

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

**The City of Starkville, Mississippi
June 19, 2012**

Be it remembered that the Mayor and Board of Alderman met in a Recess Meeting on June 19, 2012 at 5:30 p.m. in the Courtroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS. There being present were Mayor Parker Wiseman, Aldermen Sandra Sistrunk, Ben Carver, Eric Parker, Richard Corey, Jeremiah Dumas, Roy A.' Perkins, and Henry Vaughn, Sr. Attending the Board were City Attorney Chris Latimer and Acting City Clerk Emma Gibson-Gandy.

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

Mayor Parker Wiseman asked for any revisions to the Official Agenda. There being no revisions suggested the mayor asked for a motion to approve the agenda.

1.

A MOTION TO APPROVE THE OFFICIAL AGENDA

There came for consideration the matter of approving and adopting the June 19, 2012 Official Agenda of the Recess Meeting of the Mayor and Board of Alderman. After discussion regarding the changes on the agenda placed at the table, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Jeremiah Dumas, to approve the June 19, 2012 Official Agenda, the Board voted as follows:

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

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

OFFICIAL AGENDA

THE MAYOR AND BOARD OF ALDERMEN

OF THE

CITY OF STARKVILLE, MISSISSIPPI

RECESS MEETING OF TUESDAY, JUNE 19, 2012
5:30 P.M., COURT ROOM, CITY HALL
101 EAST LAMPKIN STREET

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

I. CALL THE MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

III. APPROVAL OF THE OFFICIAL AGENDA

IV. APPROVAL OF BOARD OF ALDERMEN MINUTES

- A. REQUEST APPROVAL OF THE MINUTES FROM THE RECESS MEETING OF APRIL 3, 2012, OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.
- B. REQUEST APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF MAY 1, 2012, OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.
- C. REQUEST APPROVAL OF THE MINUTES OF THE RECESS MEETING OF MAY 15, 2012, OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.

V. ANNOUNCEMENTS AND COMMENTS

MAYOR'S COMMENTS:

BOARD OF ALDERMEN COMMENTS:

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

THERE ARE NO PUBLIC APPEARANCES SCHEDULED

VIII. PUBLIC HEARING

- A. SECOND PUBLIC HEARING ON AMENDING THE ORDINANCE FOR THE USE OF SAFETY HELMETS IN THE CITY OF STARKVILLE.
- B. FIRST PUBLIC HEARING ON AMENDING THE ZONING ORDINANCE AND THE CITY OF STARKVILLE CODE OF ORDINANCES, APPENDIX A- ZONING, ARTICLE 1, SEC.E.5. TO INCLUDE EXEMPTIONS FOR NON-CONFORMING RESIDENTIAL REBUILDING REQUIREMENTS.

IX. MAYOR'S BUSINESS

*****A. ~~CONSIDERATION OF THE APPROVAL OF THE MAYOR'S YOUTH COUNCIL MEMBERS ATTENDING THE MISSISSIPPI MUNICIPAL LEAGUE CONFERENCE FOR AN AMOUNT NOT TO EXCEED \$2,000.00.~~

X. BOARD BUSINESS

- A. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON AN ORDINANCE

TO CREATE REGULATIONS FOR OUTSIDE SALES, OUTDOOR DISPLAYS, YARD SALES AND OTHER RELATED MATTERS.

- B. DISCUSSION OF THE FUNDING FOR CARVER DRIVE DITCH IMPROVEMENTS.

XI. DEPARTMENT BUSINESS

- A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

- B. BUILDING, CODES AND PLANNING DEPARTMENT

1. REQUEST CONSIDERATION TO APPROVE P&Z ITEM #CU 12-04: A REQUEST BY ERNEST MINOR TO ALLOW A MULTI-FAMILY RESIDENTIAL USE IN A C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT LOCATED AT 300 CARVER DRIVE IN WARD 5.

- C. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

- D. ELECTRIC DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

- E. ENGINEERING AND STREETS

1. REQUEST CONSIDERATION OF THE APPROVAL OF ADVERTISING FOR THE LEASE/PURCHASE FOR A DUMP TRUCK FOR THE STREET DEPARTMENT.

- F. FINANCE AND ADMINISTRATION

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JUNE 14, 2012.
2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING MAY 31, 2012, IN ACCORDANCE WITH §21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

- G. FIRE DEPARTMENT

1. REQUEST APPROVAL TO DECLARE AS SURPLUS IDENTIFIED AND ENUMERATED ITEMS FROM THE FIRE DEPARTMENT AND AUTHORIZATION TO ADVERTISE FOR BID AND SELL SAME.

