ACTING SERGEANT AT A 10% SALARY INCREASE TO \$31,375.26.~~

**MOVE TO A CONSENT AGENDA THE FOLLOWING ITEMS:**

**B. ELECTRIC DEPARTMENT**

1. REQUEST AUTHORIZATION TO SIGN THE "CERTIFICATE OF SUBSTANTIAL COMPLETION" FOR SOCCER FIELD LIGHTING PROJECT AT THE STARKVILLE SPORTSPLEX.
2. REQUEST APPROVAL TO SIGN CHANGE ORDER NO. 1 (FINAL) FOR "SPORTSPLEX SOCCER FIELD LIGHTING PROJECT".
3. REQUEST AUTHORIZATION TO PURCHASE 5,000 FEET OF UNDERGROUND PRIMARY CABLE FROM T & C SPECIALTY

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DISTRIBUTORS OF WAYNESBORO, MISSISSIPPI FOR \$10,475.00.

**REPLACE:**

**MAYOR'S BUSINESS:**

- A. RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF FIVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$5,900,000) ADOPTED ON THE 5TH DAY OF DECEMBER, 2006, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO WRITTEN PROTEST OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE ISSUANCE OF THE BONDS DESCRIBED IN SAID RESOLUTION HAS BEEN FILED BY THE QUALIFIED ELECTORS; AND AUTHORIZING THE ISSUANCE OF SAID BONDS.

**WITH:**

RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF FIVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$5,900,000) ADOPTED ON THE 5TH DAY OF DECEMBER, 2006, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT CERTAIN WRITTEN PETITIONS AGAINST THE ISSUANCE OF THE BONDS DESCRIBED IN SAID RESOLUTION WERE FILED WITH SAID GOVERNING BODY; AND DIRECTING THAT SAID PETITIONS BE TAKEN UNDER ADVISEMENT.

After discussion and upon the motion of Alderman P. C. McLaurin, Jr. duly seconded by Alderman Sumner D. Davis, III,

The Board voted unanimously to approve the Official Agenda of the January 2, 2007 regular meeting with the revisions enumerated above.

**2. AN ORDER TO APPROVE THE MINUTES OF THE REGULAR MEETING SEPTEMBER 5, 2006**

There came for consideration the matter of the approval of a motion to approve the Minutes of the Regular Meeting of September 5, 2006. After discussion and upon the motion of Alderman Matt Cox, duly seconded by Alderman Richard Corey,

The Board voted unanimously to approve the Minutes of the Regular Meeting of September 5, 2006.

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**3. AN ORDER TO APPROVE A MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF DECEMBER 19, 2006**

There came for consideration the matter of the approval of a motion to approve the Minutes of the Recess Meeting of December 19, 2006. After discussion and upon the motion of Alderman Matt Cox, duly seconded by Alderman Richard Corey

The Board voted unanimously to approve the Minutes of the Regular Meeting of December 19, 2006.

**CITIZEN COMMENTS:**

Mr. Alvin Turner, Ward 7 addressed the Mayor and Board relative to his concerns pertaining to requests to sign a petition opposing the construction of the proposed police facility. Mr. Turner stated for the record that the Alderman that approached him was not the Ward 7 Alderman.

**4. AN ORDER TO APPROVE A MOTION TO APPROVE THE REQUEST OF THE HERITAGE MUSEUM TO PROVIDE MONETARY AND IN- KIND SERVICES AS THE CITY'S CONTRIBUTION TO THE EXCELLENCE IN ENGAGEMENT GRANT**

There came for consideration them matter of the approval of the motion allowing the City to provide seven thousand five hundred dollars and zero cents (\$7,500.00) with an additional seven thousand five hundred and zero cents (\$7,500.00) of in-kind services as it's contribution to the Excellence in Engagement Grant for repairs and renovations to the Starkville Heritage Museum; and that the contribution is contingent upon review and approval by the City Attorney. After discussion and upon the motion by Alderman Richard Corey, duly seconded by Alderman P.C. McLaurin, Jr.,

The Board voted unanimously to approve the motion allowing the City to provide seven thousand five hundred dollars and zero cents (\$7,500.00) with an additional seven thousand five hundred and zero cents (\$7,500.00) of in-kind services as it's contribution to the Excellence in Engagement Grant for repairs and renovations to the Starkville Heritage Museum; and that the contribution is contingent upon review and approval by the City Attorney.

**PUBLIC HEARING:**

The Mayor and Board held a public hearing relative to the proposed Erosion Control Ordinance.

The Mayor and Board discussed at length the proposed Erosion Control Ordinance and invited comments from the citizenry. After discussion and having received one comment from Mr. Buddy Prisock relative to his support and suggestion on the proposed ordinance; the Mayor declared the public hearing.

