

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

The City of Starkville, Mississippi

Be it remembered that the Mayor and Board of Aldermen met in a Regular Meeting on January 19, 2010 at 5:30 p.m. in the Courtroom of City Hall, located at 101 Lampkin Street, Starkville, MS.

There being present were Mayor Parker Wiseman , Alderman Ben Carver Ward 1, Sandra C. Sistrunk Ward 2, Eric Parker Ward 3, Richard Corey Ward 4, Jeremiah Dumas Ward 5, Roy A.' Perkins Ward 6, and Henry N. Vaughn Sr., Ward 7.

Attending the Mayor and Board were Deputy City Clerk, Tammy R. Carlisle and Municipal Attorney Chris Latimer.

1. AN ORDER APPROVING THE OFFICIAL AGENDA OF THE JANUARY 19, 2010 BOARD MEETING WITH AMENDMENTS AS FOLLOWS:

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

RECESS MEETING OF TUESDAY, JANUARY 19, 2010,
5:30 P.M., CITY HALL COURTROOM
101 LAMPKIN STREET

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

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

I. CALL THE MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

III. APPROVAL OF THE OFFICIAL AGENDA

A. CONSIDERATION OF THE APPROVAL OF THE CONSENT AGENDA (SEE APPENDIX A)

IV. APPROVAL OF BOARD OF ALDERMEN MINUTES

THERE ARE NO MINUTES FOR CONSIDERATION

V. ANNOUNCEMENTS AND COMMENTS

A. MAYOR'S COMMENTS:

1. RETIREMENT ANNOUNCEMENT FOR:
ULYSEES GANDY
LOVELY CROMWELL

B. BOARD COMMENTS:

VI. CITIZEN'S COMMENTS

VII. PUBLIC APPEARANCES

A. PUBLIC APPEARANCE BY PARK COMMISSION CHAIRMAN, DAN MORELAND AND PARK DIRECTOR MATTHEW RYE, PRESENTING THE QUARTERLY REPORT IN ACCORDANCE WITH MS CODE §21-37-37.

B. PUBLIC APPEARANCE BY COMMISSION ON DISABILITY CHAIRMAN, WHITNEY HILTON, PROVIDING THE COMMISSION ACITIVITIES ANNUAL REPORT AS DIRECTED IN THE BOARD OF ALDERMEN ENABLING LEGISLATION.

**** ~~C. PUBLIC APPEARANCE BY NIYA SMITH REQUESTING FUNDING ASSISTANCE FOR A MATH TUTORING PROGRAM "PROGRAM UNLOCK."~~

VIII. PUBLIC HEARINGS

A. SECOND PUBLIC HEARING ON AMENDING THE CODE OF ORDINANCES, CITY OF STARKVILLE, ADMINISTRATION, ARTICLE II. BOARD OF ALDERMEN, SEC. 2-29. RULES OF PROCEDURE.

B. SECOND PUBLIC HEARING ON AMENDING THE SPRINKLER ORDINANCE, 2007-4 AND THE CODE OF ORDINANCES, CHAPTER 58, FIRE PREVENTION AND PROTECTION, ARTICLE III. AUTOMATIC FIRE SUPPRESSION SYSTEMS FOR THE CITY OF STARKVILLE

IX. MAYOR'S BUSINESS

THERE ARE NO ITEMS FOR CONSIDERATION

X. BOARD BUSINESS

A. CONSIDERATION OF MAKING APPOINTMENTS TO THE COMMISSION ON DISABILITY.

B. CONSIDERATION OF AMENDING THE CODE OF ORDINANCES, CITY OF STARKVILLE, ADMINISTRATION, ARTICLE II. BOARD OF ALDERMEN, SEC. 2-29. RULES OF PROCEDURE.

- C. CONSIDERATION OF AMENDING THE SPRINKLER ORDINANCE, 2007-4 AND THE CODE OF ORDINANCES, CHAPTER 58, FIRE PREVENTION AND PROTECTION, ARTICLE III. AUTOMATIC FIRE SUPPRESSION SYSTEMS FOR THE CITY OF STARKVILLE.
- D. CONSIDERATION OF PLACING A MORATORIUM ON THE ISSUANCE OF CERTIFICATES OF OCCUPANCY AND PRIVILEGE LICENSES FOR CHECK CASHING, TITLE LOAN AND "PAYDAY LOAN" BUSINESSES FOR TWELVE (12) MONTHS OR UNTIL THE ADOPTION OF THE CITY'S COMPREHENSIVE PLAN.

