

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

**The City of Starkville, Mississippi  
April 5, 2011**

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

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

**REQUESTED REVISIONS TO THE OFFICIAL AGENDA**

**Alderman Eric Parker** requested the following changes to the April 5, 2011 Official Agenda

**Add to Consent Item XI-L-3** regarding approval of the LOGO for the Sanitation & Environmental Services Department for use on all Recycling and Department Related Publications and Correspondence.

**Alderman Jeremiah Dumas** requested the following changes to the April 5, 2011 Official Agenda

**Move Item X-I** regarding Carver Ditch discussions to be considered before Item X-A and Re-order the Agenda to Accordingly.

**Add to Consent Item XI-B-1** regarding a Request to Allow Multi-Family Residential Use in a C-2 General Business Zoning District Located on the Western Side of the Highway 25 Bypass, with 5 conditions as recommended.

**Add to Consent Item XI-B-2** regarding a Request to allow a church in a C-2 General Business Zoning District located at 413 Abernathy Dr. with 5 conditions as recommended.

**Add to Consent Item XI-B-3** regarding a Request to allow a Residential Use in a C-2 General Business Zoning District located at 100 Col. Muldrow Dr. with 8 conditions as recommended.

**Add to Consent Item XI-B-4** regarding a Request for approval of "Court Square Condominiums" Final Plat located in a C-3 Central Business Zoning District located at 110 Court Square with 8 conditions as recommended.

**Remove from Agenda Item XI-E-2** regarding a Pole Attachment License Agreement between the City of Starkville and Windstream KDL, Inc.

**Alderman Henry Vaughn, Sr.** requested the following changes to the April 5, 2011 Official Agenda

**Add to Consent Item X-F** regarding the South Montgomery Street Traffic Study Proposal and Scope, and Authorization of the Mayor to Execute a Cost-Plus Fixed Fee Engineering Contract.

**Add to Consent Item X-G** regarding accepting Placemakers, LLC, for the Development of a Master Plan and Form Based Code for Sections of Downtown Starkville and Authorization to enter into Contract Negotiations.

**Remove from Consent Item X1-E-1** regarding authorization to advertise for a Tree Trimming and Removal Service.

1.

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

There came for consideration the matter of approving and adopting the April 5, 2011 Official Agenda of the Regular Meeting of the Mayor and Board of Aldermen as revised. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the April 5, 2011 Official Agenda as revised, the Board voted unanimously in favor of the motion.

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

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

REGULAR MEETING OF TUESDAY, APRIL 5, 2011  
5:30 P.M., COURT ROOM, CITY HALL  
101 EAST LAMPKIN STREET

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

**I. CALL THE MEETING TO ORDER**

**II. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE**

**III. APPROVAL OF THE OFFICIAL AGENDA**

- A. CONSIDERATION OF THE APPROVAL OF THE CONSENT AGENDA.

**IV. APPROVAL OF BOARD OF ALDERMEN MINUTES**

- A. CONSIDERATION OF THE APPROVAL OF THE MINUTES FROM THE REGULAR MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF STARKVILLE HELD ON MARCH 1, 2011.
- B. CONSIDERATION OF THE APPROVAL OF THE MINUTES FROM THE RECESS MEETING OF THE BOARD OF ALDERMEN OF THE CITY OF STARKVILLE HELD ON MARCH 15, 2011.

**V. ANNOUNCEMENTS AND COMMENTS**

- A. MAYOR'S COMMENTS:

SANITATION & ENVIRONMENTAL SERVICES DEPARTMENT HAS OBTAINED FIFTY (50) RECYCLING CONTAINERS THAT ARE BEING PLACED THROUGHOUT THE CITY AND THERE WILL BE 4 PUBLIC SERVICE COMMERCIALS AIRING FOR THE RECYCLING PROGRAM STARTING THIS WEEK.

RECOGNITION OF THE PUBLIC SERVICES DEPARTMENT FOR A RECORD OF 2 YEARS WITHOUT LOST TIME TO AN INJURY/ACCIDENT

INTRODUCTION OF NEW EMPLOYEES:

SANITATION & ENVIRONMENTAL SERVICES:

<b>CHAD ROBINSON</b>	LABORER
<b>CARVES ELLIS</b>	LABORER
<b>THEODIS WEAVER</b>	LABORER
<b>STEVEN LANE</b>	LABORER
<b>GLENN HAYES</b>	DRIVER
<b>DARYL JORDAN</b>	DRIVER

- B. BOARD OF ALDERMEN COMMENTS:

RECOGNITION OF EMPLOYEE OF THE MONTH: ALDERMAN COREY PRESENTING TO:

**STEVEN JONES – POLICE DEPARTMENT**

**VI. CITIZEN COMMENTS**

**VII. PUBLIC APPEARANCES**

- A. PUBLIC APPEARANCE BY DR. DWIGHT HARDING PRESENTING INFORMATION ON A CONSTRUCTION PROJECT LOCATED ON LUMMUS STREET

**VIII. PUBLIC HEARING**

- A. THIRD PUBLIC HEARING ON AMENDING THE CITY OF STARKVILLE SIDEWALK ORDINANCE 2009-07 AND THE CODE OF ORDINANCES, CHAPTER 98, ARTICLE III. CONSTRUCTION AND MAINTENANCE OF PUBLIC SIDEWALKS. TO INCLUDE A VARIANCE PROCESS AND THE REQUIREMENTS FOR GRANTING A VARIANCE AND OTHER RELATED PURPOSES.
- B. SECOND PUBLIC HEARING ON AMENDING THE CITY OF STARKVILLE SIGN ORDINANCE, 2008-10 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, APPENDIX A, SEC.C. SIGNS, TO INCLUDE MODIFICATIONS TO THE ALLOWED SIZE, RIGHTS OF WAY SIGNAGE AND AMORTIZATION OF EXISTING, NON-CONFORMING SIGNS AND FOR OTHER RELATED PURPOSES.

**IX. MAYOR'S BUSINESS**

*THERE IS NO MAYOR'S BUSINESS SCHEDULED*

**X. BOARD BUSINESS**

- A. CONSIDERATION OF THE APPROVAL OF AMENDING THE CITY OF STARKVILLE SIDEWALK ORDINANCE 2009-07 AND THE CODE OF ORDINANCES, CHAPTER 98, ARTICLE III. CONSTRUCTION AND MAINTENANCE OF PUBLIC SIDEWALKS. TO INCLUDE A VARIANCE PROCESS AND THE REQUIREMENTS FOR GRANTING A VARIANCE AND OTHER RELATED PURPOSES
- B. CONSIDERATION OF AMENDING THE CITY OF STARKVILLE SIGN ORDINANCE, 2008-10 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, APPENDIX A, SEC. C. SIGNS, TO INCLUDE MODIFICATIONS TO THE ALLOWED SIZE, RIGHTS OF WAY SIGNAGE AND AMORTIZATION OF EXISTING, NON-CONFORMING SIGNS AND FOR OTHER RELATED PURPOSES.
- C. CONSIDERATION OF MAKING APPOINTMENTS TO FILL THE VACANCIES CREATED BY THE EXPIRING TERMS ON THE TRANSPORTATION COMMITTEE AND THE VACANCY ON THE COMMISSION ON DISABILITY.
- D. BUDGET COMMITTEE REPORT
  - 1. CONSIDERATION OF THE APPROVAL OF A BUDGET AMENDMENT.
  - 2. REPORT OF THE PRELIMINARY AUDIT RESULTS
- E. REQUEST AUTHORIZATION TO ADVERTISE FOR 2011 CAPITAL IMPROVEMENT BUDGET PROGRAM PROJECTS.

- F. CONSIDERATION OF THE APPROVAL OF THE SOUTH MONTGOMERY STREET TRAFFIC STUDY PROPOSAL AND SCOPE AND AUTHORIZATION FOR THE MAYOR TO EXECUTE A COST-PLUS FIXED FEE ENGINEERING CONTRACT.
- G. CONSIDERATION OF ACCEPTING PLACEMAKERS, LLC, FOR THE DEVELOPMENT OF A MASTER PLAN AND FORM BASED CODE FOR SECTIONS OF DOWNTOWN STARKVILLE AND AUTHORIZATION TO ENTER INTO CONTRACT NEGOTIATIONS.
- ### H. CONSIDERATION OF ADVERTISING FOR LETTERS OF INTEREST FOR THE UNEXPIRED TERM ENDING JUNE 30, 2013, ON THE BOARD OF ADJUSTMENT AND APPEALS
- I. DISCUSSION REGARDING CARVER DRIVE DITCH.

**XI. DEPARTMENT BUSINESS**

A. AIRPORT

### 1. REQUEST APPROVAL TO PAY INVOICE DATED MARCH 22, 2011, FROM POTTS METAL BUILDINGS FOR REPAIRING STORM DAMAGED STRUCTURES ON GEORGE M. BRYAN FIELD.

### 2. REQUEST CLEARWATER CONSULTANTS, INC. BE ACCEPTED AS THE ENGINEERING FIRM OF RECORD AS CONSULTING ENGINEERS FOR PROFESSIONAL SERVICES RELATED TO THE STARKVILLE/OKTIBBEHA COUNTY AIRPORT, GEORGE M. BRYAN FIELD, UNDER THE GUIDELINES OF THE FAA AIRPORT IMPROVEMENT PROGRAM, THROUGH MARCH 31, 2016.

B. BUILDING, CODES AND PLANNING DEPARTMENT

- 1. REQUEST CONSIDERATION TO APPROVE P&Z ITEM #CU 11-01: A REQUEST BY MR. HERMAN ASHFORD TO ALLOW MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED ON THE WESTERN SIDE OF THE MS HIGHWAY 25 BYPASS APPROXIMATELY 1.3 MILES SOUTH OF MS HIGHWAY 12 WEST IN WARD 2.
- 2. REQUEST CONSIDERATION TO APPROVE P&Z ITEM #CU 11-02: A REQUEST BY MR. JAMES COLLINS TO ALLOW A CHURCH IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 413 ABERNATHY DRIVE IN WARD 1.
- 3. REQUEST CONSIDERATION TO APPROVE P&Z ITEM #CU 11-03: A REQUEST BY MR. MITCH MITCHELL TO ALLOW RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 100 COL. MULDROW DRIVE IN WARD 4.
- 4. CONSIDERATION OF P&Z ITEM #FP 11-03: A REQUEST BY MR. GREG RUSSELL FOR APPROVAL OF "COURT SQUARE CONDOMINIUMS" A FINAL PLAT LOCATED IN A C-3

(CENTRAL BUSINESS) ZONING DISTRICT LOCATED AT 110 COURT SQUARE IN WARD 7.

### 5. CONSIDERATION OF THE APPROVAL FOR CITY PLANNER TO ATTEND THE ASSOCIATION OF FLOODPLAIN MANAGERS OF MISSISSIPPI (AFMM) CONFERENCE IN NATCHEZ, SCHEDULED FOR APRIL 27—29, 2011, WITH ADVANCE TRAVEL PAY REQUESTED IN THE AMOUNT OF \$515.60.

C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE FIRE DEPARTMENT CLAIMS DOCKET AS OF MARCH 31, 2011.

### 2. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF MARCH 31, 2011.

D. COURTS

### 1. REQUEST SIX (6) HOURS OF CERTIFIED TRAINING FOR MUNICIPAL COURT CLERK, DEBRA WOOD, ENTERED ON THE MINUTES AS REQUIRED IN ACCORDANCE WITH MS CODE §21-23-12

E. ELECTRIC DEPARTMENT

### 1. REQUEST AUTHORIZATION TO ADVERTISE FOR A TREE TRIMMING AND REMOVAL SERVICE.

2. REQUEST APPROVAL OF A POLE ATTACHMENT LICENSE AGREEMENT BETWEEN THE CITY OF STARKVILLE AND WINDSTREAM KDL, INC.

F. ENGINEERING AND STREETS

### 1. REQUEST AUTHORIZATION TO AMEND THE LOUISVILLE STREET WIDENING ENGINEERING CONTRACT TO INCLUDE BIDDING AND CONTRACT AWARD SERVICES.

### 2. REQUEST AUTHORIZATION TO ADVERTISE FOR ASPHALT SOURCE OF SUPPLY FOR 2<sup>ND</sup> QUARTER OF 2011.

### 3. REQUEST AUTHORIZATION TO ADVERTISE FOR RFQS FOR THE LOUISVILLE STREET WIDENING CONSTRUCTION ENGINEERING AND INSPECTION (CE&I) SERVICES AND THE APPOINTMENT OF A RECOMMENDATION COMMITTEE.

G. FIRE DEPARTMENT

*THERE ARE NO ITEMS FOR THIS AGENDA*

H. INFORMATION TECHNOLOGY

*THERE ARE NO ITEMS FOR THIS AGENDA*

I. PERSONNEL

*THERE ARE NO ITEMS FOR THIS AGENDA*

J. POLICE DEPARTMENT

### 1. REQUEST AUTHORIZATION FOR OUT-OF-STATE TRAVEL FOR OFFICER BUBBA WILLARD TO ATTEND THE NNDDA CONFERENCE IN WEST COLUMBIA, TEXAS, APRIL 4-8, 2011, WITH ADVANCE TRAVEL APPROVED.

K. PUBLIC SERVICES

### 1. REQUEST APPROVAL FOR THE MAYOR TO EXECUTE A UTILITY EASEMENT ABANDONMENT INSTRUMENT FOR THE STARK CROSSING PHASE 3 SUBDIVISION.

L. SANITATION DEPARTMENT

### 1. REQUEST AUTHORIZATION TO TRAVEL TO NASHVILLE, TN, TO ATTEND THE WASTE CON CONFERENCE AND THE APPROVAL OF ADVANCE TRAVEL COSTS.

### 2. REQUEST APPROVAL OF THE BEST AND LOWEST BID FOR THE RECYCLING BAGS FROM INTERBORO PACKAGING CORPORATION WITH A PRICE OF \$38,700.00 RECEIVING 260,000 RECYCLING BAGS (52 PER ROLL) AND UNIT PRICE OF \$7.74.

3. REQUEST APPROVAL OF THE LOGO FOR THE SANITATION & ENVIRONMENTAL SERVICES DEPARTMENT FOR USE ON ALL RECYCLING AND DEPARTMENT RELATED PUBLICATIONS AND CORRESPONDENCE.