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5. **AN ORDER TO APPROVE A MOTION TO ADOPT THE RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF FIVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$5,900,000); AND THAT CERTAIN WRITTEN PETITIONS AGAINST THE ISSUANCE OF THE BONDS DESCRIBED IN SAID RESOLUTION WERE FILED WITH SAID GOVERNING BODY; AND DIRECTING THAT SAID PETITIONS BE TAKEN UNDER ADVISEMENT WITH SAID RESOLUTION AS FOLLOWS:**

The hour of 5:30 o'clock P.M. on January 2, 2007, having passed, City Clerk further reported that written petitions purporting to have sufficient signatures of qualified electors against the issuance of said bonds had been filed with her on or before said time and date.

After a discussion of the subject, **Alderman Roy A.' Perkins** offered and moved the adoption of the following resolution:

RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF FIVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$5,900,000) ADOPTED ON THE 5TH DAY OF DECEMBER, 2006, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT CERTAIN WRITTEN PETITIONS AGAINST THE ISSUANCE OF THE BONDS DESCRIBED IN SAID RESOLUTION WERE FILED WITH SAID GOVERNING BODY; AND DIRECTING THAT SAID PETITIONS BE TAKEN UNDER ADVISEMENT.

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi (the "Governing Body") acting for and on behalf of the said City of Starkville, Mississippi (the Municipality"), hereby finds, determines, adjudicates and declares as follows:

1. Heretofore, on the 5th day of December 2006, the Governing Body adopted a certain resolution entitled "RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF FIVE MILLION NINE HUNDRED THOUSAND DOLLARS (\$5,900,000) TO RAISE MONEY FOR THE PURPOSE OF ERECTING A POLICE STATION AND OTHER MUNICIPAL BUILDINGS WITHIN THE CORPORATE LIMITS, AND PURCHASING BUILDINGS AND LAND THEREFORE, AND REPAIRING, IMPROVING, ADORNING AND EQUIPPING THE SAME OR EXISTING MUNICIPAL BUILDINGS; AND CONSTRUCTING, IMPROVING AND PAVING STREETS, SIDEWALKS AND PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFORE; AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION," wherein the Governing Body found, determined and adjudicated that it is necessary that bonds of the Municipality be issued in the amount, for the purpose and secured as aforesaid, declared its intention to issue said bonds, and fixed 5:30 o'clock P.M. on January 2, 2007, as the date and hour on which it proposed to direct the issuance of said bonds, on or prior to which date and hour any protest to be made against the issuance of such bonds was required to be filed.

2. As required by law and as directed by the aforesaid resolution, said resolution was published once a week for at least three (3) consecutive weeks in the Starkville Daily News, a

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newspaper published in and having a general circulation in the Municipality, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, the first publication having been made not less than twenty-one (21) days prior to January 2, 2007, and the last publication having been made not more than seven (7) days prior to such date, said notice having been published in said newspaper on December 12, December 19 and December 26, 2006, as evidenced by the publisher's affidavit heretofore presented and filed.

3. On or prior to the hour of 5:30 o'clock P.M., on January 2, 2007, certain written petitions purporting to contain the signatures of qualified electors of the Municipality requesting an election to be held on the question of the issuance of the bonds described in the aforesaid resolution had been filed or presented by qualified electors of the Municipality.

4. It would be in the best interests of the citizens of the Municipality if the Governing Body takes under consideration the sufficiency of the aforesaid petitions, copies of which petitions are on file with the City Clerk.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

SECTION 1. The Governing Body shall take under advisement the sufficiency of the aforesaid petitions requesting that an election be held on the question of the issuance of the general obligation bonds of the Governing Body in the maximum principal amount of Five Million Nine Hundred Thousand Dollars (\$5,900,000).

SECTION 2. The City Clerk shall request the assistance of the City Election Commission and Mr. Al Quinn, Computer Systems Manager in order to determine whether or not such petitions contain the required number of signatures with the requisite qualifications and whether the petitions are sufficiently and validly drawn. A report of the findings and recommendations of the Clerk and City Election Commission shall be presented to the Board at the January 16, 2007 board meeting;

SECTION 3. The Governing Body shall take further action on the question of the issuance of such bonds when the sufficiency of such petitions has been determined.

SECTION 4. That said verification process shall be open to the public and the verification process shall begin at 1:00 pm in the conference room of City Hall on Wednesday, January 3, 2007 and all other verification times shall be made available to the public.