****### E. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON AMENDING THE SOLID WASTE ORDINANCE, 2008-2 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 94.

F. CONSIDERATION OF ADVERTISING A MINIMUM OF TWICE IN THE APPROPRIATE PUBLICATION FOR LETTERS OF INTEREST FOR THE POSITION ON THE BOARD OF TRUSTEES FOR THE STARKVILLE SEPARATE SCHOOL DISTRICT HELD BY WALTER TAYLOR FOR A TERM ENDING ON MARCH 6, 2010.

****### G. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON REPEALING AND REPLACING THE CITY OF STARKVILLE FLOODPLAIN ORDINANCE, 2003-03, AND CITY OF STARKVILLE CODE OF ORDINANCES CHAPTER 62.

- H. DISCUSSION AND CONSIDERATION OF THE BUDGET AMENDMENT FOR THE REPAIR OF THE WASTEWATER PUMPING STATION ON SAND ROAD.

XI. DEPARTMENT BUSINESS

- A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

- B. BUILDING, CODES AND PLANNING DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

- C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CLAIMS DOCKET AS OF JANUARY 14, 2010, FOR THE CITY OF STARKVILLE DEPARTMENTS EXCEPT FOR THE FIRE DEPARTMENT.

2. REQUEST APROVAL OF THE STATE SOURCE OF SUPPLY IN ACCORDANCE WITH THE AUTHORITY GRANTED IN MS CODE §31-7-7.

- D. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

E. ELECTRIC DEPARTMENT

1. REQUEST AUTHORIZATION TO PURCHASE OFFICE FURNITURE UNDER STATE CONTRACT FOR THE NEW STARKVILLE ELECTRIC ADMINISTRATION BUILDING.

2. REQUEST AUTHORIZATION TO ADVERTISE FOR THE SALE OF SCRAP ALUMINIUM AND COPPER WIRE.

F. ENGINEERING AND STREETS

THERE ARE NO ITEMS FOR THIS AGENDA

G. FIRE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

H. PERSONNEL (ALL ITEMS ON CONSENT)

1. REQUEST TO PROMOTE MICHAEL GIBSON TO FILL THE ADVERTISED JOB OF DRIVER/FOREMAN IN THE SANITATION DEPARTMENT.

2. REQUEST TO ADVERTISE TO FILL THE POSITION OF DRIVER IN THE SANITATION DEPARTMENT VACATED BY MICHAEL GIBSON.

3. REQUEST TO ADVERTISE TO FILL THE POSITION OF ACCOUNTS RECEIVABLE CLERK IN CITY CLERK'S OFFICE VACATED BY ALICE BASSETT.

4. REQUEST TO ADVERTISE TO FILL THE POSITION OF MAINTENANCE WORKER I IN THE WATER DEPARTMENT VACATED BY MARVIN FORESIDE.

5. REQUEST TO ADVERTISE TO FILL THE VACANT POSITION OF RADIO OPERATOR/RECORDS CLERK IN THE POLICE DEPARTMENT.

I. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

J. PUBLIC SERVICES (ALL ITEMS ON CONSENT)

1. REQUEST AUTHORIZATION TO ADVERTISE FOR THE SALE OF SCRAP STEEL.

K. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

XII. CLOSED DETERMINATION SESSION

XIII. EXECUTIVE SESSION

- A. PENDING LITIGATION
- B. LAND ACQUISITION
- C. POTENTIAL LITIGATION

XIV. ADJOURN UNTIL FEBRUARY 2, 2010 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

APPENDIX A

PROPOSED CONSENT AGENDA

IX. MAYOR'S BUSINESS

THERE ARE NO ITEMS FOR THE CONSENT AGENDA

X. BOARD BUSINESS

~~****E. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON AMENDING THE SOLID WASTE ORDINANCE, 2008-2 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 94.~~

F. CONSIDERATION OF ADVERTISING FOR LETTERS OF INTEREST FOR THE POSITION ON THE BOARD OF TRUSTEES FOR THE STARKVILLE SEPARATE SCHOOL DISTRICT HELD BY WALTER TAYLOR FOR A TERM ENDING ON MARCH 6, 2010.

