

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

The City of Starkville, Mississippi
February 17, 2009

Be it remembered that the Mayor and Board of Aldermen met in a Recess Meeting on
February 17, 2009 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, Rodney Lincoln Ward 2, P. C. 'Mac' McLaurin, Jr., Richard Corey, Ward 4, Matt Cox, Ward 5, Roy A.' Perkins, Ward 6, and Janette Self, Ward 7, Attending the Mayor and Board were Deputy City Clerk Tammy R. Tyndall and City Attorney Rodney P. Faver.

1. AN ORDER APPROVING THE OFFICIAL AGENDA OF THE FEBRUARY 17, 2009 BOARD MEETING WITH AMENDMENTS AS FOLLOWS:

OFFICIAL AGENDA
THE MAYOR AND BOARD OF ALDERMEN
OF THE
CITY OF STARKVILLE, MISSISSIPPI
RECESS MEETING OF TUESDAY, FEBRUARY 17, 2009
5:30 P.M., COURT ROOM, CITY HALL
101 EAST LAMPKIN STREET

I. CALL THE MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

III. APPROVAL OF THE OFFICIAL AGENDA

IV. APPROVAL OF BOARD OF ALDERMEN MINUTES

- A. REQUEST APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN HELD ON JANUARY 6, 2009.

V. ANNOUNCEMENTS AND COMMENTS BY THE MAYOR AND BOARD OF ALDERMEN

- A. CONGRATULATIONS TO BAILEY HOWELL, FORMER MSU BULLDOG AND NBA BASKETBALL STAR AND MEMBER OF THE BASKETBALL HALL OF FAME, WHO IS THE FIRST MSU BASKETBALL PLAYER TO HAVE HIS JERSEY, #52, RETIRED.

VI. CITIZEN COMMENTS

Moved up to this position on the agenda:

- F. CONSIDERATION OF MAKING AN APPOINTMENT TO THE BOARD OF TRUSTEES OF THE STARKVILLE INDEPENDENT SCHOOL DISTRICT

VII. PUBLIC APPEARANCES

- A. PRESENTATION BY MELISSA DIXON OF THE STARKVILLE DOWNTOWN BUSINESS ASSOCIATION REQUESTING ACCEPTANCE OF THE MAIN STREET CLOCK BY THE CITY OF STARKVILLE AND PARTICIPATION BY THE CITY OF STARKVILLE IN

PLACING BIKE RACKS AROUND DOWNTOWN.

- B. PRESENTATION BY CANDY CRECINK OF THE STARKVILLE AREA ARTS COUNCIL REQUESTING SUPPORT FOR THE ANNUAL COTTON DISTRICT ARTS FESTIVAL TO BE HELD ON APRIL 18, 2009.

VIII. PUBLIC HEARING

THERE ARE NO PUBLIC HEARINGS SCHEDULED

IX. MAYOR'S BUSINESS

- 1. CONSIDERATION OF APPOINTING A STANDING SIDEWALK COMMITTEE FOR THE PURPOSE OF MAKING RECOMMENDATIONS FOR A PROPOSED SIDEWALK ORDINANCE AND AS AN OVERSIGHT BODY FOR REGULAR SIDEWALK IMPROVEMENT PROJECTS.
- 2. CONSIDERATION OF ACCEPTING THE MAIN STREET CLOCK AS AN ASSET OF THE CITY OF STARKVILLE AND FOR PARTICIPATING WITH THE DOWNTOWN IN THE PLACEMENT AND INSTALLATION OF BIKE RACKS AROUND THE DOWNTOWN AREA.

X. BOARD BUSINESS

- A. CONSIDERATION OF 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 THREE MILLION DOLLARS (\$3,000,000) ADOPTED ON THE 20TH DAY OF JANUARY, 2009, 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.
- B. CONSIDERATION OF APPROVING THE LETTER OF ENGAGEMENT WITH WATKINS, LUDLAM, WINTER & STENNIS, P.A. FOR THE PURPOSE OF ACTING AS BOND COUNSEL FOR THE ISSUANCE OF THREE MILLION DOLLARS (\$3,000,000) OF BONDS FOR STREET IMPROVEMENTS. AND ASSOCIATED MATTERS AS OUTLINED IN THE BOND RESOLUTION.
- C. CONSIDERATION OF A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2009, OF THE CITY OF STARKVILLE, MISSISSIPPI, IN THE PRINCIPAL AMOUNT OF THREE MILLION DOLLARS (\$3,000,000) TO RAISE MONEY FOR THE PURPOSE OF CONSTRUCTING, IMPROVING AND PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS AND PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR, AND CONSTRUCTING BRIDGES AND CULVERTS, BUT SPECIFICALLY NOT FOR THE PURPOSE OF CONSTRUCTING MUNICIPAL BUILDINGS, OR THE PURCHASING OF LAND THEREFOR; PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT THEREOF; PROVIDING FOR THE SALE OF SAID BONDS; MAKING PROVISION FOR MAINTAINING THE TAX-EXEMPT STATUS OF THE BONDS; AUTHORIZING BOND INSURANCE POLICY; AND FOR RELATED PURPOSES.
- D. CONSIDERATION OF THE FINALIZATION OF THE 2008-2009 FISCAL YEAR CAPITAL IMPROVEMENT PROJECTS FOR THE STREET IMPROVEMENT PROGRAM.
- E. CONSIDERATION OF THE FINALIZATION OF THE 2008-2009 FISCAL YEAR CAPITAL IMPROVEMENT PROJECT PLAN FOR THE DRAINAGE IMPROVEMENT PROGRAM.

ITEM F. MOVED UP ON THE AGENDA:

- G. CONSIDERATION OF AUTHORIZING THE COTTON DISTRICT ARTS FESTIVAL EVENT REQUEST FOR STREET CLOSURES AND IN-KIND CITY SERVICES.
- H. REPORT FROM THE INFRASTRUCTURE COMMITTEE
- I. REPORT FROM THE TECHNOLOGY COMMITTEE
- J. REPORT FROM THE BUDGET COMMITTEE CHAIRMAN

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 AS OF FEBRUARY 12, 2009.
- 2. REQUEST AUTHORIZATION FOR TRAVEL TO MERIDIAN, MS TO ATTEND MISSISSIPPI MUNICIPAL CLERKS AND COLLECTORS 2009 SPRING CONFERENCE MARCH 11 – 13, 2009, WITH \$469.97.00 ADVANCE TRAVEL EXPENSE AUTHORIZED FOR CITY CLERK, MARKEETA OUTLAW.

D. COURTS

- 1. REQUEST AUTHORIZATION FOR COURT CLERK DEBRA WOOD TO ATTEND THE MUNICIPAL COURT CLERK TRAINING SEMINAR FOR SIX (6) HOURS OF MANDATORY TRAINING FROM MARCH 5-6, 2009, HELD IN TUNICA, MS.

E. ELECTRIC DEPARTMENT

- 1. REQUEST AUTHORIZATION TO PURCHASE WIRELESS CAMERA FROM TEMPLE, INC. OF DECATUR ALABAMA FOR A TOTAL UNIT COST OF \$6,814.00.

F. ENGINEERING AND STREETS

- 1. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2008-2009 STREET AND DRAINAGE IMPROVEMENT PROJECTS.

TABLED UNTIL A FUTURE DATE

- ~~2. REQUEST AUTHORIZATION FOR THE MAYOR TO SIGN THE LYNN LANE DESIGN SERVICES CONTRACT ADDENDUM EXTENDING THE CONTRACT WITH NEEL SCHAFFER FROM 12-31-2008 THROUGH 12-31-2009.~~
- 3. REQUEST EDUCATIONAL LEAVE FOR EDWARD KEMP FROM MARCH 23 – 27, 2009, TO ATTEND THE MANAGING FLOODPLAIN THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM COURSE IN EMMITSBURG, MD, AT A COST TO THE CITY OF \$214.75 WITH ADVANCE TRAVEL REQUESTED.

G. FIRE DEPARTMENT

1. REQUEST EDUCATIONAL LEAVE FOR KRIS MCCARTER AND COLEMAN NORMAN TO TRAVEL TO PEARL, MS, TO ATTEND THE AIRPORT FF CLASS AT THE MISSISSIPPI STATE FIRE ACADEMY FOR A TOTAL COST OF \$1,560.00.

H. PERSONNEL

1. PRESENTATION OF A PROPOSED HIRING POLICY FOR CITY PERSONNEL
2. REQUEST AUTHORIZATION TO CLASSIFY KAYLA GILMORE AS A TEMPORARY STATUS EMPLOYEE WITH FULL BENEFITS.
3. REQUEST AUTHORIZATION TO ADVERTISE TO FILL VACANT GROUNDMAN POSITION IN THE ELECTRIC OPERATIONS DEPARTMENT.
4. REQUEST AUTHORIZATION TO ADVERTISE FOR AN OPERATOR IN PUBLIC WORKS/DRINKING WATER DIVISION.

I. POLICE DEPARTMENT

1. REQUEST AUTHORIZATION TO PURCHASE WIRELESS CAMERA FROM TEMPLE, INC. OF DECATUR ALABAMA FOR A TOTAL UNIT COST OF \$6,814.00 AS A COMPANION PURCHASE WITH THE ELECTRIC DEPARTMENT.
2. PRESENTATION ON THE ANNUAL TRAFFIC SAFETY REPORT IN ACCORDANCE WITH THE STARKVILLE CODE § 106-40.
3. REQUEST AUTHORIZATION TO ALLOW ANIMAL CONTROL OFFICER SARA HANKINS EDUCATIONAL LEAVE TO ATTEND A NACA LEVEL III, NATIONAL ANIMAL CONTROL ASSOCIATION TRAINING ACADEMY PROGRAM IN KANSAS CITY, MISSOURI ON APRIL 20 – 24, 2009, FOR A TOTAL COST OF \$1,936.80 WITH ADVANCE TRAVEL REQUESTED.

J. PUBLIC SERVICES

1. REQUEST APPROVAL OF UTILIZING STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, TO REPLACE WATER PIPING ALONG MONTGOMERY STREET BETWEEN HIGHWAY 12 AND GILLESPIE STREET IN THE AMOUNT OF \$17,030.20.
2. REQUEST APPROVAL OF PURCHASING PIPE, VALVES AND FITTINGS FOR THE MONTGOMERY STREET PIPE REPLACEMENT PROJECT FROM EMPIRE PIPE, THE SUBMITTER OF THE LOWEST QUOTE, IN THE AMOUNT OF \$10,116.50.
3. REQUEST APPROVAL TO UTILIZE DUKES ROOT CONTROL SERVICES, THE SOLE SOURCE OF SUPPLY BIDDER, TO TREAT 10,025 FEET OF MUNICIPAL SEWER MAINS IN THE AMOUNT OF \$17,244.00.
4. REQUEST APPROVAL FOR CHARLES BOX TO TRAVEL TO JACKSON, MS FOR THE MISSISSIPPI RURAL WATER ASSOCIATION ANNUAL CONFERENCE AND EXHIBITION FROM MARCH 23RD – MARCH 27TH AT AN ESTIMATED COST OF \$513.02.
5. REQUEST THE FINDING OF FACT NECESSARY TO AUTHORIZE THE EMERGENCY PURCHASE OF AN AERATOR GEARBOX FOR THE WASTEWATER TREATMENT PLANT FROM MOTION INDUSTRIES, SUBMITTER OF THE LOWEST QUOTE, IN THE AMOUNT OF \$12,167.00
6. REQUEST APPROVAL FOR GLENN MACHINE WORKS, SUBMITTER OF THE LOWEST QUOTE, TO REPLACE THE STEEL STRUCTURAL COMPONENTS ON

CLARIFIER #1 AT THE WASTEWATER TREATMENT PLANT AT A COST OF \$10,800.00.

K. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

XII. CLOSED DETERMINATION SESSION

XIII. EXECUTIVE SESSION

A. PENDING LITIGATION

B. LAND ACQUISITION

C. POTENTIAL LITIGATION

XIV. RECESS UNTIL MARCH 3, 2009 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

Consent:

C. OFFICE OF THE CITY CLERK

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There came for consideration the matter of the approval of the motion approving the Official Agenda of the February 17, 2009, Board meeting with the amendments enumerated above and the consent agenda items enumerated above, with all orders contained therein effectuated upon the approval of

said agenda(s). After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Richard Corey

The members of the Board present and voting moved unanimously to approve the Official Agenda of the February 17, 2009, board meeting with the amendments enumerated above, and the consent agenda items enumerated above with all orders therein, effectuated upon approval.

COMMENTS BY THE MAYOR AND BOARD

The Mayor congratulated Mr. Bailey Howell of the NBA, and former Mississippi State University Basketball Player on his basketball accomplishments and being the first MSU basketball player to have their jersey retired.

Additionally, the Mayor congratulated Ms. Jasmine Murray for her accomplishments and performance on the talent show American Idol.

The Mayor bid farewell to Mr. & Mrs. Schultz who are relocating to Kansas, where Mr. Schultz will be the new President of the University.

And lastly the Mayor acknowledged Mr. Jeremy Tabor for his recent award from the Home Builders Association.

2. AN ORDER APPROVING THE MINUTES OF THE REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN HELD ON JANUARY 6, 2009

There came for consideration the matter of the approval of the motion to approve the minutes of the regular meeting of January 6, 2009. After discussion and upon the motion of Alderman Rodney Lincoln, duly seconded by Alderman Richard Corey,

The members of the Board present and voting moved unanimous approval of the motion approve the minutes of the regular meeting of January 6, 2009.

CITIZENS COMMENTS

Mr. Alvin Turner, resident of Ward 7, addressed the Mayor and Board of Aldermen relative to his concerns relative to the Starkville Electric Department and traffic associated with the construction of the building. Additionally, he addressed the candidates for Ward 1, 4, 5 and 3, stating that it might be beneficial for those individuals to inform the constituent of who they are and what their platform is.

Mr Richard Mullenax, addressed the Mayor and Board to invite Mr. Bill Minor of MDOT to Starkville to view the condition of Highway 182.

Ms. Dorothy Isac addressed the Mayor et al relative to utilizing fund for the road projects that may be surplus, for the purpose of repairing Hospital Road and Reed Road.

3. AN ORDER TO APPOINTING TO THE BOARD OF TRUSTEES OF THE STARKVILLE INDEPENDENT SCHOOL DISTRICT, MR. EDDIE MYLES TO A SECOND TERM

There came for consideration the matter of the approval of the motion to re-appoint Mr. Eddie Myles to a second term of service as a member of the Board of Trustees for the Starkville Independent School District. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Roy A.' Perkins,

The members of the Board present and voting moved unanimous approval of the motion to re-appoint Mr. Eddie Myles to a second term of service as a member of the Board of Trustees for the Starkville Independent School District.