**XII. CLOSED DETERMINATION SESSION**

**XIII. OPEN SESSION**

**XIV. EXECUTIVE SESSION**

A. PENDING LITIGATION

B. PERSONNEL

**XV. OPEN SESSION**

**XVI. RECESS UNTIL APRIL 19, 2011 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.**

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

**APPENDIX A**

**PROPOSED CONSENT AGENDA**

**IX. MAYOR'S BUSINESS – NO ITEMS**

**X. BOARD BUSINESS**

- H. CONSIDERATION OF ADVERTISING FOR LETTERS OF INTEREST FOR THE UNEXPIRED TERM ENDING JUNE 30, 2013, ON THE BOARD OF ADJUSTMENT AND APPEALS.

**XI. DEPARTMENT BUSINESS**

A. AIRPORT

1. REQUEST APPROVAL TO PAY INVOICE DATED MARCH 22, 2011, FROM POTTS METAL BUILDINGS FOR REPAIRING STORM DAMAGED STRUCTURES ON GEORGE M. BRYAN FIELD.
2. REQUEST CLEARWATER CONSULTANTS, INC. BE ACCEPTED AS THE ENGINEERING FIRM OF RECORD AS CONSULTING ENGINEERS FOR PROFESSIONAL SERVICES RELATED TO THE STARKVILLE/OKTIBBEHA COUNTY AIRPORT, GEORGE M. BRYAN FIELD, UNDER THE GUIDELINES OF THE FAA AIRPORT IMPROVEMENT PROGRAM, THROUGH MARCH 31, 2016.

B. BUILDING DEPARTMENT

5. CONSIDERATION OF THE APPROVAL FOR CITY PLANNER TO ATTEND THE ASSOCIATION OF FLOODPLAIN MANAGERS OF MISSISSIPPI (AFMM) CONFERENCE IN NATCHEZ, SCHEDULED FOR APRIL 27—29, 2011, WITH ADVANCE TRAVEL PAY REQUESTED IN THE AMOUNT OF \$515.60.

C. OFFICE OF THE CITY CLERK

2. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF MARCH 31, 2011.

D. COURTS

1. REQUEST SIX (6) HOURS OF CERTIFIED TRAINING FOR MUNICIPAL COURT CLERK, DEBRA WOOD, ENTERED ON THE MINUTES AS REQUIRED IN ACCORDANCE WITH MS CODE §21-23-12.

E. ELECTRIC DEPARTMENT

1. REQUEST AUTHORIZATION TO ADVERTISE FOR A TREE TRIMMING AND REMOVAL SERVICE.
- F. ENGINEERING AND STREETS
1. REQUEST AUTHORIZATION TO AMEND THE LOUISVILLE STREET WIDENING ENGINEERING CONTRACT TO INCLUDE BIDDING AND CONTRACT AWARD SERVICES.
  2. REQUEST AUTHORIZATION TO ADVERTISE FOR ASPHALT SOURCE OF SUPPLY FOR 2<sup>ND</sup> QUARTER OF 2011.
  3. REQUEST AUTHORIZATION TO ADVERTISE FOR RFPS FOR THE LOUISVILLE STREET WIDENING CONSTRUCTION ENGINEERING AND INSPECTION (CE&I) SERVICES AND THE APPOINTMENT OF A RECOMMENDATION COMMITTEE.
- G. FIRE DEPARTMENT – NO ITEMS
- H. INFORMATION TECHNOLOGY – NO ITEMS
- I. PERSONNEL - NO ITEMS
- J. POLICE DEPARTMENT
1. REQUEST AUTHORIZATION FOR OUT-OF-STATE TRAVEL FOR OFFICER BUBBA WILLARD TO ATTEND THE NNDDA CONFERENCE IN WEST COLUMBIA, TEXAS, APRIL 4-8, 2011, WITH ADVANCE TRAVEL APPROVED.
- K. PUBLIC SERVICES
1. REQUEST APPROVAL FOR THE MAYOR TO EXECUTE A UTILITY EASEMENT ABANDONMENT INSTRUMENT FOR THE STARK CROSSING PHASE 3 SUBDIVISION.
- L. SANITATION DEPARTMENT
1. REQUEST AUTHORIZATION TO TRAVEL TO NASHVILLE, TN, TO ATTEND THE WASTE CON CONFERENCE AND THE APPROVAL OF ADVANCE TRAVEL COSTS.
  2. REQUEST APPROVAL OF THE BEST AND LOWEST BID FOR THE RECYCLING BAGS FROM INTERBORO PACKAGING CORPORATION WITH A PRICE OF \$38,700.00 RECEIVING 260,000 RECYCLING BAGS (52 PER ROLL) AND UNIT PRICE OF \$7.74.

CONSENT ITEMS 2 - 21

2.

**APPROVAL OF THE SOUTH MONTGOMERY STREET TRAFFIC STUDY PROPOSAL AND SCOPE, AND AUTHORIZATION FOR THE MAYOR TO EXECUTE A COST-PLUS FIXED FEE**

## ENGINEERING CONTRACT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval of the South Montgomery Street Traffic Study Proposal and Scope; and Authorization for the Mayor to Execute a Cost-Plus Fixed Fee Engineering Contract" is enumerated, this consent item is thereby approved.

**3.**  
**APPROVAL TO ACCEPT PLACEMAKERS, LLC, TO DEVELOPE A MASTER PLAN AND FORM BASED CODE FOR THE CITY OF STARKVILLE FOR CERTAIN DESIGNATED AREAS OF DOWNTOWN STARKVILLE AND AUTHORIZATION TO ENTER INTO CONTRACT NEGOTIATIONS**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to accept Placemakers, LLC to develop a Master Plan and Form Based Code for the City of Starkville for certain designated areas of Downtown Starkville and authorization to enter into contract negotiations" is enumerated, this consent item is thereby approved.

**4.**  
**APPROVAL TO AUTHORIZE ADVERTISING FOR LETTERS OF INTEREST FOR THE VACANT POSITION OF THE UNEXPIRED TERM ENDING JUNE 30, 2013, ON THE BOARD OF ADJUSTMENTS AND APPEALS**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to authorize advertising for Letters of Interest for the vacant position of the unexpired term ending June 30, 2013, on the Board of Adjustments and Appeals" is enumerated, this consent item is thereby approved.

**5.**  
**APPROVAL TO PAY AN INVOICE FROM POTTS METAL BUILDINGS IN THE AMOUNT OF \$11,227.00 FOR REPAIRING STORM DAMAGED STRUCTURES AT BRYAN FIELD AIRPORT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to pay an invoice from Potts Metal Buildings in the amount of \$11,227.00 for repairing storm damaged structures at Bryan Field Airport" is enumerated, this consent item is thereby approved.

6.

**APPROVAL TO DESIGNATE CLEARWATER CONSULTANTS, INC. AS THE "ENGINEERING FIRM OF RECORD" FOR CONSULTING ENGINEERS FOR PROFESSIONAL SERVICES FOR BRYAN FIELD AIRPORT THROUGH MARCH 31, 2016, USING THE GUIDELINES OF THE FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT PROGRAM**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to designate Clearwater Consultants, Inc., as the "Engineering Firm of Record" as Consulting Engineers for Professional Services for Bryan Field Airport, through March 31, 2016, using the Guidelines of the Federal Aviation Administration Airport Improvement Program" is enumerated, this consent item is thereby approved.

7.

**APPROVAL OF P&Z ITEM #CU 11-01: A REQUEST TO ALLOW A MULTI-RESIDENTIAL USE IN A C-2 GENERAL BUSINESS ZONING DISTRICT LOCATED ON THE WESTERN SIDE OF HIGHWAY 25 BYPASS APPROXIMATELY 1.3 MILES SOUTH OF HIGHWAY 12 WEST WITH 5 CONDITIONS AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to allow a multi-residential use in a C-2 General Business zoning district located on the western side of Highway 25 Bypass, approximately 1.3 miles south of Highway 12 West with 5 conditions as recommended by the Planning and Zoning Commission for Mr. Herman Ashford" is enumerated, this consent item is thereby approved.

**5 CONDITIONS**

1. A detailed site plan review shall be conducted by the City's Development Review Committee prior to the issuance of appropriate construction permits.
2. The applicant shall submit a subdivision plat and record a "phase one" final plat approval prior to the construction of any multi-family units at the site.
3. Appropriate building permits shall be obtained, inspections performed by City Building and Fire Inspectors and Certificates of Occupancy shall be issued prior to any tenants occupying any of the structures.
4. All appropriate permits shall be obtained prior to the commencement of any construction activities at the site within one year of approval of the conditional use request by the Mayor and Board of Aldermen.
5. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

**8.**

**APPROVAL OF P&Z ITEM #CU 11-02: A REQUEST TO ALLOW A CHURCH IN A C-2 GENERAL BUSINESS ZONING DISTRICT LOCATED AT 413 ABERNATHY DRIVE WITH 5 CONDITIONS AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to allow a Church in a C-2 General Business Zoning District located at 413 Abernathy Drive with 5 conditions as recommended by the Planning and Zoning Commission, for Mr. James Collins" is enumerated, this consent item is thereby approved.

1. A detailed site plan review shall be conducted by the City's Development Review Committee prior to the issuance of appropriate construction permits.
2. The two lots shall be aggregated into a single lot prior to the issuance of appropriate construction permits.
3. All appropriate permits shall be obtained prior to the commencement of any construction activities at the site within ~~one year~~ six (6) months of approval of the conditional use request by the Mayor and Board of Aldermen.
4. All applicable inspections and certificates of occupancy from the City of Starkville's Building and Fire Departments shall be obtained prior to the commencement of any worship or faith-related activities at the site.
5. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

**9.**

**APPROVAL OF P&Z ITEM #CU 11-03: A REQUEST TO ALLOW A RESIDENTIAL USE IN A C-2 GENERAL BUSINESS ZONING DISTRICT LOCATED AT 100 COLONEL MULDROW DRIVE WITH 8 CONDITIONS AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to allow a Residential Use in a C-2 General Business zoning district located at 100 Colonel Muldrow Drive with 8 conditions as recommended by the Planning and Zoning Commission, for Mr. Mitch Mitchell" is enumerated, this consent item is thereby approved.

**8 CONDITIONS**

1. The structure shall not be enlarged beyond what is shown on the "proposed layout" provided by the applicant and attached to this staff report, dated January 31, 2011.
2. No other dwelling units or residential structures shall be constructed on the subject property unless a zoning amendment or conditional use has been approved by the Mayor and Board of Aldermen.

3. ~~The structure shall be used as a single family residential dwelling unit and shall~~ not be subdivided into separate dwelling units.
4. Appropriate building permits shall be obtained within six (6) months of approval of the conditional use request by the Mayor and Board of Aldermen, inspections performed by City Building Inspectors and a final inspection shall be received prior to any tenants occupying the structure.
5. The utilization of the structure for single-family residential use shall be allowed to continue indefinitely, so long as it is not converted to commercial use, regardless of ownership.
6. If the structure is ever utilized for any commercial activity, the conditional use shall immediately become null and void.
7. Additional parking shall be placed at the rear of the building.
8. All of the above conditions shall be fully and faithfully executed or the conditional use shall become null and void.

**10.**

**APPROVAL OF P&Z ITEM #FP 11-03: THE 'COURT SQUARE  
CONDOMINIUMS' FINAL PLAT AS PRESENTED WITH 8 CONDITIONS AS  
RECOMMENDED BY THE PLANNING AND ZONING COMMISSION**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval of the Court Square Condominiums Final Plat as presented with 8 conditions as recommended by the Planning and Zoning Commission" is enumerated, this consent item is thereby approved.

**8 CONDITIONS**

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code of 1972, as amended.
2. The final plat shall meet the minimum requirements for C-3 zoning dimensions.
3. All public utilities are currently in place.
4. The final plat shall be revised to show that it is a Class "B" Survey and that the zoning classification of the property is "C-3."
5. Since the covenants have already been recorded, the City Attorney's hold harmless indemnification language shall be placed on the face of the recorded plat.
6. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in "AutoCAD" format in standard state plane coordinates.

7. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.
8. Prior to final approval by the Mayor and Board of Aldermen, the "Declaration of Condominium Court Square" shall be revised and recorded to include the City Attorney's hold harmless indemnification language.

**11.  
APPROVAL FOR THE CITY PLANNER TO ATTEND THE ASSOCIATION OF  
FLOODPLAIN MANAGERS OF MISSISSIPPI (AFMM) CONFERENCE IN  
NATCHEZ, MS APRIL 27, 2011 THROUGH APRIL 29, 2011 WITH ADVANCE  
TRAVEL IN THE AMOUNT OF \$515.60**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval for City Planner Ben Griffith to attend the Association of Floodplain Managers of Mississippi (AFMM) Conference in Natchez, MS on April 27 through April 29, 2011 with advance travel pay in the amount of \$515.60" is enumerated, this consent item is thereby approved.

**12.**

**APPROVAL OF CLAIMS DOCKET #04-05-11-A  
FOR THE CITY OF STARKVILLE  
CLAIMS (EXCLUDING FIRE DEPARTMENT CLAIMS)  
THROUGH MARCH 31, 2011  
IN THE AMOUNT OF \$4,782,668.32 IN ACCORDANCE WITH  
SECTION 17-3-1 OF THE MISSISSIPPI CODE OF 1972, ANNOTATED**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept items for Consent, whereby the "Claims Docket #04-05-11-A which contains claims from all departments (excluding Fire), through March 31, 2011, totaling \$4,782,668.32" is enumerated, this consent item is thereby approved.

**CLAIMS DOCKET  
# 03-01-11-A  
FEBRUARY 25, 2011**

General Fund	001	\$377,115.07
Restricted Police Fund	002	0.00
Restricted Fire Fund	003	0.00
Airport Fund	015	15,464.04
Sanitation	022	48,741.65
Landfill	023	10,081.34
Computer Assessments	107	19,169.72
City Bond and Interest	202	469,974.38

2009 Road Maint. Bond	304	5,167.60
Fire Station No. 5	306	0.00
American Recovery & Reinvestment Act	309	0.00
P & R Bond Series 2007	325	0.00
Park & Rec Tourism 2%	375	25,916.14
Water/Sewer	400	289,466.85
Vehicle Maintenance	500	19,052.20
Hotel/Motel	610	9,862.94
2% (VCC, EDA, MSU)	630	60,568.06
Electric		3,432,088.33
<b>TOTAL CLAIMS</b>		<b>\$4,782,668.32</b>

**13.**

**APPROVAL TO ACKNOWLEDGE COMPLETION OF SIX HOURS OF CERTIFIED TRAINING FOR MUNICIPAL COURT CLERK DEBRA WOOD, AND ENTER SAID TRAINING INTO THE MINUTES AS REQUIRED AND IN ACCORDANCE WITH SECTION 21-23-12 OF THE MISSISSIPPI CODE OF 1972, ANNOTATED**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to acknowledge completion of six hours of certified training for Municipal Court Clerk Debra Wood, and enter said training into the minutes in accordance with §21-23-12 of the Mississippi Code of 1972, annotated" is enumerated, this consent item is thereby approved.