~~****G. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON REPEALING AND REPLACING THE CITY OF STARKVILLE FLOODPLAIN ORDINANCE, 2003-03, AND CITY OF STARKVILLE CODE OF ORDINANCES CHAPTER 62.~~

XI. DEPARTMENT BUSINESS

A. AIRPORT – NO ITEMS

B. BUILDING DEPARTMENT – NO ITEMS

C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET WITH THE EXCEPTION OF THE FIRE DEPARTMENT AS OF JANUARY 14, 2010.

2. REQUEST APPROVAL OF THE STATE SOURCE OF SUPPLY IN ACCORDANCE WITH THE AUTHORITY GRANTED IN MS CODE §31-7-7.

D. COURTS – NO ITEMS

E. ELECTRIC DEPARTMENT

2. REQUEST AUTHORIZATION TO ADVERTISE FOR THE SALE OF SCRAP ALUMINIUM AND COPPER WIRE.

F. ENGINEERING AND STREETS – NO ITEMS

G. FIRE DEPARTMENT – NO ITEMS

H. PERSONNEL

1. REQUEST TO PROMOTE MICHAEL GIBSON TO FILL THE ADVERTISED JOB OF DRIVER/FOREMAN IN THE SANITATION DEPARTMENT.
2. REQUEST TO ADVERTISE TO FILL THE POSITION OF DRIVER IN THE SANITATION DEPARTMENT VACATED BY MICHAEL GIBSON.
3. REQUEST TO ADVERTISE TO FILL THE POSITION OF ACCOUNTS RECEIVABLE CLERK IN CITY CLERK'S OFFICE VACATED BY ALICE BASSETT.
4. REQUEST TO ADVERTISE TO FILL THE POSITION OF MAINTENANCE WORKER I IN THE WATER DEPARTMENT VACATED BY MARVIN FORESIDE.
5. REQUEST TO ADVERTISE TO FILL THE VACANT POSITION OF RADIO OPERATOR/RECORDS CLERK IN THE POLICE DEPARTMENT.

I. POLICE DEPARTMENT – NO ITEMS

J. PUBLIC SERVICES

1. REQUEST AUTHORIZATION TO ADVERTISE FOR THE SALE OF SCRAP STEEL.

K. SANITATION DEPARTMENT – NO ITEMS

There came for consideration the matter of the approval of the motion approving the Official Agenda and Consent Agenda of the January 19, 2010, Board meeting as presented with the amendments enumerated above and with orders contained in the aforementioned agenda effectuated upon the approval of said agenda(s). After discussion, and upon the motion of Alderman, Richard Corey, duly seconded by Alderman Jeremiah Dumas.

The members of the Board present and voting moved unanimous approval of the Official Agenda of the January 19, 2010 board meeting with the amendments enumerated above with orders contained in the aforementioned agenda are effectuated upon the approval.

COMMENTS BY THE MAYOR AND BOARD

The Mayor and Board recognized the retirement of Mr. Lovely Cromwell honoring him with a plaque.

PUBLIC APPEARANCES

The Mayor and Board heard from Chairman of the Park Commission, Dan Moreland, and the Park Director, Matthew Rye, making their quarterly report to the Board of Aldermen as required by MS Code §21-37-37, as follows:

**Starkville Parks and Recreation
Quarterly Report
January 19, 2010**

“BUILDING A HEALTHIER AND HAPPIER COMMUNITY”

Submitted by
Dan Moreland, Commission Chair
Matthew Rye, Director

Current Sport's Program Summary

- Youth Basketball - SAY – Approximately 340 kids are participating. Season will begin on Jan. 25th at the multi-purpose building.
- Adult Basketball Registration is ongoing. Plan on playing in March.
- Cheerleading on Tuesday nights – Ages 5-15 – Approximately 30 attend
- Registration for girls youth softball is upcoming in February and early March.
- Registration for baseball in late February and early March.
- Registration for spring soccer ends on January 15th with play beginning in February.