PUBLIC APPEARANCES

PRESENTATION BY MELISSA DIXON OF THE STARKVILLE DOWNTOWN BUSINESS ASSOCIATION REQUESTING ACCEPTANCE OF THE MAIN STREET CLOCK BY THE CITY OF STARKVILLE AND PARTICIPATION BY THE CITY OF STARKVILLE IN PLACING BIKE RACKS AROUND DOWNTOWN

4. AN ORDER APPROVING THE REQUEST OF OF THE STARKVILLE DOWNTOWN BUSINESS ASSOCIATION REQUESTING ACCEPTANCE OF THE MAIN STREET CLOCK BY THE CITY OF STARKVILLE AND PARTICIPATION BY THE CITY OF STARKVILLE IN PLACING BIKE RACKS AROUND DOWNTOWN

There came for consideration the matter of the approval of the motion to grant the request of Mrs. Melissa Dixon, representative of the Downtown Association, relative to the acceptance of the "downtown clock" located on Main Street, for perpetual care and maintenance. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Matt Cox,

The members of the Board present and voting moved unanimous approval of the motion to grant the request of Mrs. Melissa Dixon, representative of the Downtown Association, relative to the acceptance of the "downtown clock" located on Main Street, for perpetual care and maintenance.

5. AN ORDER TO ACCEPT AND MAINTAIN THE BIKE RACKS WITHIN THE CITY

There came for consideration the matter of the approval of the motion accepting of the location of the bike racks located within the City and that the City accepts them for perpetual care and maintenance. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Matt Cox,

The members of the Board present and voting moved unanimous approval of the motion accepting the location of the bike racks located within the City and that the City accepts them for perpetual care and maintenance.

6. AN ORDER APPROVING THE THE STARKVILLE AREA ARTS COUNCIL REQUESTING SUPPORT FOR THE ANNUAL COTTON DISTRICT ARTS FESTIVAL TO BE HELD ON APRIL 18, 2009

There came for consideration the matter of the approval of the motion granting closure of the appropriate streets at the times specified along with the requested City services, said streets are:

That,

The streets will be closed beginning April 19, 2008 from 5:00 a.m. to 4:00 p.m. which includes University Drive form the corner of South Nash Street to Camp Avenue (including Maxwell, Col. Muldrow) ending on the south side of University at Lumus.

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

The members of the Board present and voting moved unanimous approval of the motion to grant closure of the appropriate streets at the times specified along with the requested City services and streets are:

That,

The streets will be closed beginning April 19, 2008 from 5:00 a.m. to 4:00 p.m. which includes University Drive form the corner of South Nash Street to Camp Avenue (Maxwell, Col. Muldrow) ending on the south side of University at Lumus.

7. AN ORDER TO APPOINT A STANDING SIDEWALK COMMITTEE FOR THE PURPOSE OF MAKING RECOMMENDATIONS FOR A PROPOSED SIDEWALK ORDINANCE AND AS AN OVERSIGHT BODY FOR REGULAR SIDEWALK IMPROVEMENT PROJECTS

There came for consideration the matter of the approval of the motion to appoint a sidewalk committee for the purposes of the assistance with making recommendations for proposed sidewalk ordinances and as an oversight committee for regular sidewalk improvement projects. After discussion and upon the motion of Alderman Richard Corey, duly seconded by Alderman P.C. McLaurin Jr.,

The majority of the Board members present and voting moved unanimously to appoint a sidewalk committee for the purposes of the assistance with making recommendations for proposed sidewalk ordinances and as an oversight committee for regular sidewalk improvement projects.

8. AN ORDER AUTHORIZING 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 SIX MILLION DOLLARS (\$6,000,000) ADOPTED ON THE 20TH DAY OF JANUARY, 2009, 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

There came for consideration the matter of the approval of the motion to approve and adopt 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 six million dollars (\$6,000,000.00) adopted on the 20th day of January, 2009, 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 said resolution following. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Matt Cox,

The motion to approve and adopt 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 six million dollars (\$6,000,000.00) adopted on the 20th day of January, 2009, 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 said resolution following, was put to a vote with the results as follows:

Alderman Richard Corey	voted: <u>Aye</u>
Alderman Matt Cox	voted: <u>Aye</u>
Alderman Sumner D. Davis, III	voted: <u>Aye</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>Aye</u>
Alderman Rodney L. Lincoln	voted: <u>Nay</u>
Alderman Roy A' Perkins	voted: <u>Nay</u>
Alderman Janette Self	voted: <u>Aye</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.

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 20th day of January, 2009, 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 BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF SIX MILLION DOLLARS (\$6,000,000), WITH NOT MORE THAN THREE MILLION DOLLARS (\$3,000,000) OF SAID BONDS OF SAID MUNICIPALITY TO BE ISSUED BEFORE JULY 7, 2009, TO RAISE MONEY FOR THE PURPOSE OF CONSTRUCTING, IMPROVING AND PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS AND PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR, AND CONSTRUCTING BRIDGES AND CULVERTS, BUT SPECIFICALLY NOT FOR THE PURPOSE OF CONSTRUCTING MUNICIPAL BUILDINGS, OR THE PURCHASING OF LAND THEREFOR; 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 February 17, 2009, 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 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 February 17, 2009, 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 January 27, 2009, February 3, 2009 and February 10, 2009, as evidenced by the publisher's affidavit heretofore presented and filed and attached hereto as **Attachment A**.

3. On or prior to the hour of 5:30 o'clock p.m., on February 17, 2009, no written protest or other objection of any kind or character against the issuance of the bonds described in the aforesaid resolution had been filed or presented by qualified electors of the Municipality.

4. The Governing Body is now authorized and empowered by the provisions of Sections 21-33-301 to 21-33-329, Mississippi Code of 1972, to issue the hereinafter described bonds without an election on the question of the issuance thereof.

5. The amount of said bonds so proposed to be issued, when added to the outstanding indebtedness of the Municipality, will not exceed any constitutional or statutory limitation of indebtedness.

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

SECTION 1. General obligation bonds of the Municipality are hereby authorized to be issued in the maximum principal amount of Six Million Dollars (\$6,000,000) to raise money for the purpose of constructing, improving and paving streets, sidewalks, driveways, parkways, walkways and public parking facilities, and purchasing land therefor, and constructing bridges and culverts, but specifically not for the purpose of constructing municipal buildings, or the purchasing of land therefor. Such 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 direct and continuing tax to be levied annually without limitation as to rate or amount upon all the taxable property within the geographical limits of the Municipality. The Municipality will levy annually a direct and continuing tax upon all taxable property within the geographical limits of the Municipality, which tax, together with any other moneys available for such purpose, shall be adequate and sufficient to provide for the payment of the principal of and the interest on the Bonds as the same falls due.

SECTION 2. Said bonds shall be issued and offered for sale in accordance with the further orders and directions of this Governing Body. Not more than Three Million Dollars (\$3,000,000) of said bonds shall be issued prior to July 7, 2009.

Alderman P. C. (Mac) McLaurin, Jr. motioned and Alderman Matt Cox 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>Aye</u>
Alderman Matt Cox	voted: <u>Aye</u>
Alderman Sumner D. Davis, III	voted: <u>Aye</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>Aye</u>
Alderman Rodney L. Lincoln	voted: <u>Nay</u>
Alderman Roy A' Perkins	voted: <u>Nay</u>
Alderman Janette Self	voted: <u>Aye</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 17th day of February, 2009.

Robert D. Camp, Mayor

ATTEST:

Markeeta Outlaw, City Clerk

ATTACHMENT A

PROOF OF PUBLICATION

9. AN ORDER TO ADOPT AND INSERT INTO THE RESOLUTION THE TEN YEAR REPAYMENT SCHEDULE AND SET A RECESS MEETING

There came for consideration the matter of the approval of the motion to insert into the resolution the ten year repayment plan and that there is set a recess meeting for March 24, 2009 at 5: 30 p.m. for the receipt of bids from financial institutions. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Sumner D. Davis, III

The motion to insert into the resolution the ten year repayment plan and that there is set a recess meeting for March 24, 2009 at 5: 30 p.m. for the receipt of bids from financial institutions was put to a vote with the results as follows:

Alderman Richard Corey	voted: <u>Aye</u>
Alderman Matt Cox	voted: <u>Aye</u>
Alderman Sumner D. Davis, III	voted: <u>Aye</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>Aye</u>
Alderman Rodney L. Lincoln	voted: <u>Aye</u>
Alderman Roy A' Perkins	voted: <u>Aye</u>
Alderman Janette Self	voted: <u>Aye</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,

10. AN ORDER APPROVING AND ADOPTING A RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2009, OF THE CITY OF STARKVILLE, MISSISSIPPI, IN THE PRINCIPAL AMOUNT OF THREE MILLION DOLLARS (\$3,000,000) TO RAISE MONEY FOR THE PURPOSE OF CONSTRUCTING, IMPROVING AND PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS AND PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR, AND CONSTRUCTING BRIDGES AND CULVERTS, BUT SPECIFICALLY NOT FOR THE PURPOSE OF CONSTRUCTING MUNICIPAL BUILDINGS, OR THE PURCHASING OF LAND THEREFOR; PRESCRIBING THE FORM AND INCIDENTS OF SAID BONDS; PROVIDING FOR THE LEVY OF TAXES FOR THE PAYMENT THEREOF; PROVIDING FOR THE SALE OF SAID BONDS; MAKING PROVISION FOR MAINTAINING THE TAX-EXEMPT STATUS OF THE BONDS; AUTHORIZING BOND INSURANCE POLICY; AND FOR RELATED PURPOSES

There came for consideration the matter of the approval of the motion to approve and adopt a resolution authorizing and directing the issuance of general obligation public improvements bonds, series 2009, of the City of Starkville Mississippi, in the maximum principal amount of three million dollars (\$3,000,000.00) to raise money for the purpose of constructing bridges and culverts, but specifically not for the purpose of the constructing of municipal buildings, or the purchase of land therefor; prescribing the form and incidents of said bonds; providing for the sale of said bonds; making provision for maintaining tax-exempt status of the bonds; authorizing bond insurance policy;

and for related purposes and that; the ten year plan is reflected within said resolution and that March 24, 2009, is set for a recess meeting at 5:30 p.m. for receipt of bids from financial institutions with said resolution following. After discussion and upon the motion of Alderman P. C. McLaurin Jr., duly seconded by Alderman Matt Cox,

The motion to to approve and adopt a resolution authorizing and directing the issuance of general obligation public improvements bonds, series 2009, of the City of Starkville Mississippi, in the maximum principal amount of three million dollars (\$3,000,000.00) to raise money for the purpose of constructing bridges and culverts, but specifically not for the purpose of the constructing of municipal buildings, or the purchase of land therefor; prescribing the form and incidents of said bonds; providing for the sale of said bonds; making provision for maintaining tax-exempt status of the bonds; authorizing bond insurance policy; and for related purposes and that; the ten year plan is reflected within said resolution and that March 24 2009, is set for a recess meeting at 5:30 p.m. for receipt of bids from financial institutions with said resolution following, was put to a vote with the results as follows:

Alderman Richard Corey	voted: <u>Aye</u>
Alderman Matt Cox	voted: <u>Aye</u>
Alderman Sumner D. Davis, III	voted: <u>Aye</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>Aye</u>
Alderman Rodney L. Lincoln	voted: <u>Aye</u>
Alderman Roy A. Perkins	voted: <u>Aye</u>
Alderman Janette Self	voted: <u>Aye</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 which is as follows:

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

6. (a) Definitions. In addition to any words and terms elsewhere defined herein, the following words and terms shall have the following meanings, unless some other meaning is plainly intended:

"Act" shall mean Sections 21-33-301 through 21-33-329, Mississippi Code of 1972, as amended.

"Authorized Purpose" shall mean constructing, improving and paving streets, sidewalks, driveways, parkways, walkways and public parking facilities, and purchasing land therefor, and constructing bridges and culverts, but specifically not for the purpose of constructing municipal buildings, or the purchasing of land therefor.

"Bond" or "Bonds" shall mean the General Obligation Public Improvement Bonds, Series 2009, of the Municipality authorized and directed to be issued in this Bond Resolution.

"Bond Counsel" shall mean Watkins Ludlam Winter & Stennis, P.A., Jackson, Mississippi, or any other nationally recognized attorneys on the subject of municipal bonds.

"Bond Fund" shall mean the fund of the Municipality provided for in Section 13 hereof.

"Bond Insurance Policy" shall mean the municipal bond insurance policy issued by the Bond Insurer, if any, guaranteeing the scheduled payment of principal of and interest on the Bonds when due.

"Bond Insurer" shall mean a municipal bond insurance company, if any, guaranteeing the scheduled payment of principal of and interest on the Bonds when due.

"Bond Resolution" shall mean this resolution.

"Bondholder" or "Holder" shall mean the Registered Owner of any Bond issued pursuant to this Bond Resolution.

"Business Day" shall mean a day of the year on which banks located in the city in which the principal office of the Paying Agent is located are not required or authorized to remain closed.

"Clerk" shall mean the City Clerk of the Municipality.

"Code" shall mean the Internal Revenue Code of 1986, as amended, supplemented or superseded.

"Continuing Disclosure Certificate" shall mean the Continuing Disclosure Certificate to be executed by the Municipality and dated the date of issuance and delivery of the Bonds, as originally executed and as it may be amended from time to time in accordance with the terms thereof.

"DTC" shall mean The Depository Trust Company, New York, New York.

"Event of Default" shall mean an event of default as described in Section 18 of this Bond Resolution.

"Governing Body" shall mean the Mayor and Board of Aldermen of the Municipality.

"Improvement Fund" shall mean the Public Improvement Fund of the Municipality provided for in Section 14 hereof.

"Mayor" shall mean the Mayor of the Municipality.

"Municipality" shall mean the City of Starkville, Mississippi.

"Notice" shall mean the Notice of Bond Sale set out in Section 20 hereof.

"Participating Underwriter" shall have the meaning ascribed thereto in the Continuing Disclosure Certificate.

"Paying Agent" shall mean any bank, trust company or other institution designated, whether herein or hereafter, by the Governing Body to make payments of the principal of and interest on the Bonds, to serve as registrar and transfer agent for the registration of owners of the Bonds and for the performance of other duties as may be herein or hereafter specified by the Governing Body.

"Person" shall mean an individual, partnership, corporation, trust or unincorporated organization or government or any agency or political subdivision thereof.

"Purchaser" shall mean the successful bidder for the Bonds, to be hereafter designated by the Governing Body.

"Record Date" shall mean, as to interest payments, the fifteenth (15th) day of the month preceding the dates set for payment of interest on the Bonds and, as to payments of principal, the fifteenth (15th) day of the month preceding the date on which such principal shall be due and payable, whether at maturity or upon redemption prior to maturity.

"Record Date Registered Owner" shall mean the Registered Owner as of the Record Date.

"Registered Owner" shall mean the Person whose name shall appear in the registration records of the Municipality maintained by the Paying Agent.

"Representation Letter" shall mean the blanket representation letter to DTC pertaining to book-entry obligations of the Municipality.

"Subsection 148(f)" shall mean Subsection 148(f) of the Code.

"Subsection 148(f) Regulations" shall mean any regulations promulgated from time to time pursuant to Subsection 148(f).

(b) Number and Gender; Interpretation. Words of the masculine gender shall be deemed and construed to include correlative words of the feminine and neuter genders. Unless the context shall otherwise indicate, words and terms herein defined shall be equally applicable to the plural as well as the singular form of any of such words and terms.