**14.**

**APPROVAL TO AMEND THE LOUISVILLE STREET WIDENING ENGINEERING CONTRACT TO INCLUDE BIDDING AND CONTRACT AWARD SERVICES**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to amend the Louisville Street Widening Engineering Contract to Include Bidding and Contract Award Services" is enumerated, this consent item is thereby approved.

15.

**APPROVAL TO ADVERTISE FOR SOURCE OF SUPPLY ITEM  
'SC-1 ASPHALT' FOR THE SECOND QUARTER OF 2011**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval advertise for Source of Supply Item 'SC-1 Asphalt' for the 2nd quarter of 2011" is enumerated, this consent item is thereby approved.

16.

**APPROVAL TO ADVERTISE FOR 'REQUEST FOR QUALIFICATIONS'  
(RFQ'S) FOR THE LOUISVILLE STREET WIDENING CONSTRUCTION  
ENGINEERING AND INSPECTION (CE&I) SERVICES AND THE  
APPOINTMENT OF A RECOMMENDATION COMMITTEE  
THAT CONSIST OF MAYOR PARKER WISEMAN, CITY ENGINEER  
EDWARD KEMP, CITY PLANNER BEN GRIFFITH, AND ENGINEERING  
ASSISTANT JONATHAN HENRY**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to advertise for 'Request for Qualifications (RFQ's) for the Louisville Street Widening Construction Engineering and Inspection (CE&I) services and the appointment of a Recommendation Committee that consist of Mayor Parker Wiseman, City Engineer Edward Kemp, City Planner Ben Griffith, and Engineering Assistant Jonathan Henry" is enumerated, this consent item is thereby approved.

17.

**APPROVAL TO AUTHORIZE POLICE OFFICER BUBBA WILLIARD  
TO TRAVEL OUT-OF-STATE TO WEST COLUMBIA, TEXAS TO ATTEND  
THE NATIONAL NARCOTIC DETECTOR DOG TRAINING CONFERENCE  
(NNDDA); APRIL 4 THROUGH APRIL 8, 2011 WITH ADVANCE  
TRAVEL PAY IN THE AMOUNT OF \$330.00**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval authorizing Police Officer Bubba Willard to travel out-of-state to West Columbia, Texas to attend the National Narcotic Detector Dog Training Conference (NNDDA); April 4 - 8, 2011, with advance travel pay in the amount of \$330.00" is enumerated, this consent item is thereby approved.

18.

**APPROVAL TO AUTHORIZE THE MAYOR TO EXECUTE  
A UTILITY EASEMENT ABANDONMENT INSTRUMENT FOR**

**THE STARK CROSSING PHASE 3 SUBDIVISION**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to authorize the Mayor to Execute a Utility Easement Abandonment Instrument for the Stark Crossing Phase 3 Subdivision" is enumerated, this consent item is thereby approved.

**19.**

**APPROVAL AUTHORIZING SANITATION AND ENVIRONMENTAL SERVICES DIRECTOR SHARON BOYD TO RECEIVE ADVANCE TRAVEL IN THE AMOUNT OF \$2,366.98 TO ATTEND WASTECON 2011 IN NASHVILLE, TENNESSEE, AUGUST 21 - 26, 2011**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval authorizing Sanitation and Environmental Services Director Sharon Boyd to receive advance travel in the amount of \$2,366.98 to attend Wastecon 2011 in Nashville, Tennessee on August 21-26, 2011" is enumerated, this consent item is thereby approved.

**20.**

**APPROVAL TO ACCEPT THE LOWEST AND BEST BID SUBMITTED BY INTERBORO PACKAGING CORPORATION IN THE AMOUNT OF \$38,700.00 FOR 260,000 RECYCLING BAGS FOR THE CITY OF STARKVILLE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval to accept the lowest and best bid submitted by Interboro Packaging Corporation in the amount of \$38,700.00 for 260,000 recycling bags for the City of Starkville" is enumerated, this consent item is thereby approved.

**RECYCLING BID TABULATION**

<b>PURCHASING AND PROCURMENTS</b>			
<b>SANITATION DEPARTMENT</b>			
ITEM: <u>5000 ROLLS (260,000) REFUSE BAGS</u>		BID DATE: <u>3/24/2011</u>	
<b>COMPANY NAME</b>	<b>PRICE PER ROLL</b>	<b>TOTAL BID AMOUNT</b>	<b>BEST BID</b>

ALL AMERICAN POLY PERLMAN DRIVEN, STE. 306 SPRING VALLEY, NY 10977	2	\$13.72	\$68,600.00	
CENTRAL POLY CORP 18 DANALDSON PLACE LINDEN, NJ 07036		\$18.40	\$92,000.00	
DYNA PAK CORP. 112 HELTON DRIVE LAWRENCEBURG, TN 38464		\$13.95	\$69,750.00	
INTERBORO PACKING CORP 114 BRACKEN ROAD MONTGOMERY, NY 12549	a)	\$19.98	\$99,990.00	
	b)	\$15.72	\$78,600.00	
	c)	\$13.48	\$67,400.00	
	d)	\$9.98	\$49,900.00	
	e)	\$7.74	\$38,700.00	BEST BID
JABCORE INC. 300 N. FRUITRIDGE AVE. TERRE HAUTE, IN 47803		\$18.36	\$92,050.00 (INCLUDES \$250.0 PRINTING PLATE FEE)	

21.

**APPROVAL OF THE SANITATION & ENVIRONMENTAL SERVICES  
DEPARTMENT LOGO, AS PRESENTED, FOR USE ON ALL RECYCLING  
AND DEPARTMENT RELATED PUBLICATIONS AND CORRESPONDENCE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., and adopted by the Board to approve the April 5, 2011 Official Agenda, and to accept listed items on Consent, whereby the "approval of the Sanitation & Environmental Services Department LOGO, as presented, for use on all recycling and department related publications and correspondence" is enumerated, this consent item is thereby approved.

**END OF CONSENT ITEMS**

22.

**A MOTION TO APPROVE THE MINUTES OF THE MARCH 1, 2011  
REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN**

There came for consideration the matter of the Minutes of the March 1, 2011 Regular Meeting of the Mayor and Board of Aldermen. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to approve the Minutes of the March 1, 2011 Regular Meeting of the Mayor and Board of Aldermen upon inserting signed contracts for motions 6, 21 and 26, the Board unanimously voted to approve the motion with corrections.

**23.**

**A MOTION TO APPROVE THE MINUTES OF THE MARCH 15, 2011 RECESS MEETING OF THE MAYOR AND BOARD OF ALDERMEN**

There came for consideration the matter of the Minutes of the March 15, 2011 Recess Meeting of the Mayor and Board of Aldermen. After discussion, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Eric Parker, to approve the Minutes of the March 15, 2011 Recess Meeting of the Mayor and Board of Aldermen after adding the vote to motions 18, 21, and 24, the Board unanimously voted to approve the motion as corrected.

**Mayor Parker Wiseman** announced the placement of 50 recycling containers throughout the city and informed the citizens of the 4 public service recycling commercials that will begin airing this week.

**Mayor Parker Wiseman** recognized the Public Services Department for 2 years without a loss time injury.

**Mayor Parker Wiseman** introduced new employees in the Sanitation & Environmental Services Department:

Chad Robinson	Laborer
Carves Ellis	Laborer
Theodis Weaver	Laborer
Steven Lane	Laborer
Glenn Hayes	Driver
Daryl Jordan	Driver

**Alderman Richard Corey** presented Police Officer Steven Jones as the Employee of the Month for March, 2011.

**CITIZEN COMMENTS**

**Mr. Alvin Turner**, Ward 7, made inquiry regarding the annual sanitation cost. He also informed the Board of the voters concerns regarding re-districting.

**Mr. James Richey Simpson, Jr.**, explained the mistake of taking the fence down at Odd Fellow Cemetery. He stated that the fence helped to keep vandalism and drug trafficking down.

**Mr. David Jackson**, representing Responsible Development Inc., addressed the Board with their desire of developing a common goal and a team effort with the city to improve codes and the enforcement of codes. They are in favor of cultivating the relationship with Placemakers in developing form based codes.

**Ms. Kathleen Hamby** Starkville Central Neighborhood Foundations acknowledge the efforts of the police Department for their assistance with the Starkvegas Race.

**Mr. Mike Okhuysen** asked “is the recycling program saving the City money or not? If it is not saving money we should cancel the program.” Mr. Okhuysen would like to see an audit of the recycling program, and a mandate to recycle for city residents.

#### PUBLIC APPEARANCES

**Dr. Dwight Harding** spoke to the Board regarding a project involving two 2-unit apartments next to his home. He is asking to be allowed to use five feet for a side walk and four feet for greenspace.

#### 3rd PUBLIC HEARING (Sidewalk Ordinance 2009-07)

**Alderman Jeremiah Dumas** outlined the variance process included in the amended Sidewalk Ordinance.

**Alderman Carver** suggested performance bonds be included to allow for a continuous development of sidewalks rather than the current scattered approach.

**Chris Gottbreath** informed the Board of the efforts of the Transportation Committee in developing the variance process included in the amended Sidewalk Ordinance.

FOR ORD.

AGAINST ORD

NEITHER FOR NOR  
AGAINST ORD.

Mr. Alvin Turner  
Mr. Mike Okhuysen

**Mayor Parker Wiseman** closed the public input portion of the Hearing and asked the Board for additional Comments.

2nd PUBLIC HEARING (Sign Ordinance 2008-10)

**Alderman Jeremiah Dumas** outlined changes to the Sign Ordinance as “off site signs,” “directional signs” and “non-conforming signs” allowing a 10-year amortization to conform.

**Alderman Ben Carver** expressed concern of the 10 year amortization.

FOR ORD

AGAINST ORD

NEITHER FOR NOR  
AGAINST ORD

Mr. Alvin Turner  
Mr. Mike Okhuysen

Dr. Reagan Ford

**Alderman Sandra Sistrunk** explained that it's not only aesthetics but economic Development as well.

**Mayor Parker Wiseman** closed the Public Hearing portion of the meeting.

24.

**A MOTION TO APPROVE PROCEEDING WITH THE CARVER DRIVE DITCH SCOPE OF WORK AND TO PROVIDE \$65,500 FOR THE CLOSURE OF THE CARVER DRIVE DITCH; TO INSTRUCT CITY STAFF TO PROCEED WITH NECESSARY WORK TO COMPLY WITH ALL STATE AND FEDERAL REQUIREMENTS; AND TO DESIGNATE FUNDS NOT EXPENDED FOR THE CARVER DRIVE DITCH PROJECT IN THE 2011 FISCAL YEAR BE ROLLED OVER INTO THE 2012 FISCAL YEAR FOR THE CARVER DITCH PROJECT**

There came for consideration the matter of complying with State and Federal requirements applicable to the Carver Drive Ditch Project. After discussion, and

upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Richard Corey to approve Proceeding with the Carver Drive Ditch Project's Scope of Work with allotting \$65,500.00 for the closure of the Carver Drive Ditch, and to Instruct City Staff to proceed with necessary work to comply with all State and Federal requirements, and to designate funds (of the \$65,500.00) not expended for the Carver Drive Ditch Project in the 2011 Fiscal Year be rolled over into the 2012 Fiscal Year Budget for the Carver Drive Ditch Project, the Board voted unanimously in favor of the motion.

25.

**A MOTION TO APPROVE AMENDING THE CITY OF STARKVILLE SIDEWALK ORDINANCE 2009-07 AND THE CODE OF ORDINANCES, CHAPTER 98, ARTILE III. CONSTRUCTION AND MAINTENANCE OF PUBLIC SIDEWALKS: TO INCLUDE A VARIANCE PROCESS AND THE REQUIREMENTS FOR GRANTING A VARIANCE AND OTHER RELATED PURPOSES**

There came for consideration the matter of amending the City of Starkville Sidewalk Ordinance No. 2009-07, and the Code of Ordinances, Chapter 98, Article III. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk to approve amending the City of Starkville Sidewalk Ordinance 2009-07 and the Code of Ordinances, Chapter 98, Article III. Construction and Maintenance of Public Sidewalks: To include a variance process and the requirements for granting a variance and other related purposes, the Board voted as follow:.

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

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

#### **ORDINANCE NUMBER 2011-01**

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### **AN ORDINANCE TO REQUIRE AND REGULATE THE CONSTRUCTION AND MAINTENANCE OF PUBLIC SIDEWALKS IN THE CITY OF STARKVILLE, OKTIBBEHA COUNTY, MISSISSIPPI**

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**WHEREAS**, the Mayor and Board of Aldermen have determined that sidewalks provide an important and safe method of transportation; and

**WHEREAS**, the Mayor and Board of Aldermen have recognized that sidewalks are a necessary component of public transportation and public infrastructure; and

**WHEREAS**, sidewalks promote a healthier community by encouraging exercise and reducing pollution effects from vehicles; and

**WHEREAS**, the presence of sidewalks may ease traffic conditions within the city and also create a greater aesthetic appeal.

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

## SECTION I. RECITALS

The foregoing recitals are true and correct, and included herein.

## SECTION II. STATEMENT OF INTENT

### **Section 1: Purpose**

The purpose of this ordinance is to promote the health, safety and general welfare of the City, and to ensure compliance with the following goals:

1. Promoting the safety of pedestrian access, movement, and protection for the physically able, physically challenged, children or seniors (or variously-able) within the community;
2. Insuring that ADA guidelines are met for all sidewalk or pathway installations;
3. Promoting attractive and well-constructed sidewalks or pathways that correspond to the character, aesthetic qualities, natural, environmental, and historical features of developing neighborhoods;
4. Insuring that all construction actively implements the building of sidewalks for newly constructed developments.

### **Section 2: Definitions**

*Crosswalk:* any portion of a roadway distinctly indicated for pedestrian crossing by lines or other surface markings or by a change in surface material.

*Development:* any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

*Driveway:* a paved or unpaved area intended to provide ingress and egress from a public or private right-of-way to public or private premises, including an off-street parking area.

*Infrastructure:* facilities and services needed to sustain all land-use activities; infrastructure includes, but is not limited to, water and sewer lines and other utilities, streets, roads, communications, and public facilities such as fire stations, parks and schools.

*Separated Sidewalk:* a sidewalk which is separated from roadways, driveways and parking areas by a barrier curb, planting strip, or other approved measure which would allow safe pedestrian access in conjunction with vehicular traffic.