- H. INFORMATION TECHNOLOGY DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

- I. PERSONNEL

1. REQUEST APPROVAL TO ATTEND PHELPS-DUNBAR MS EMPLOYMENT LAW SEMINAR IN BILOXI ON AUGUST 9 & 10, 2012.

***** 2. *REQUEST APPROVAL TO ADVERTISE FOR AN UPCOMING VACANCY OF A DEPUTY COURT CLERK.*

J. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

K. PUBLIC SERVICES

THERE ARE NO ITEMS FOR THIS AGENDA

L. SANITATION & ENVIRONMENTAL SERVICES

1. REQUEST AUTHORIZATION TO SELL AS SURPLUS THREE (3) REFUSE TRUCKS AND FORTY (40) CONTAINERS FOR SCRAP.

XII. CLOSED DETERMINATION SESSION

XIII. OPEN SESSION

XIV. EXECUTIVE SESSION

A. PENDING LITIGATION

B. PERSONNEL

XV. OPEN SESSION

XVI. ADJOURN UNTIL JULY 3, 2012 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

The City of Starkville is accessible to persons with disabilities. Please call the ADA Coordinator, Mr. Bob Hall, at (662) 323-2525, ext. 132 at least forty-eight (48) hours in advance for any services requested.

2.

A MOTION TO APPROVE THE MINUTES OF THE APRIL 3, 2012 REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN

There came for consideration the matter of approving the minutes of the April 3, 2012 Regular meeting of the Board of Aldermen of the City of Starkville as presented. With discussion regarding incorporating the suggested changes from the City Attorney, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver, to approve minutes of the April 3, 2012 regular meeting, the Board voted as follows:

| | |
|--------------------------|-------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Yea</u> |
| Alderman Richard Corey | Voted: <u>Yea</u> |
| Alderman Jeremiah Dumas | Voted: <u>Yea</u> |

| | |
|----------------------------|-------------------|
| Alderman Roy A'. Perkins | Voted: <u>Nay</u> |
| Alderman Henry Vaughn, Sr. | Voted: <u>Nay</u> |

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

3.

A MOTION TO APPROVE THE MINUTES OF THE MAY 1, 2012 REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN

There came for consideration the matter of approving the minutes of the May 1, 2012 Regular meeting of the Board of Aldermen of the City of Starkville as presented. With discussion regarding incorporating the suggested changes from the City Attorney, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve minutes of the May 1, 2012 regular meeting, the Board voted as follows:

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

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

4.

A MOTION TO APPROVE THE MINUTES OF THE MAY 15, 2012 RECESS MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN

There came for consideration the matter of approving the minutes of the May 15, 2012 Recess meeting of the Board of Aldermen of the City of Starkville as presented. With discussion regarding incorporating the suggested changes from the City Attorney, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve minutes of the May 15, 2012 recess meeting, the Board voted as follows:

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

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

BOARD COMMENTS

Aldermen Henry Vaughn and **Alderman Sandra Sistrunk** discussed the matters of fair representation toward all areas of the City of Starkville.

Alderman Jeremiah Dumas discussed his rationale behind his support of the proposed municipal facility.

Alderman Roy A'. Perkins discussed his views regarding the need for the public input through the voting process for such a large public expenditure.

Alderman Ben Carver expressed his concerns with not taking the public facility project out to the voters for their approval through the voting process.

CITIZEN COMMENTS

A number of residents of Wards 6 and 7 expressed their concerns about the status of the Carver Drive ditch and the lack of funding for the improvements to Carver Drive ditch rather than spending the city funds on the municipal facility. Those addressing the Board were: **Alvin Turner, Margaret Mason, Annie Williams, Daisy McDowell, Chris Taylor, Curtis White** and **Dorothy Isaac**.

Several residents addressed the Board regarding their concerns in the matter of the public/private partnership for the construction of a new city hall and court facility. Those addressing the Board were: **Kay Evans, Ward 2; Marnita Henderson, Ward 1; Mike Allen, Ward 5** and **Judd Ward, Ward 5**.

Several residents addressed the Board in support of the public/private partnership for the construction of a new city hall and court facility. Those residents addressing the Board were **Bill Poe, Ward 4; Milo Burnham, Ward 2; Nancy Walsh, Ward 3** and **Joan Wilson**.

There were no public appearances at this meeting of the Board of Aldermen.

PUBLIC HEARINGS

The Mayor asked **Alderman Richard Corey** to introduce the changes to the safety helmet ordinance that he is proposing. **Alderman Jeremiah Dumas** discussed the letter from the City's transportation committee addressing the proposed change in the ordinance.

ORDINANCE 2012 - __

AN ORDINANCE CREATING THE REQUIREMENT FOR THE USE OF PROTECTIVE SAFETY HELMET WHEN OPERATING OR RIDING AS A PASSENGER ON BICYCLES OR ALTERNATIVE TRANSPORTATION DEVICES

WHEREAS, The Board of Aldermen of the City of Starkville hereby finds and declares that disability and death resulting from injuries sustained in bicycling and related alternative transportation crashes are a serious threat to the public health, welfare, and safety of the people of the City of Starkville; and

WHEREAS, the prevention of such disability and death is a goal of the enactment of such an ordinance; and

WHEREAS, head injuries are the leading cause of disability and death from bicycling and alternative transportation crashes; and

WHEREAS, the risk of head injury from such crashes is significantly reduced for participants who wear proper protective helmets; and

WHEREAS, the risk of head injury or of any other injury to a passenger on a bicycle or alternative transportation vehicle operated by another person would be significantly reduced if any such adult or child-passenger sat in a separate seat, such as a saddle seat on a tandem bicycle or a child passenger seat designed for a bicycle, or alternative transportation vehicle;

NOW, THEREFORE be it ordained that the following is enacted by the Board of Aldermen for the City of Starkville,

Section 1. Short Title.