**Alderman Jim Mills** seconded the motion to adopt the foregoing resolution and the question being put to a roll call vote, the result was as follows:

Alderman Richard Corey	voted: <u>YEA</u>
Alderman Matt Cox	voted: <u>YEA</u>
Alderman Sumner D. Davis, III	voted: <u>YEA</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>YEA</u>
Alderman James (Jim) Mills	voted: <u>YEA</u>
Alderman Roy 'A Perkins	voted: <u>YEA</u>
Alderman Janette Self	voted: <u>YEA</u>

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The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted, this the 2nd day of January, 2007.

**STATEMENT FOR THE RECORD:**

Alderman Jim Mills advised for the record that the petition validation process should proceed without impediments and those citizens with concerns should call him directly.

**7. AN ORDER TO APPROVE A MOTION TO ADOPT A RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF FIVE MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$5,375,000) TO RAISE MONEY FOR THE PURPOSE OF PURCHASING LAND FOR PARKS AND PUBLIC PLAYGROUNDS AS FOLLOWS:**

The Mayor and Board of Aldermen of the City of Starkville, Mississippi, took up for consideration the matter of issuing general obligation bonds of said Municipality in the maximum principal amount of Five Million Three Hundred Seventy-five Thousand Dollars (\$5,375,000). After a discussion of the subject, Alderman P.C. McLaurin, Jr. offered and moved the adoption of the following resolution:

RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF FIVE MILLION THREE HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$5,375,000) TO RAISE MONEY FOR THE PURPOSE OF PURCHASING LAND FOR PARKS AND PUBLIC PLAYGROUNDS AND IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF RECREATIONAL FACILITIES; PREPARING AND EQUIPPING ATHLETIC FIELDS AND PURCHASING AND CONSTRUCTING BUILDINGS AND PURCHASING LAND THEREFOR, AND REPAIRING, IMPROVING, ADORNING AND EQUIPPING THE SAME, AND DIRECTING PUBLICATION OF NOTICE OF SUCH INTENTION.

WHEREAS, the Mayor and Board of Aldermen of the City of Starkville, Mississippi (the "Governing Body"), acting for and on behalf of the said City of Starkville, Mississippi (the "Municipality"), hereby finds, determines, adjudicates and declares as follows:

1. It is necessary and in the public interest to issue general obligation bonds (the "Bonds") of the Municipality in the maximum principal amount of Five Million Three Hundred Seventy-five Thousand Dollars (\$5,375,000) to raise money for the purpose of purchasing land for parks and public playgrounds and improving, equipping and adorning the same, including the constructing, repairing and equipping of recreational facilities; preparing and equipping athletic

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fields and purchasing and constructing buildings and purchasing land therefor, and repairing, improving, adorning and equipping the same (the "Authorized Purpose").

2. The assessed value of all taxable property within the Municipality, according to the last completed assessment for taxation, is One Hundred Sixty-six Million Seven Hundred Seventy-six Thousand Seven Hundred Ninety-four Dollars (\$166,776,794); the Municipality has outstanding bonded indebtedness subject to the fifteen percent (15%) debt limit prescribed by Section 21-33-303, Mississippi Code of 1972, in the amount of Three Million Two Hundred Eighteen Thousand Seven Hundred Forty-seven Dollars (\$3,218,747), and outstanding bonded and floating indebtedness subject to the twenty percent (20%) debt limit prescribed by Section 21-33-303, Mississippi Code of 1972 (which amount includes the sum set forth above subject to the 15% debt limit), in the amount of Nine Million Five Hundred Eighty-three Thousand Seven Hundred Ninety-seven Dollars (\$9,583,797); the issuance of the Bonds hereinafter proposed to be issued, when added to the outstanding bonded indebtedness of the Municipality, will not result in bonded indebtedness, exclusive of indebtedness not subject to the aforesaid fifteen percent (15%) debt limit, of more than fifteen percent (15%) of the assessed value of taxable property within the Municipality, and will not result in indebtedness, both bonded and floating, exclusive of indebtedness not subject to the aforesaid twenty percent (20%) debt limit, in excess of twenty percent (20%) of the assessed value of taxable property within the Municipality and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the Municipality.

3. The Municipality reasonably expects that it will incur expenditures for the Authorized Purpose prior to the issuance of the Bonds, and that it should declare its official intent to reimburse such expenditures with the proceeds of the Bonds upon the issuance thereof.