*Sidewalk:* a hard-surface, all-weather area designed for the convenience of pedestrian access, which is normally located immediately within the public right-of-way.

*Subdivision:* A subdivision shall include all divisions of a tract or parcel of land into two or more lots, building sites or other divisions for the purpose, whether immediate or future, of sale or building development, and shall include all divisions of land involving the dedication of a new street or a change in existing streets; provided, however, that the following shall not be included within this definition, nor be subject to the subdivision rules and regulations of this municipality:

- a. The division of land into parcels greater than five acres, and where no additional street right-of-way dedication is involved;
- b. The public acquisition by purchase or dedication of parcels of land for the purpose of widening or opening any public streets, or for making any other public improvements.

### **Section 3: Permit Requirement and Installation**

3.1 Within all newly platted single-family residential subdivision developments and commercial subdivision developments, sidewalks shall be shown on all subdivision plans and plats and installation shall be required in the following manner:

- a. On developed lots, sidewalks shall be completed prior to the issuance of a either a Certificate of Occupancy or Certificate of Completion for each individual lot, and
- b. All required sidewalks on undeveloped lots shall be completed by the record owner of property within two years of the acceptance of infrastructure facilities and roadways by the City Should the owner refuse to complete the sidewalk installation, the city shall perform the remaining improvements and shall levy and collect taxes by special assessment in accordance with state statute.

Developments shall provide sidewalk connection to adjacent, undeveloped property or properties and any adjacent, existing sidewalk.

3.2 For all other new development projects, or construction improvements equating to or greater than \$100,000.00 and where the cost of sidewalk installation does not exceed 10% of the total construction improvement cost, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a Certificate of Occupancy. Provided, however, that this specific provision does not apply to single family residential development projects and development projects in agricultural zoned areas, when those two categories of development projects are not otherwise affected by additional sections of this ordinance. Developments shall provide sidewalk connection from lot line to lot line, to adjacent, undeveloped property or properties and any adjacent, existing sidewalk. Builders putting up new houses or improving residential structures on existing lots in

existing subdivisions with public streets which were accepted by the city prior to the sidewalk ordinance shall not be required to install sidewalks.

3.3 For all new buildings and new roadway infrastructure developed by the City, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a Certificate of Occupancy. For all improvements to municipal buildings, the installation of sidewalks shall be required prior to a final inspection and/or the issuance of a Certificate of Occupancy.

3.4 The City will maintain a line item in the City's budget and that budget shall be dedicated to the installation of sidewalks conforming to the standards and requirements of this ordinance and in conjunction with the City improvements to arterial, major, and collector streets as defined by the comprehensive plan. These sidewalks shall be constructed in conjunction with the roadway improvements where this budget amount and existing right-of-way allow. For City improvements to arterial, major, and collector streets as defined by the comprehensive plan where non-conforming sidewalks currently exist, the installation of sidewalks conforming to the standards and requirements of this ordinance shall be required prior to a final inspection where this budget amount and existing right-of-way allow.

#### **Section 4: Sidewalk Requirements**

4.1 Sidewalks shall be required within the right-of-way on both sides of all new public or non-City owned streets located within the City. Sidewalks shall be required from lot line to lot line within the right-of-way along the frontage of existing public or non-City owned streets located within the City. If sidewalks are not located within public right-of-way, appropriate easements shall be provided if the sidewalk parallels public roadways.

4.2 Provisions for sidewalk construction shall be included as part of site plan review, subdivision approval and/or as part of the plans submitted for obtaining a building permit. For all non-single family residential developments and non-agricultural zoned developments, a separated, continuous sidewalk shall be provided from right-of-way to primary entranceway(s) which will address adequate interior pedestrian connectivity.

4.3 Sidewalks shall be at least 5 feet in width, with at least 36 inches of clearance in the sidewalk path, and shall meet the requirements set forth in the Americans with Disabilities Act (ADA) of 1990 and City of Starkville's sidewalk specifications and details. Wider walks, to a maximum of eight (8) feet, may be required by the City of Starkville along thoroughfares in commercial, industrial, or multi-family areas due to anticipated traffic and the development of the area. In the instances where the longitudinal slope of an existing, adjacent street exceeds the maximum allowed by ADA, the proposed sidewalk shall be constructed at a longitudinal slope less than or equal to the longitudinal slope as the existing, adjacent street.

- 4.4 The construction of all sidewalks and the materials and components parts thereof shall be subject to the acceptance of the City of Starkville Building Department and shall meet all standards and requirements set forth in the Americans with Disabilities Act of 1990 and the City of Starkville's sidewalk specifications and details. Asphalt and slick-surfaced sidewalks are prohibited.
- 4.5 All sidewalks shall include, either within the corner or within the curb area immediately adjacent thereto, ramps allowing access to the sidewalk and street by variously-able person as per ADA requirements. Existing curb and gutter may require removal to provide a smooth transition to the street crosswalk.
- 4.6 Unless otherwise specified by the Development Review Committee, a landscape strip of at least two feet width between the sidewalk and the edge of the road or back edge of the curb shall be required for all sidewalks to help keep all pedestrian ways free and clear of obstructions and to further provide a safe pedestrian-friendly environment.
- 4.7 Exceptions to this ordinance shall be made where required by federal law or federally mandated recommendations or requirements.

#### **Section 5: Obstructions**

The owner and/or occupant of every lot or premises adjoining any street shall clear and keep all sidewalks or multi-use paths adjoining such lot or premises from any obstructions including, but not limited to, structures, vehicles, materials, debris, vegetation, or other items. The owner and/or occupant shall also keep clear the area which is located directly over the sidewalk, up to a height of 8 feet, in a manner which will allow reasonable travel without interference from obstructions as defined above.

#### **Section 6: Repair and Maintenance**

Upon acceptance by the City of Starkville, after final plat, issuance of a Certificate of Occupancy or by final inspection, the City shall be responsible for the repair and maintenance of sidewalks and multi-use paths located adjacent to public streets and rights-of-way. The expense of repairing any sidewalk shall be incurred by the City. It shall be the responsibility of the property owner to have sidewalks evaluated by City staff prior to any action which may result in damage or removal by an owner, renter or contractor during work done at a property. Sidewalks that are damaged or removed by direct action shall be repaired/replaced by property owner. The evaluation shall determine whether the sidewalk condition warrants repair or reconstruction.

#### **Section 7: Enforcement**

The City of Starkville Building Department, at the direction of the Mayor and Board of Aldermen, shall have the responsibility of enforcing this article. The laying of all sidewalks and the materials and component parts thereof shall be subject to the acceptance of the City of Starkville Building Department and are not deemed completed

until approval by the City of Starkville Building Department and accepted by the Board of Aldermen.

### **Section 8: Penalty**

Violations of this Ordinance shall be enforced through the Administrative Adjudication Hearing process adopted by the City. The Administrative Hearing Officer may order the violation to be corrected within a specified time period, after which a daily fine shall be implemented until the violation is corrected. Fines shall be determined by resolution of the Mayor and Board of Aldermen and may be revised and amended by order or resolution from time to time.

### **Section 9: Appeal Process**

All appeals from the Administrative Adjudication Process regarding violations of this Ordinance shall be referred to the City of Starkville Board of Alderman.

### **Section 10: Request for Variance**

10.1 A request for a variance from the requirements of this ordinance shall be submitted in writing to the Building Department for consideration by the Board of Adjustments & Appeals. The reason for the request and the proposed justification for the variance shall be specified in the application. The application for the variance should list the details of the project and include engineering design work, survey information and/or other supporting documentation. The sole criteria to be evaluated in granting variance shall be that the cost of constructing the sidewalk constitutes an undue hardship as defined in section 10.3.

10.2 The Board of Adjustments and Appeals shall sit in a quasi-judicial capacity to hear and decide all variance requests from the requirements of this article. A formal written application for a variance along with all supporting documentation shall be filed with the Building Department for consideration according to the submittal schedule to the Board of Adjustments and Appeals which will be taken up at its next available meeting.

10.3 The determination of whether undue hardship exists shall be based solely on the cost per linear foot to install sidewalks as prescribed in section 4. The sidewalk construction cost estimate used to claim undue hardship should include only items that are related to the sidewalk installation. It shall not include any items that would be required as part of the project in the absence of the requirement to include sidewalks imposed by this ordinance. The Transportation Committee shall meet quarterly to review and document the average unit price for sidewalk construction for the purposes of establishing a standard metric against which to measure the proposed construction costs. These unit prices shall be determined based upon quarterly posted construction bid averages provided by the Mississippi Department of Transportation (MDOT) and consultation with the city engineer. The Board of Adjustments and Appeals shall determine that sidewalk construction constitutes an undue hardship on the applicant only if the estimated cost of sidewalk construction,

per linear foot, is more than two times the average rate as documented by the Transportation Committee.

(a) The following procedures shall apply to all applications for a variance:

- (1) The application for variance shall state the specific variances sought and the reasons for the variance(s). The following information shall be provided to the City Engineer in the application:
  - i. A site plan or survey, showing the proposed subdivision or development and the location of the required sidewalk.
  - ii. A site plan showing that all alternative sidewalk configurations that may meet the standards of this ordinance, such as routing the sidewalk along open drainage that parallels the road, have been given due consideration.
  - iii. A site plan showing the proposed subdivision or development and the location of any sidewalk the applicant is proposing to put in if their requested variance is granted.
  - iv. An itemized cost estimate for sidewalk installation that shall, provide line item quantities, unit price, and extended price for each type of work required to complete the sidewalk (earthwork, concrete sidewalk, retaining wall, etc.) for the proposed site. For sidewalk construction requiring large earthwork volumes (greater than 300 cubic yards), a volume calculation shall be submitted with the cost estimate along with supporting documentation to justify the calculation. If alternate sidewalk routes are possible that meet the standards of this ordinance the provided estimate shall be based on the least costly conforming route.
- (2) It shall be the responsibility of the applicant to provide sufficient justification for the granting of the variance.
- (3) Applications prepared and certified by a registered landscape architect or a professional engineer licensed in the State of Mississippi may be subject to review by the city engineer.
- (4) Any application containing information and data not prepared and certified by a registered landscape architect or professional engineer licensed in the State of Mississippi shall be reviewed by the city engineer.
- (5) After hearing and upon consideration of the application, evidence and applicable law, the Board of Adjustments & Appeals shall grant or deny the variance request. If the variance application is granted, the Board of Adjustment & Appeals may attach conditions to the variance as it deems necessary to further the purpose of this ordinance.

- (b) If a variance is granted, it shall be granted upon findings by the Board of Adjustments & Appeals that the following criteria have been met:
- (1) That failure to grant the variance would result in an undue hardship to the applicant as defined in section 10.3; and,
  - (2) That the necessity for a variance is not the result of conditions on the property which have been self-imposed by the applicant or previous owners; and,
  - (3) That the variance is not based on the proposed sidewalk connecting to an existing, adjacent sidewalk.
- (c) If a variance is not granted, the Board of Adjustments & Appeals shall prepare a letter to the applicant stating that the request was denied. The applicant will then have 10 days to file a written appeal with the building department to bring the variance request before the Board of Aldermen. The Board of Aldermen will hear the variance request at its next regularly scheduled meeting following the filing of the written appeal.

### SECTION III. INVALIDATION/SEVERABILITY

The requirements and provisions of this Ordinance are severable. If any article, section paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the validity or applicability of the Ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

### SECTION IV. CONFLICTS

All Ordinances, parts of Ordinances or Resolutions of the Mayor and Board of Aldermen of the City of Starkville that conflict with the provisions of this Ordinance shall be hereby repealed.

### SECTION V. EFFECTIVE DATE

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

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

**THE FOREGOING ORDINANCE** was proposed in a motion by Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, that the aforesaid Ordinance be adopted. The vote being as follows:

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

**ORDAINED AND ADOPTED**, this the 5<sup>th</sup> day of April, A.D., 2011, at the Regular Meeting of the Mayor and Board of Aldermen of the City of Starkville, Oktibbeha County, Mississippi.



**PARKER WISEMAN**, Mayor  
City of Starkville, Mississippi



**MARKEETA OUTLAW**, Clerk  
City of Starkville, Mississippi



26.

**A MOTION TO APPROVE AMENDING THE CITY OF STARKVILLE SIGN ORDINANCE, 2008-10 AND THE CODE OF ORDINANCES, APPENDIX A, SECTION C. SIGNS: TO INCLUDE MODIFICATIONS TO THE ALLOWED SIZE, RIGHTS OF WAY SIGNAGE AND AMORTIZATION OF EXISTING, NON-CONFORMING SIGNS AND FOR OTHER RELATED PURPOSES**

There came for consideration the matter of amending the City of Starkville Sign Ordinance, 2008-10 and the Code of Ordinances, Appendix A, Section C. Signs. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk to approve amending the City of Starkville Sign Ordinance, 2008-10 and the Code of Ordinances, Appendix A, Section C. Sign: to include modifications to the allowed size, rights of way signage and amortization of existing, non-conforming signs and for other related purposes, the Board voted as follows:

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

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

**ORDINANCE NUMBER 2011-02**

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**AN ORDINANCE REPEALING AND REPLACING ORDINANCE NUMBER 2008-10, REGULATING THE CONSTRUCTION AND AESTHETIC IMPACT OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY OF STARKVILLE, OKTIBBEHA COUNTY, MISSISSIPPI AND ALSO AMENDING THE CITY OF STARKVILLE'S CODE OF ORDINANCES BY STRIKING AND RESERVING APPENDIX A, ARTICLE VI, SECTION C, CREATING A NEW APPENDIX A, ARTICLE IX. SIGNAGE, AND CREATING A NEW ARTICLE X.**

**CONCLUSION**

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**WHEREAS**, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, desire to regulate the location, size, construction, alteration, use and maintenance of all signs within the jurisdiction of the City; and

**WHEREAS**, the Mayor and Board of Aldermen of the City of Starkville, Mississippi, desire to protect the health, safety, welfare, convenience and natural beauty of the City and to protect the public from damage or injury caused or attributable to improperly designed, maintained or constructed signs; and

**WHEREAS**, there is a need to provide for additional directional signage in the city rights of way for the purpose of assisting certain agencies and organizations in providing guidance to the citizens,

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

#### SECTION I. RECITALS

The foregoing recitals are true and correct, and included herein.

#### SECTION II. STATEMENT OF INTENT

##### **Section 1. Purpose and intent.**

The regulations and requirements herein set forth shall be the minimum requirements to promote the health, safety and general welfare of the public and to protect the character of the City of Starkville.