This Ordinance shall be known as the "Safety Helmet Ordinance."

Section 2. Purpose.

The purpose of this Act is to reduce the incidence of disability and death resulting from injuries incurred in bicycling or alternative transportation device crashes by requiring that while riding on such devices on the public roads, public bicycle paths, public areas and other public rights-of-way in the City of Starkville, **all adolescents under the age of sixteen** ~~all such operators and passengers~~ wear protective safety helmets approved by the US Consumer Product Safety Commission; that all passengers who weigh less than forty (40) lbs or are less than forty inches (40") in height be seated in separate child passenger seats; and that no person who is unable to maintain an erect, seated position or is less than one year of age shall be a passenger on a restraining seat and all other passengers shall be seated on saddle seats.

Section 3. Definitions.

As used in this Act, the following terms have the following meanings:

- (a) "Alternative transportation" includes in-line skates, roller skates, Segways, skateboards, unicycles, motorcycles and ATVs
- (b) "Bicycle" means a human-powered vehicle designed to transport, by the action of pedaling, one or more persons seated on one or more saddle seats on its frame. Such term also includes a human-powered vehicle designed to transport by pedaling which has two or more wheels where the vehicle is used on a public roadway, public bicycle path, public area or other public right-of-way.
- (c) "Child Passenger seat" means a seat, separate from that of the operator of a bicycle or alternative transportation, that is fastened securely to the frame of the means of transport and is adequately equipped to protect such passenger from the moving parts of the equipment.
- (d) "In-line skates and roller skates" means every device which is attached to the rider much like a pair of shoes or boots and which has two or more wheels attached inline or next to each other
- (e) "Operator" means a person who travels on a bicycle or alternative transportation standing or seated on a saddle seat from which that person is intended to and can pedal and control the device.
- (f) "Other public right-of-way" means any right-of-way other than a public roadway, public area or public bicycle path that is under the jurisdiction and control of the City of Starkville and is designed for use and used by vehicular and/or pedestrian traffic.
- (g) "Passenger" means any person who travels on a bicycle or alternative transportation in any manner except as an operator.
- (h) "Protective safety helmet" means a piece of headgear which meets or exceeds the impact standards for protective safety helmets set by:
- (i) the U.S. Consumer Product Safety Commission for headgear purchased on or after March 10, 1999, or
- (ii) the American National Standards Institute (ANSI), the American Society of Testing and Materials (ASTM), or the Snell Memorial Foundation for headgear purchased before March 10, 1999.
- (i) "Public Area" includes public roadways, paths, parks, trails, bicycle lanes or any right-of-way publicly owned facility or publicly owned property within the City of Starkville.
- (j) "Public roadway" means a right-of-way under the jurisdiction and control of the City of Starkville for use primarily by motor vehicles.
- (k) "Public bicycle path" means a right-of-way under the jurisdiction and control of the City of Starkville for use primarily by bicycles and pedestrians.
- (l) "Skateboard" means every device with a platform having two or more sets of wheels beneath it, which the rider balances on top of, and which is propelled solely by human power.
- (m) "Unicycle" means every device with a frame mounted over a single wheel propelled by pedals.

Section 4. Requirements for Helmet and Restraining Seat Use.

With regard to any bicycle or alternative transportation used on a public roadway, public bicycle path, or other public right-of-way or area:

- (a) It shall be unlawful for any person **under the age of sixteen** to operate or be a passenger on a bicycle or alternative transportation device unless at all times when the

person is so-engaged he or she wears a protective safety helmet of good fit fastened securely upon the head with the straps of the helmet.

(b) It shall be unlawful for any person to be a passenger on a bicycle or alternative transportation device unless all of the following conditions are met:

(i) the person is able to maintain an erect, seated position on the device and is at least one year of age;

(ii) except as provided in paragraph (iii), the person is properly seated alone on a saddle seat (as on a tandem bicycle); and

(iii) with respect to any person who weighs fewer than forty (40) pounds, or is less than forty inches (40") in height, the person can be and is properly seated in and adequately secured to a child passenger seat.

(c) It shall be unlawful for any parent or legal guardian of a person below the age of sixteen (16) to permit such person to operate or be a passenger on a bicycle or alternative transportation device in violation of subsection (a) or (b) of this section.

(d) It shall be unlawful to rent or lease any bicycle or alternative transportation device to or for the use of any person under the age of sixteen unless:

(i) the person is in possession of a protective safety helmet of good fit at the time of such rental or lease; or

(ii) the rental or lease includes a protective safety helmet of good fit, and the person intends to wear the helmet, as required by subsection (a), at all times while operating or being a passenger on the bicycle or alternative transportation device.

Section 5. Civil Penalties.

(a) Violation of this ordinance shall be subject to the jurisdiction of the Administrative Hearing Officer of the City of Starkville. Violation of the ordinance shall result in a civil penalty as imposed by the Administrative Hearing Officer in accordance with the most current schedule to be published and maintained by the Code Compliance division of the Building, Codes and Planning Department and approved by the Board of Aldermen.