7. Heretofore, on the 20th day of January, 2009, the Governing Body adopted a resolution entitled "RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MISSISSIPPI, TO ISSUE BONDS OF SAID MUNICIPALITY IN THE MAXIMUM PRINCIPAL AMOUNT OF SIX MILLION DOLLARS (\$6,000,000), WITH NOT MORE THAN THREE MILLION DOLLARS (\$3,000,000) OF SAID BONDS OF SAID MUNICIPALITY TO BE ISSUED BEFORE JULY 7, 2009, TO RAISE MONEY FOR THE PURPOSE OF CONSTRUCTING, IMPROVING AND PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS AND PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR, AND CONSTRUCTING BRIDGES AND CULVERTS, BUT SPECIFICALLY NOT FOR THE PURPOSE OF CONSTRUCTING MUNICIPAL BUILDINGS, OR THE PURCHASING OF LAND THEREFOR; 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 February 17, 2009, 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 protests to be made against the issuance of such bonds were required to be filed.

8. 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 newspaper published in and of general circulation in the Municipality, and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, the first (1st) publication having been made not less than twenty-one (21) days prior to February 17, 2009, 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 January 27, 2009, February 3, 2009 and February 10, 2009, as evidenced by the publisher's affidavit, attached hereto as **Attachment A**.

9. On or prior to the aforesaid hour and date set for the receipt of protests, no written protest or other objection of any kind or character against the issuance of the bonds described in the aforesaid resolution had been filed or presented by qualified electors of the Municipality, and no such protest or objection has been filed to this date.

10. The Governing Body is now authorized and empowered by the provisions of the Act to issue the bonds in the maximum principal amount of Six Million Dollars (\$6,000,000), with not more than Three Million Dollars (\$3,000,000) thereof to be issued prior to July 7, 2009, including without limitation the Bonds, without an election on the question of the issuance thereof and is authorized to issue bonds registered as to principal and interest in the form and manner hereinafter provided for by Sections 31-21-1 to 31-21-7, Mississippi Code of 1972.

11. The assessed value of all taxable property within the Municipality, according to the last completed assessment for taxation, is One Hundred Ninety Million Nine Hundred Sixty-three Thousand Nine Hundred Eighty-eight Dollars (\$190,963,988); 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 Six Million Two Hundred Seventy-one Thousand One Hundred Thirty-four Dollars (\$6,271,134), 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 Twenty-three Million Six Hundred Seventy-nine Thousand Seven Hundred Eighty-one Dollars (\$23,679,781); 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.

12. The Code provides that noncompliance with the provisions thereof may cause interest on obligations to become taxable retroactive to the initial date of issuance, and provides that the tax-exempt status of interest on obligations such as the Bonds is contingent on a number of future actions by the Municipality. It is necessary to make certain covenants pertaining to the exemption of the interest on the Bonds from federal income taxes since such exemption may depend, in part, upon continuing compliance by the Municipality with certain requirements of the Code.

13. The Bonds are not private activity bonds as such term is defined in Section 141 of the Code and the Governing Body does not reasonably anticipate that the Municipality or any other subordinate entities thereof will issue more than Ten Million Dollars (\$10,000,000) of tax-exempt obligations (other than private activity bonds) in this calendar year. It is necessary to designate the Bonds as qualified tax-exempt obligations within the meaning of Section 265(b)(3) of the Code.

14. The Municipality reasonably expects that not less than eighty-five percent (85%) of the spendable proceeds of the Bonds will be used to carry out the governmental purposes of the Bonds within a three-year period beginning on the date of issuance of the Bonds.

15. It is advisable and in the public interest to authorize the Mayor to arrange for bond insurance for the payment of principal and interest on the Bonds in the event that the Municipality may realize a savings in connection with the issuance of the Bonds. The Governing Body should authorize such bond insurance to be obtained and should authorize a commitment for bond insurance to be executed on behalf of the Municipality by such officers if same determine such bond insurance to be in the best interest of the Municipality.

16. It is advisable and in the public interest to authorize the Mayor to arrange for a bond rating for the Bonds in the event that said officer determines that obtaining any such rating is in the best interests of the Municipality. The Board should authorize the obtaining of such rating, the execution of any documents necessary or appropriate for such purpose and the commitment to pay the rating fee and usual costs pertaining

to any such rating by the Mayor if such officer determines any such rating to be in the best interest of the Municipality.

17. It is now necessary to direct the issuance of and offer for sale general obligation public improvement bonds in the principal amount of Three Million Dollars (\$3,000,000) out of the authorized amount of Six Million Dollars (\$6,000,000).

18. It has now become necessary to make provision for the preparation, execution, issuance and sale of the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE MUNICIPALITY, AS FOLLOWS:

SECTION 3. Bond Resolution as Contract. In consideration of the purchase and acceptance of any and all of the Bonds by the Registered Owners thereof, this Bond Resolution shall constitute a contract between the Municipality and the Registered Owners from time to time of the Bonds. The pledge made herein and the covenants and agreements herein set forth to be performed on behalf of the Municipality shall be for the equal benefit, protection and security of the Registered Owners of any and all of the Bonds, all of which, regardless of the time or times of their authentication and delivery or maturity, shall be of equal rank without preference, priority or distinction.

SECTION 4. Amount; Purpose. The Bonds are hereby authorized and ordered to be prepared and issued in the principal amount of Three Million Dollars (\$3,000,000) to raise money for the Authorized Purpose as authorized by the Act.

SECTION 5. (a) Payments. Payments of interest on the Bonds shall be made to the Record Date Registered Owner, and payments of principal shall be made upon presentation and surrender thereof at the principal office of the Paying Agent to the Record Date Registered Owner in lawful money of the United States of America. Interest shall be paid on the principal amount of each Bond from the date of such Bond or from the most recent interest payment date to which interest has been paid at the rate of interest per annum set forth therein.

(b) Bond Details. The Bonds shall be registered as to both principal and interest; shall be dated April 1, 2009; shall be issued in the denomination of Five Thousand Dollars (\$5,000) each, or integral multiples thereof up to the amount of a single maturity; shall be numbered from one (1) upward in the order of issuance; shall bear interest from the date thereof at the rate or rates specified by further order of the Governing Body, payable on October 1, 2009, and semiannually thereafter on April 1 and October 1 of each year; and shall mature and become due and payable, with option of prior payment, on April 1 in the years and in the principal amounts as follows:

<u>YEAR</u>	<u>AMOUNT</u>
2010	\$255,000
2011	265,000
2012	270,000
2013	280,000
2014	295,000
2015	305,000
2016	315,000
2017	325,000
2018	340,000

(c) Prior Redemption. Bonds maturing after April 1, 2015, are subject to redemption prior to their respective maturities at the election of the Municipality on and after April 1, 2015, either in whole or in part on any date, with the maturities and principal amounts thereof to be determined by the Municipality, at the principal amount thereof together with accrued interest to the date fixed for redemption. Notice of each such redemption shall be mailed, postage prepaid, not less than thirty (30) days prior to the redemption date, to all Registered Owners of the Bonds to be redeemed at their addresses as they appear on the registration books of the Municipality kept by the Paying Agent. If less than all of the outstanding Bonds of a maturity are to be redeemed, the particular Bonds to be redeemed shall be selected by the Paying Agent by lot or random selection in such manner as it shall deem fair and appropriate. The Paying Agent may provide for the selection of portions of the principal of the Bonds (in integral multiples of \$5,000), and for all purposes of this Bond Resolution, all provisions pertaining to the redemption of the Bonds shall relate, in the case of any Bond redeemed or to be redeemed only in part, to the portion of the principal of such Bond which has been or is to be redeemed.

SECTION 6. BOND INSURANCE AND RATING AUTHORIZED; COVENANTS. (a) The Mayor is hereby authorized to execute a commitment for bond insurance and to do such other things and take such other actions as may be necessary to obtain such insurance for the Bonds if such official determines that obtaining such insurance will result in the realization of greater savings in connection with the issuance of the Bonds. Such bond insurance may be obtained or not obtained within the discretion of such official.

(b) The provisions of the Bond Insurance Policy (if any) and the municipal bond insurance commitment pertaining thereto, together with any attachments and documents referenced therein, as long as the Bond Insurance Policy remains outstanding and the Bond Insurer has not failed to comply with its payment obligations thereunder and notwithstanding anything contained in this Bond Resolution to the contrary, shall govern and are made a part of this Bond Resolution as though set forth in full herein. In addition to all notices and reporting requirements specifically set forth herein, the Bond Insurer shall be provided with such additional information as the Bond Insurer may reasonably request from time to time.

(c) The Bonds are issued subject to certain requirements and covenants set forth in the Bond Resolution, including without limitation those requirements and covenants pertaining to bond insurance, if any, for the Bonds.

(d) The Mayor and/or Clerk are hereby authorized to obtain a bond rating or ratings with regard to the sale of the Series 2009 Bonds, and to execute such documents and to do such other things and take such other actions as may be necessary with regard thereto, if such officials determine that obtaining such rating or ratings will result in a net savings with regard to the sale of the Series 2009 Bonds.

SECTION 7. (a) Bonds Registered as Obligations; Registration and Validation Certificate. When the Bonds shall have been validated and executed as herein provided, they shall be registered as an obligation of the Municipality in the office of the Clerk in a book maintained for that purpose, and the Clerk shall cause to be imprinted upon or accompany each of the Bonds, over her manual or facsimile signature and manual or facsimile seal, her certificate in substantially the form set out in Section 7 hereof.

(b) Execution. The Bonds shall be executed by the manual or facsimile signature of the Mayor and countersigned by the manual or facsimile signature of the Clerk, with the seal of the Municipality imprinted or affixed thereto; provided, however, all signatures and seals appearing on the Bonds, other than the signature of an authorized signatory of the Paying Agent hereafter provided for, may be facsimile and shall have the same force and effect as if manually signed or impressed. In case any official of the Municipality whose

signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such official before the delivery or reissuance thereof, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, the same as if such official had remained in office until delivery or reissuance.

(c) Delivery; Bond Transcript; Legal Opinion. The Bonds shall be delivered to the Purchaser upon payment of the purchase price therefor in accordance with the terms and conditions of their sale and award, together with a complete certified transcript of the proceedings had and done in the matter of the authorization, issuance, sale and validation of the Bonds, and the final, unqualified approving opinion of Bond Counsel.

(d) Items Filed with Paying Agent. Prior to or simultaneously with the delivery by the Paying Agent of any of the Bonds, the Municipality shall file with the Paying Agent:

(1) a copy, certified by the Clerk, of the transcript of proceedings of the Governing Body in connection with the authorization, issuance, sale and validation of the Bonds; and

(2) an authorization to the Paying Agent, signed by the Mayor, to authenticate and deliver the Bonds to the Purchaser.

(e) Authentication. The Paying Agent acting through its officers, employees or agents, shall authenticate the Bonds and deliver them to the Purchaser thereof upon payment of the purchase price of the Bonds to the Municipality.

(f) Bond Certificates. Certificates, blank as to denomination, rate of interest, date of maturity and CUSIP number and sufficient in quantity in the judgment of the Municipality to meet the reasonable transfer and reissuance needs on the Bonds, may be printed and delivered to the Paying Agent in generally-accepted format, and held by the Paying Agent until needed for transfer or reissuance, whereupon the Paying Agent shall imprint the appropriate information as to denomination, rate of interest, date of maturity and CUSIP number prior to the registration, authentication and delivery thereof to the transferee holder. The Paying Agent is hereby authorized upon the approval of the Governing Body to have printed from time to time as necessary additional certificates bearing the manual or facsimile seal of the Municipality and manual or facsimile signatures of the persons who were the officials of the Governing Body as of the date of original issue of the Bonds.

SECTION 8. (a) Designation of Paying Agent. A Paying Agent for the Bonds, which shall serve as paying agent, registrar and transfer agent, shall be designated by further order of the Governing Body.

(a) Paying Agent as Transfer Agent. So long as any of the Bonds shall remain outstanding, the Municipality shall maintain with the Paying Agent records for the registration and transfer of the Bonds. The Paying Agent is hereby appointed registrar for the Bonds, in which capacity the Paying Agent shall register in such records and permit to be transferred thereon, under such reasonable regulations as may be prescribed, any Bond entitled to registration or transfer.

(b) Fees and Expenses of Paying Agent. The Municipality shall pay or reimburse the Paying Agent for reasonable fees for the performance of the services normally rendered and the incurring of normal expenses reasonably and necessarily paid as are customarily paid to paying agents, transfer agents and bond registrars, subject to agreement between the Municipality and the Paying Agent. Fees and reimbursements for extraordinary services and expenses, so long as not occasioned by the negligence, misconduct or willful default of the Paying Agent, shall be made by the Municipality on a case-by-case basis, subject, where not prevented by emergency or other exigent circumstances, to the prior written approval of the Governing Body.

(c) Change of Paying Agent. (1) A Paying Agent may at any time resign and be discharged of its duties and obligations as Paying Agent by giving at least sixty (60) days' written notice to the Municipality, and may be removed as Paying Agent at any time by resolution of the Governing Body delivered to the Paying Agent. The resolution shall specify the date on which such removal shall take effect and the name and address of the successor Paying Agent, and shall be transmitted to the Paying Agent being removed within a reasonable time prior to the effective date thereof. Provided, however, that no resignation or removal of a Paying Agent shall become effective until a successor Paying Agent has been appointed pursuant to this Bond Resolution.

(2) Upon receiving notice of the resignation of a Paying Agent, the Municipality shall promptly appoint a successor Paying Agent by resolution of the Governing Body. Any appointment of a successor Paying Agent shall become effective, on the effective date of the resignation or removal of the predecessor Paying Agent upon acceptance of appointment by the successor Paying Agent. If no successor Paying Agent shall have been so appointed and have accepted appointment within thirty (30) days after the notice of resignation, the resigning Paying Agent may petition any court of competent jurisdiction for the appointment of a successor Paying Agent, which court may thereupon, after such notice as it may deem appropriate, appoint a successor Paying Agent.

(3) In the event of a change of Paying Agents, the predecessor Paying Agent shall cease to be custodian of any funds held pursuant to this Bond Resolution in connection with its role as such Paying Agent, and the successor Paying Agent shall become such custodian; provided, however, that before any such delivery is required to be made, all fees, advances and expenses of the retiring or removed Paying Agent shall be fully paid. Every predecessor Paying Agent shall deliver to its successor Paying Agent all records of account, registration records, lists of Registered Owners and all other records, documents and instruments relating to its duties as such Paying Agent.

(4) Any successor Paying Agent appointed under the provisions hereof shall be a bank, trust company or national banking association having Federal Deposit Insurance Corporation insurance of its accounts, duly authorized to exercise corporate trust powers and subject to examination by and in good standing with the federal and/or state regulatory authorities under the jurisdiction of which it falls.

(5) Every successor Paying Agent appointed hereunder shall execute, acknowledge and deliver to its predecessor Paying Agent and to the Municipality an instrument in writing accepting such appointment hereunder, and thereupon such successor Paying Agent, without any further act, shall become fully vested with all the rights, immunities and powers, and subject to all the duties and obligations, of its predecessor.

(6) Should any transfer, assignment or instrument in writing be required by any successor Paying Agent from the Municipality to more fully and certainly vest in such successor Paying Agent the estates, rights, powers and duties hereby vested or intended to be vested in the predecessor Paying Agent, any such transfer, assignment and written instruments shall, on request, be executed, acknowledged and delivered by the Municipality.

(7) The Municipality will provide any successor Paying Agent with certified copies of all resolutions, orders and other proceedings adopted by the Governing Body relating to the Bonds.