Non Sport Programs***Seniors and Adults # of Participants Age Group***

Line Dancing on Monday afternoons 20 Age 50 & older

Square Dancing on Monday nights 20 Age 60 & older

Senior Citizens Crafts on Tuesday mornings 25 Age 65 & older

Quilters Guild 25 Age 55 & older

Line Dancing on Thursday nights 7 Age 45 & older

Swing Dance Class 25 Ages 18 & older

Painting for Beginner's (Bob Ross) 10 Age 18 & older

• Different Aerobic Classes are still ongoing at the Sportsplex. The classes range from low to high impact aerobics

such as step aerobics to yoga aerobics. The participation ranges from 3 – 15 depending on the class.

Upcoming Scheduled Events/Tournaments for the Spring

- 4 USSSA Baseball Tournaments in March and April at the Sportsplex.
- Soccer Tournament – January 16th – Approximately 40 Teams
- Soccer Tournament in late April to will possibly take up the entire complex.

Updates on the usage of the multipurpose building

From 11/24 - 1/7/02010 - Approximately 1450 played basketball or racquetball.

From 12/16/09 - 1/7/2010 - Approximately 1500 walked on the track.

Improvements made in the Parks the last 3 months.

- Landscaping at Large and Small Pavilion at McKee Park, Moncrief Pavilion, and J.L. King Pavilion.
- New Floor at Gillespie Street Center.
- Repaired Sidewalks at McKee Park.
- Installed new Sign at newly named Patriot's Park.
- Improved lighting at J.L. King Basketball Court, Moncrief Pavilion, and McKee Large Pavilion.
- Replaced all the broken windows at J.L. King Center.
- Created a mulching bed, with the community's help, at McKee Park to help distressed areas caused by erosion.
- See some of the Improvements on next Page.

Goals for the next 3 months in regard to park improvements.

- Take out 2 old concrete slabs. One at McKee and one at Josey Park and create more green space at both parks. These slabs have not been in use for a while.
- Buy new park benches and tables to replace the broken ones at J.L. King Park and McKee Park.
- Improve the lighting at the second basketball court at J.L. King Park, George Evans Basketball Court, and McKee Small Pavilion.
- Fix the drainage problem at McKee Park between Field #2 and Field #3. This will probably have to be done in a 2-3 year phase depending on the price of the project.
- Add at least 4 inches of dirt to 2 baseball fields at McKee Park. This is a safety issue that has to be fixed before March. Cut the lips down in the infield at the other 13 remaining baseball/softball fields.
- We also plan to add some dirt to the baseball field at J.L. King Park.
- Install Toddler Playplex at Sportsplex between soccer fields and softball fields.
- Paint the fence at Josey Park to blend in with the environment, add signage to the park, and create raised flower beds at the Community Garden. Add some park benches in the area where the concrete slab is going to be taken out.
- Improve our website to make it more user- friendly.
- Create an Adopt-a-Park Program for volunteer organizations to help keep all the parks clean.

PUBLIC APPEARANCES CONTINUED:

The Mayor and Board heard from the Chairman of the Commission on Disability, Whitney Hilton, regarding their annual report to the Board as follows:

The City of Starkville's Main Accomplishments

City Government

1. Worked with City Engineer, Kemp to...
 - Begin making downtown accessible parking ADA compliant
 - Add accessible parking space to City Hall's parking lot
 - Add curb cuts on the west side of Jackson St. from Hwy 12 to Hwy 182

2. Collaborated with or encouraged City employees and/or elected officials to...

(1st 2 compliance steps for local governments required by ADA)

- Appoint ADA Coordinator
- Adopt Grievance Procedure for citizen complaints about accessibility of City facilities and programs
- Allot budget for ADA compliance
- Adopt amendments to resolution that created Commission on Disability, increasing membership to 7 and broadening qualification requirements Adopt City sidewalk ordinance

Parks and Recreation

1. Helped facilitate ADA Workshop for Parks and Recreation
2. Worked with director, Matthew Rye, to...
 - Prioritize accessibility goals
 - Review general goals to see what renovations and new park areas/components are affected by ADA

Community

1. Gave Advocate of the Quarter Awards to...
 - Grumpy's- Accessible Business Award
 - Matt Cox (former City Liaison)- Public Service Award
 - David Bouchard (Eagle Scout)- Community Service Award
2. Participated in Disability Awareness Month Events at MSU
 - Attended Disability Awareness Fair
 - Contributed to panel discussions