(b) Upon the issuance of a citation to an offender and where necessary a positive identification of the parent or legal guardian of any child, ~~except as provided in subsection (b) below,~~ any parent or guardian violating the requirement set forth in Section 4(c) shall be guilty of an administrative violation and upon conviction sentenced to pay an administrative fine of \$15, inclusive of all penalty assessments and court costs for the first violation, or shall have the opportunity to purchase an approved helmet as described in the ordinance above. Proof of such purchase shall be presented at the time of the hearing.

Section 6. Enforcement.

~~There shall be a six month period after the date of passage of the ordinance in which there will be issued two warning citations prior to the requirement for an administrative hearing process per Section 5 of this ordinance. A warning citation and when applicable, a regular citation may be written by any uniformed police officer or the uniformed code enforcement officer as authorized agents for the City of Starkville.~~

Section 76. Effective Date.

This Act shall be effective thirty (30) days from the date of enactment.

NOW THEREFORE, be it ordained by the Mayor and Board of Aldermen of the City of Starkville Mississippi, that this ordinance be adopted to preserve the general public health, safety, and welfare of the people of the City of Starkville Mississippi as stated above

UPON MOTION of _____, duly seconded by _____,

the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

| | | |
|------------------|--------|-------|
| Ben Carver | voted: | _____ |
| Sandra Sistrunk, | voted: | _____ |
| Eric Parker | voted: | _____ |
| Richard Corey, | voted: | _____ |
| Jeremiah Dumas | voted: | _____ |
| Roy A'. Perkins, | voted: | _____ |
| Henry Vaughn, | voted: | _____ |

ORDAINED AND ADOPTED, this the ____ day of _____, A.D., **2012** at the Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

/s/ Parker Wiseman
PARKER Y. WISEMAN, Mayor
City 'of Starkville, Mississippi

/s/ Markeeta Outlaw
MARKEETA OUTLAW, City Clerk
City of Starkville, Mississippi

SEAL)

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The Mayor opened the Floor for comments from the citizens. He devoted 15 minutes to those in favor of amending the Sidewalk Ordinance, and 15 minutes to those opposing for an aggregate of 30 minutes.

| FOR ORDINANCE | AGAINST ORDINANCE | NEITHER FOR/OR AGAINST ORDINANCE |
|---------------|-------------------|----------------------------------|
| Mike Allen | Lee Jenkins | |
| | Alvin Turner | |
| | David Morgan | |
| | Charlotte Fuquay | |
| | Ron Cossman | |
| | Dave Garraway | |

The Mayor closed the citizens comment portion of the public hearing and asked the Board for further comments or questions. Having no further comments by the Board, the Mayor closed the Public Hearing.

The Mayor requested that **Alderman Roy Perkins** introduce the next proposed ordinance listed on the agenda for a public hearing. Alderman Roy Perkins requested that **Chief Administrative Officer, Lynn Spruill**, provide the background on the reason for the change in the ordinance.

ARTICLE I. - CLASSIFICATION AND ESTABLISHMENT OF DISTRICTS

- [Sec. A. - Short title.](#)
- [Sec. B. - Purpose.](#)
- [Sec. C. - Zoning districts.](#)
- [Sec. D. - Zoning district map.](#)
- [Sec. E. - Uses.](#)
- [Sec. F. - Building lots, yards, and open space.](#)
- [Sec. G. - Heights.](#)
- [Sec. H. - Off-street automobile storage.](#)
- [Sec. I. - Off-street loading and unloading.](#)
- [Sec. J. - Structures.](#)
- [Sec. K. - Classifications of annexed territory.](#)

Sec. A. - Short title.

This article shall be known as the "Zoning Ordinance" and the map herein referred to identified by the title "Official Zoning District Map of Starkville Mississippi," shall be certified by the Mayor and attested by the City Clerk. The Zoning District Map and all explanatory matter thereon is hereby adopted and made a part of this article. Said map shall be filed in the Planning Department and shall show thereon the date of adoption of

this article.

(Ord. No. 2001-4, 11-6-01)

Sec. B. - Purpose.

The purpose of this ordinance is to preserve and promote public health, safety, morals and general welfare of the people of the City of Starkville and of the public generally through the regulation of: The location, height, size of buildings and other structures; the density and distribution of population, size of yards and other open spaces; the use of buildings, structures and land for commercial, industrial, residential and other purposes, and of off-street parking and off-street loading.

Sec. C. - Zoning districts.

For the purpose of this ordinance, the City of Starkville is hereby divided into the 16 districts designated as follows. The listing in parentheses indicates more restrictive districts in order with (1) being most restrictive and (15) being least restrictive:

| | | |
|------|-------------------------------------|------|
| A-1 | agricultural district | (1) |
| R-E | residential estate district | (2) |
| R-1 | residential district | (3) |
| R-2 | residential district | (5) |
| R-3 | residential district | (6) |
| R-3A | single-family, medium density | |
| R-4 | residential district | (4) |
| R-4A | single-family, high density | |
| R-5 | residential district | (7) |
| R-6 | residential district (mobile homes) | (8) |
| R-M | residential district | (8) |
| B-1 | buffer district | (11) |
| C-1 | business district (local shopping) | (12) |
| C-2 | business district (general) | (14) |
| C-3 | central business district | (13) |
| M-1 | industrial district (light) | (15) |
| SU | special use district | (10) |
| PUD | planned use district | (9) |

(Ord. No. 2004-2, 11-2-04; Ord. No. 2008-9, § II, 11-4-08)

Sec. D. - Zoning district map.