(8) All duties and obligations imposed hereby on a Paying Agent or successor Paying Agent shall terminate upon the accomplishment of all duties, obligations and responsibilities imposed by law or required to be performed by this Bond Resolution.

(d) Successor Corporation or Association as Paying Agent. Any corporation or association into which a Paying Agent may be converted or merged, or with which it may be consolidated or to which it may sell or transfer its assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer to which it is a party, shall be and become successor Paying Agent hereunder and vested with all the powers, discretions, immunities, privileges and all other matters as was its predecessor, without the execution or filing of any instrument or any further act, deed or conveyance on the part of either the Municipality or the successor Paying Agent, anything herein to the contrary notwithstanding, provided only that such successor Paying Agent shall be satisfactory to the Municipality and eligible under the provisions of Section 6(d)(4) hereof.

SECTION 9. Bond Form. The Bonds shall be in substantially the following form, with such appropriate variations, omissions and insertions as are permitted or required by this Bond Resolution:

[BOND FORM]

UNITED STATES OF AMERICA

STATE OF MISSISSIPPI

OKTIBBEHA COUNTY

CITY OF STARKVILLE, MISSISSIPPI

GENERAL OBLIGATION PUBLIC IMPROVEMENT BOND

SERIES 2009

NO. _____ \$ _____

<u>Rate of Interest</u>	<u>Maturity</u>	<u>Date</u>	<u>CUSIP</u>
_____ %	_____, 20__	_____, 20__	_____

Registered Owner:

Principal Amount: DOLLARS

The Mayor and Board of Aldermen of the City of Starkville, Mississippi (the "Municipality"), a body politic existing under the Constitution and laws of the State of Mississippi, acknowledges itself to owe and for value received, promises to pay in lawful money of the United States of America to the registered owner identified above, on the maturity date stated above, upon the presentation and surrender of this bond, at the principal office of _____, Mississippi, or its successor, as paying agent (the "Paying Agent") for the General Obligation Public Improvement Bonds, Series 2009, of the Municipality (the "Bonds"), on the maturity date identified above, the principal amount identified above. Payment of the principal amount of this Bond shall be made to the registered owner hereof whose name shall appear in the registration records of the Municipality maintained by the Paying Agent, which will also serve as registrar and transfer agent for the Bonds, as of the fifteenth (15th) day of the calendar month preceding the maturity date hereof.

The Municipality further promises to pay interest on such principal amount from the date of this Bond or from the most recent interest payment date to which interest has been paid at the rate of interest per annum set forth above payable on October 1, 2009, and semiannually thereafter on April 1 and October 1 of each year, until said principal sum is paid, to the registered owner hereof whose name shall appear in the registration records of the Municipality maintained by the Paying Agent as of the fifteenth (15th) day of the calendar month preceding the applicable interest payment date.

Payments of principal of and interest on this Bond shall be made by check or draft delivered directly to or mailed on the date on which interest or principal and interest shall be due and payable (or, with respect to principal, such later date on which any Bond shall be presented and surrendered for payment as provided herein) to such registered owner at his address as it appears on such registration records. The registered owner hereof may change such address by written notice to the Paying Agent by certified mail, return receipt requested, or such other method as may be subsequently prescribed by the Paying Agent, such notice to be received by the Paying Agent not later than the fifteenth (15th) day of the calendar month preceding the applicable principal or interest payment date.

Bonds maturing after April 1, 2015, are subject to redemption prior to their respective maturities at the election of the Municipality on and after April 1, 2015, either in whole or in part on any date, with the maturities and principal amounts thereof to be determined by the Municipality, at the principal amount thereof together with accrued interest to the date fixed for redemption. Notice of each such redemption shall be mailed, postage prepaid, not less than thirty (30) days prior to the redemption date, to all Registered Owners of the Bonds to be redeemed at their addresses as they appear on the registration books of the Municipality kept by the Paying Agent. If less than all of the outstanding Bonds of a maturity are to be redeemed, the particular Bonds to be redeemed shall be selected by the Paying Agent by lot or random selection in such manner as it shall deem fair and appropriate. The Paying Agent may provide for the selection of portions of the principal of the Bonds (in integral multiples of \$5,000), and for all purposes of the resolution authorizing and directing the issuance of the Bonds, approved by the Municipality on February 17, 2009 (the "Bond Resolution"), all provisions pertaining to the redemption of the Bonds shall relate, in the case of any Bond redeemed or to be redeemed only in part, to the portion of the principal of such Bond which has been or is to be redeemed.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to denomination, number, rate of interest and date of maturity, issued in the aggregate authorized principal amount of Three Million Dollars (\$3,000,000) (out of an authorized amount of \$6,000,000) to raise money for the purpose of constructing, improving and paving streets, sidewalks, driveways, parkways, walkways and public parking facilities, and purchasing land therefor, and constructing bridges and culverts, but specifically not for the purpose of constructing municipal buildings, or the purchasing of land therefor.

This Bond is issued under the authority of the Constitution and statutes of the State of Mississippi, including Sections 21-33-301 through 21-33-329, Mississippi Code of 1972, and by the further authority of proceedings duly had by the Mayor and Board of Aldermen of the Municipality, including the Bond Resolution.

The Bonds are registered as to both principal and interest and are to be issued or reissued in the denomination of Five Thousand Dollars (\$5,000) each, or integral multiples thereof up to the amount of a single maturity.

This Bond may be transferred or exchanged by the registered owner hereof in person or by his attorney duly authorized in writing at the principal office of the Paying Agent, but only in the manner, subject to the limitations in the Bond Resolution, and upon surrender and cancellation of this Bond. Upon such transfer or exchange, a new Bond or Bonds of like aggregate principal amount in authorized denominations of the same maturity will be issued.

The Municipality and the Paying Agent may deem and treat the registered owner hereof as the absolute owner for the purpose of receiving payment of or on account of principal hereof and interest due hereon and for all other purposes and neither the Municipality nor the Paying Agent shall be affected by any notice to the contrary.

The Bonds shall 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 direct and continuing tax to be levied annually without limitation as to rate or amount upon all the taxable property within the geographical limits of the Municipality. To the extent other moneys are not available, the Municipality will levy annually a direct and continuing tax upon all taxable property within the geographical limits of the Municipality, which tax, together with any other moneys available for such purpose, shall be adequate and sufficient to provide for the payment of the principal of and the interest on the Bonds as the same falls due.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any benefit or security under the Bond Resolution until the certificate of registration and authentication hereon shall have been signed by the Paying Agent, acting through its officers, employees or agents.

IT IS HEREBY CERTIFIED, RECITED AND REPRESENTED that all conditions, acts and things required by law to exist, to have happened and to have been performed precedent to and in the issuance of the Bonds, in order to make the same legal and binding general obligations of the Municipality, according to the terms thereof, do exist, have happened and have been performed in regular and due time, form and manner as required by law. For the performance in apt time and manner of every official act herein required, and for the prompt payment of this Bond, both principal and interest, the full faith and credit of the Municipality are hereby irrevocably pledged.

IN WITNESS WHEREOF, the Municipality has caused this bond to be executed in its name by the manual or facsimile signature of the Mayor of the Municipality, countersigned by the manual or facsimile signature of the Clerk of the Municipality, under the manual or facsimile seal of the Municipality, which said facsimile signatures said officials adopt as and for their own proper signatures, all as of the _____ day of _____, 20__.

City of Starkville, Mississippi

Mayor

Countersigned:

City Clerk

(SEAL)

There shall be printed in the lower left portion on the face of the Bonds a registration and authentication certificate in substantially the following form:

CERTIFICATE OF REGISTRATION AND AUTHENTICATION

This bond is one of the Bonds described in the within mentioned Bond Resolution and is one of the General Obligation Public Improvement Bonds, Series 2009, of the City of Starkville, Mississippi.

_____, as Paying Agent

Authorized Signatory

Date of Registration and Authentication: _____

There shall be printed on the reverse of the Bonds a registration and validation certificate and an assignment form in substantially the following form:

REGISTRATION AND VALIDATION CERTIFICATE

COUNTY OF OKTIBBEHA

I, the undersigned City Clerk of the City of Starkville, Mississippi, do hereby certify that the within bond has been duly registered by me as an obligation of said Municipality pursuant to law in a book kept in my office for that purpose, and has been validated and confirmed by Validation Judgment of the Chancery Court of Oktibbeha County, Mississippi, rendered on the ____ day of _____, 20__.

(SEAL)

City Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

(Name and Address of Assignee)

the within bond and does hereby irrevocably constitute and appoint _____ as registrar and transfer agent to transfer the said bond on the records kept for registration thereof with full power of substitution in the premises.

Signature guaranteed:

(Bank, Trust Company or Paying Agent)

(Authorized Signatory)

NOTICE: Signature(s) must be guaranteed by an institution that is a participant in a Securities Transfer Association recognized signature guarantee program.

Date of Assignment: _____

NOTICE: The signature to this Assignment must correspond with the name of the registered owner as it appears upon the face of the within bond in every particular, without any alteration whatever.

Insert Social Security Number or Other

Tax Identification Number of Assignee: _____

SECTION 10. Replacement of Bond Certificates. In case any Bond shall become mutilated or be stolen, destroyed or lost, the Municipality shall, if not then prohibited by law, cause to be authenticated and delivered a new Bond of like date, number, maturity and tenor in exchange and substitution for and upon cancellation of such mutilated Bond, or in lieu of and in substitution for such Bond stolen, destroyed or lost, upon the Registered Owner's paying the reasonable expenses and charges of the Municipality in connection therewith, and in case of a Bond stolen, destroyed or lost, his filing with the Municipality or Paying Agent evidence satisfactory to them that such Bond was stolen, destroyed or lost, and of his ownership thereof, and furnishing the Municipality or Paying Agent with such security or indemnity as may be required by law or by them to save each of them harmless from all risks, however remote.

SECTION 11. Security for Payment. For the purpose of effectuating and providing for the payment of the principal of and interest on the Bonds as the same shall respectively mature and accrue, to the extent other moneys are not available, there shall be and is hereby levied a direct, continuing tax upon all of the taxable

property within the geographical limits of the Municipality, which tax, together with any other moneys available for such purpose, shall be adequate and sufficient, after allowance shall have been made for the expenses of collection and delinquencies in the payment of taxes, and taking into account any other moneys available for such purpose, to produce sums required for the payment of the principal of and the interest on the Bonds. Said tax shall be extended upon the tax rolls and collected in the same manner and at the same time as other taxes of the Municipality are collected, and the rate of tax which shall be so extended shall be sufficient in each year fully to produce the sums required as aforesaid, without limitation as to rate or amount. The avails of said tax are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as the same shall respectively mature and accrue. Should there be a failure in any year to comply with the requirements of this section, such failure shall not impair the right of the Registered Owners of any of the Bonds in any subsequent year to have adequate taxes levied and collected to meet the obligations of the Bonds, both as to principal and interest.

SECTION 12. Certificate of Registration and Authentication. Only such of the Bonds as shall have endorsed thereon a certificate of registration and authentication in substantially the form hereinabove set forth, duly executed by the Paying Agent, shall be entitled to the rights, benefits and security of this Bond Resolution. No Bond shall be valid or obligatory for any purpose unless and until such certificate of registration and authentication shall have been duly executed by the Paying Agent, which executed certificate shall be conclusive evidence of registration, authentication and delivery under this Bond Resolution. The Paying Agent's certificate of registration and authentication on any Bond shall be deemed to have been duly executed if signed by an authorized signatory of the Paying Agent, but it shall not be necessary that the same signatory sign said certificate on all of the Bonds that may be issued hereunder at any one time.

SECTION 13. (a) Initial Registration. In the event the Purchaser shall fail to designate the names, addresses and social security or tax identification numbers of the Registered Owners of the Bonds within thirty (30) days of the date of sale, or at such other later date as may be designated by the Municipality, one (1) Bond registered in the name of the Purchaser may be issued in the full amount for each maturity. Ownership of the Bonds shall be in the Purchaser until the initial Registered Owner has made timely payment and, upon request of the Purchaser within a reasonable time of the initial delivery of the Bonds, the Paying Agent shall re-register any such Bond upon its records in the name of the Registered Owner to be designated by the Purchaser in the event timely payment has not been made by the initial Registered Owner.

(b) Registered Owner as Owner. Except as hereinabove provided, the Person in whose name any Bond shall be registered in the records of the Municipality maintained by the Paying Agent may be deemed the absolute owner thereof for all purposes, and payment of or on account of the principal of or interest on any Bond shall be made only to or upon the order of the Registered Owner thereof, or his legal representative, but such registration may be changed as hereinafter provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

SECTION 14. (a) Transfers. Each Bond shall be transferable only in the records of the Municipality, upon surrender thereof at the office of the Paying Agent, together with a written instrument of transfer satisfactory to the Paying Agent duly executed by the Registered Owner or his attorney duly authorized in writing. Upon the transfer of any Bond, the Municipality, acting through its Paying Agent, shall issue in the name of the transferee a new Bond or Bonds of the same aggregate principal amount and maturity and rate of interest as the surrendered Bond or Bonds.

(b) Paying Agent to Transfer in Accordance with Bond Resolution. In all cases in which the privilege of transferring Bonds is exercised, the Paying Agent, acting through its officers, employees or agents, shall authenticate and deliver Bonds in accordance with the provisions of this Bond Resolution.

(c) Expenses of Transfer. The Municipality or the Paying Agent may require payment by the Registered Owner of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer of Bonds. All other expenses incurred by the Municipality or the Paying Agent in connection with any transfer of Bonds shall be paid by the Municipality.

SECTION 15. (a) Bond Fund. The Municipality shall maintain with a qualified depository thereof a Bond Fund in its name for the payment of the principal of and interest on the Bonds, and the payment of Paying Agents' fees in connection therewith. There shall be deposited into the Bond Fund as and when received:

- (1) The accrued interest and premium, if any, received upon delivery of the Bonds;
- (2) The avails of any of the ad valorem taxes levied and collected pursuant to Section 8 hereof;
- (3) Any income received from investment of moneys in the Bond Fund; and
- (4) Any other funds available to the Municipality which may be lawfully used for payment of the principal of and interest on the Bonds, and which the Governing Body, in its discretion, may direct to be deposited into the Bond Fund.

(b) Payments by Clerk. As long as any principal of and interest on the Bonds remains outstanding, the Clerk is hereby irrevocably authorized and directed to withdraw from the Bond Fund sufficient moneys to make the payments herein provided for and to transfer same to the account of the Paying Agent in time to reach said Paying Agent prior to the date on which said interest or principal and interest shall become due, and in accordance with any statutory requirements.

(c) Bond Fund Options. Notwithstanding anything herein to the contrary, the Municipality at its option, may maintain one (1) bond fund for all general obligations bonds of the Municipality, or as many as it shall deem to be appropriate.

SECTION 16. Improvement Fund. The principal proceeds received upon the sale of the Bonds shall be deposited with a qualified depository of the Municipality in a special Public Improvement Fund, hereby created, in the name of the Municipality and herein referred to as the "Improvement Fund." From the Improvement Fund there shall be first paid the costs, fees and expenses incurred by the Municipality in connection with the authorization, issuance, and bond insurance, if any, sale, validation and delivery of the Bonds. The balance thereof shall be held and disbursed for the Authorized Purpose, as authorized by the Act.