Short-Term Goals for 2010

1. Collaborate with City to...

(3rd-5th compliance steps for local governments required by ADA)

- Conduct self-evaluation
- Develop and coordinate transition plan
- Write notice for public of accessibility of City programs
- Add curb cuts to existing sidewalks when streets are being resurfaced or crosswalks improved
- Complete City accessible parking project
- Adopt citywide accessible parking ordinance or codes

2. Commission on Disability

- Create by-laws to restructure Commission on Disability
- Expand membership and create ad hoc committees
- Create Commission on Disability webpage for City website
- Continue collaborating with ADA Coordinator & City Liaison
- Continue working with Starkville Parks & Recreation and the City's Sidewalk Committee
- Work with community and local businesses

Long-Term Goals

1. Accessible City facilities and programs
2. ADA compliant sidewalks and crosswalks
3. Citywide ADA accessible parking compliance
4. All new and renovated public facilities be accessible
5. Accessible Parks and Recreation Facilities

PUBLIC APPEARANCES CONTINUED:

Ms. Niya Smith of the Smith-Well, LLC, on behalf of the Program “Unlock” project, addressed the Mayor and Board requesting financial assistance for a tutoring effort.

PUBLIC HEARING:

SECOND PUBLIC HEARING ON AMENDING THE CODE OF ORDINANCES, CITY OF STARKVILLE, ADMINISTRATION, ARTICLE II. BOARD OF ALDERMEN, SEC. 2-29. RULES OF PROCEDURE.

The Mayor and Board held the Second Public Hearing on Amending the Code of Ordinances for the City of Starkville, Administration, Article II. Board of Aldermen, Sec. 2-29. Rules of Procedure.

After discussion between the Mayor, Board and City Staff, the Mayor opened the discussion for comments from the public body in favor of and in opposition to the amendments.

Hearing no comments from the public body in favor of and in opposition to the amendments, the Mayor declared the Second Public Hearing on Amending the Code of Ordinances for the City of Starkville, Administration, Article II. Board of Aldermen, Sec. 2-29. Rules of Procedure.

SECOND PUBLIC HEARING ON AMENDING THE SPRINKLER ORDINANCE, 2007-4 AND THE CODE OF ORDINANCES, CHAPTER 58, FIRE PREVENTION AND PROTECTION, ARTICLE III. AUTOMATIC FIRE SUPPRESSION SYSTEMS FOR THE CITY OF STARKVILLE

The Mayor and Board held the Second Public Hearing on Amending the Sprinkler Ordinance, 2007-4 and The Code of Ordinances for The City Of Starkville, Chapter 58, Fire Prevention and Protection, Article III,. Automatic Fire Suppression systems.

After discussion between the Mayor, Board and City Staff, the Mayor opened the discussion for comments from the public body in favor of and in opposition to the amendments.

Hearing no comments from the public body in favor of and in opposition to the amendments, the Mayor declared the Second Public Hearing on Amending the Sprinkler Ordinance, 2007-4 and The Code of Ordinances for The City Of Starkville, Chapter 58, Fire Prevention and Protection, Article III,. Automatic Fire Suppression systems, closed.

2. AN ORDER MAKING APPOINTMENTS TO THE COMMISSION ON DISABILITY

There came for consideration the matter of the approval of the motion to approve the following appointments to the Commission on Disability those appointments being William Sansing Ward 1, until 06-01-14, Janie Cirlot-New, Ward 3, 6-01-14 and Lucy Wong, Ward 3, 06-01-14. After discussion and upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey,

The majority of the members present and voting, moved approval of the motion to approve appointments to the Commission on Disability those appointments being William Sansing Ward 1, until 06-01-14, Janie Cirlot-New, Ward 3, 6-01-14 and Lucy Wong, Ward 3, 06-01-14.