The city is herein divided into zones, or districts, as shown on the official zoning district map. The official zoning district map, together with all notations, references, or other information thereon, is made a part of this article and has the same force and effect as if fully set forth and described herein. The official zoning district map covers the entire jurisdictional area of the City of Starkville. The original of the official zoning district map shall be properly attested, bear the seal of the city, and be on file in the planning

department. It shall be the duty of the city planner to maintain and keep the zoning district map up-to-date at all times. The official zoning district map shall be available for public inspection as provided by law for all matters which are public record.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning district map, the following rules shall apply:

1. Where district boundaries are indicated as following streets, highways, or alleys, the centerlines of such streets, highways, or alleys shall be construed to be such boundaries.
2. Where the land has been or may hereafter be divided into blocks and lots where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. In unsubdivided property the district boundary lines on the zoning district map shall be determined by use of the scale appearing on the map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located on the abutting property line of said railroad line.
5. Questions concerning the exact location of district boundary lines shall be decided by the board of adjustments and appeals.
6. In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the board of aldermen may by resolution adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map may correct drafting errors or other omissions of the prior official zoning district map, but no such correction shall have the effect of amending the original official zoning district map or any subsequent amendment thereof. The new official zoning district map shall be identified by the signature of the mayor, attested by the city clerk, and bear the seal of the city under the following words:

"This is to certify that this Official Zoning District Map supersedes and replaces the Official Zoning District Map adopted as part of Appendix A of the Code of Ordinances, City of Starkville, Mississippi, on November 15, 1977."

(Ord. No. 2001-4, 11-6-01)

Sec. E. - Uses.

In each district no use other than the type specified as "permitted" or "permitted as an exception" shall be allowed. (See article VII.) Uses specified as permitted shall be permitted upon application to the city planner and approved as meeting the terms of this article. Uses specified as permitted as an exception are special exceptions, and no permit shall be issued for such uses except with the written approval of the planning and zoning commission and subject to such conditions as said commission may require to preserve and protect the character of the district.

Any use or structure existing at the time of enactment of or subsequent amendment to

this ordinance, but not in conformity with its provisions, may be contained [continued] or rebuilt after fire or other damage with the following limitations:

1. *Construction approved prior to ordinance:* Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been diligently prosecuted within three months of the date of such permit, and the ground story framework of which, including the second tier beams, shall have been completed within six months of the date of the permit, and which entire building shall be completed according to such plans as filed within one year from date of this ordinance.
2. *Extension:* A nonconforming use shall not be extended or enlarged except when required to do so by law or by ordinance. The attachment of signs to the building, or the attachment of racks, balconies, or other projections from the building shall be considered as an extension of the use of the building.
3. *Displacement:* No nonconforming use shall be extended to displace a conforming use.
4. *Alterations and/or replacement:* A nonconforming building may not be reconstructed or structurally altered during its life to an extent exceeding in aggregate cost of 50 percent of the market value of the building unless said building is changed to a conforming use. If a nonconforming use and/or structure is removed from any building site, the reuse of that site must be for a conforming use and/or structure.
5. *Restoration:* No building damaged by fire or other causes to the extent of more than 50 percent of its market value shall be repaired or rebuilt except in conformity with the regulations of this ordinance. Any residential structure damaged by fire or other causes to any extent of its market value may be repaired, restored or rebuilt despite its non-conformity with the regulations of this ordinance.
6. *Unsafe structures:* Any nonconforming structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
7. *Changes:* If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use. A use changed to a more restricted nonconforming use shall not be permitted to revert to a least [less] restricted nonconforming use.
8. *Discontinuance:* No building or portion thereof or land used in whole or in part for nonconforming purposes according to the provisions of this article, which thereafter becomes and remains vacant for a period of one year, or for a period of six months if the vacancy is caused by a voluntary act of the owner of such a building or land, or has a cessation of use for like period, shall again be used except in conformity with the regulations of the district in which such building or land is situated.

Neither the intention of the owner, nor that of anyone else, to use a building or

any part thereof for any nonconforming use, nor the fact that said building or lot or any part of either may have been used by a makeshift or pretended nonconforming use, shall be taken into consideration in interpreting and construing the words "vacant" or "cessation of such use" as used in this article.

9. *District changes:* Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions [of this section] shall also apply to any nonconforming uses existing therein.

Any lawful use of a structure or land existing at the time of the enactment of this ordinance may be continued although such use does not conform with the provisions of this ordinance.

(Ord. No. 2001-4, 11-6-01)

Sec. F. - Building lots, yards, and open space.

In each district, each structure hereafter erected or altered shall be on a lot of the area and width specified in article VII. No open space or lot required for a building or structure shall during its life be occupied by or counted as open space for another building or structure.