The purpose and intent of these regulations is to create the legal frame work for a comprehensive and balanced system of signage to improve and enhance the aesthetic environment of the City and to avoid the visual clutter that is potentially harmful to traffic and to the appearance of the community. The Mayor and Board of Aldermen of the City of Starkville find that the regulations set forth herein will improve the visual appearance of the City by limiting the number and size of signs within the corporate limits, consistent with constitutional guarantees, while continuing to provide an effective means of communication.

##### **Section 2. General.**

For words, terms and phrases used in this Ordinance that are not defined in Section 3, below, or elsewhere in the City's Code of Ordinances, the City Planner shall have the authority and power to interpret or define such words, terms and phrases.

In making such interpretations or definitions, the City Planner may consult secondary sources related to the planning and legal professions, such as "Black's Law Dictionary" (West Publishing Company, St. Paul, Minn., most current edition), "The Latest Illustrated Book of Development Definitions" by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 2007, or most current edition), for technical words, terms, phrases and graphics, or any "Webster's Dictionary" for other words, terms and phrases.

##### **Section 3. Definitions.**

*Amortization* means a method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period of time.

*Animated Sign* means any sign or part of a sign that changes physical position or flashes, moves, or otherwise changes at intervals of no less than once every ten (10) seconds.

*Awning Sign* means any sign attached to, in any manner, or otherwise made a part of any awning or awning-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather; sometimes referred to as a “Canopy Sign”.

*Balloon* means a bag inflated with a gas, such as helium, that causes it to rise and float in the atmosphere, intended to be used for advertising or as an attention-getting device.

*Banner* means a display, informational sign or other advertising device constructed of cloth, canvas, fabric, wood, foam-core or fiber-board, or other temporary material, with or without a structural frame, and intended for a limited period of display and used to advertise an event, product, business or service.

*Bench Sign* means a sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

*Bypass Sign* means a sign located along a federal or state highway where the posted speed limit is at least 55 MPH, to assist the travelling public. These types of signs shall be ground signs supported totally by a solid base of masonry, brick, or other material, which base is not less than eighty percent (80%) of the total sign area width and which is of a finished or decorative type construction. Any metal or non-masonry structural components of the sign shall be painted a flat or matte color to blend aesthetically with other outdoor fixtures and furnishings. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape. Bypass signs are only allowed by right in C-2 zoning districts.

*Construction Site Identification Sign* means a temporary sign erected on the site or premises where construction is taking place during the period of such construction, indicating the names of the design professionals, general contractor, sub-contractors, suppliers, owners, sponsors, supporters, financiers, and similar individuals and groups having a role or interest with respect to the structure or project.

*Copy Area* means the area of space on any face of the sign to be used for advertising purposes, including the spaces between open-type letter and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. The largest face of a multi-faced sign shall be used in calculating the area of a sign to determine compliance with this ordinance. The area of a wall sign shall be measured within a single, continuous perimeter of any straight-line geometric figure which encloses the extreme limits of the

advertising message. Curved, spherical, or any other shaped sign shall be computed on the basis of actual surface area. The copy area of signs composed of individual letters, numerals, or other devices shall be the sum of the area of the smallest rectangle or other geometric figures encompassing each said letter or devices. The calculation for a double-faced sign shall be so constructed that the perimeter of both faces coincides and are parallel and not more than twenty-four (24) inches apart.

*Discontinued Sign* means any sign which no longer identifies an activity conducted or present on the premises where the sign is located.

*Directional Sign* means any sign of a non-commercial nature which directs the reader to the location of public institutions, historical areas, emergency shelters, public parks, public buildings, organizations identified by Section 26 U.S.C. 501(c)(3) of the United States Internal Revenue Code. Directional signs are permitted in all zoning districts and in no instance will a directional sign be allowed to be placed in the public right-of-way.

*Electronic Message Board Sign* means any sign that uses changing light to form a sign message wherein the sequence of message and the rate of change is electronically programmed and can be modified by electronic processes. Electric message boards shall change no less than once every ten (10) seconds.

*Flag* means any fabric or flexible material attached to or designed to be flown from a flagpole or other similar structure. No more than three (3) flags of a national, state, religious, educational, fraternal or civic organization shall be displayed.

*Flashing Sign* means any sign, which, by method or manner of illumination, flashes on or off or winks or blinks with varying light intensity, shows motion, or creates the illusion of motion or revolves in a manner to create the illusion of being on or off. Flashing signs shall not be confused with electronic message boards. Flashing signs are not permitted in any zoning district.

*Illuminated Sign* means a sign illuminated in any manner by an artificial light source such as a spotlight or internally through a translucent background. Transparent backgrounds or surfaces are not allowed to be used in the construction of an illuminated sign. A neon tube shall be classified as an illuminated sign if it is non-changing and non-flashing.

*Inflatable Display* means any display used for advertising or attention-getting purposes, whether a specific advertising message is used or not, that is held in a rigid or semi-rigid state by a pressurized gas such as air or nitrogen, etc. Inflatable displays are prohibited by this ordinance, except for holiday decorations in residentially-zoned areas.

*Kiosk* means a freestanding structure upon which temporary information and/or posters, notices and announcements are posted. A kiosk may incorporate a public pay phone, a trash receptacle and may include a small electronic message board sign. Its design should reflect the character of the surrounding area. Kiosks are allowed in all commercial and PUD zoning districts.

*Marquee Sign* means any sign attached to, in any manner, or otherwise made a part of any permanent roof-like structure which projects beyond a building or extends along and projects beyond the wall of the building, generally designed and constructed to provide protection from the weather.

*Monument Sign* means any ground sign supported totally by a solid base of masonry, brick, or other material, which base is not less than eighty percent (80%) of the total sign area width and which is of a finished or decorative type construction. Any metal or non-masonry structural components of the monument sign shall be painted a flat or matte color to blend aesthetically with other outdoor fixtures and furnishings. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

*Motor Vehicle Sign* means any sign mounted, placed, written or painted on a vehicle or trailer whether motor-driven or not.

*Multi-tenant Business Sign* means a sign constructed and supported by a monument-type structure, displayed at the entrance or exit to a mall or shopping center facility that supports multiple businesses. Such mall or shopping center facility must be designed to support more than three separate businesses and include a minimum of twenty-five-thousand (25,000) square feet before it qualifies as a site eligible for a multi-tenant business sign. Any metal or non-masonry structural components of the multi-tenant business sign shall be painted a flat or matte color to blend aesthetically with other outdoor fixtures and furnishings. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the multi-tenant business sign with buildings, parking areas, surrounding vegetation and natural features of the landscape. Multi-tenant business signs are only allowed in C-2 Commercial and M-1 Manufacturing zoning districts.

*Nameplate* means any sign less than one (1) square foot in size which is not lighted and used primarily in residentially-zoned areas to convey a message or warning. Signage installed on a residence or mailbox with a name, street name, address number or other form of identification, shall not be considered a name plate for the purpose of these regulations.

*Non-conforming Sign* means any sign existing at the effective date of the adoption of this ordinance which could not be built under the terms of this ordinance.

*Non-conforming Use* means a lawful use of land that does not comply with the use regulations for its zoning district but which complied with applicable regulations at the time the use was established.

*Off-site Sign* means any sign which directs attention to a business, commodity, service, entertainment, attraction, sold, offered or existing elsewhere other than upon the same parcel or lot where such sign is displayed. The term "off-site" shall include an outdoor advertising sign (billboard) on which space is leased or rented by the owner thereof to

others for the purpose of conveying a commercial or non-commercial message. It shall also include “yard sale,” “garage sale,” and similar types of signage.

*Outdoor Advertising Sign (Billboard)* means a surface on which space is leased or rented by the owner thereof to others for the purpose of conveying a commercial or non-commercial message or product that is not available on the same parcel or lot that the billboard is situated.

*Parapet* means the edge of a roof or the tip of a wall, which forms the top line of a building silhouette. When a building has several roof levels, the roof or parapet shall be the one belonging to that portion of the building where the sign is located.

*Pole Sign* means any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial and/or reading matter when such sign is supported by one or more upright poles, posts, columns, or braces affixed in the ground or on the ground and not attached to any part of a building. By adoption of this ordinance, pole signs shall be considered non-conforming signs and no new pole signs shall be permitted.

*Political Sign* means any sign of temporary construction, which supports any political candidate or issue. These signs are permitted in all zoning districts.

*Post Sign* means any on-site sign other than a monument sign, generally constructed of wood or metal posts with or without a frame or backing, which is primarily used to display banners or other signs of temporary construction.

*Portable Sign* means a sign, usually of a temporary nature, which is by design not permanently affixed to the ground or to a building or structure. Portable signs are not permitted in any zoning district if the sign also meets the definition of a Flashing Sign. A portable sign must be placed a minimum of twenty (20) feet from the edge of the paved road or the right of way line, whichever is greater, and a portable sign cannot be used in the construction of any other type of sign.

*Real Estate Sign* means a temporary sign placed upon property for the purpose of advertising to the public the sale or lease of said property.

*Residential Message Sign* means any sign of temporary construction, four (4) square feet or less in size, which is used in residentially-zoned areas to convey a statement of support or affirmation for a civic or charity group, school or athletic team, personal statement, or other non-commercial message to the community. Residential message signs shall be placed a minimum of ten (10) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. Only one (1) residential message sign shall be allowed per each residential unit.

*Right-of-Way* means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees or other special use.

*Roof Sign* means any sign wholly erected, constructed or maintained on the roof structure or parapet wall of any building. By adoption of this ordinance, roof signs shall be considered non-conforming signs and no new roof signs shall be permitted.

*Projecting Sign* Any sign other than a wall sign that is attached to and projects from the wall or face of a building or structure at a right angle. Projecting signs shall conform to the same requirements as a wall sign.

*Searchlight* means any light that produces an intense concentrated beam of light. These lights are not permitted as a permanent or temporary use in any zoning district. Airport rotating beacons shall be exempted from this definition.

*Setback* means to measure from the closest edge of the sign to the closest edge of the paved road or the right-of-way line, whichever is greater.

*Sight-distance Triangle* means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection or driveway, the dimensions of which can be found in Appendix A, Article VI, Section A of the City's Code of Ordinances.

*Sign* means any identification, description, illustration, or device illuminated or non-illuminated which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, service, place, activity, person, institution, or business. A structure or device designed or intended to convey information to the public in written or pictorial form. Signs erected by an authorized public agency for the purpose of directing traffic or providing information, are not affected by these regulations. National and state flags, when properly displayed, are not considered a sign under these regulations.

*Snipe Sign* means any sign of any material whatsoever that is attached in any way to a utility pole, tree, or any object located or situated on any public right-of-way, easement, alley or on private property. Political signs shall not be considered snipe signs.

*Subdivision Sign* means any sign located at the entry to a residential subdivision or planned development. A pair of subdivision signs that are designed and constructed to form an entrance to a subdivision, whether such signs are located across the street or on opposite corners from one another at the entry to the named subdivision, shall considered a single subdivision sign.

*Temporary Sign* means a sign not constructed or intended for a long-term use, and not designed to be permanently attached to the ground, a building or structure intended for a

limited period of display, including decorative displayed for holidays or public demonstrations. Included under this term are portable signs.

*Wall Sign* means any sign that shall be affixed parallel to the wall or printed/painted onto the wall of any building in such a manner as to read parallel to the wall on which it is mounted. For the purposes of this ordinance, any sign display surface that is affixed flat against the sloping surface of a mansard roof shall be considered a wall sign. Any sign that is affixed to the face of a building marquee, building awning or a building facade shall be considered a wall sign. Permanent and temporary signs affixed to or displayed in windows and doors shall be considered to be wall signs. Permanent signs affixed to walls may protrude above the roof line of a building by a maximum height of twenty percent (20%) of the height of the sign, or up to a total height of four (4) feet above the roof line, whichever is less.

*Window Sign* means any sign placed inside or upon the window panes of glass of any window or door.

*Zoning Overlay District* means an area that encompasses one or more underlying zoning classifications that imposes additional requirements or restrictions beyond those required for the underlying zone.

#### **Section 4. Sign Requirements for Zoning Districts.**

This Ordinance shall supersede Section VI, Part C of the Zoning Ordinance.

A. Agricultural District (A-1) and Residential Districts (R-E, R-1, R-2, R-3, R-3A, R-4, R-4A):

1. In residential zoning districts, a sign is permitted to advertise a permitted home occupation when attached to the dwelling and shall not be over six (6) square feet in area. There shall be no public display of goods and/or services and the sign shall not be illuminated.
2. A single name plate sign is permitted at each residence so long as it is not more than one (1) square foot in size, unlighted and placed at least five (5) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
3. Banners are permitted in these zoning districts so long as they are used for aesthetic and/or festive purposes such as seasons, holidays, family occasions, athletic team events or similar events. Permits are not required for these non-commercial banners.
4. Subdivision signs are permitted and shall conform to the following:
  - a. One (1) subdivision sign shall be permitted for each entrance into a subdivision.
  - b. Subdivision signs shall not exceed thirty-two (32) square feet in size.
  - c. Subdivision signs shall not exceed a maximum height of eight (8) feet above the crown of the adjacent roadway.
  - d. Subdivision signs shall not be placed within the sight-distance triangle of any intersection and/or shall be placed at least five (5) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.

- e. All subdivision signs existing at the time of adoption of this ordinance shall be allowed to remain as non-conforming signs. If replacement were ever to become necessary, the new subdivision sign shall be required to comply with this section.
  5. The following signs are prohibited: Electronic message board signs, canopy, marquee or awning signs, illuminated signs, wall signs, offsite outdoor advertising signs (billboard), roof signs, pole signs, multi-tenant business signs, and portable signs.
- B. Residential Districts (R-5, R-6 and R-M)
1. In single-family residential districts, a sign is permitted to advertise a permitted home occupation when attached to the dwelling, not over six (6) feet square in area. There shall be no public display of goods and/or services and the sign shall not be illuminated.
  2. Mobile Home Park signs shall be a minimum of five (5) feet from the edge of the paved road, back of curb or the right-of-way line, whichever is greater.
  3. A single name plate sign is permitted at each residence so long as it is not more than one (1) square foot in size, unlighted and placed at least five (5) feet from the edge of the paved road or right-of-way line, whichever is greater.
  4. Banner signs are allowed by permit in R-5, R-6 and R-M zoning districts.
  5. Advertising signs, structures or devices of any character, placed or maintained on any land used as a Mobile Home Park, shall be used only for the purpose of identifying and advertising the Mobile Home Park and accommodations offered. Before being erected, the size, character, location and number of all such advertising, signs and structures, shall be approved by the Development Review Committee as part of a site plan review.
  6. Small directional and traffic control signs, lighted and unlighted, shall be erected and maintained within the limits of the Mobile Home Park or on adjoining property when specified by the City Engineer as to location and character.
  7. The following signs are prohibited: Offsite outdoor advertising signs (billboards), multi-tenant business signs, roof signs, flashing signs, electronic message board signs, canopy, marquee, wall signs, pole signs and portable signs.
- C. Commercial District (C-2) and Manufacturing District (M-1)
- The following signs are permitted in the C-2 and M-1 zoning districts of the City of Starkville under the following conditions:
1. Monument signs.
    - a. Monument signs advertising the name of a business and services provided by a business shall not exceed eighty (80) square feet in area and shall be a minimum of five (5) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection.
    - b. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.