3. AN ORDER AMENDING AMENDING THE CODE OF ORDINANCES, CITY OF STARKVILLE, ADMINISTRATION, ARTICLE II. BOARD OF ALDERMEN, SEC. 2-29. RULES OF PROCEDURE

There came for consideration the matter of the approval of the motion amending the Code of Ordinances for the City of Starkville, Administration, Article II. Board of Aldermen, Sec. 2-29. Rules of Procedure as enumerated below. After discussion and upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Roy A.' Perkins,

The Board moved unanimous approval of the motion to approve the amendment to the Code of Ordinances for the City of Starkville, Administration, Article II. Board of Aldermen, Sec. 2-29. Rules of Procedure as enumerated below:

ORDINANCE NUMBER 2010-1

AN ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF STARKVILLE, CHAPTER 2, ADMINISTRATION, ARTICLE II, SECTION 2-29. BOARD OF ALDERMEN, RULES OF PROCEDURE

WHEREAS, the City of Starkville as a code charter municipality is empowered to determine the rules of procedure under which it will operate, and

WHEREAS, the authority of a municipality to determine said rules of procedure should be understood by both government officials and citizens alike; and

WHEREAS, such rules should be widely known, understood and disseminated to the public and elected officials alike; and

WHEREAS, the choice of the legislative body on what rules of procedure to use to conduct its business may be altered by the composition of the individuals of the members of the Board of Aldermen after each election cycle,

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville that the City of Starkville Code of Ordinances, Chapter 2, Administration, Article II.

Section 2-29, Board of Aldermen, Rules of Procedure as adopted, is amended as follows:

Section 2 shall be repealed and replaced with the following language:

As soon after Board of Aldermen are sworn in and begin their duties, the Legislative body shall determine the rules and procedures that will govern the conduct of its regular, recess and special call meetings. Said rules and procedures shall be adopted by board order and shall be made available to each board member. In the absence of such a determination by board order, resolution or ordinance, the board order on the rules of procedure in existence at the time of the election and swearing in will remain in effect.

Severability.

The provisions of this Ordinance shall be separable and the invalidity of any of its sections shall not affect the remaining sections.

This Ordinance Number 2010-1 shall amend the Code of Ordinances, Chapter 2, Administration,

Article II. Section 2-29, Board of Aldermen, Rules of Procedure and shall be in full force and effect thirty (30) days after its passage and publication.

The Clerk is directed to cause this Ordinance to be published one time in the Starkville Daily News and to obtain proof of publication thereof.

UPON MOTION of Alderman Jeremiah Dumas, duly seconded by Alderman Roy A.' Perkins the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Alderman Ben Carver	Voted: YEA
Alderman Sandra Sistrunk	Voted: YEA
Alderman Eric Parker	Voted: YEA
Alderman Richard Corey	Voted: YEA
Alderman Jeremiah Dumas	Voted: YEA
Alderman Roy A.' Perkins	Voted: YEA
Alderman Henry Vaughn	Voted: YEA

ORDAINED AND ADOPTED, this the 19th day of January, A.D., 2010 at the Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

PARKER WISEMAN, Mayor
City of Starkville, Mississippi

MARKEETA OUTLAW, City Clerk
City of Starkville, Mississippi

4. AN ORDER AMENDING THE SPRINKLER ORDINANCE, 2007-4 AND THE CODE OF ORDINANCES, CHAPTER 58, FIRE PREVENTION AND PROTECTION, ARTICLE III. AUTOMATIC FIRE SUPPRESSION SYSTEMS FOR THE CITY OF STARKVILLE

There came for consideration the matter of the approval of the motion amending the Sprinkler Ordinance, 2007-4 and The Code of Ordinances for the City of Starkville, Chapter 58, Fire Prevention and Protection, Article III. Automatic Fire Suppression systems, as enumerated below. After discussion and upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry N. Vaughn Sr.,

The Board moved unanimous approval of the motion to amend the Ordinance, Chapter 58, Fire Prevention and Protection, Article III. Automatic Fire Suppression Systems for the City of Starkville.

ORDINANCE NUMBER 2010-2

AN ORDINANCE AMENDING THE ORDINANCE 2007-4 REQUIRING THE INSTALLATION OF AUTOMATIC FIRE SUPPRESSION SYSTEMS IN CERTAIN STRUCTURES IN THE CITY OF STARKVILLE, OKTIBBEHA COUNTY, MISSISSIPPI

WHEREAS, it has been found and determined by the Mayor and Board of Aldermen of the City of Starkville that the installation of automatic fire suppression (sprinkler) systems in structures in the City can be effective in reducing losses resulting from fire; and

WHEREAS, it is further found and determined that it is in the best interest of the City of Starkville and its citizens that the City adopt and enforce rules and regulations requiring the installation of automatic fire suppression (sprinkler) systems in new and certain structures within the City; and

WHEREAS, it is determined that certain elements of the existing ordinance, 2007-04, need to be expanded based on the experience of the use of the current ordinance,

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

SECTION 1. DEFINITIONS

Automatic Fire Suppression System: a fire suppression or control device that operates automatically when its heat-activated element is heated to its thermal rating or above, allowing water to discharge over a specific area.