Exceptions to the district requirements for building lots and yards follow:

1. Where the owner of a lot of official record at the time of adoption of this ordinance does not own sufficient adjacent land to enable him to conform to the yard and other requirements of this ordinance, the building and its accessory structures may be built provided the yard space and other requirements conform as closely as possible, in the opinion of the board of adjustments and appeals, to the requirements of the district in which it is located; and further provided that neither side yard shall be reduced to less than five feet.
2. No building need be set back more than the average of the setbacks of the existing residences within 100 feet or two lots on either side of [the building,] whichever is greater.
3. Under further provisions of this ordinance, PUDs have special requirements meeting lot and yard provisions.

Sec. G. - Heights.

In each district, each structure hereafter erected or altered shall not exceed the height specified in the district requirements, article VII.

Height limitations shall not apply to church steeples, hospitals, sanatoriums, barns, silos, farm structures, chimneys, flagpoles, public utility poles, radio and television towers and aerials, cooling towers, or water tanks.

Sec. H. - Off-street automobile storage.

In each district each structure hereafter erected or altered shall be provided with off-

street automobile storage as specified in district schedule, article VII and VIII. No off-street automobile storage space required for a building or structure shall during its life be occupied by or counted as off-street automobile space for another building or structure, but may be included in the required yard space.

Sec. I. - Off-street loading and unloading.

In each business and industrial district each structure hereafter erected or altered shall be provided with off-street loading and unloading facilities as specified in the district schedule, article VII.

Sec. J. - Structures.

It is the intent of this ordinance that there shall be but one main structure plus any permitted accessory structures on any lot used for residential purposes except as otherwise specifically permitted; also that accessory structures shall not include living quarters.

Sec. K. - Classifications of annexed territory.

All territory which may hereafter be annexed to the City of Starkville, Mississippi, shall be classified as preliminarily [preliminary] as set out in the annexation proceedings until otherwise changed by ordinance after public hearing.

The Mayor opened the floor for comments from the citizens. He devoted 15 minutes to those in favor and 15 minutes to those opposing for an aggregate of 30 minutes.

| FOR ORDINANCE | AGAINST ORDINANCE | NEITHER FOR/OR AGAINST ORDINANCE |
|----------------------|--------------------------|---|
| Ray Murphy | | |

The Mayor closed the citizen comment portion of the Public Hearing and asked the Board for further comments or questions. Having no further comments by the Board, the Mayor closed the Public Hearing.

5.

A MOTION TO CALL FOR A PUBLIC HEARING ON AN ORDINANCE TO CREATE REGULATIONS FOR OUTSIDE SALES, OUTDOOR DISPLAYS, YARD SALES AND OTHER RELATED MATTERS

There came for consideration the matter of calling for a public hearing on an ordinance to create regulations for outside sales, outdoor displays, yard sales and other related matters.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker, to call for a public hearing on an ordinance to create regulations for outside sales, outdoor displays, yard sales and other related matters, with discussion regarding the number of allowable yard sales and making changes to reflect that, the Board voted unanimously to approve the motion.

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

There was discussion regarding the cleanup of the area along Carver Drive ditch that has been piped and covered.

6.

A MOTION TO DIRECT THE APPROPRIATE CITY STAFF TO PERFORM NECESSARY LANDSCAPE AND OTHER CLEAN UP OF THE EASEMENT ALONG ENTIRE CARVER DRIVE DITCH IF THE SCOPE OF THE WORK FULLY COMPLIES WITH THE CITY ATTORNEY'S RECOMMENDATIONS AND APPROVAL

Upon the motion of Alderman Roy Perkins, duly seconded by Alderman Henry Vaughn, to direct the appropriate city staff to perform the necessary landscape and other clean up of the easement along the entire Carver Drive ditch if the scope of the work fully complies with the City Attorney's recommendations and approval, the discussion that followed was concerning the legality of doing work on private property, the Board voted as follows:

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

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

Alderman Sandra Sistrunk discussed the history of the research of findings on how to handle Carver Drive ditch through the options as provided by the engineering study required by FEMA.

7.

A MOTION TO AUTHORIZE THE CITY ENGINEER TO SUBMIT ANY AND ALL DOCUMENTS NECESSARY TO RECEIVE FEMA APPROVAL FOR CARVER DRIVE DRAINAGE IMPROVEMENT OPTION #5A WHICH IS AS DESCRIBED IN THE CITY ENGINEER COST REPORT DATED OCTOBER 26, 2011, AND AS PRESENTED AT THE TABLE AND TO AUTHORIZE FUNDING IF AND ONLY IF FEMA APPROVAL IS GIVEN

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to direct the City Engineer to submit any and all documents necessary to receive FEMA approval for Carver Drive drainage improvement option #5A which is as described in the City Engineer cost dated October 26, 2011, and as presented at the table and to authorize funding if and only if

FEMA approval is given, after discussion on the involvement of FEMA and the use of city staff to do the work;.

The discussion surrounded the treatment of the Carver Drive ditch versus the treatment of Northside Ditch.

Note: Alderman Eric Parker exited the meeting.

The Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Nay</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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> |

The vote resulted in a tie vote. The Mayor offered his remarks on the history of his efforts on behalf of the cleanup of Carver Drive ditch and his reasons for the vote that he was going to cast. Mayor Wiseman voted Yea to break the tie.