- c. Multiple on-site signs advertising the name and services provided by the same business must be separated by a minimum of three-hundred-thirty (330) linear feet of frontage along a public roadway.
  - d. Monument signs shall not exceed eight (8) feet in height above the finished grade.
2. Wall signs.
- a. Wall signs are permitted and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed fifty percent (50%) of the total square footage of the individual wall, not to exceed one-hundred-fifty (150) square feet, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. If the primary structure is located more than two-hundred (200) feet from the nearest adjacent public roadway, the square footage may be increased to two-hundred-fifty (250) square feet.
  - b. Those signs hanging or projecting over the right-of-way shall be placed a minimum of eight (8) feet above the finished grade, shall not present a danger to and shall not alter the walking path of the public.
3. Window signs.
- a. Window signs are permitted and shall not exceed twenty-five percent (25%) of coverage for any individual window or door.
  - b. This includes temporary signage of any type placed inside windows.
4. Multi-tenant signs.
- a. Multi-tenant business signs must be freestanding, and constructed and supported by a monument-type structure.
  - b. The central part of the multi-tenant sign, normally reserved for advertising the name of the shopping facility or mall itself, shall be no more than a maximum of one-hundred (100) square feet in area.
  - c. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
  - d. The entire structure may not exceed twelve (12) feet in height above the finished grade, and must meet all applicable setbacks.
  - f. Additional multi-tenant business signs may be allowed on the same property, providing that the signs are separated in distance by three-hundred-thirty (330) linear feet of frontage along a public roadway.
  - g. Multi-tenant signs shall be a minimum of five (5) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection.
5. Bypass signs.
- a. Bypass signs must be freestanding, and constructed and supported by a monument-type structure.
  - b. The sign area shall not exceed one-hundred-sixty (160) square feet in area and shall be a minimum of five (5) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater, and shall not be placed within

the sight-distance triangle of any intersection. Monument signs shall not exceed twenty (20) feet in height above the finished grade.

- c. The area beneath and around the sign shall be landscaped with plants, ground cover and materials so as to complement the site and integrate the monument sign with buildings, parking areas, surrounding vegetation and natural features of the landscape.
  - d. Multiple on-site signs advertising the name and services provided by the same business must be separated by a minimum of six-hundred-sixty (660) linear feet of frontage along a public roadway.
6. Other signs.
- a. Awning signs, marquee signs and electronic message board signs are permitted in C-2 and M-1 zoning districts.
  - b. Banners are allowed only by permit in the C-2 and M-1 zoning districts.
  - c. Portable signs are temporarily permitted in C-2 and M-1 zoning districts; shall be displayed for a maximum of fifteen (15) days; are permitted for only four (4) periods per location per calendar year and cannot be moved to a new location within five-hundred (500) feet of the previous location if it is to be used by the same business.
  - d. Roof signs shall be considered non-conforming signs.
  - e. The following signs shall be prohibited: flashing signs, pole signs, post signs, inflatable displays, snipe signs, motor vehicle signs (other than those for businesses located on the premises) and portable signs that also meet the definition of a flashing sign.

D. Buffer District (B-1) and Commercial Districts (C-1 and C-3)

1. Monument signs advertising the name of a business and services rendered by a business shall not exceed eighty (80) square feet in area and shall be a minimum of five (5) feet from the edge of the paved road, back of curb or the right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. Monument signs shall not exceed eight (8) feet in height above the finished grade. Multiple on-site signs advertising the name and services provided by the same business must be separated by a minimum of three-hundred-thirty (330) linear feet of frontage along a public roadway.
2. Wall signs are permitted in this zone and the aggregate square footage of all wall signs displayed upon an individual wall shall not exceed fifty percent (50%) of the total square footage of the individual wall, not to exceed one-hundred-fifty (150) square feet, where the square footage of the wall is measured in its entirety without regard to the placement or number of windows and doors. If the primary structure is located more than two-hundred (200) feet from the nearest adjacent public roadway, the square footage may be increased to two-hundred-fifty (250) square feet.
3. Those signs hanging or projecting over the right-of-way shall be placed a minimum of eight (8) feet above the finished grade, shall not present a danger to the public and shall not alter the walking path of the public.
4. Banners are allowed only by permit in the B-1, C-1 and C-3 zoning districts.
5. Awning, marquee and monument signs are permitted in these zoning districts.

6. The following signs are prohibited: Offsite outdoor advertising signs (billboards), roof signs, inflatable displays, flashing signs, pole signs, post signs, multi-tenant business signs electronic message board signs, and portable signs.
- E. Planned Unit Development (PUD)
1. The Board of Aldermen will assign freestanding and monument signage limitations at time of the adoption of a PUD rezoning.
  2. Bypass signs are allowed along federal or state highways if authorized by the Board of Alderman at time of adoption of a PUD rezoning.
  3. All PUD Districts already designated as such at the time of the adoption of this ordinance shall comply with R-5 Zoning District guidelines.
  4. Wall signs, awning signs, marquee signs, subdivision signs and kiosks, which reflect the general character of the area, are permitted.
  5. Off-site outdoor advertising signs (billboards) are not permitted in PUD Districts, unless approved by the Board of Aldermen at time of the adoption of a PUD rezoning.

### **Section 5. Banners.**

- A. All banners displaying commercial advertisements shall be displayed for a maximum of fifteen (15) calendar days per permit period.
- B. Banners are permitted for only six (6) periods per location per calendar year.
- C. A banner permit shall be issued for a specific banner and shall be non-transferable.
- D. Banners shall not be affixed to poles, trees, wire utility lines or any publically-owned property.
- E. A banner shall not exceed twenty-four (24) square feet in size.
- F. Banners shall not be placed within ten (10) feet of the edge of the paved road, back of curb or the right-of-way line, whichever is greater.
- G. A banner shall not be located within a sight-distance triangle so that it substantially interferes with the view necessary for motorists to proceed safely through an intersection or to enter onto or exit from public streets, private roads or driveways.
- H. Banners shall not advertise alcohol or tobacco products.
- I. "Grand Opening" banners are allowed one time only for a change in use or a change in occupancy of the premises from fifteen (15) days prior to the change in use or occupancy until fifteen (15) days after the change in use, ownership or occupancy. The Grand Opening banner shall require a permit, but shall not count as one of the six periods allowed for banners per year.
- J. One banner sign is allowed per premises during any period of road construction projected to last for a period of six (6) months or more and involving more than one (1) continuous mile of roadway. Such banner signs are allowed only for the duration of the roadway construction. Such banner signs shall not exceed twelve (12) square feet in size and shall not face residential areas. Banner signs must be substantially attached to a building, as opposed to being mounted on poles and a permit is required.
- K. Banners are not allowed across public or private streets within the municipal boundaries, except as approved by the City of Starkville's Mayor and Board of Aldermen in conjunction with a special event. These banners shall not contain any commercial advertising.

- L. Banners are intended for commercial uses and shall not be permitted in residential zoning districts except as specifically allowed elsewhere in this ordinance.

**Section 6. Balloons.**

- A. Balloons no larger than twenty-four (24) inches in diameter and attached to a lead no greater than six (6) feet in length, and not extending above the roofline of the nearest structure, shall be allowed for a period not to exceed three (3) days for special holidays, such as Valentine’s Day, Easter and the Fourth of July and for the “grand openings” of new businesses.
- B. Balloons shall be placed a minimum of ten (10) feet from the edge of the paved road, back of curb or the right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection.
- C. In a multi-tenant shopping center or office complex, the placement of balloons shall be limited to the front façade or primary entryway of the specific premises.

**Section 7. Bench Signs.**

- A. Bench signs are allowed only on benches authorized by an approved transit provider along established bus routes.
- B. Bench signs shall not advertise alcohol or tobacco products.
- C. No other bench signs are permitted.

**Section 8. Inflatable Displays.**

- A. Inflatable displays are allowed in residentially-zoned districts for holiday use.
- B. The maximum allowed height shall be twenty (20) feet.
- C. The minimum setback shall be twenty (20) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
- D. These displays shall not be placed on a roof structure.

**Section 9. Political Signs.**

Political Sign means any sign of temporary construction, which supports any political candidate or issue. These signs are permitted in all zoning districts and shall conform to the following:

- A. Political signs shall not be placed within any public right-of-way.
- B. Political signs shall not be placed upon governmental buildings or adjacent lawns, or upon public utility poles or traffic control signage posts.
- C. Political signs may be placed on private property with the permission of the property owner.
- D. Political signs shall not be placed within the sight-distance triangle of any intersection.
- E. Political signs placed on tracts of land less than three (3) acres in size shall not exceed six (6) square feet in size.
- F. Smaller political signs (6 square feet or less in size) placed on private property along roadways shall be placed at least ten (10) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.

- G. Political signs placed on tracts of land larger than three (3) acres in size and/or along state or federally-designated roadways shall not exceed sixteen (16) square feet in size.
- H. Larger political signs (up to 16 square feet in size) placed on private property along roadways shall be placed at least twenty (20) feet from the edge of the paved road or right-of-way line, whichever is greater.
- I. All political signs for the same candidate or issue shall maintain at least a one-hundred (100) foot separation between political signs per parcel of land on which they are placed.
- J. Political signs erected or installed as permanent or semi-permanent signage, shall submit an application for a sign permit and be approved by the City's Building Department; standard signage regulations shall apply.
- K. Political signs shall not be erected or placed more than ninety (90) days in advance of the election to which they pertain.
- L. All political signs shall be removed within three (3) days following the election to which they pertain.
- M. If a political sign is not removed or is placed improperly, the City is authorized to remove the sign, even if it is placed on private property.
- N. If any political sign fails to comply with this ordinance, the candidate or issue sponsor being advertised shall be responsible for any enforcement penalties and costs.

**Section 10. Off-site Outdoor Advertising Signs (Billboards).**

Outdoor Advertising Signs (Billboards) are permitted in the C-2 and M-1 zoning districts of the City of Starkville under the following conditions:

- A. Outdoor advertising signs may not be placed closer than 2,640 feet from any other outdoor advertising sign.
- B. Outdoor advertising signs (billboards) shall be a maximum of two single-sided panels or one double-sided panel.
- C. The size of the billboard is determined by the amount of linear frontage on a public street.
- D. Two (2) square feet of signage is allowed for each foot of linear frontage on a public street to a maximum sign face of 288 square feet.
- E. The total surface area of an outdoor advertising sign shall not exceed twelve (12) feet in height and twenty-four (24) feet in width or a total area of 288 square feet and shall be a minimum of fifty (50) feet from the right-of-way.
- F. The total height from the road grade shall not exceed forty-five (45) feet.
- G. Outdoor advertising signs may not be positioned less than sixty (60) degrees from the parallel to the right-of-way line toward which it is oriented.
- H. The owner of an outdoor advertising sign shall promptly remove same upon expiration of the ground lease upon which it is located or when for structural reasons it presents a safety hazard to the public.
- I. Outdoor advertising signs shall not contain moving parts, flashing lights or beacons. They shall not emit sound and shall not be embellished with flags, banners, twirlers, balloons, streamers, pennants or any similar features.

- J. Outdoor advertising signs may be either internally lighted or externally lighted provided that all external lighting is directed at the face of the sign and is shielded so as to prevent diffusion onto any adjoining properties, public roadways or airways.
- K. Outdoor advertising signs utilizing electronic, digital and/or LED technology are allowed so long as the message changes at intervals no less than once every eight (8) seconds.
- L. Furthermore, it shall be prohibited for any outdoor advertising sign to emulate any control message as may be ordinarily used to direct traffic.

### **Section 11. Real Estate Signs.**

Real estate signs advertising property for sale or lease shall conform to the following:

#### **A. C-2, M-1 and A-1 zoning districts.**

- 1. Signs of up to thirty-two (32) square feet in size are allowed for properties with linear roadway frontages of one-hundred (100) feet or more.
- 2. For larger tracts of land for sale or lease, additional signs may be utilized so long as there is at least a six-hundred-sixty (660) linear foot separation between the signs.
- 3. Signs of up to sixteen (16) square feet in size are allowed for properties with less than one-hundred (100) linear feet of frontage.
- 4. On a corner lot, two sign faces may be placed together to form a “V-shaped” sign for visibility in both directions.
- 5. All real estate signs shall be placed at least twenty (20) feet from the edge of the paved road or the right-of-way line, whichever is greater.
- 6. Signs advertising the rental, sale or lease of property shall be removed within fifteen (15) days after such action has been completed.

#### **B. C-1, C-3, B-1 and PUD zoning districts.**

- 1. Signs of up to sixteen (16) square feet in size are allowed for properties with linear roadway frontages of one-hundred (100) feet or more.
- 2. For larger tracts of land for sale or lease, additional signs may be utilized so long as there is at least a three-hundred-thirty (330) linear foot separation between the signs.
- 3. Signs of up to twelve (12) square feet in size are allowed for properties with less than one-hundred (100) linear feet of frontage.
- 4. On a corner lot, two sign faces may be placed together to form a “V-shaped” sign for visibility in both directions.
- 5. All real estate signs shall be placed at least twenty (20) feet from the edge of the paved road or the right-of-way line, whichever is greater.
- 6. Signs advertising the rental, sale or lease of property shall be removed within fifteen (15) days after such action has been completed.

#### **C. Residential zoning districts.**

- 1. Signs shall not exceed six (6) square feet in size and shall be located at least ten (10) feet from the edge of the paved road or right-of-way line, whichever is greater.
- 2. Off-site directional signage advertising an “open house” event shall be allowed subject to the following:
  - a. The sign shall be no greater than six (6) square feet in size.

- b. No more than two signs shall be utilized for each “open house” event.
- c. The sign may be utilized from Friday afternoon until Monday morning; exceptions will be granted for extended holiday weekends.
- d. The signs shall be placed so as not to interfere with driver’s vision at an intersection.