4. The Municipality is authorized by Sections 21-33-301 through 21-33-329, Mississippi Code of 1972, to issue the Bonds hereinafter proposed to be issued for the purpose hereinafter set forth, for which purpose there are no other available funds on hand.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY AS FOLLOWS:

SECTION 1. The Governing Body hereby declares its intention to issue the Bonds in the maximum principal amount of Five Million Three Hundred Seventy-five Thousand Dollars (\$5,375,000) to raise money for the Authorized Purpose. Pursuant to Section 1.150-2 of the Treasury Regulations (the "Reimbursement Regulations"), the Governing Body hereby declares its official intent to reimburse expenditures made for the Authorized Purpose prior to the issuance of the Bonds with proceeds of the Bonds to the extent permitted by the Reimbursement Regulations. The Bonds will be general obligations of the Municipality payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a tax to be levied annually upon all the taxable property within the geographical limits of the Municipality, which tax, together with any other moneys available for such purpose, shall be sufficient to provide for the payment of the principal of and the interest on the Bonds according to the terms thereof.

SECTION 2. The Governing Body proposes to direct the issuance of the Bonds in the amount, for the purpose and secured as aforesaid at a meeting of the Governing Body to be held

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at its regular meeting place in the City Hall of the Municipality at 5:30 o'clock p.m. on January 2, 2007, or at some meeting held subsequent thereto. If ten percent (10%) of the qualified electors of the Municipality, or fifteen hundred (1,500), whichever is the lesser, shall file a written protest with the Clerk of the Municipality against the issuance of such Bonds on or before the aforesaid date and hour, then the Bonds shall not be issued unless authorized at an election on the question of the issuance of such Bonds to be called and held as provided by law. If no protest be filed, then such Bonds may be issued without an election on the question of the issuance thereof at any time within a period of two (2) years after the date above specified.

SECTION 3. This resolution shall be published once a week for at least three (3) consecutive weeks in the Starkville Daily News, Oktibbeha County, Mississippi, a newspaper published in and having a general circulation in the Municipality and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972. The first publication of this resolution shall be made not less than twenty-one (21) days prior to the date fixed herein for the issuance of the Bonds, and the last publication shall be made not more than seven (7) days prior to such date.

SECTION 4. The Clerk of the Municipality is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of the publication of this resolution and have the same before this Governing Body on the date and hour specified in Section 2 hereof.

**Alderman Richard Corey** seconded the motion to adopt the foregoing resolution, and the question being put to a roll call vote, the result was as follows:

Alderman Richard Corey	voted: <u>YEA</u>
Alderman Matt Cox	voted: <u>YEA</u>
Alderman Sumner D. Davis, III	voted: <u>YEA</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>YEA</u>
Alderman James "Jim" Mills	voted: <u>YEA</u>
Alderman Roy A' Perkins	voted: <u>NAY</u>
Alderman Janette Self	voted: <u>YEA</u>

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted this the **5th** day of **December, 2006.**

**8. AN ORDER TO APPROVE A MOTION TO ADOPT A RESOLUTION OF THE CITY OF STARKVILLE BOARD OF ALDERMEN COMMITTING RESOURCES TO MAINTAIN CAP LOAN IMPROVEMENTS AS FOLLOWS:**

**A RESOLUTION OF THE CITY OF STARKVILLE BOARD OF ALDERMEN COMMITTING RESOURCES TO MAINTAIN CAP LOAN IMPROVEMENTS THAT EXTEND FIRE PROTECTION WATER MAINS INTO PORTIONS OF THE ANNEXED AREAS IN THE CITY OF STARKVILLE**

**WHEREAS**, a Mississippi CAP Loan has made funding available for improvements to Extend Fire Protection Water Mains into Portions of the Annexed Areas in the City of Starkville; and

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**WHEREAS**, the City of Starkville, Mississippi has specific obligations to maintain the water system within the municipality; and

**WHEREAS**, the City of Starkville, Mississippi, utilizing the City's Maintenance Staff, intends to maintain the aforementioned water system on a perpetual basis as a part ,of the City of Starkville Infrastructure Plan; and;

**WHEREAS**, the City of Starkville, Mississippi has the financial ability to maintain the water improvements upon completion of this CAP Loan project;

**NOW, THEREFORE, BE IT RESOLVED**, by the City of Starkville, Mississippi Board of Aldermen that the City does hereby commit budgeted funds from the City of Starkville Water and Sewer Enterprise Fund of approximately \$2,500 per year (excluding inflation and depreciation) to be placed in a restricted account to be used as needed, realizing that failure to maintain the funded improvements will affect future funding from the Mississippi Development Authority CAP Loan;

**ADOPTED, THIS THE 2ND DAY OF JANUARY 2007**, by the Board of Aldermen of the City of Starkville in a regular meeting.

There came for consideration the matter of the approval of a motion to adopt a resolution of the City of Starkville Board of Aldermen committing resources to maintain CAP Loan improvements that extend fire protection water mains into portions of the annexed areas in the City of Starkville. After discussion and upon the motion of **Alderman P. C. McLaurin, Jr.**, with **Alderman Matt Cox** seconding the motion to adopt the foregoing resolution,

and the question being put to a roll call vote, the result was as follows:

Alderman Richard Corey	voted: <u>YEA</u>
Alderman Matt Cox	voted: <u>YEA</u>
Alderman Sumner D. Davis, III	voted: <u>YEA</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>YEA</u>
Alderman James "Jim" Mills	voted: <u>YEA</u>
Alderman Roy A' Perkins	voted: <u>NAY</u>
Alderman Janette Self	voted: <u>YEA</u>

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted this the **2nd** day of **January, 2007**

**9. AN ORDER TO APPROVE A MOTION TO ADOPT THE RESOLUTION DECLARING THE CITY'S INTENT TO MAKE APPLICATION TO THE MISSISSIPPI DEVELOPMENT AUTHORITY FOR ADDITIONAL FUNDS IN THE AMOUNT OF FIVE HUNDRED THOUSAND DOLLARS AS FOLLOWS:**

**CAP LOAN PROGRAM GOVERNMENT  
MUNICIPAL GOVERNMENT  
PUBLIC NOTICE**

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The Mayor and Board of Aldermen, acting for and on behalf of the City of Starkville, Mississippi (the "City") took up for consideration the matter of authorizing and approving a loan on behalf of the City from the Mississippi Development Authority ("the Department") for the purpose of completing capital improvements identified as:

Water Line Extensions for Fire Protection

**BE IT RESOLVED BY THE GOVERNING BODY OF THE MUNICIPALITY, AS FOLLOWS:**

Section 1. The Governing Body of the City does hereby declare its intention to enter into a loan agreement with the Department in the principal amount not to exceed Five Hundred Thousand Dollars (\$500,000) for the purpose of completing the capital improvements identified above.

Section 2. The Loan will be secured by a Note executed and delivered by the City to the Department. Failure of the City to meet its repayment obligations shall result in the forfeiture of sales tax allocation and/or homestead exemption reimbursement in an amount sufficient to repay obligations due until such time as the indebtedness has been discharged or arrangements to discharge such indebtedness satisfactory to the Department have been made.

Section 3. The Governing Body proposes to authorize and approve the Loan from the Department in the amount and for the aforesaid purposes at a meeting of the Governing Body to be held at the Starkville City Hall, in Starkville, Mississippi at five thirty p.m. on the 6th day of February 2007, or at some meeting held subsequent thereto. This date assigned to authorize and approve the aforementioned loan documents has been set to meet program requirements, which mandate that four public notices be issued prior to loan closing. This will allow sufficient time for public comments.

Published on: January 11, 2007, January 18, 2007, January 25, 2007 and February 01, 2007 in the Starkville Daily News.

After discussion and upon the motion of **Alderman P. C. McLaurin, Jr.**, with **Alderman Matt Cox** seconding the motion to adopt the foregoing resolution,

and the question being put to a roll call vote, the result was as follows:

Alderman Richard Corey	voted: <u>YEA</u>
Alderman Matt Cox	voted: <u>YEA</u>
Alderman Sumner D. Davis, III	voted: <u>YEA</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>YEA</u>
Alderman James "Jim" Mills	voted: <u>YEA</u>
Alderman Roy A' Perkins	voted: <u>NAY</u>
Alderman Janette Self	voted: <u>YEA</u>

The motion having received the affirmative vote of a majority of the members present, the Mayor declared the motion carried and the resolution adopted this the **2nd** day of **January**, **2007**

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**10. AN ORDER TO APPROVE A MOTION TO APPROVE THE CLAIMS DOCKET AS OF DECEMBER 28, 2006 UPON THE RECOMMENDATION OF THE CITY CLERK**

There came for approval the matter of the approval of a motion to approve the Claims Docket as of December 28, 2006 upon the recommendation of the City Clerk. After discussion and upon the motion of Alderman Matt Cox duly seconded by Alderman Richard Corey,

The motion was put to a vote with the results as follows:

Alderman Sumner D. Davis, III	Voted:	YEA
Alderman Jim Mills	Voted:	YEA
Alderman P.C. McLaurin, Jr.	Voted:	NAY
Alderman Richard Corey	Voted:	YEA
Alderman Matt Cox	Voted:	NAY
Alderman Roy A'. Perkins	Voted:	YEA
Alderman Janette Self	Voted:	YEA

Whereupon the Mayor declared, the motion passed, approved and adopted.