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

8.

A MOTION TO APPROVE P&Z ITEM #CU 12-04: A REQUEST BY ERNEST MINOR TO ALLOW A MULTI-FAMILY RESIDENTIAL USE IN A C-1 (NEIGHBORHOOD COMMERCIAL) ZONING DISTRICT LOCATED AT 300 CARVER DRIVE IN WARD 5

There came for consideration the matter of approving P & Z item #CU 12-04: A request by Ernest Minor to allow a multi-family residential use in a C-1 zoning district located a 300 Carver Drive in Ward 5.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, to allow a multi-family residential use in C-1 zoning district located at 300 Carver Drive in Ward 5 with conditions as stated by staff, there being no discussion, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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 voting and present, the Mayor declared the motion passed.

9.

**A MOTION TO APPROVE ADVERTISING FOR THE
LEASE/PURCHASE OF A DUMP TRUCK FOR THE STREET DEPARTMENT.**

There came for consideration the matter of the approval of advertising for the lease/purchase of a dump truck for the street department.

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Jeremiah Dumas, to approve advertising for the lease/purchase of a dump truck for the street department, there being no discussion, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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 voting and present, the Mayor declared the motion passed.

Note: Alderman Ben Carver exited the meeting

10.

**REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET
FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF
JUNE 14, 2012**

There came for consideration the matter of the approval of the City of Starkville claims docket for all departments except the fire department as of June 14, 2012.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve the City of Starkville claims docket for all departments except the fire department, the Board voted as follows:

| | |
|--------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Absent not voting</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</u> |
| Alderman Richard Corey | Voted: <u>Yea</u> |
| Alderman Jeremiah Dumas | Voted: <u>Yea</u> |

Alderman Roy A'. Perkins
Alderman Henry Vaughn, Sr.

Voted: Yea
Voted: Yea

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

CLAIMS DOCKET
6-19-12-B
PERIOD ENDING JUNE 14, 2012

| | | |
|-------------------------------|--------------|---------------------|
| General Fund | 1 | \$164,404.47 |
| Restricted Police Fund | 2 | \$225.75 |
| Restricted Fire Fund | 3 | |
| Airport Fund | 15 | \$3,442.58 |
| Sanitation | 22 | \$12,731.33 |
| Landfill | 23 | \$9,248.77 |
| CDBG Henderson Street Project | 102 | |
| IT | 107 | |
| City Bond and Interest | 202 | |
| 2009 Road Maintenance | 304 | \$152,045.02 |
| Fire Station No. 5 | 306 | |
| A R R Act | 309 | |
| P & R Bond Series 2007 | 325 | |
| Park & Rec Tourism 2% | 375 | |
| Water/Sewer | 400 | \$52,369.60 |
| Vehicle Maintenance | 500 | \$9,433.37 |
| Hotel/Motel | 610 | |
| 2% (VCC, EDA, MSU) | 630 | \$28,563.68 |
| Payroll | 681 | \$1,045.00 |
| Total | | \$433,509.57 |
| Electric Department | | |
| Total Claims | Total | \$433,509.57 |

11.

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

There came for consideration the matter of the acceptance of the City of Starkville report of receipts and expenditures for the period ending May 31, 2012, in accordance with §21-35-13 of the Mississippi Code of 1972 annotated.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to approve the City of Starkville report of receipts and expenditures for the period ending May 31, 2012, in accordance with §21-35-13 of the Mississippi Code of 1972 annotated, with no discussion, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Absent not voting</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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.

Note: Alderman Ben Carver rejoins meeting.

12.

**A MOTION TO DECLARE AS SURPLUS IDENTIFIED AND ENUMERATED
ITEMS FROM THE FIRE DEPARTMENT AND AUTHORIZATION TO
ADVERTISE FOR BID AND SELL SAME**

There came for consideration the matter of declaring as surplus identified and enumerated items from the fire department and authorization to advertise for bid and sell said surplus items.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, to declare as surplus identified and enumerated items from the fire department and authorization to advertise for bid and sell said items, with no discussion, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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.

13.

A MOTION TO ALLOW RANDY BOYD TO ATTEND A PHELPS-DUNBAR MS EMPLOYMENT LAW SEMINAR IN BILOXI ON AUGUST 9 & 10, 2012

There came for consideration the matter of authorizing Personnel Officer, Randy Boyd, to attend a Phelps-Dunbar Mississippi Employment Law Seminar in Biloxi on August 9 & 10, 2012.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, to allow Randy Boyd to attend a Phelps-Dunbar MS Employment Law Seminar in Biloxi on August 9 & 10, 2012, with no discussion, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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 voting and present, the Mayor declared the motion passed.

14.

A MOTION TO ADVERTISE FOR AN UPCOMING VACANCY OF A DEPUTY COURT CLERK

There came for consideration the matter of advertising for an upcoming vacancy of a deputy court clerk.

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to advertise for the upcoming vacancy of deputy court clerk, with no discussion, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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 an affirmative majority vote of those members present and voting, the Mayor declared the motion passed.

15.

A MOTION TO SELL AS SURPLUS THREE REFUSE TRUCKS AND FORTY CONTAINERS FOR SCRAP

There came for consideration the matter of selling as surplus three refuse trucks and forty containers for scrap.