**Section 12. Construction Site Identification Signs.**

- A. Construction site identification signs shall not exceed thirty-two (32) square feet in size for non-residential construction sites.
- B. Construction site identification signs shall not exceed sixteen (16) square feet in size for residential construction sites.
- C. Construction site identification signs shall be placed at least ten (10) feet from the edge of the paved road, back of curb or right-of-way line, whichever is greater.
- D. Construction site identification signs shall not be placed within the sight-distance triangle of any intersection.
- E. Off-site signage providing directions to construction entrances shall be allowed upon the approval of the City Planner and/or City Engineer.
- F. Construction site identification signs shall be removed within fifteen (15) days after the issuance of a Certificate of Occupancy. This does not include banners and other signs that are permitted on a temporary basis by this ordinance.

**Section 13. Directional Signs.**

- A. Directional signs shall be allowed to direct the reader to the location of public institutions, historical areas, emergency shelters, public parks, public buildings, or organizations identified by 26 U.S.C. §501(c)(3) of the United States Internal Revenue Code to include, religious, educational, charitable, scientific, literary, testing for public safety, fostering national or international amateur sports competition, or preventing cruelty to children or animals.
- B. Each organization may have two (2) off-premises directional signs. The signs shall be no larger than six (6) square feet, and no higher than six (6) feet, measured from the finished grade to the bottom of the sign. The sign shall be a minimum of five (5) feet from the edge of the paved road, back of curb, or right-of-way line, whichever is greater, and shall not be placed within the sight-distance triangle of any intersection. There shall be at least a twenty-five (25) foot spacing between such signs, measured from the outermost edge of one sign to the outermost edge of the next sign. The copy area of the sign may contain only the name of the organization, its logo and a directional arrow. In no instance shall a directional sign be allowed to be placed in the public right-of-way.
- C. Any sign which is not approved by the Board of Aldermen, government-sponsored, or placed by a government institution, such as local governments or state agencies, shall submit an application for a sign permit and be approved by the City of Starkville City Engineer and Building Department after a determination by the City that said sign conforms with all traffic and sight-distance triangle requirements.
- D. Applications for placement of all directional signs shall only be submitted by entities which are located within the corporate boundary of the City of Starkville. Entities

located outside the corporate boundary are prohibited from submitting applications for placement of directional signs on the public right-of-ways.

- E. If the applicant is denied a sign permit by the City, the applicant may submit a written grievance to the Building Department within ten (10) calendar days after notification of the denial. Such grievance shall be submitted to the Board of Aldermen for final determination at the next regularly scheduled meeting.
- F. All signs that are permitted by this ordinance shall be kept in good repair and shall be legible. All signs whose message is not determinable by reason of normal wear and tear, graffiti, destruction, whether by the elements or by man, and that are not representative of good condition must be replaced within thirty (30) days after the owners of such signs are notified by the City, that such signage does not conform to this ordinance.

#### **Section 14. Inspection, Removal and Safety.**

- A. All signs shall be kept in good repair and in safe, neat, clean and attractive condition.
- B. All signs shall comply with the pertinent requirements of the current adopted International Building Code and the National Electric Code.
- C. No sign shall be placed within the sight-distance triangle of any intersection.
- D. Upon failure to comply with this notice, the Code Enforcement Inspector shall initiate the Administrative Adjudication Process to enforce compliance with this ordinance.
- E. The Code Enforcement Inspector may remove or have a sign removed at the expense of the person, organization, business or entity responsible for the sign, immediately and without notice if the sign presents an immediate threat to the safety of the public. Any sign removed shall be done so at the expense of the person, organization, business or entity responsible for the sign.
- F. The Code Enforcement Inspector shall be authorized to physically remove a sign or banner if this can be accomplished without possible harm to the Inspector, violator or the general public. The sign or banner will be stored at City Hall for a period of not more than ten (10) days for collection by the person, organization, business or entity responsible for the sign.

#### **Section 15. Permits Required.**

- A. This permit can be obtained from the Building Department or the Code Enforcement Office.
- B. The size and type of sign will determine the cost. The costs of these permits shall be determined by Resolution of the Mayor and Board of Aldermen.
- C. All permanent signs, whether new or replacement, shall obtain a building permit from the Building Department.
- D. If any sign or banner is erected or installed prior to the issuance of a permit for such signage and banners, the permit fee shall be triple the regular permit fee amount.
- E. Three or more violations in a calendar year by individuals, businesses or sign installation companies, shall result in the loss of signage erection/installation privileges for one year from the date of the action.

#### **Section 16. Signs Exempted from Permitting.**

The following signs and banners are subject to all provisions of this ordinance, but are exempted from all permitting requirements.

- A. Political signs as defined by this ordinance.
- B. Non-directional and non-commercial signs that do not exceed four (4) square feet in area do not have to maintain a permit, but shall comply with the ordinance guidelines for placement.
- C. Signs and banners placed upon the property of any public or private school, college or university supported entirely or partly by taxation, or by individual payments of tuition from attending students, or upon the property of any fraternal or social institution recognized as a student organization by such school, college or university, provided that the advertising contained on such sign or banner is directly related to an on-site activity conducted by such school, college, university or fraternal or social organization.
- D. Signs and banners placed upon the property of churches, provided that the advertising contained on such sign or banner is directly related to an on-site activity conducted by such church.
- E. Signs and banners placed upon the property of Not-for-Profit organizations that have valid 501(c)3 status, provided that the message contained on such sign or banner is directly related to an on-site activity conducted by such Not-for-Profit organization.
- F. The following regulations shall apply to all such signs and banners referenced in this section:
  - 1. Signs and banners shall be removed within fifteen (15) days of erection or installation.
  - 2. Signs and banners shall not be affixed to poles, trees, wire utility lines or any publically-owned property.
  - 3. Signs and banners shall not exceed twenty-four (24) square feet in size.
  - 4. Signs and banners shall not be placed within ten (10) feet of the edge of the paved road, back of curb or the right-of-way line, whichever is greater.
  - 5. Signs and banners shall not be placed within any sight-distance triangle.
- G. Schools, parks and athletic fields.
  - 1. Signage for public schools, private schools, parks and athletic fields, which is located internally on the site and not generally intended to be viewed from the adjacent roadways, or are at least one-hundred-fifty (150) feet from the nearest adjacent roadway, shall be exempt from the general requirements of this ordinance. Signage located adjacent to roadways, or intended to be viewed from roadways, shall comply with the appropriate sections of this ordinance.
  - 2. The intent of this section is to allow flexibility for signage on a large site or campus setting which is generally not visible from adjacent roadways and unique or specific to the site or use of the property.
  - 3. Examples of these signs include, but are not expressly limited to, directional and/or “wayfinding” signs, informational signs for nature trails and/or exercise circuits, informational kiosks, sponsorship signs placed internally on athletic fields, electronic and manual message boards or centers, and scoreboards.
  - 4. Such signage shall require a permit and approval shall be at the discretion of the City Planner. Appeals of the denial of such a permit shall be submitted to the

Chief Administrative Officer for review by the Mayor and Board of Aldermen at their next regularly scheduled meeting.

**Section 17. Non-conforming Signs.**

- A. In instances where a sign is non-conforming to any of the requirements of this ordinance, such sign and any supporting structure may be allowed, although such a sign does not conform to the provisions hereof.
- B. No such non-conforming sign or sign structure may be enlarged or altered in any way which increases its non-conformity.
- C. Any non-conforming sign or sign structure which is partially destroyed by fire, accident, or other natural or man-made cause beyond fifty percent (50%) of its fair market value, shall thereafter be removed or reconstructed to comply with the provisions of this ordinance.
- D. Any non-conforming sign or sign structure which is improved, altered or reconstructed to comply with the provisions of this ordinance shall thereafter be considered as conforming.
- E. For purposes of determining fair market value of the sign or sign structure, the property owner or the owner of the sign or sign structure, must furnish acceptable proof of the sign's original cost in the form of:
  - 1. Original value from sign permit, if available.
  - 2. An original bill of sale, including installation costs, fees, etc.
  - 3. Depreciation schedules from federal or state tax returns showing original cost.
- F. Any alteration or maintenance of a non-conforming sign such as painting of panels or frame, changing outface panels, or repairs to frame or panel requires a permit from the Building Department.
- G. Movement of a portable sign to conform to setback regulations does not invalidate the non-conforming status of the sign.
- H. Abandonment or obsolescence of a non-conforming sign shall terminate immediately the right to maintain such a sign.
- I. The addition of a manual or electronic message board of up to sixteen (16) square feet in size, to the existing supporting structure of a non-conforming sign does not invalidate the non-conforming status of the sign.

**Section 18. Amortization of Non-conforming Signs.**

- A. The following non-conforming signs shall be removed, changed, altered, or otherwise made to comply with the provisions of this ordinance within a ten (10) year amortization period:
  - 1. Monument Signs.
  - 2. Multi-tenant Business Signs.
  - 3. Pole Signs.
  - 4. Roof Signs.
- B. The ten (10) year amortization period shall begin from the effective date of the adoption of this ordinance, or May 5, 2011.
- C. All non-conforming Wall Signs shall be removed or brought into compliance within one (1) year from the effective date of this ordinance.

- D. All non-conforming Window Signs shall be removed or brought into compliance within one-hundred-eighty (180) days from the effective date of this ordinance.
- E. Upon determination of the City of Starkville that a sign remains non-conforming after termination of the amortization period provided above, the City shall notify the sign owner and/or the owner of the land on which the non-conforming sign is located, and such owner shall have thirty (30) days after written notice is received within which to remove said sign or bring it into compliance. At the end of the thirty (30) day period, if the sign has not been removed or brought into compliance, the City shall issue a summons to appear before the City's Administrative Hearing Officer.
- F. In the event that a sign becomes subject to this ordinance as a result of annexation into the City of Starkville, the amortization period set forth in this section shall apply from and after the effective date of such annexation.
- G. This amortization schedule shall not affect signage which was erected and/or installed in accordance with Sign Ordinance Number 2008-10.

**Section 19. Sign Restrictions and Prohibitions.**

- A. Any sign not permitted by this ordinance shall be prohibited.
- B. No sign shall be placed on the public right-of-way with the exception of traffic control and directional signage.
- C. Post signs shall be removed within a period of ninety (90) days from the effective date of this ordinance.
- D. Discontinued signs not in use for a period of ninety (90) days or more shall have the sign face, not the sign structure, removed, by painting over the sign face or replacing the sign face with a blank insert.
- E. Snipe signs are prohibited in all zoning districts.
- F. Inflatable displays are allowed in residentially-zoned districts only for holiday use.
- G. Any use of searchlights is prohibited, except for airport operations.
- H. Motor vehicle signs are prohibited except when the motor vehicle is actively engaged in making deliveries, pick-ups or otherwise actively in use and has as its primary purpose some use other than a sign.
- I. Banners, pennants, balloons and streamers are prohibited, except as specifically permitted by this ordinance.
- J. No sign shall be located within a sight-distance triangle so that it substantially interferes with the view necessary for motorists to proceed safely through an intersection or to enter onto or exit from public streets, private roads or driveways.
- K. No sign may be erected so that by its location, color, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- L. All signs must be designed to withstand sustained wind speeds of ninety (90) miles per hour with three-second gusts.
- M. No sign may be constructed, erected, moved, enlarged, illuminated or altered except in accordance with the provisions of this ordinance.
- N. No person, organization, business or entity, may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy or remove any trees, shrubs or other vegetation located within the right-of-way of any public street or road,

unless the work is done pursuant to the expressed written authorization of the City Planner or City Engineer.

- O. If, in the future, the Mayor and Board of Aldermen adopt zoning overlay districts which include specific design standards and criteria for signage, then those shall take precedence over this ordinance.

**Section 20. Enforcement.**

- A. The City of Starkville City Planner and Code Enforcement Inspector shall be directed to enforce all of the provisions of this ordinance.
- B. Any signs not complying with this ordinance may be collected by the Code Enforcement Inspector and stored at City Hall for a period not to exceed ten (10) days, at which time the signs shall be disposed of.
- C. Any person, organization, business or entity, violating any provision of this ordinance shall, upon conviction, be fined and also pay any administrative costs for each offense, and each day such violation continues, shall constitute a separate offense. These fines and costs shall be determined by Resolution of the Mayor and Board of Aldermen.
- D. Non-compliance and/or non-payment of fines and/or costs by business owners may result in suspension or revocation of City privilege license.
- E. Ultimately, the property owner shall be responsible for payment of any and all fines and/or costs not collected from the violator after ninety (90) days.
- F. The Administrative Adjudication Process shall be the preferred method of prosecuting violations of this ordinance for the City of Starkville.

**Section 21. Variances and Exceptions.**

- A. The City of Starkville's Board of Adjustments & Appeals shall review any variance requests regarding the dimensional requirements of this ordinance. The application fee for such reviews shall be determined by Resolution of the Mayor and Board of Aldermen.
- B. The City of Starkville's Mayor and Board of Aldermen shall review any exceptions from the requirements of this ordinance at a regularly scheduled meeting, upon advance notice to the City Planner or Chief Administrative Officer.

**SECTION III. INVALIDATION/SEVERABILITY**

The requirements and provisions of this Ordinance are separable. If any article, section paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the validity or applicability of the Ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

**SECTION IV. CONFLICTS**

All Ordinances, parts of Ordinances or Resolutions of the Mayor and Board of Aldermen of the City of Starkville that conflict with the provisions of this Ordinance shall be, and the same, are hereby repealed.

SECTION V. EFFECTIVE DATE

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

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

**THE FOREGOING ORDINANCE** having first been reduced to writing, was proposed in a motion by Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, that the aforesaid Ordinance be adopted. The vote being as follows:

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

**ORDAINED AND ADOPTED**, this the 5<sup>th</sup> day of April, 2011, A.D., at the Regular Meeting of the Mayor and Board of Aldermen of the City of Starkville, Oktibbeha County, Mississippi.



**PARKER WISEMAN**, Mayor  
City of Starkville, Mississippi



**MARKEETA OUTLAW**, Clerk  
City of Starkville, Mississippi



27.

**A MOTION TO APPOINT JERRY MCINGVALE AND TIFFANY HAMMON TO THE COMMISSION ON DISABILITY; ALSO TO APPOINT CHRIS GOTTBREATH (WARD 2), DOROTHY ISAAC (WARD 6) AND DENNIS NORDIN (WARD 4) TO THE TRANSPORTATION COMMITTEE**

There came for consideration the matter of appointments to the Commission on Disability and the Transportation Committee. After discussion, and

upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Jeremiah Dumas, to approve the appointments of Jerry McIngvale and Tiffany Hammon to the Commission on Disability and the appointments of Chris Gottbreath (Ward 2), Dorothy Issac (Ward 6) and Dennis Nordin (Ward 4) to the Transportation Committee, the Board voted as follows:

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

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

**NOTE: Alderman Ben Carver and Alderman Henry Vaughn Sr.,** exited the meeting.

28.