**11. AN ORDER TO APPROVE A MOTION TO ACCEPT THE REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING NOVEMBER 30, 2006 IN ACCORDANCE WITH § 21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.**

There came for approval the matter of the approval of a motion to approve the report of the receipts and expenditures for the period ending November 30, 2006 in accordance with § 21-35-13 upon the recommendation of the City Clerk. After discussion and upon the motion of Alderman Richard Corey duly seconded by Alderman Sumner D. Davis, III,

The Board voted unanimously to approve a motion to approve the report of the receipts and expenditures for the period ending November 30, 2006 in accordance with § 21-35-13 upon the recommendation of the City Clerk.

**12. AN ORDER TO APPROVE A MOTION TO APPROVE THE CONSENT AGENDA**

There came for consideration the matter of the approval of a motion to approve the consent agenda items as follows:

**B. ELECTRIC DEPARTMENT**

1. REQUEST AUTHORIZATION TO SIGN THE "CERTIFICATE OF SUBSTANTIAL COMPLETION" FOR SOCCER FIELD LIGHTING PROJECT AT THE STARKVILLE SPORTSPLEX.
2. REQUEST APPROVAL TO SIGN( Mayor authorized) CHANGE ORDER NO. 1 (FINAL) FOR "SPORTSPLEX SOCCER FIELD LIGHTING PROJECT".
3. REQUEST AUTHORIZATION TO PURCHASE 5,000 FEET OF UNDERGROUND PRIMARY CABLE FROM T & C SPECIALTY

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DISTRIBUTORS OF WAYNESBORO, MISSISSIPPI FOR \$10,475.00.

After discussion and upon the motion of Alderman P.C. McLaurin, Jr., duly seconded by Alderman Richard Corey,

The Board voted unanimously to approve the motion to approve the foregoing consent agenda.

**13. AN ORDER TO APPROVE A MOTION TO RETAIN COOK, COGGIN ENGINEERS, INC. FOR ENGINEERING SERVICES RELATED TO THE OF FIRE PROTECTION MAINS TO THE 1998 ANNEXED AREAS FOR THE CALENDAR YEAR OF 2007**

There came for consideration the matter of the approval of the motion to retain Cook Coggin Engineers for miscellaneous engineering; and that the agreement and rates for services are as follows

**AGREEMENT FOR MISCELLANEOUS ENGINEERING SERVICES**

This Agreement, made this the 2<sup>nd</sup> day of January, 2007, by and between The City of Starkville, hereinafter called the Owner and Cook Coggin Engineers, Inc., a Mississippi corporation, hereinafter called the Engineers. The Owner has retained the Engineers who agree to perform the miscellaneous professional engineering services as directed by the Owner.

WITNESSETH:

That for and consideration of the mutual covenants and promises between the parties hereto, it is hereby agreed:

- 1.The Engineers shall furnish all materials, supplies, equipment, and labor necessary for the required professional services.
- 2.The professional services required shall be performed by the Engineers or under their supervision and the personnel engaged in the work shall be qualified and authorized or permitted under State and local law to perform such services.
- 3.The Owner shall compensate the Engineers a fee based on the attached Engineering Service Fee Schedule. The Engineers will render the Owner an itemized statement for services performed.
- 4.Either the Owner or the Engineers may terminate the Agreement at any time with or without cause upon giving the other party 30-calendar day prior written notice.
- 6.The Engineers have not offered any fiduciary service to the Owner and no fiduciary responsibility shall be owed to the Owner by the Engineers or any of the Engineer's consultants as a consequence of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this agreement in duplicate each of which shall be deemed an original on the date first above written.

OWNER: City of Starkville

**COOK COGGIN ENGINEERS, INC.  
ENGINEERING SERVICES FEE SCHEDULE**

<b>Classification</b>	<b>Charge</b>
Principal Engineer	\$130.00 per hour
Senior Professional Engineer	\$100.00 per hour
Professional Engineer	\$80.00 per hour
Engineer Inter	\$70.00 per hour
Senior Designer	\$65.00 per hour
Designer	\$60.00 per hour
CADD (Operator)	\$55.00 per hour
Construction Administrator	\$60.00 per hour
Senior Engineers' Representative	\$50.00 per hour
Engineers' Representative	\$40.00 per hour
Clerical	\$45.00 per hour
Lab Technician, Sr.	\$55.00 per hour
Lab Technician	\$40.00 per hour
Survey Crew	\$95.00 per hour

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Boring Rig w/Crew	\$115.00 per hour
Mileage	\$ 0.40 per mile
Tank Climbing	\$125.00 per each
Actual cost of special tests and services of special consultants plus 15%.	
Miscellaneous Engineering Services	

After discussion an upon the motion of Alderman P.C. McLaurin, Jr., duly seconded by Alderman Sumner D. Davis, III,

The Board voted unanimously to approve a motion to retain Cook Coggin Engineers for miscellaneous engineering services and that the City agrees to the foregoing fee for services and agreement.