SECTION 17. (a) Payments of Principal. Payment of principal on the Bonds shall be made, upon presentation and surrender of the Bonds at the principal office of the Paying Agent, to the Record Date Registered Owner thereof whose name shall appear in the registration records of the Municipality maintained by the Paying Agent as of the Record Date.

(b) Payments of Interest. Payment of each installment of interest on the Bonds shall be made to the Record Date Registered Owner thereof. Interest shall be payable in the aforesaid manner irrespective of any transfer or exchange of such Bond subsequent to the Record Date and prior to the due date of the interest.

(c) Method of Payment; Change of Address. Principal of and interest on the Bonds shall be paid by check or draft delivered directly to or mailed on the date on which interest or principal and interest shall be due and payable (or, with respect to principal, such later date on which any Bond shall be presented and surrendered for payment as provided herein) to Registered Owners at the addresses appearing in the registration records of the Paying Agent. Any such address may be changed by written notice from the Registered Owner to

the Paying Agent by certified mail, return receipt requested, or such other method as may be subsequently prescribed by the Paying Agent, such notice to be received by the Paying Agent not later than the fifteenth (15th) day of the calendar month preceding the applicable principal or interest payment date to be effective as of such date.

SECTION 18. Validation. The Bonds shall be submitted to validation as provided by Chapter 13, Title 31, Mississippi Code of 1972, and to that end the Clerk is hereby directed to make up a transcript of all legal papers and proceedings relating to the Bonds and to certify and forward the same to the State Bond Attorney for the institution of validation proceedings.

SECTION 19. Validation of Certain Amendments, Revisions or Supplements. It is specifically provided, notwithstanding the dates set out in this Bond Resolution for the date of the Bonds and the payment dates for principal and interest, that in the event the delivery of the Bonds is delayed by a contest of the validation of the Bonds or otherwise and the initial Purchaser shall decline to take delivery of the Bonds, then the Bonds may be reoffered for sale. In such event, all principal maturities may be adjusted so that such maturities will fall due in the same amounts and intervals as herein provided, but beginning one (1) year from the actual date of the Bonds as provided by the subsequent resolution directing the offer for sale thereof, and continuing through the tenth (10th) year from such actual date of the Bonds. The interest payments may also be adjusted accordingly, with interest payments due semiannually, commencing six (6) months from such actual date of the Bonds. After the validation of the Bonds, no amendment, revision or supplement contemplated by this Section shall be cause for the re-submission of the proceedings for the issuance of the Bonds, as amended, revised or supplemented, to any further validation proceedings, it being the intent of this Bond Resolution that any such amendments, revisions or supplements be covered by the initial validation proceeding.

SECTION 20. Events of Default; Remedies. An "Event of Default" as used in this Resolution shall mean any of the following: (a) failure to pay the principal of, premium, if any, or interest on any of the Bonds when such payments shall become due, (b) failure to comply with any other of the covenants of the Municipality set out in this Bond Resolution and the continuation thereof for thirty (30) days after written notice specifying such failure shall have been given to the Municipality by any Bondholder or (c) filing by the Municipality of a petition under federal bankruptcy laws or a petition seeking composition of indebtedness under any other applicable federal or state laws. Notwithstanding the foregoing, the Municipality's noncompliance with its obligations under Section 22 hereof and the Continuing Disclosure Certificate shall not constitute an Event of Default within the meaning of this Section.

The Holders of not less than twenty-five percent (25%) of the aggregate principal amount of the outstanding Bonds may, upon an Event of Default, by suit, action, mandamus or other proceedings at law or in equity take action to enforce and compel performance by the appropriate official or officials of the Municipality of any or all of the acts or duties to be performed by the Municipality under the provisions of the Act and this Bond Resolution. The Holders of not less than fifty-one percent (51%) in aggregate principal amount of the Bonds then outstanding may appoint a trustee for the Holders of all outstanding Bonds issued under this Bond Resolution with authority to represent such Bondholders in any legal proceedings for the enforcement and protection of the rights of such Bondholders under this Bond Resolution.

Nothing in this Bond Resolution contained shall, however, affect or impair the right of any Bondholder to enforce the payment of the principal of and interest on any Bond at and after the maturity thereof, or the obligation of the Municipality to pay the principal of and interest on each of the Bonds issued hereunder to the respective Bondholders thereof at the time and place and in the manner in said Bonds expressed.

SECTION 21. (a) Offer for Sale as Provided in Notice. The Bonds shall be offered for sale on sealed bids at a meeting of the Governing Body to be held at the place, and on the date and at the hour specified

and upon the terms and conditions set out in the Notice in Section 20 hereof. On or before said date and hour, such sealed bids must be filed with the Clerk at the place specified in the Notice. The Governing Body reserves the right to reject any and all bids submitted, and if all bids are rejected, to sell the Bonds at a private sale at any time within sixty (60) days after the date advertised for the receipt of bids, at a price not less than the highest bid which shall have been received at the advertised sale.

(b) Interest Rate Limit; Requirements of Act. In no event shall the Bonds be issued at a rate of interest in excess of that allowed in the Notice and the Bonds shall in all other respects comply with the requirements of the Act.

SECTION 22. Notice: Publication and Form. As required by Section 31-19-25, Mississippi Code of 1972, the Clerk is hereby authorized and directed to give the Notice by publishing an advertisement at least two (2) times in the Starkville Daily News, a newspaper published in and of general circulation in Oktibbeha County, Mississippi, the first publication thereof to be made at least ten (10) days preceding the date fixed herein for the receipt of bids. The Notice shall be in substantially the following form:

NOTICE OF BOND SALE

\$3,000,000

GENERAL OBLIGATION PUBLIC IMPROVEMENT BONDS, SERIES 2009

OF THE

CITY OF STARKVILLE, MISSISSIPPI

NOTICE IS HEREBY GIVEN that the Mayor and Board of Aldermen of the City of Starkville, Mississippi (the "Governing Body" of the "Municipality") will receive sealed bids for the purchase in its entirety, at not less than par and accrued interest to the date of delivery thereof, of an issue of Three Million Dollars (\$3,000,000) General Obligation Public Improvement Bonds, Series 2009, of the Municipality (the "Bonds") on March 24, 2009, until the hour of 4:00 o'clock p.m, and such bids should be delivered to the City Clerk at her office in the City Hall of the Municipality. The City Clerk will act on behalf of the Governing Body to receive bids at the aforesaid date, time and place. Immediately following said time and date, said bids will be publicly opened and read in the regular meeting place of the Mayor and Board of Aldermen in the City Hall of the Municipality.

THE BONDS: The Bonds will be dated and bear interest from April 1, 2009; will be delivered in definitive form as registered bonds; will be in the denomination of Five Thousand Dollars (\$5,000) each, or integral multiples thereof up to the amount of a single maturity; will be numbered from one (1) upward in the order of issuance; will be payable as to principal at a bank or trust company to be named by the Governing Body in the manner hereinafter provided; and will bear interest, payable on October 1, 2009, and semiannually thereafter on April 1 and October 1 of each year, at the rate or rates offered by the successful bidder in its bid in accordance with this Notice of Bond Sale.

MATURITIES: The Bonds will mature serially, with option of prior payment, on April 1 in each of the years and amounts as follows:

<u>YEAR</u>	<u>AMOUNT</u>
2010	\$255,000
2011	265,000
2012	270,000
2013	280,000
2014	295,000
2015	305,000
2016	315,000
2017	325,000
2018	340,000
2019	350,000

REDEMPTION: Bonds maturing after April 1, 2015, are subject to redemption prior to their respective maturities at the election of the Municipality on and after April 1, 2015, either in whole or in part on any date, with the maturities and principal amounts thereof to be determined by the Municipality, at the principal amount thereof together with accrued interest to the date fixed for redemption. Notice of each such redemption shall be mailed, postage prepaid, not less than thirty (30) days prior to the redemption date, to all Registered Owners of the Bonds to be redeemed at their addresses as they appear on the registration books of the Municipality kept by

the Paying Agent. If less than all of the outstanding Bonds of a maturity are to be redeemed, the particular Bonds to be redeemed shall be selected by the Paying Agent by lot or random selection in such manner as it shall deem fair and appropriate. The Paying Agent may provide for the selection of portions of the principal of the Bonds, in integral multiples of Five Thousand Dollars (\$5,000), and for all purposes of the Bond Resolution, all provisions pertaining to the redemption of the Bonds shall relate, in the case of any Bond redeemed or to be redeemed only in part, to the portion of the principal of such Bond which has been or is to be redeemed.

AUTHORITY AND SECURITY: The Bonds will be issued pursuant to the provisions of Sections 21-33-301 through 21-33-329, Mississippi Code of 1972 (the "Act"), and shall 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 direct and continuing tax to be levied annually without limitation as to rate or amount upon the taxable property within the geographical limits of the Municipality. To the extent other moneys are not available, the Municipality will levy annually a direct and continuing tax upon all taxable property within the geographical limits of the Municipality, which tax, together with any other moneys available for such purpose, shall be adequate and sufficient to provide for the payment of the principal of and the interest on the Bonds as the same falls due.

PURPOSE: The Bonds are being issued to provide funds for the purpose of constructing, improving and paving streets, sidewalks, driveways, parkways, walkways and public parking facilities, and purchasing land therefor, and constructing bridges and culverts, but specifically not for the purpose of constructing municipal buildings, or the purchasing of land therefor.

FORM OF BIDS: Bids should be addressed to the Mayor and Board of Aldermen and should be plainly marked "Bid for General Obligation Public Improvement Bonds, Series 2009, of the City of Starkville, Mississippi," and should be filed with the City Clerk of the Municipality on or prior to the date and hour hereinabove named. All bids should be submitted substantially in the form prepared by the Municipality, copies of which may be obtained from the City Clerk of the Municipality or from Paige Sessums at Watkins Ludlam Winter & Stennis, P.A., Jackson, Mississippi, Bond Counsel, telephone (601) 949-4797.

INTEREST RATE AND BID RESTRICTIONS: The Bonds shall not bear a greater overall maximum interest rate to maturity than eleven percent (11%) per annum, nor shall the interest rate for any one maturity exceed eleven percent (11%) per annum. No Bond shall bear more than one (1) rate of interest; each Bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; all Bonds of the same maturity shall bear the same rate of interest from date to maturity; and the lowest interest rate specified shall not be less than seventy percent (70%) of the highest interest rate specified. Each interest rate specified in any bid must be a multiple of one-eighth of one percent (1/8 of 1%) or one-tenth of one percent (1/10 of 1%) and a zero rate of interest cannot be named.

GOOD FAITH DEPOSIT: Each bid must be accompanied by a cashier's check, certified check, or exchange, issued or certified by a bank located in the State of Mississippi, payable to the Mayor and Board of Aldermen of the City of Starkville, Mississippi, in the amount of Sixty Thousand Dollars (\$60,000) as a guaranty that the bidder will carry out its contract and purchase the Bonds if its bid be accepted. All checks of unsuccessful bidders will be returned immediately on award of the Bonds. If the successful bidder fails to purchase the Bonds pursuant to its bid and contract, then the amount of such good faith check shall be retained by the Municipality as liquidated damages for such failure. No interest will be allowed on the amount of the good faith deposit.

DTC BOOK-ENTRY-ONLY: The Bonds are being initially offered as registered in the name of Cede & Co., as registered owner and nominee for The Depository Trust Company, New York, New York ("DTC") under DTC's Book-Entry-Only system of registration. Purchasers of interests in the Bonds (the "Beneficial

Owners”) will not receive physical delivery of bond certificates and ownership by the Beneficial Owners of the Bonds will be evidenced by book-entry-only. As long as Cede & Co. is the registered owner of the Bonds as nominee of DTC, payments of principal and interest will be made directly to such registered owner which will in turn remit such payments to the DTC participants for subsequent disbursement to the Beneficial Owners.

AWARD OF BONDS: The award, if any, will be made to the bidder complying with the terms of sale and offering to purchase the Bonds at the lowest net interest cost to the Municipality, which shall be determined by computing the aggregate interest on the Bonds over the life of the issue at the rate or rates of interest specified by the bidder, less premium offered, if any. It is requested that each bid be accompanied by a statement of the net interest cost (computed to six (6) decimal places), but such statement will not be considered a part of the bid. All bids shall remain firm for four (4) hours after the time specified for the opening of bids, and an award of the Bonds, or rejection of bids, will be made by the Governing Body within said period of time.

RIGHT OF REJECTION, CANCELLATION: The Governing Body reserves the right to reject any or all bids submitted, as well as to waive any irregularity or informality in any bid. The successful bidder shall have the right, at its option, to cancel its agreement to purchase the Bonds if the Bonds are not tendered for delivery within sixty (60) days from the date of sale thereof, and in such event the Governing Body shall return to said bidder its good faith deposit. The Governing Body shall have the right, at its option, to cancel its agreement to sell the Bonds if within five (5) days after the tender of the Bonds for delivery the successful bidder shall not have accepted delivery of and paid for the Bonds, and in such event the Governing Body shall retain the successful bidder's good faith deposit as liquidated damages as hereinabove provided.

PAYING AGENT, TRANSFER AGENT, AND REGISTRAR: The successful bidder may designate a bank or trust company located within the State of Mississippi to serve as paying agent (the "Paying Agent") for the Bonds within forty-eight (48) hours of the date of sale of the Bonds, subject to the approval of the Governing Body. The Governing Body's approval of the Paying Agent shall be contingent on a determination as to the willingness and ability of the Paying Agent to perform the duties of registrar and transfer agent and on the satisfactory negotiation of service fees. The Paying Agent shall be subject to change by order of the Governing Body under the conditions and in the manner provided in the Bond Resolution under which the Bonds are issued. Both principal of and interest on the Bonds will be payable by check or draft mailed to registered owners of the Bonds as of the fifteenth (15th) day of the month preceding the maturity date for such principal or interest payment at the addresses appearing in the registration records of the Municipality maintained by the Paying Agent. The Bonds will be transferable only upon the books of the Paying Agent, and payment of principal at maturity shall be conditioned on the proper presentation and surrender of the Bonds to the Paying Agent.

DELIVERY: The successful bidder must designate within thirty (30) days of the date of sale, or at such other later date as may be designated by the Governing Body, the names and addresses of the registered owners of the Bonds and the denominations in which the Bonds of each maturity are to be issued. If the successful bidder fails to submit such information within the required time, one Bond may be issued for each maturity in the full amount maturing on that date registered in the name of the successful bidder. The Bonds will be delivered at a place to be designated by the purchaser and without cost to the purchaser, and payment therefor shall be made in immediately available funds.

CUSIP NUMBERS: It is anticipated that CUSIP identification numbers will be printed on the Bonds unless specifically declined by the purchaser, but neither the failure to print such number on any bond nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the Bonds in accordance with the terms of the purchase contract. All expenses in relation to the printing of CUSIP numbers on the Bonds shall be paid by the Municipality; the CUSIP Service Bureau charge for the assignment of said numbers shall be the responsibility of and shall be paid for by the purchaser.