**A MOTION TO APPROVE AMENDING THE CITY OF STARKVILLE'S FISCAL YEAR 2010-11 BUDGET AS PRESENTED**

There came for consideration the matter of amending the City of Starkville's Fiscal Year 2010-11 Budget. After discussion, and

upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Jeremiah Dumas, to amend the City of Starkville's Fiscal Year 2010-11 Budget as presented, the Board voted as follow:

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

Having received a majority affirmative vote of those members present and voting, the Mayor declared the motion passed, noting the absence of Aldermen Carver and Vaughn.

**BUDGETMENT #2 FY2011**

THE CITY OF  
STARKVILLE,  
MISSISSIPPI  
BUDGET  
AMENDMENT  
#2  
FY 2010-2011

<u>ACCOUNT DESCRIPTION</u>	<u>ACCOUNT NUMBER</u>	<u>ORIGINAL BUDGET AMOUNT</u>	<u>AMENDMENT AMOUNT</u>		<u>AMENDED BUDGET AMOUNT</u>
<b><u>GENERAL FUND</u></b>					
<b>REVENUE:</b>					
HOMELAND SECURITY OT	001-000-239	0.00	7,432.00	+	7,432.00
MIP/ALCHOHOL GRANT	001-000-245	15,000.00	-2,500.00	-	12,500.00
FUEL CONVERSION GRANT	001-000-247	0.00	106,800.00	+	106,800.00
MISCELLANEOUS	001-000-354	15,000.00	4,850.00	+	19,850.00
POLICE MISCELLANEOUS	001-000-363	22,600.00	<u>17,781.00</u>	+	40,381.00
			<b>134,363.00</b>		
<b>EXPENSES:</b>					
BOARD OF A/PROFESSIONAL SER	001-005-601	0	900.00	+	900.00
ADMIN/IT SALARY	001-023-430	60,469.00	33,512.00	+	93,981.00
ADMIN/RETIREMENT	001-023-460	22,500.00	4,021.00	+	26,521.00
ADMIN/SOCIAL SECURITY	001-023-470	14,344.00	2,564.00	+	16,908.00
ADMIN/HELATH INS	001-023-480	15,180.00	2,264.00	+	17,444.00
ADM/PROF SERVICE CITY	001-023-601	32,500.00	4,850.00	+	37,350.00
CLERK/BEAUTIFICATION OUTSIDE	001-042-605	0.00	19,800.00	+	19,800.00
CONTRIBUTION/SHUTTLE	001-094-697	70,000.00	3,675.00	+	73,675.00
HERITAGE MUSEUM	001-095-910	5,000.00	2,500.00	+	7,500.00
POLICE/OVERTIME	001-112-450	159,000.00	4,932.00	+	163,932.00
POLICE/TRAVEL	001-112-610	10,000.00	60.00	+	10,060.00
POLICE/MACH AND EQUIP	001-112-730	0.00	17,721.00	+	17,721.00
FIRE/SALARY	001-161-420	2,151,677.00	-61,875.00	-	2,089,802.00
FIRE/RETIREMENT	001-161-460	265,813.00	-7,425.00	-	258,388.00
FIRE/SOCIAL SECURITY	001-161-470	169,456.00	-4,733.00	-	164,723.00
FIRE/HOSPITAL INS	001-161-480	277,200.00	-10,266.00	-	266,934.00
FUEL CONVERSION GRANT	001-602-730	0.00	106,800.00	+	106,800.00
ENDING FUND	001-900-990	375,285.00	-19,800.00	-	355,485.00

CONTINGENCY FUND	001-900-991	169,336.00	<u>34,863.00</u>	+	204,199.00
			<b>134,363.00</b>		

**ENVIRONMENTAL SERVICES**

**REVENUE:**

MDEQ GRANT	022-000-250	25,000.00	<b>75,000.00</b>	+	100,000.00
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**EXPENSE:**

**SANITATION**

SALARY TRASH COLLECTION	022-222-420	381,195.00	20,292.00	+	401,487.00
RETIREMENT	022-222-460	69,046.00	2,435.00	+	71,481.00
SOCIAL SECURITY	022-222-470	44,017.00	1,552.00	+	45,569.00
HOSPITAL INSURANCE	022-222-480	96,800.00	4,220.00	+	101,020.00
TRAVEL	022-222-610	0.00	5,000.00	+	5,000.00
CONTRACT SERVICE	022-222-640	160,000.00	-28,499.00	-	131,501.00
TRASH COLL MACHINERY AND EQUIPMENT	022-222-730	480,000.00	-78,916.00	-	401,084.00
PRINCIPAL INTEREST	022-222-820	0.00	41,335.00	+	41,335.00
	022-222-830	0.00	<u>7,581.00</u>	+	7,581.00
			<b>-25,000.00</b>		

**RECYCLE ARA**

BAGS	022-324-551	0.00	24,960.00	+	24,960.00
PROMOTION MATERIAL	022-324-608	0.00	25,040.00	+	25,040.00
TRUCK	022-324-740	0.00	<u>50,000.00</u>	+	50,000.00
			<b>100,000.00</b>		

TOTAL ENVIRONMENTAL SERVICES			<b>75,000.00</b>		
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**ROAD MAINTENANCE BOND**

**REVENUE:**

INTEREST	304-000-340	0.00	18,000.00	+	18,000.00
BEGINNING FUND	304-000-396	0.00	<u>2,628,013.00</u>	+	2,628,013.00
			<b>2,646,013.00</b>		

**EXPENSES:**

**2010 ROADWAY MAINTENANCE PROJECTS**

PROFESSIONAL SERVICE	304-302-601	0.00	18,001.00	+	18,001.00
ROADWAY TESTING	304-302-603	0.00	6,642.00	+	6,642.00

ROADWAY MAINTENANCE	304-302-912	0.00	<u>330,538.00</u>	+	330,538.00
			<b>355,181.00</b>		
<b>LYNN LANE MULTI-USE PROJ</b>					
PROFESSIONAL SER/PRE ENG	304-303-601	0.00	<u>100,000.00</u>	+	100,000.00
			<b>100,000.00</b>		
<b>2010 DRAINAGE IMPROVEMENTS PROJECTS</b>					
TESTING AND INSPECTION	304-304-603	0.00	950.00	+	950.00
CAPITAL IMPROVEMENTS	304-304-918	0.00	37,907.00	+	37,907.00
CONTINGENCY	304-304-922	0.00	<u>25,250.00</u>	+	25,250.00
			<b>64,107.00</b>		
<b>2009 DRAINAGE IMPROVEMENT BOND PROJECTS</b>					
CONTINGENCY	304-306-918	0.00	270,757.00	+	270,757.00
	304-306-922	0.00	<u>41,376.00</u>	+	41,376.00
			<b>312,133.00</b>		
<b>REED ROAD WIDENING</b>					
PROFESSIONAL SERVICE/ENGIN	304-307-601	0.00	41,969.00	+	41,969.00
PROF SERVICE/RIGHT OF WAY	304-307-602	0.00	2,074.00	+	2,074.00
PROF SERVICE/TESTING	304-307-603	0.00	5,000.00	+	5,000.00
CONSTRUCTION	304-307-912	0.00	<u>318,852.00</u>	+	318,852.00
			<b>367,895.00</b>		
<b>PAT STATION ROADWAY</b>					
PROFESSIONAL SERVICE/ENG	304-309-601	0.00	54,069.00	+	54,069.00
PROFESSIONAL SERVICE/APPR AIS	304-309-602	0.00	25.00	+	25.00
PROFESSIONAL SERVICE/TESTING	304-309-603	0.00	5,000.00	+	5,000.00
CONSTRUCTION	304-309-912	0.00	688,919.00	+	688,919.00
CONTIENGENCY	304-309-922	0.00	<u>36,983.00</u>	+	36,983.00
			<b>784,996.00</b>		
<b>HOSPITAL ROAD REBUILD</b>					
TESTING AND INSPECTION	304-310-603	0.00	11,000.00	+	11,000.00

CONSTRUCTION	304-310-912	0.00	<u>400,000.00</u>	+	400,000.00
			<b>411,000.00</b>		
<b>STORM DRAINAGE MAINTENANCE</b>					
STORM DRAINAGE MAINTENANCE	304-311-918	0.00	<u>15,701.00</u>	+	15,701.00
			<b>15,701.00</b>		
<b>SIDEWALK CONSTRUCTION AND IMPROVEMENT</b>					
SIDEWALK CONST & IMPROV	304-312-912	0.00	<u>20,000.00</u>	+	20,000.00
			<b>20,000.00</b>		
<b>LOUISVILLE ST WIDENING PROJECT</b>					
PROFESSIONAL SER/PRE ENG	304-313-601	0.00	65,000.00	+	65,000.00
PROFESSIONAL SER/CE & I	304-313-602	0.00	115,000.00	+	115,000.00
CONTINGENCY	304-313-922	0.00	<u>35,000.00</u>	+	35,000.00
			<b>215,000.00</b>		
TOTAL EXPENSES			<b>2,646,013.00</b>		

**FIRE STATION #5**

**REVENUE:**

GRANT	306-000-237	0.00	155,246.00	+	155,246.00
BEGINNING BALANCE	306-000-396	0.00	<u>5,484.00</u>	+	5,484.00
			<b>160,730.00</b>		

**EXPENSES:**

PROFESSIONAL SERVICE	306-267-601	0.00	25,000.00	+	25,000.00
CONSTRUCTION	306-267-901	0.00	<u>135,730.00</u>	+	135,730.00
			<b>160,730.00</b>		

**WATER**

**REVENUE:**

CDBG EMERGENCY WASTE WATER	400-000-255	0.00	<b>100,000.00</b>	+	100,000.00
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**EXPENSE:**

ENDING FUND	400-677-990	513,766.00	<b>100,000.00</b>	+	613,766.00
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**NOTE: Alderman Ben Carver and Alderman Henry Vaughn, Sr.,** re-enters the meeting room.

**29.**

**A MOTION TO APPROVE THE 2011 CAPITAL IMPROVEMENT BUDGET WITH REVISION TO PROJECT 2 - CARVER DRIVE INSTALLATION OF 80 LINEAR FEET OF 72" PIPE LINE ITEM ON PAGE 6 OF 29 BE CHANGED FROM \$27,500 TO \$50,000**

There came for consideration the matter of the 2010-11 Budget for the City of Starkville's Capital Improvement Projects. After discussion and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver to approve the 2010-11 Capital Improvement Budget with revisions to Project 2 - Carver Drive Installation of 80 linear feet of 72" pipe line item on page 6 of 29 be changed from \$27,500 to \$50,000, the Board voted unanimously to approve the motion.

**Note: Alderman Ben Carver** exited the meeting

**30.**

**A MOTION TO APPROVE CLAIMS FOR THE FIRE DEPARTMENT FOR THE PERIOD ENDING MARCH 31, 2011**

There came for consideration the matter of approving claims submitted by the City of Starkville's Fire Department. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to approve the Fire Department Claims for the period ending March 31, 2011, the Board voted as follow:

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

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

**FIRE DEPARTMENT CLAIMS  
PERIOD ENDING MARCH 31, 2011**

DOCKET #04-05-11-A

FIRE DEPARTMENT	001-161	\$11,953.23
FIRE PREVENTION	001-162	\$ 1,047.83
FIRE TRAINING	001-163	\$10,171.95
FIRE COMMUNICATIONS	001-164	\$ 6,140.45
FIRE STATIONS & BLDGS	001-167	\$ 9,547.08
	<b>TOTAL</b>	<b>\$38,890.54</b>

**NOTE: Alderman Ben Carver** rejoined the meeting.

**31.**

**A MOTION TO APPROVE AUTHORIZATION TO ADVERTISE FOR  
A TREE TRIMMING AND REMOVAL SERVICE**

There came for consideration the matter of the necessity of a Tree Trimming and Removal Service. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve authorization to advertise for a Tree Trimming and Removal Service, the Board voted unanimously in favor of the motion.

**32.**

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

Upon the motion of Alderman Richard Corey duly seconded by Alderman Eric Parker to enter into a Closed Session to determine is there is proper cause for Executive Session, the Board voted unanimously in favor of the motion.

**33.**

**A MOTION DECLARING DISCUSSION OF PERSONNEL MATTERS  
REGARDING A POLICE DEPARTMENT EMPLOYEE GRIEVANCE ARE  
CAUSE FOR EXECUTIVE SESSION**

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey determining and declaring discussion of Personnel Matters regarding a Police Department Employee Grievance as Proper Cause for Executive Session, the Board voted unanimously in favor of the motion.

**34.**

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

Upon the Motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey to Exit Closed Session and Return to Open Session, the Board unanimously voted its consent.

**NOTE: Mayor Parker Wiseman** announced the subject matter as proper for Executive Session.

35.

**A MOTION TO  
ENTER INTO EXECUTIVE SESSION FOR THE  
DISCUSSION OF PERSONNEL MATTERS REGARDING A  
POLICE DEPARTMENT EMPLOYEE GRIEVANCE**

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey to enter executive session to discuss a Police Department employee grievance, the Board's vote to enter into executive session was as follows:

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

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

**Alderman Ben Carver** exited the meeting.

36.

**A MOTION DIRECTING THE CITY ATTORNEY TO DRAFT A  
LETTER TO MASTER OFFICER FREDDIE BARDLEY  
IN RESPONSE TO HIS GRIEVANCE**

There came for consideration the matter of a grievance filed by Master Officer Freddie Bardley, after discussion, and

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Jeremiah Dumas, to direct the City Attorney to draft a letter to Master Officer Freddie Bardley, to concur with the Personnel Officer's recommendation and instructing the Personnel Officer Randy Boyd to monitor the situation by meeting with the parties periodically to ensure that no retaliation occurs as a results of this grievance, the Board voted as follows:

Alderman Ben Carver	Voted: <u>Absent</u>
Alderman Sandra Sistrunk	Voted: <u>Yea</u>

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

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

37.

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

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Eric Parker to exit Executive Session and return to Open Session, the Board voted as follows:

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

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

38.

**A MOTION TO RECESS UNTIL 5:30 P.M.  
TUESDAY, APRIL 19, 2011**

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey, to recess until Tuesday, April 19, 2011, at 5:30 p.m.; said meeting will be held in the Courtroom/Boardroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS., the Board voted as follow:

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

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

SIGNED AND SEALED THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 2010.

\_\_\_\_\_  
MARKEETA OUTLAW, CITY CLERK

\_\_\_\_\_  
PARKER WISEMAN, MAYOR

(SEALED)