**14. AN ORDER TO APPROVE A MOTION TO MOVE INTO CLOSED SESSION FOR THE PURPOSE OF THE DISCUSSION OF THE NEED TO MOVE INTO EXECUTIVE SESSION**

There came for consideration the matter of the approval of a motion to move into Closed Session for the purposes of the discussion of the need to move into Executive Session. After discussion and upon the motion of Alderman Roy A. Perkins, duly seconded by Alderman Matt Cox,

The Board voted unanimously to approve a motion to move into Closed Session for the purposes of the discussion of the need to move into Executive Session .

**15. AN ORDER TO APPROVE A MOTION TO MOVE OUT OF CLOSED SESSION FOR THE PURPOSES OF MOVING INTO EXECUTIVE SESSION AFTER DETERMINING A NEED AND PURPOSE FOR THE DISCUSSION OF:**

- **PERSONNEL**

There came for consideration of the matter of the approval of a motion to move out of Closed Session for the purposes of moving into Executive Session after establishing a need to discuss a personnel matter. After discussion and upon the motion of Alderman Roy A. Perkins, duly seconded by Alderman Matt Cox,

The Board voted unanimously to approve a motion to move out of Closed Session for the purposes of moving into Executive Session after establishing a need,

**16. AN ORDER TO APPROVE A MOTION TO MOVE OUT OF EXECUTIVE SESSION**

There came for consideration the matter of the approval of a motion to move out of Executive Session. After discussion and upon the motion of Alderman Roy A.' Perkins, duly seconded by Alderman Sumner D. Davis, III,

The Board voted unanimously to move out of Executive Session.

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**17. AN ORDER TO APPROVE A MOTION TO ADOPT ORDINANCE 2007-1  
AMENDING ORDINANCE 2003-1 AS FOLLOWS:**

There came for consideration the matter of the approval of a motion to adopt Ordinance 2007-1 amending Ordinance 2003-1 as follows:

**ORDINANCE NUMBER 2007-1**

**AN ORDINANCE ABOLISHING THE POSITION OF CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF STARKVILLE, MISSISSIPPI ESTABLISHING THE POSITION OF ASSISTANT TO THE MAYOR/SPECIAL PROJECTS OFFICER, AND FOR RELATED PURPOSES**

WHEREAS, on February 3, 2003, the Mayor and Board of Aldermen adopted Ordinance Number 2003-1 establishing the position of Chief Administrative Officer for The City of Starkville, Mississippi, pursuant to the requirements of Mississippi Code of J 972, §21-3-25.

WHEREAS, after experience with said Chief Administrative Officer position, the Mayor and Board of Aldermen feel that the interests of the City will be best served by the abolition of said Chief Administrative Officer position and the creation of the position of Assistant to the Mayor/Special Projects Officer to assist the Mayor in superintending the officers and affairs of the municipality and seeing that the laws and ordinances are executed and assisting the Mayor and Board of Aldermen with certain assigned special projects.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF STARKVILLE, MISSISSIPPI, AS FOLLOWS:

Section 1. The position of Chief Administrative Officer created by Ordinance Number 2003-1 is hereby abolished.

Section 2. The position of Assistant to the Mayor/Special Projects Officer is hereby created. The Assistant to the Mayor/Special Projects Officer shall be a full time employee of the municipality and shall serve at the discretion of the mayor and board of aldermen.

Section 3. The individual holding said Assistant to the Mayor/Special Projects Officer position shall receive such compensation as the mayor and board of aldermen may determine, and shall be chosen solely on the basis of experience and qualifications. The Assistant to the Mayor/Special Projects Officer may hold one (1) or more appointive positions in the municipality. No person elected to the board of aldermen shall be eligible for the position of Assistant to the Mayor/Special projects Officer during the term for which such person was elected.

Section 4. Said Assistant to the Mayor/Special Projects Officer shall have those duties and functions as shall be assigned to him/her by the Mayor and Board of Aldermen of said City. Said Assistant to the Mayor/Special Projects Officer shall have no policymaking role in the conduct of the affairs of the municipality and shall not direct or supervise the department heads (or those

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individuals within the municipal service considered to have department head status). The Board of Aldermen expects the Mayor to conduct all department head meetings/staff meetings; the Assistant to the Mayor/Special Projects Officer shall not conduct department head meetings/staff meetings.

Section 5. City department heads (or those individuals within the municipal service considered to have department head status) shall report directly to the Mayor and the Board of Aldermen and shall be superintended on a daily basis by the Mayor.

Section 6. The current employee in the position of Chief Administrative Officer shall be designated as the Assistant to the Mayor/Special Projects Officer.