LEGAL OPINION; CLOSING DOCUMENTS: The Bonds are offered subject to the unqualified approval of the legality thereof by Watkins Ludlam Winter & Stennis, P.A., Jackson, Mississippi, Bond Counsel. In the opinion of Watkins Ludlam Winter & Stennis, P.A., interest on the Bonds is exempt from federal and Mississippi income taxes under existing laws, regulations, rulings and judicial decisions with such exceptions as shall be described in the Official Statement for the Bonds. A copy of the opinion of Bond Counsel, which will be printed on the back of each Bond, together with the usual closing papers, including a non-litigation certificate dated the date of delivery of the Bonds, evidencing that no litigation is pending in any way affecting the legality of the Bonds or the taxes to be levied for the payment of the principal thereof and interest thereon, and a transcript of the proceedings relating to the Bonds will be delivered to the successful bidder without charge. The Municipality will pay for all legal fees and will pay for the printing and validation of the Bonds.

BONDS AS QUALIFIED TAX-EXEMPT OBLIGATIONS: The Municipality has designated the Bonds as qualified tax-exempt obligations within the meaning and for purposes of Section 265(b)(3) of the Code.

INFORMATION FROM PURCHASER: The purchaser must certify to the Municipality the initial offering price to the public (excluding bond houses, brokers and other intermediaries) of each maturity of the Bonds at which a substantial amount of Bonds of that maturity were sold, to enable the Municipality to compute the yield on the Bonds for federal arbitrage law purposes.

FURTHER INFORMATION: The Municipality has prepared a Preliminary Official Statement which it deems, for purposes of S.E.C. Rule 15c2-12, to be final and complete as of this date except for the omission of the offering prices, interest rates, and any other terms of the Bonds depending on such matters, and the identity of the underwriters, subject to revision, amendment and completion in a final Official Statement. By submission of its bid, the successful bidder will be deemed to have certified that it has obtained and reviewed the Preliminary Official Statement. Upon the award of the Bonds, the Municipality will publish an Official Statement in substantially the same form as the Preliminary Official Statement, subject to minor additions, deletions and revisions as required to complete the Preliminary Official Statement. The Municipality will furnish up to fifty (50) copies of the Official Statement to the successful bidder of the Bonds without charge within seven (7) business days after the award of the bid. The successful bidder must notify the City Clerk of the Municipality in writing within five (5) business days of the award if the bidder requires additional copies of the Official Statement to comply with applicable regulations. The cost for such additional copies will be paid by the successful bidder requesting such copies. By submission of its bid, the successful bidder will be deemed to have agreed to supply to the Municipality all necessary pricing information and any underwriter identification determined by the Municipality to be necessary for the Official Statement within 24 hours after the award of the Bonds.

A copy of the Preliminary Official Statement and the bid form may be obtained from Paige Sessums at Watkins Ludlam Winter & Stennis, P.A., Jackson, Mississippi, Bond Counsel, telephone (601) 949-4797.

CONTINUING DISCLOSURE: In order to assist bidders in complying with S.E.C. Rule 15c2-12(b)(5), the Municipality will undertake, pursuant to the Bond Resolution and a Continuing Disclosure Certificate, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the Official Statement. Failure of the Municipality to deliver the Continuing Disclosure Certificate at the time of issuance and delivery of the Bonds shall relieve the successful bidder from its obligation to purchase the Bonds.

By order of the Mayor and Board of Aldermen of the City of Starkville, Mississippi, on February 17, 2009.

City Clerk

PUBLICATION: Starkville Daily News
March 4, 2009
March 11, 2009

SECTION 23. Proof of Publication. The Clerk shall obtain from the publisher of the aforesaid newspaper the customary publisher's affidavit proving publication of the Notice for the time and in the manner required by law, and such proof of publication shall be filed in the Clerk's office and exhibited before the Governing Body at the hour and date aforesaid.

SECTION 24. Continuing Disclosure. The Municipality hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate. Notwithstanding any other provision of this Bond Resolution, failure of the Municipality to comply with the Continuing Disclosure Certificate shall not be considered an Event of Default pursuant to Section 18 hereof; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking mandamus or specific performance by court order, to cause the Municipality to comply with its obligations under this Section.

SECTION 25. Bonds as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as a portion of the Ten Million Dollars (\$10,000,000) of qualified tax-exempt obligations within the meaning and for the purposes of Section 265(b)(3) of the Code.

SECTION 26. Book-Entry Only System. Notwithstanding anything herein to the contrary, the Bonds shall be initially issued in the form of a separate, single and fully registered Bond for each of the maturities thereof. In such case, upon initial issuance, the ownership of each such Bond shall be registered in the Bond Register in the name of Cede & Co., as nominee of DTC, and except as provided in Section 18 hereof, all of the outstanding Bonds shall be registered in the Bond Register in the name of Cede & Co., as nominee of DTC.

With respect to Bonds registered in the Bond Register in the name of Cede & Co., as nominee of DTC, the Municipal and the Paying Agent shall have no responsibility or obligation to any participant for whom DTC is a security depository nominee ("DTC participants") or to any Person on behalf of whom such a DTC participant holds an interest in the Bonds. Without limiting the immediately preceding sentence, the Municipality and the Paying Agent shall have no responsibility or obligation with respect to (a) the accuracy of the records of DTC, Cede & Co. or any DTC participant with respect to any ownership interest in the Bonds, (b) the delivery to any DTC participant or any other Person, other than a Registered Owner, as shown in the Bond Register, of any notice with respect to the Bonds, including any notice of redemption, or (c) the payment to any DTC participant or any other Person, other than a Registered Owner, as shown in the Bond Register, of any amount with respect to principal of, premium, if any, or interest on, the Bonds. Notwithstanding any other provision of this Bond Resolution to the contrary, the Municipal and the Paying Agent shall be entitled to treat and consider the Person in whose name each Bond is registered in the Bond Register as the absolute owner of such Bond for the purpose of payment of principal, premium, if any, and interest with respect to such Bond, for the purpose of giving notices of redemption and other matters with respect to such Bond, for the purpose of registering transfers with respect to such Bond, and for all other purposes whatsoever. The Paying Agent, shall pay all principal of, premium, if any, and interest on the Bonds only to or upon the order of the respective Registered Owners, as shown in the Bond Register as provided in this Bond Resolution, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the Municipality's obligations with respect to payment of principal of, premium, if any, and interest on the Bonds to the extent of the sum or sums so paid. No person other than a Registered Owner, as shown in the Bond Register, shall receive a Bond certificate evidencing the obligation of the Municipality to make payments of principal, premium, if any, and interest pursuant to this Bond Resolution. Upon delivery by DTC to the Paying Agent of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., and subject to the provisions in this Bond Resolution with respect to interest checks or drafts being mailed to the Registered Owner at the close of business on the Record Date, the words — "Cede & Co." in this Bond Resolution shall refer to such new nominees of DTC.

SECTION 27. Successor Securities Depository; Transfers Outside Book-Entry Only System. In the event that the Municipality and the Paying Agent determine that DTC is incapable of discharging its responsibilities described herein and in the Representation Letter or that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain certificated Bonds, the Municipality and the Paying Agent shall (a) appoint a successor securities depository, qualified to act as such under Section 17(a) of the Securities and Exchange Act of 1934, as amended, notify DTC and DTC participants of the appointment of such successor securities depository and transfer one or more separate Bond certificates to such successor securities depository or (b) notify DTC and DTC participants of the availability through DTC of Bond certificates and transfer one or more separate Bond certificates to DTC participants having Bonds credited to their DTC accounts. In such event, the Bonds shall no longer be restricted to being registered in the Bond Register in the name of Cede & Co., as nominee of DTC, but may be registered in the name of the successor securities depository, or its nominee, or in whatever name or names Registered Owners transferring or exchanging Bonds shall designate, in accordance with the provisions of this Bond Resolution.

SECTION 28. Payments and Notices to Cede & Co. Notwithstanding any other provision of this Bond Resolution to the contrary, so long as any of the Bonds is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to principal of, premium, if any, and interest on such Bond and all notices with respect to such Bond shall be made and given, respectively, in the manner provided in the Representation Letter.

SECTION 29. Non-arbitrage Bond Covenants; Non-arbitrage and Federal Tax Certificate. (a) The Municipality covenants and certifies to and for the benefit of the owners of the Bonds that it will neither take any action nor omit to take any action nor make any investment or use of the proceeds from the issue and sale of the Bonds, including amounts treated as proceeds, if any, which will cause the Bonds to be classified as arbitrage bonds within the meaning of Section 148 of the Code, and any regulations thereunder as such may be applicable to the Bonds, at the time of such action, investment or use.

(b) (1) The Municipality shall take all actions necessary in order to comply with the requirements of paragraphs (2) and (3) of Subsection 148(f) in order that none of the Bonds shall be treated as an arbitrage bond pursuant to paragraph (1) of Subsection 148(f), including payment of all amounts, if any, required to be paid to the United States of America in accordance with and within the time limits prescribed in Subsection 148(f) and the Subsection 148(f) Regulations, the making of any and all calculations, computations and filings required pursuant to Subsection 148(f) and the Subsection 148(f) Regulations, and the maintenance of all such records as may be required pursuant to Subsection 148(f) and the Subsection 148(f) Regulations.

(2) In order to effectuate the foregoing covenants, the Municipality hereby covenants and certifies that: (A) prior to delivery of the Bonds, it shall have received written instructions from nationally-recognized bond counsel with respect to specific actions which will, under Subsection 148(f) and such regulations as may have been promulgated prior to delivery of the Bonds, assure compliance with such covenants; and (B) the Municipality shall comply with such instructions until the Municipality shall have received from nationally-recognized bond counsel written advice that continued compliance with such instructions is not necessary in order to avoid adversely affecting the tax-exempt status of the Bonds or alternative written instructions with respect to certain actions which will assure compliance with the covenants set forth above, in which event the Municipality shall thereafter comply with all such alternative instructions.

(c) The Municipality shall not intentionally use any portion of the proceeds (within the meaning of Subsection 148(a) of the Code and any regulations promulgated pursuant thereto) of the Bonds to acquire higher yielding investments (as defined in Subsection 148(a) of the Code and all regulations promulgated pursuant thereto) or to replace funds which were used directly or indirectly to acquire higher

yielding investments, except to the extent specifically permitted pursuant to Section 148 of the Code and any regulations promulgated thereunder.

(d) The Municipality shall not purchase or acquire any investment property with proceeds (within the meaning of Section 148 of the Code) of the Bonds in a manner or for a price which would cause any of the Bonds to be or become an arbitrage bond, within the meaning of Section 148 of the Code and all regulations promulgated thereunder, including, without limitation, to the extent prescribed by applicable regulations, investments (regardless of yield) which do not comply with the provisions of any regulations intended to assure that obligations are acquired at their "market price" or "fair market value".

(e) The Mayor and/or Clerk are hereby authorized to execute a "non-arbitrage and federal tax certificate" in connection with the sale and delivery of the Bonds, setting forth the reasonable expectations of the Municipality with respect to the investment and use of proceeds of the Bonds and also setting forth certain covenants, stipulations and certifications with respect to the investment and expenditures of the proceeds of the Bonds, and the Municipality shall comply with all certifications, stipulations and covenants set forth in such certificate. In addition, such officials are authorized to make such elections on behalf of the Municipality as are necessary or appropriate under the Code or the Subsection 148(f) Regulations.

SECTION 30. Private Activity Bond Covenants; Tax Covenants. (a) The Municipality shall take such actions as may be necessary in order to assure that the Bonds are not private activity bonds within the meaning of Section 141 of the Code.

(b) No more than ten percent (10%) of the Bond proceeds will be used, directly or indirectly, in a trade or business carried on by any person other than a governmental unit.

(c) No more than ten percent (10%) of any property with respect to which all or any part of the Bond proceeds will be used, directly or indirectly, in a trade or business carried on by any person other than a governmental unit.

(d) None of the Bond proceeds will be used for any private business use (within the meaning of Section 141 of the Code) which is not related to the governmental use (within the meaning of Section 141 of the Code) of such Bond proceeds.

(e) The amount of Bond proceeds used with respect to any private business use which is related to a governmental use of such Bond proceeds will not exceed the amount of Bond proceeds which are used for the governmental use to which such private business use relates.

(f) None of the proceeds of the Bonds will be used to make or finance loans for persons other than governmental units.

(g) In no event will the payment of the principal of or the interest on more than ten percent (10%) of the proceeds of the Bonds be (under the terms of the Bond or any underlying arrangement) directly or indirectly secured (within the meaning of Section 141 of the Code) by any interest in property used or to be used in a private business use or payments in respect to such property or to be derived from payments (whether or not to the Municipality) in respect of property or borrowed money used or to be used for a private business use.

(h) The Municipality covenants and certifies that there are no other obligations heretofore issued or to be issued by or on behalf of any state, territory or possession of the United States of America, or political subdivision of any of the foregoing, or of the District of Columbia, by or for the benefit of the Municipality, which (1) were or are to be sold at substantially the same time as the Bonds, (2) were or are to be

sold pursuant to the same plan of financing as the financing plan for the Bonds and (3) are payable directly or indirectly by the Municipality or from the source from which the Bonds are payable. The Municipality covenants and certifies that there are no additional facts or circumstances which may further evidence that the Bonds are part of any other issue of obligations.

(i) The Municipality covenants and certifies that no payment of principal of or interest on the Bonds is or will be guaranteed (in whole or in part, directly or indirectly) by the United States of America, or any agency or instrumentality thereof or any entity with statutory authority to borrow from the United States of America. The Municipality represents, warrants and covenants that none of the bond proceeds will be: (1) used to make loans, the payment of principal of or interest on which is or will be guaranteed (in whole or in part, directly or indirectly) by the United States or any agency or instrumentality thereof or any entity with statutory authority to borrow from the United States; or (2) invested (directly or indirectly) in any deposit or account which is insured under federal law by the Federal Deposit Insurance Corporation, the National Credit Union Administration or any similar federally chartered corporation other than: (A) the investment of the bond proceeds for an initial temporary period (within the meaning of subparagraph 3(B) of Subsection 149(b) of the Code) until such proceeds are needed for the purpose for which the Bonds are being issued; (B) investments of a bona fide debt service fund (within the meaning of Subparagraph 3(B) of Subsection 149(b) of the Code); (C) investments of a reserve which meets the requirements of Subsection 148(d) of the Code; (D) investments in bonds issued by the United States Treasury; or (E) other investments permitted under regulations promulgated by the Internal Revenue Service pursuant to Subsection 149(b) of the Code.

(j) The Municipality covenants and certifies that, notwithstanding any provision of this Bond Resolution or the rights of the Municipality hereunder, the Municipality will not take or permit to be taken on its behalf any action which would impair the exclusion of interest on the Bonds from gross income for purposes of federal income taxation, and it will take such reasonable action as may be necessary to continue such exclusion, including, without limitation, the preparation and filing of any statements required to be filed by it in order to maintain such exclusion.

SECTION 31. When Computations, Deposits or Rebate Payments Are Not Required. In the event it is determined the Bonds do not meet the requirements of paragraph (4) of Subsection 148(f), but in the event the Municipality receives an opinion of nationally recognized bond counsel to the effect that any of the computations, deposits or payments referenced in Sections 27 and 28 herein are not required to be made in order to maintain the tax-exempt status of interest on the Bonds, the Municipality need not make such computations, deposits or payments.