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, to sell as surplus three refuse trucks and forty containers for scrap, with no discussion, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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 voting and present, the Mayor declared the motion passed.

16.

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

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, to enter into a Closed Determination Session to determine if there is proper cause for Executive Session, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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 voting and present, the Mayor declared the motion passed.

The Mayor announced to the public that the Board would be going into executive session for the purpose of discussing Pending Litigation and Personnel matters.

17.

**A MOTION DECLARING THE DISCUSSION OF PENDING LITIGATIONS
RELATING TO THE CITY OF STARKVILLE VS. LINDSEY, CITY OF STARKVILLE
VS. MCGOVERN AND PERSONNEL MATTERS RELATING TO THE ACTING CITY
CLERK IS PROPER CAUSE FOR EXECUTIVE SESSION**

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, declaring the discussion of pending litigations relating to the City of Starkville vs. Lindsey, City of Starkville vs. McGovern and Personnel matters relating to the Acting City Clerk is proper cause for executive session, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</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 voting and present, the Mayor declared the motion passed.

**Acting City Clerk Emma Gandy exits meeting while Board discusses Personnel matters.
Note: Alderman Richard Corey and Alderman Henry Vaughn exit the meeting**

18.

**A MOTION TO HIRE STEWART STAFFORD FOR PROPERTY APPRAISAL
IN THE MATTER OF THE CITY OF STARKVILLE VS. LINDSEY AS RELATED
TO AN EMINENT DOMAIN FOR THE PURPOSE
OF WATER/SEWER LINE INSTALLATIONS**

There came for consideration the matter of hiring Stewart Stafford for property appraisal in the matter of the City of Starkville vs. Lindsey as related to an eminent domain for the purpose of Water/Sewer line installations. After discussion and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Roy A. Perkins hire Stewart Stafford for property appraisal in the matter of the City of Starkville vs. Lindsey as related to an eminent domain for the purpose of Water/Sewer line installations, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</u> |
| Alderman Richard Corey | Voted: <u>Absent not voting</u> |
| Alderman Jeremiah Dumas | Voted: <u>Yea</u> |
| Alderman Roy A'. Perkins | Voted: <u>Yea</u> |
| Alderman Henry Vaughn, Sr. | Voted: <u>Absent not voting</u> |

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

19.

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

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, to exit Executive Session and return to Open Session, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</u> |
| Alderman Richard Corey | Voted: <u>Absent not voting</u> |
| Alderman Jeremiah Dumas | Voted: <u>Yea</u> |
| Alderman Roy A'. Perkins | Voted: <u>Yea</u> |
| Alderman Henry Vaughn, Sr. | Voted: <u>Absent not voting</u> |

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

20.

A MOTION TO ADD TO THE AGENDA ITEM XIV “THE CONSIDERATION TO DISCUSS THE NEXT PHASE IN THE PROCESS TO HIRE A DIRECTOR OF FINANCE/CITY CLERK”

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Ben Carver, to add to the Agenda Item IV “The consideration to discuss the next phase in the process to hire a Director of Finance/City Clerk”, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</u> |
| Alderman Richard Corey | Voted: <u>Absent not voting</u> |
| Alderman Jeremiah Dumas | Voted: <u>Yea</u> |
| Alderman Roy A’. Perkins | Voted: <u>Yea</u> |
| Alderman Henry Vaughn, Sr. | Voted: <u>Absent not voting</u> |

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

21.

A MOTION TO ASSIGN THE DUTIES OF INTERIM CITY CLERK TO THE CHIEF ADMINISTRATIVE OFFICER D. LYNN SPRUILL

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Ben Carver, to assign the duties of Interim City Clerk to the Chief Administrative Officer D. Lynn Spruill, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</u> |
| Alderman Richard Corey | Voted: <u>Absent not voting</u> |
| Alderman Jeremiah Dumas | Voted: <u>Yea</u> |
| Alderman Roy A’. Perkins | Voted: <u>Abstain</u> |
| Alderman Henry Vaughn, Sr. | Voted: <u>Absent not voting</u> |

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

21.

A MOTION TO ADJOURN UNTIL 5:30 PM ON TUESDAY JULY 3, 2013

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk, the Board of Aldermen adjourned until 5:30 p.m., on Tuesday, July 3, 2012, in the Court Room of City Hall located at 101 East Lampkin Street, Starkville, MS, the Board voted as follows:

| | |
|----------------------------|---------------------------------|
| Alderman Ben Carver | Voted: <u>Yea</u> |
| Alderman Sandra Sistrunk | Voted: <u>Yea</u> |
| Alderman Eric Parker | Voted: <u>Absent not voting</u> |
| Alderman Richard Corey | Voted: <u>Absent not voting</u> |
| Alderman Jeremiah Dumas | Voted: <u>Yea</u> |
| Alderman Roy A'. Perkins | Voted: <u>Yea</u> |
| Alderman Henry Vaughn, Sr. | Voted: <u>Absent not voting</u> |

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

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2012.

PARKER WISEMAN, MAYOR

Attest:

EMMA G. GANDY, DEPUTY CITY CLERK

(SEALED)