Section 7. This ordinance shall be in force and effect from and after its passage as provided by Law.

Section 8. Any ordinance of the City of Starkville, or any portion thereof, which is in conflict with the provisions of the foregoing ordinance, is hereby repealed only as to those provisions in conflict herewith.

Section 9. Should any section or clause of this ordinance be invalidated by operation of the legal process, all remaining sections and clauses not so invalidated shall remain in full force and effect.

The above ordinance, having first been reduced to writing and read and considered at a public meeting of the mayor and board of aldermen of the City of Starkville, Mississippi, there being a quorum of said mayor and board then and there present.

Upon the motion of **Alderman Jim Mills**, duly seconded by **Alderman Roy A.' Perkins**, that said ordinance be adopted, a roll call vote was taken which resulted as follows:

Alderman Sumner D. Davis	voted: NAY
Alderman Jim Mills	voted: YEA
Alderman P .C. McLaurin, Jr.	voted: YEA
Alderman Richard Corey	voted: NAY
Alderman Matt Cox	voted: YEA
Alderman Roy A. Perkins	voted: YEA
Alderman Janette Self	voted: NAY

The motion having received a majority vote of the board of aldermen, the mayor declared the ordinance passed, approved, and adopted on this the **2nd** day of January, **2007**;

**18. AN ORDER TO APPROVE A MOTION TO AMEND THE MOTION AMENDING ORDINANCE 2003-1 WITH ORDINANCE 2007-1**

There came for consideration the matter of the approval of a motion to amend the motion amending Ordinance 2003-1 with Ordinance 2007-1 as follows:

**ORDINANCE NUMBER 2007-1**

**AN ORDINANCE CLARIFYING THE POSITION OF CHIEF ADMINISTRATIVE OFFICER FOR THE CITY OF STARKVILLE, MISSISSIPPI**

WHEREAS, on February 3, 2003, the Mayor and Board of Aldermen adopted Ordinance Number 2003-1 establishing the position of Chief Administrative Officer for The City of Starkville, Mississippi, pursuant to the requirements of Mississippi Code of J 972, §21-3-25.

WHEREAS, after experience with said Chief Administrative Officer position, the Mayor and Board of Aldermen feel that the interests of the City will be best served by the clarification of said Chief Administrative Officer position.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF STARKVILLE, MISSISSIPPI, AS FOLLOWS:

Section 1. Said Chief Administrative Officer (CAO) shall have those duties and functions as shall be assigned to him/her by the Mayor and Board of Aldermen of said City. Said CAO shall have no policymaking role in the conduct of the affairs of the municipality and shall not direct or supervise the department heads (or those individuals within the municipal service considered to have department head status).

Section 2. City department heads (or those individuals within the municipal service considered to have department head status) shall report directly to the Mayor and the Board of Aldermen and shall be superintended on a daily basis by the Mayor.

Section 3. This ordinance shall be in force and effect from and after its passage as provided by Law.

Section 4. Any ordinance of the City of Starkville, or any portion thereof, which is in conflict with the provisions of the foregoing ordinance, is hereby repealed only as to those provisions in conflict herewith.

Section 5. Should any section or clause of this ordinance be invalidated by operation of the legal process, all remaining sections and clauses not so invalidated shall remain in full force and effect.

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The above ordinance, having first been reduced to writing and read and considered at a public meeting of the mayor and board of aldermen of the City of Starkville, Mississippi, there being a quorum of said mayor and board then and there present.

Upon the motion of **Alderman Sumner D. Davis, III** duly seconded by **Alderman Janette Self**, that said ordinance be adopted, a roll call vote was taken which resulted as follows:

Alderman Sumner D. Davis	voted: YEA
Alderman Jim Mills	voted: NAY
Alderman P .C. McLaurin, Jr.	voted: NAY
Alderman Richard Corey	voted: YEA
Alderman Matt Cox	voted: NAY
Alderman Roy A. Perkins	voted: NAY
Alderman Janette Self	voted: YEA

The motion having not received a majority vote of the board of aldermen, the mayor declared that the motion to amend the motion amending **Ordinance 2003-1** with **2007-1** failed on this the 2nd day of January, 2007';

**A MOTION TO ADJOURN UNTIL 5: 30 PM ON TUESDAY DECEMBER 5, 2006**

Alderman Richard Corey moved that the Board of Aldermen adjourn until 5:30 p.m. on Tuesday December 5, 2006 Alderman P.C. McLaurin, Jr., seconded, and the motion was unanimously approved.

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ROBERT D. CAMP, MAYOR

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TAMMY R. TYNDALL,  
DEPUTY CITY CLERK

SIGNED AND SEALED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2006.