SECTION 32. Covenant Regarding Hedge Bonds. The Municipality reasonably expects that not less than eighty-five percent (85%) of the spendable proceeds of the Bonds will be used to carry out the governmental purposes of the Bonds within a three-year period beginning on the date of issuance of the Bonds. No more than fifty percent (50%) of the proceeds of the Bonds will be invested in nonpurpose investments (as defined in Section 148(f)(6)(A) of the Code) having a substantially guaranteed yield for four years or more.

SECTION 33. Modification or Amendment. (a) No material modification or amendment of this Bond Resolution or of any resolution amendatory hereof or supplemental hereto, may be made without the consent in writing of the Holders of two-thirds (2/3) or more in principal amount of the Bonds then outstanding; provided, however, that no modification or amendment shall permit a change in the maturity of the Bonds or a reduction in the rate of interest thereon, or affect the unconditional promise of the Municipality to levy taxes in an amount sufficient to pay the interest and principal on the Bonds, as the same mature and become due, or reduce such percentage of Holders of the Bonds required above for such modification or amendment without the consent of the Holders of all of the Bonds.

(b) The foregoing shall not be construed to prohibit supplemental amendments of this Bond Resolution without the consent of Bondholders for the following purposes:

(1) to add to the covenants and agreements of the Municipality herein contained other covenants and agreements thereafter to be observed and performed by the Municipality, provided that such other covenants and agreements shall not either expressly or implicitly limit or restrict any of the obligations of the Municipality contained in this Bond Resolution;

(2) to cure any ambiguity or to cure, correct or supplement any defect or inconsistent provision contained in this Bond Resolution or in any supplemental resolution or to make any provisions with respect to matters arising under this Bond Resolution or any supplemental resolution for any other purpose if such provisions are necessary or desirable and are not inconsistent with the provisions of this Bond Resolution or any supplemental resolution and do not adversely affect the interests of the Holders of the Bonds; or

(3) to subject to the pledge herein contained additional revenues or receipts.

(c) Notwithstanding any provision herein to the contrary, this Bond Resolution may be amended by resolution of the Municipality prior to the delivery of any of the Bonds with the consent of the Purchaser.

SECTION 34. Payments Due on Days Other Than Business Days. In any case where the date of maturity of interest on or principal of the Bonds or the date fixed for redemption of any Bonds, or the date on which any funds are required to be deposited into a fund pursuant hereto, shall be in the city in which the principal office of the Paying Agent is located a day other than a Business Day, then payment of interest or principal, and premium, if any, or deposit into the funds pursuant hereto, need not be made on such date but shall be made on the next succeeding Business Day with the same force and effect as if made on the date of maturity or the date fixed for redemption, or the date fixed for deposit into a fund, and no interest shall accrue for the period after such date.

SECTION 35. Repealer; Effective Date. All orders, resolutions or proceedings of the Governing Body in conflict with any provision hereof shall be, and the same are hereby repealed, rescinded and set aside, but only to the extent of such conflict. For cause, this Bond Resolution shall become effective upon the adoption hereof.

Alderman P. C. (Mac) McLaurin, Jr. moved and Alderman Matt Cox 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>Aye</u>
Alderman Matt Cox	voted: <u>Aye</u>
Alderman Sumner D. Davis, III	voted: <u>Aye</u>
Alderman P. C. (Mac) McLaurin, Jr.	voted: <u>Aye</u>
Alderman Rodney L. Lincoln	voted: <u>Aye</u>
Alderman Roy A. Perkins	voted: <u>Aye</u>
Alderman Janette Self	voted: <u>Aye</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 17th day of February, 2009.

Robert D. Camp, Mayor

ATTEST:

Markeeta Outlaw, City Clerk

ATTACHMENT A

PROOF OF PUBLICATION

JANUARY 27, 2009, FEBRUARY 3, 2009 AND FEBRUARY 10, 2009

11. AN ORDER APPROVING THE RETENTION OF THE FIRM WATKINS, LUDLUM, WINTER AND STENNIS, P.A. SPECIFICALLY ATTORNEY RANDAL B. WALL, FOR THE PURPOSES OF BOND COUNSEL FOR THE GENERAL OBLIGATION BONDS FOR THE CITY OF STARKVILLE

There came for consideration the matter of the approval of the motion to approve the engagement letter from the firm of Watkins, Ludlum Winter and Stennis, P.A., specifically Attorney Randall B. Wall, as bond counsel for the general obligation bonds for the City of Starkville, Mississippi. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Sumner D. Davis, III,

The members of the board present and voting moved unanimous approval of the motion to approve the engagement letter from the firm of Watkins, Ludlum Winter and Stennis, P.A., specifically Attorney Randall B. Wall, as bond counsel for the general obligation bonds for the City of Starkville, Mississippi

12. AN ORDER TO APPROVE AN AMENDMENT TO THE MOTION MADE BY ALDERMAN COX THAT THE FINALIZED LIST OF THE 2008-2009 FISCAL YEAR CAPITAL IMPROVEMENT PROJECT PLAN FOR THE DRAINAGE IMPROVEMENT PROGRAM IS APPROVED

There came for consideration the matter of the approval of the motion amending the motion made by Alderman Cox; said amendment is to delete from the motion, Hospital Road to Reed Road to Apache Road from the Hospital Road Capital Improvement Project, and that; the finalized list of the 2008-2009 fiscal year program that was established at a previous meeting (enumerated below) ; with Reed Road capital improvement moved up on the priority list and that construction be started on the Reed Road Project this construction season, and that; the remaining balance go toward drainage projects. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Richard Corey,

The the motion amending the motion made by Alderman Cox; said amendment is to delete from the motion, Hospital Road to Reed Road to Apache Road from the Hospital Road Capital Improvement Project, and that; the finalized list of the 2008-2009 fiscal year program that was established at a previous meeting (enumerated below) ; with Reed Road capital improvement moved up on the priority list and that construction be started on the Reed Road Project this construction season, and that; the remaining balance go toward drainage projects,

Was put to a vote with the results as follows:

Alderman Sumner D. Davis, III	voted: YEA
Alderman Rodney Lincoln	voted: NAY
Alderman P.C. McLaurin, Jr.	voted: YEA
Alderman Richard Corey	voted: YEA
Alderman Matt Cox,	Absent YEA
Alderman Roy A'. Perkins	voted: NAY
Alderman Janette Self	voted: YEA

After receiving the majority of the affirmative vote of the members present and voting, the Mayor declared that the motion passed.

The following was derived from the City Engineer



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

CITY OF STARKVILLE- 4 YEAR CAPITAL IMPROVEMENT PLAN

Cost Estimate- rev. 1

Date: 1-20-09

Capital Improvement Project		Project Estimated Cost
No.	Description	
2009 CAPITAL IMPROVEMENT PROJECTS		
1	Half of Pat Station Roadway Extended City Obligation	\$242,500
2	Approximately one-third of Capital Improvement Drainage Projects: 1-16-09 Cost Estimate	\$847,662
3	Priority 1 Roadway Maintenance Projects: 11-25-08 Cost Estimate	\$1,758,119
4	Half of Lynn Lane Multi-Use Project City Obligation	\$157,977
Total 2009 Capital Improvement Projects		\$3,006,258
2010 CAPITAL IMPROVEMENT PROJECTS		
5	Remaining 1/2 of Pat Station Roadway Extended City Obligation	\$242,500
6	Approximately one-third of Capital Improvement Drainage Projects: 1-16-09 Cost Estimate	\$847,662
7	Priority 2 Roadway Maintenance Projects: 11-25-08 Cost Estimate	\$1,751,112
8	Remaining 1/2 of Lynn Lane Multi-Use Project City Obligation	\$157,977
Total 2010 Capital Improvement Projects		\$2,999,251
2011 CAPITAL IMPROVEMENT PROJECTS		
9	Priority 3 Roadway Maintenance Projects: 11-25-08 Cost Estimate	\$2,121,606
10	Remaining one-third of Capital Improvement Drainage Projects: 1-16-09 Cost Estimate	\$847,662
Total 2011 Capital Improvement Projects		\$2,969,268
2012 CAPITAL IMPROVEMENT PROJECTS		
11	Capital Improvement Projects- Existing Roadways: 11-25-08 Cost Estimate	\$2,013,777
12	Roadway, Drainage & Sidewalks Maintenance and Capital Improvements	\$1,000,000
Total 2012 Capital Improvement Projects		\$3,013,777
Total 2009-2012 Capital Improvement Projects Estimated Cost		\$11,988,554



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

CITY OF STARKVILLE- DRAINAGE IMPROVEMENT PROGRAM

Cost Estimate- rev. 2

Date: 1-18-09

CAPITAL IMPROVEMENT DRAINAGE PROJECTS									
No.	Drainage Project Location	Project Limits		Length	Bottom Width	Work Type	Concrete Ditch Cost	Rip Rap Cost	Project Estimated Cost
		(from)	(to)						
1	Apache Dr.	Apache Dr. South	Ex. Concrete Ditch	525	5	Concrete Bottom, Rip Rap	\$13,388	\$33,854	\$47,042
2	Carver Dr.	Ex. Pipe	past last house on Carver	850	-	Install 72" Pipe	-	-	\$116,845
3	Central St.	Central St.	Santa Anita St.	600	3	Concrete Bottom, Rip Rap	\$9,900	\$26,241	\$36,141
4	Colonial Hills I	Colonial Circle- South	Shadowood/ Colonial Ditch	850	3	Concrete Bottom	\$14,025	-	\$14,025
5	Colonial Hills II	Shadowood	Paralleling Shadowood	800	4	Concrete Bottom, Rip Rap	\$16,800	\$51,283	\$68,083
6	Crossgate	G.T. Thomas	Along 1st section boulevard	400	6	Replace Concrete Bottom	\$12,000	-	\$12,000
7	Evergreen St.	Evergreen St.	Central St.	350	-	Rip Rap	-	\$13,003	\$13,003
8	Green St.	Rear prop. Line- Green St.	Rear Prop. Line- Montgomery	350	3	Concrete Bottom	\$5,775	-	\$5,775
9	Greenbriar	Rear prop. Line- Tea Rose	Paralleling Brook Ave.	2900	-	Rip Rap	-	\$362,977	\$362,977
10	Hillside Dr.	Hwy 182	Ex. Pipe	350	4	Concrete Bottom	\$7,350	-	\$7,350
11	Holts I	Lynn Lane	Academy Rd.	1500	-	Rip Rap	-	\$244,437	\$244,437
12	Holts II	Yellowjacket Bridge	Lynn Lane	2500	-	Rip Rap	-	\$331,016	\$331,016
13	Holts III	Highway 12	Yellowjacket	750	5	Concrete Bottom, Rip Rap	\$19,125	\$63,393	\$82,478
14	Holts IV	Wood St.	Highway 12	700	5	Concrete Bottom, Rip Rap	\$17,850	\$52,001	\$69,851
15	Maple St.	Birch St.	Rear Prop Line- Maple	600	4	Concrete Bottom, Rip Rap	\$12,600	\$50,683	\$63,283
16	N. Montgomery	Rear Prop Line- Gm. Hill	North Montgomery	500	5	Concrete Bottom, Rip Rap	\$12,750	\$42,296	\$55,046
17	Okt. Gardens	Old West Point Rd.	White Drive	400	5	Concrete Bottom	\$10,200	-	\$10,200
18	Old West Point	Bridge just north of Cyleas Store		-	-	Add/ Steel Piling, Concrete Bottom, Headwalls	-	-	\$45,000
19	Plantation Homes	Woodlawn	Bride Path	525	4	Concrete Bottom, Rip Rap	\$11,025	\$26,308	\$37,333
20	Pleasant Acres	Montgomery	Lindley	850	4	Concrete Bottom, Rip Rap	\$17,850	\$37,175	\$55,025
21	S. Montgomery	S. Montgomery	Hackberry	225	3	Concrete Bottom	\$3,713	-	\$3,713
22	Santa Anita	Santa Anita	North Montgomery	525	5	Concrete Bottom, Rip Rap	\$13,388	\$26,308	\$41,695
23	Sportsplex	Lynn Lane	Sprull Ind. Park Rd.	1900	-	Rip Rap	-	\$251,572	\$251,572
24	Stonegate	Willow Bend	Rear Prop Line	200	2	Concrete Bottom	\$2,400	-	\$2,400
25	Timbercove	Widowar	Rotareck	750	3	Concrete Bottom	\$12,375	-	\$12,375
26	West Main	Ex. Concrete Ditch	Ex. Harlem St. Pipe	150	2	Concrete Bottom	\$1,800	-	\$1,800
27	Yellowjacket	Yellowjacket Dr.	Ex. Pipe	975	-	Rip Rap	-	\$109,238	\$109,238
				Total	2.21	miles			
								Testing 1%	\$21,016
								Contingency 20%	\$420,328
							Total Drainage CIP		\$2,542,987

REPORT FROM THE INFRASTRUCTURE COMMITTEE

13. AN ORDER TO APPROVE THE RECOMMENDATIONS OF THE INFRASTRUCTURE COMMITTEE THAT THE FEASIBILITY STUDY OF THE SLUDGE AT THE WASTE WATER LAGOON BE PERFORMED BY CLEARWATER CONSULTANTS

There came for consideration the approval of the motion based upon the recommendations of the Infrastructure Committee, that the feasibility study of the removal of the sludge from the wastewater treatment facility be performed by Clearwater Consultants. After discussion by Alderman P.C. McLaurin Jr., duly seconded by Alderman Rodney Lincoln,

The majority of the members of the Board present and voting moved unanimous approval of the motion based upon the recommendations of the Infrastructure Committee, that the feasibility study of the removal of the sludge from the wastewater treatment facility be performed by Clearwater Consultants,

14. AN ORDER TO REPLACE THE UNRELIABLE PIPING UNDER MONTGOMERY STREET BETWEEN HIGHWAY 12 AND GILLESPIE STREETS

There came for consideration the matter of the approval of the motion to approve the replacement of the old ductile iron 4" main with a new 8" PVC main at an estimated cost of \$30,000, said piping is located on Montgomery Street between Highway 12 and Gillespie Street. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Janette Self,

The members of the Board present and voting moved unanimous approval of the motion to approve the replacement of the old ductile iron 4" main with a new 8" PVC main at an estimated cost of \$30,000, said piping is located on Montgomery Street between Highway 12 and Gillespie Street.

REPORT FORM THE TECHNOLOGY COMMITTEE

The Technology Committee Chairman reported to the Board that the proposed 311 non-emergency number would be operational soon. Additionally, the Chairman reposted that beginning with the next Board meeting the "packets" will be disseminated electronically, and would be essentially an "e-packet".

REPORT FORM THE BUDGET COMMITTEE

The Budget Committee Chairman reported to the Mayor et al that the City has continued to grow compared to other areas throughout the region. Additionally, the Chairman provided the following information:

Sales Tax Update

Starkville			
	This Year	Last Year	Change
Oct	\$447,356	\$480,902	-6.98%
Nov	\$446,216	\$409,501	8.97%
Dec	\$430,810	\$411,189	4.77%
Jan	\$403,288	\$418,302	-3.59%
Feb	\$485,516	\$480,024	1.14%
Fiscal YTD	\$2,213,185	\$2,199,918	0.60%

Columbus			
	This Year	Last Year	Change
Oct	\$709,088	\$712,190	-0.44%
Nov	\$689,140	\$720,985	-4.42%
Dec	\$689,030	\$687,719	0.19%
Jan	\$661,731	\$747,983	-11.53%
Feb	\$825,703	\$890,333	-7.26%
Fiscal YTD	\$3,574,692	\$3,759,210	-4.91%

Oxford			
	This Year	Last Year	Change
Oct	\$557,826	\$535,144	4.24%
Nov	\$520,283	\$524,852	-0.87%
Dec	\$522,614	\$532,976	-1.94%
Jan	\$483,383	\$492,111	-1.77%
Feb	\$534,682	\$551,072	-2.97%
Fiscal YTD	\$2,618,788	\$2,636,154	-0.66%

Tupelo			
	This Year	Last Year	Change
Oct	\$1,359,353	\$1,406,295	-3.34%
Nov	\$1,333,936	\$1,316,884	1.29%
Dec	\$1,297,138	\$1,309,998	-0.98%
Jan	\$1,399,926	\$1,451,326	-3.54%
Feb	\$1,727,616	\$1,879,105	-8.06%
Fiscal YTD	\$7,117,969	\$7,363,607	-3.34%

State			
	This Year	Last Year	Change
Oct	\$32,810,657	\$33,619,476	-2.41%
Nov	\$31,744,149	\$31,937,800	-0.61%
Dec	\$31,059,491	\$31,351,850	-0.93%
Jan	\$30,631,652	\$31,472,435	-2.67%
Feb	\$37,265,938	\$39,297,201	-5.17%
Fiscal YTD	\$163,511,887	\$167,678,762	-2.49%

PRESENTATION ON THE ANNUAL TRAFFIC SAFETY REPORT IN ACCORDANCE WITH THE STARKVILLE CODE § 106-40

The Police Chief presented to the Mayor et al a presentation of the annual traffic safety report in accordance with § 106-40:

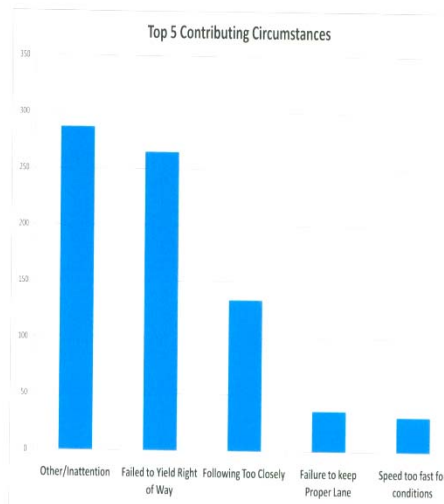
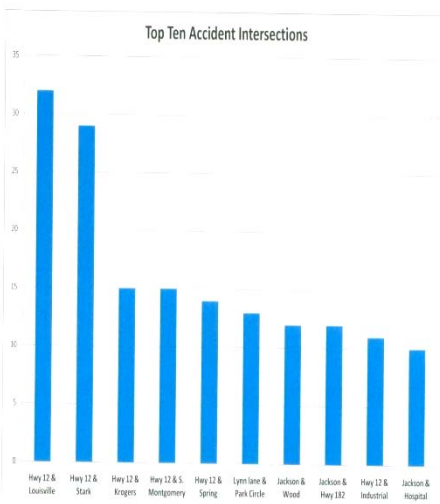
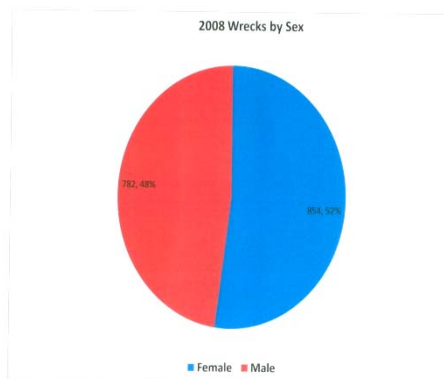
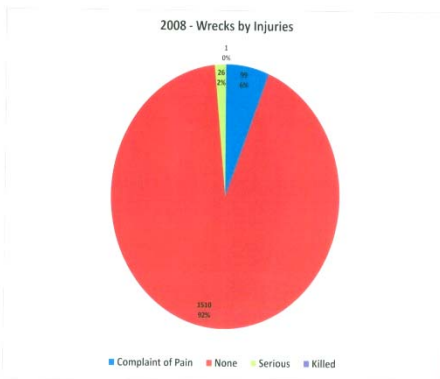
2008 Traffic Safety Report

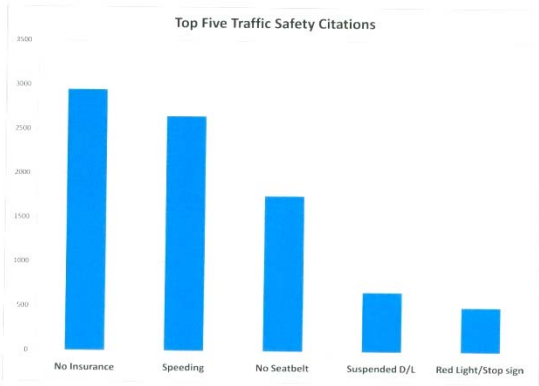


2008 - Total Wrecks

1636







Starkville Police Department
 October '07 – September '08
Highway Safety Checkpoints – 139

Starkville Police Department
 October '07 – September '08
DUI Arrest – 358

15. AN ORDER FINDING OF FACT NECESSARY TO AUTHORIZE THE EMERGENCY PURCHASE OF AN AERATOR GEARBOX FOR THE WASTEWATER TREATMENT PLANT FROM MOTION INDUSTRIES, SUBMITTER OF THE LOWEST QUOTE, IN THE AMOUNT OF \$12,167.00

There came for consideration the matter of the approval of the motion to authorize and ratify the emergency purchase of an aerator gearbox for the Wastewater Treatment Plant, from Motion Industries who submitted the lowest and best bid in the amount of twelve thousand one hundred sixteen dollars and zero cents (\$12,167.00), with the Board finding as fact that replacement of the gearbox was an emergency purchase and that the public health safety and welfare necessitated said purchase, and that the lowest and best bid was one of three submitted. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Matt Cox,

The members of the Board present and voting moved unanimous approval of the motion to authorize and ratify the emergency purchase of an aerator gearbox for the Wastewater Treatment Plant, from Motion Industries who submitted the lowest and best bid in the amount of twelve thousand one hundred sixteen dollars and zero cents (\$12,167.00), with the Board finding as fact that replacement of the gearbox was an emergency purchase and that the public health, safety and welfare necessitated said purchase, and that the lowest and best bid was one of three submitted.

16. AN ORDER APPROVING THE ADVERTISING FOR THE BIDS FOR SERVICES ON THE STREETS AND DRAINAGE PROGRAM

There came for consideration the matter of the approval of the motion to grant authorization to advertise for bids on the streets and drainage improvement program and those specific requirements, appropriate and relative to the construction/widening/ acquisition of rights-or-way relative to the project and any and all appropriate measures needed for said construction project of Reed Road be authorized and that actions are to be expedited. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Janette Self,

The members of the Board present and voting moved unanimous approval of the motion to grant authorization to advertise for bids on the streets and drainage improvement program and those specific requirements, appropriate and relative to the construction/widening/ acquisition of rights-or-way relative to the project and any and all appropriate measures needed for said construction project of Reed Road be authorized and that actions are to be expedited.

17. AN ORDER APPROVING THE CONSENT AGENDA AS ENUMERATED

There came for consideration the matter of the approval of the motion to approve the consent agenda as enumerated below. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Janette Self,

Consent:

C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET AS OF FEBRUARY 12, 2009.
2. REQUEST AUTHORIZATION FOR TRAVEL TO MERIDIAN, MS TO ATTEND MISSISSIPPI MUNICIPAL CLERKS AND COLLECTORS 2009 SPRING CONFERENCE MARCH 11 – 13, 2009, WITH \$469.97.00 ADVANCE TRAVEL EXPENSE AUTHORIZED FOR CITY CLERK, MARKEETA OUTLAW.

D. COURTS

1. REQUEST AUTHORIZATION FOR COURT CLERK DEBRA WOOD TO ATTEND THE MUNICIPAL COURT CLERK TRAINING SEMINAR FOR SIX (6) HOURS OF MANDATORY TRAINING FROM MARCH 5-6, 2009, HELD IN TUNICA, MS.

E. ELECTRIC DEPARTMENT

1. REQUEST AUTHORIZATION TO PURCHASE WIRELESS CAMERA FROM TEMPLE, INC. OF DECATUR ALABAMA FOR A TOTAL UNIT COST OF \$6,814.00.

F. ENGINEERING AND STREETS

1. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE CAPITAL IMPROVEMENT PROGRAM FOR FISCAL YEAR 2008-2009 STREET AND DRAINAGE IMPROVEMENT PROJECTS.

TABLED

~~2. REQUEST AUTHORIZATION FOR THE MAYOR TO SIGN THE LYNN LANE DESIGN SERVICES CONTRACT ADDENDUM EXTENDING THE CONTRACT WITH NEEL SCHAFFER FROM 12-31-2008 THROUGH 12-31-2009.~~

3. REQUEST EDUCATIONAL LEAVE FOR EDWARD KEMP FROM MARCH 23 – 27, 2009, TO ATTEND THE MANAGING FLOODPLAIN THROUGH THE NATIONAL FLOOD INSURANCE PROGRAM COURSE IN EMMITSBURG, MD, AT A COST TO THE CITY OF \$214.75 WITH ADVANCE TRAVEL REQUESTED.

G. FIRE DEPARTMENT

1. REQUEST EDUCATIONAL LEAVE FOR KRIS MCCARTER AND COLEMAN NORMAN TO TRAVEL TO PEARL, MS, TO ATTEND THE AIRPORT FF CLASS AT THE MISSISSIPPI STATE FIRE ACADEMY FOR A TOTAL COST OF \$1,560.00.

H. PERSONNEL

2. REQUEST AUTHORIZATION TO CLASSIFY KAYLA GILMORE AS A TEMPORARY STATUS EMPLOYEE WITH FULL BENEFITS.
3. REQUEST AUTHORIZATION TO ADVERTISE TO FILL VACANT GROUNDMAN POSITION IN THE ELECTRIC OPERATIONS DEPARTMENT.
4. REQUEST AUTHORIZATION TO ADVERTISE FOR AN OPERATOR IN PUBLIC WORKS/DRINKING WATER DIVISION.

I. POLICE DEPARTMENT

1. REQUEST AUTHORIZATION TO PURCHASE WIRELESS CAMERA FROM TEMPLE, INC. OF DECATUR ALABAMA FOR A TOTAL UNIT COST OF \$6,814.00 AS A COMPANION PURCHASE WITH THE ELECTRIC DEPARTMENT.

3. REQUEST AUTHORIZATION TO ALLOW ANIMAL CONTROL OFFICER SARA HANKINS EDUCATIONAL LEAVE TO ATTEND A NACA LEVEL III, NATIONAL ANIMAL CONTROL ASSOCIATION TRAINING ACADEMY PROGRAM IN KANSAS CITY, MISSOURI ON APRIL 20 – 24, 2009, FOR A TOTAL COST OF \$1,936.80 WITH ADVANCE TRAVEL REQUESTED.

J. PUBLIC SERVICES

1. REQUEST APPROVAL OF UTILIZING STIDHAM CONSTRUCTION, THE LOWEST SOURCE OF SUPPLY BIDDER, TO REPLACE WATER PIPING ALONG MONTGOMERY STREET BETWEEN HIGHWAY 12 AND GILLESPIE STREET IN THE AMOUNT OF \$17,030.20.
2. REQUEST APPROVAL OF PURCHASING PIPE, VALVES AND FITTINGS FOR THE MONTGOMERY STREET PIPE REPLACEMENT PROJECT FROM EMPIRE PIPE, THE SUBMITTER OF THE LOWEST QUOTE, IN THE AMOUNT OF \$10,116.50.
3. REQUEST APPROVAL TO UTILIZE DUKES ROOT CONTROL SERVICES, THE SOLE SOURCE OF SUPPLY BIDDER, TO TREAT 10,025 FEET OF MUNICIPAL SEWER MAINS IN THE AMOUNT OF \$17,244.00.
4. REQUEST APPROVAL FOR CHARLES BOX TO TRAVEL TO JACKSON, MS FOR THE MISSISSIPPI RURAL WATER ASSOCIATION ANNUAL CONFERENCE AND EXHIBITION FROM MARCH 23RD – MARCH 27TH AT AN ESTIMATED COST OF \$513.02.
6. REQUEST APPROVAL FOR GLENN MACHINE WORKS, SUBMITTER OF THE LOWEST QUOTE, TO REPLACE THE STEEL STRUCTURAL COMPONENTS ON CLARIFIER #1 AT THE WASTEWATER TREATMENT PLANT AT A COST OF \$10,800.00.

The members of the Board present and voting moved unanimously to approve the Consent Agenda of the February 17, 2009, board meeting with the amendments enumerated above.

18. APPROVING A MOTION TO MOVE INTO CLOSED SESSION

There came for consideration the matter of the approval of the motion to move into Closed Session for the purposed of the discussion of the need to move into Executive Session. After discussion and upon the motion of Alderman Sumner D. Davis, III duly seconded by Alderman Richard Corey,

The Board voted unanimously to move into Closed Session for the purposed of the discussion of the need to move into Executive Session.

19. AN ORDER APPROVING A MOTION TO MOVE INTO EXECUTIVE SESSION

There came for consideration the matter of the approval of the motion to move into Executive Session for the purposes of the discussion of pending litigation, potential litigation and land acquisition . After discussion and upon the motion of Alderman Richard Corey, duly seconded by Alderman Janette Self,

The Board voted unanimously to move into Executive Session for the purposes of the discussion of potential litigation and pending litigation.

20. AN ORDER TO APPROVE A MOTION TO AUTHORIZE THE ACQUISITION OF PROPERTY

There came for consideration the matter of the approval of the motion to grant authorization for property acquisition; coordinating as necessary and appropriate with the City Attorney, for the purposes of acquiring property relative to sewage pumping stations. After discussion and upon the motion of Alderman P.C. McLaurin Jr., duly seconded by Alderman Sumner D. Davis, III,

The Members of the Board present and voting moved unanimous approval of the motion to grant authorization for property acquisition; coordinating as necessary and appropriate with the City Attorney, for the purposes of acquiring property relative to sewage pumping stations.

21. AN ORDER TO MOVE OUT OF EXECUTIVE SESSION

There came for consideration the matter of the approval of the motion to move out of Executive Session. After discussion and upon the motion of Alderman Richard Corey, duly seconded by Alderman Roy A. Perkins,

The board voted unanimously to move out of Executive Session.

A MOTION TO ADJOURN UNTIL 5: 30 PM ON TUESDAY MARCH 3, 2009

Alderman Roy A.' Perkins moved that the Board of Aldermen adjourn until 5:30 p.m. on Tuesday March 3, 2009, in the Court Room of City Hall Alderman Richard Corey seconded, with the motion carrying unanimously.

ROBERT D. CAMP, MAYOR

TAMMY R. TYNDALL,
DEPUTY CITY CLERK

SIGNED AND SEALED THIS ___ DAY OF _____ 2009.