Accessibility: the ability of fire apparatus (trucks, emergency vehicles) to get close enough to a building to conduct emergency operations.

Approved Sprinklers and Devices: accessories which have been determined to be acceptable for installation in fire suppression systems by a recognized testing agency.

Authority Having Jurisdiction (AHJ): the organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

Combustible Construction Products: capable of igniting and burning. (Example; wood)

Compliance: meeting the minimum standards set forth by applicable codes, standards or regulations.

Cosmetic Changes: Non-structural improvements intended to beautify a structure which, are considered to be generally superficial and/or insignificant. Examples include painting, flooring, and other decorative, ornamental and visual features.

Fire Hazard: a situation that exist where there is a danger of a fire occurring, breaking out or spreading quickly.

Fire Official: the Fire Chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

International Fire Code: applies to all structures and premises, both new and existing, in all matters related to occupancy and maintenance for the protection of lives and property from fire.

Gross Floor Area: the floor area within the inside perimeter of the exterior walls of the building under consideration, exclusive of vent shafts and courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features.

International Building Code (IBC): the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life, and property from fire and other hazards attributed the built environment and to provide safety to firefighters and emergency responders during emergency operations.

Listed: equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment and material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

Mixed-Use Occupancy: a building housing more than one occupancy class and the classes are not separated by fire rated walls.

National Fire Protection Association (NFPA): a nonprofit educational and technical association dedicated to protecting life and property from fire by developing fire protection standards and educating the public.

Net Floor Area: the actual occupied area not including unoccupied accessory areas such as corridors, stairways, toilet rooms, mechanical rooms and closets.

NFPA Standard 13: is for protection of occupancies not classed as 13R or 13D.

NFPA Standard 13R: is for the installation of sprinkler systems in residential occupancies up to and including four stories in height.

NFPA Standard 13D: is for the installation of sprinkler systems in one- and two-family dwellings.

Non-combustible construction products: not capable of igniting and burning. A material that, in the form in which it is used and under the conditions anticipated will not ignite, burn, support combustion, or release flammable vapors, when subjected to fire or heat. (Examples; concrete, concrete blocks, brick or steel).

Open parking garage: a parking structure which has openings of at least 20 percent on at least two side of each tier as defined by the International Building Code.

Shall: indicates a mandatory requirement.

Standard: a document containing requirements and specifications outlining minimum levels of performance, protection or construction.

SECTION 2. OCCUPANCY CLASSIFICATIONS

Assembly, Group A, occupancy includes, among others, the use of a building or structure, or a portion thereof, for the gathering together of persons for purposes such as civic, social or religious functions, recreation, food or drink consumption or awaiting transportation. Examples would be churches, bars, restaurants, courtrooms and libraries.

Business, Group B, includes, among others, the use of a building or structure, or a portion thereof, for office, professional or service-type transactions, including storage of records and accounts. Examples include post offices, animal hospitals, banks and beauty shops.

Educational, Group E, occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

Factory Industrial, Group F, occupancy includes, among others, the use of a building or structure, or a portion thereof, for assembling, disassembling, fabrication, finishing, manufacturing, packaging, repair, or processing operations that are not classified as a “Group H” high-hazard or “Group S” storage occupancy.

Institutional, Group I, occupancy includes, among others, the use of a building or structure, or a portion thereof, in which people, cared for or living in a supervised environment and having physical limitations because of health or age, are harbored for medical treatments or other care or treatment, or in which people are detained for penal or correctional purposes or in which the liberty of the occupants is restricted.

Mercantile, Group M, occupancy includes, among others, buildings or structures or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purpose and accessible to the public. Examples include department stores, drug stores and markets.

Residential, Group R, includes, among others, the use of a building or structure, or a portion thereof, for sleeping purposes when not classified as “Group I” Institutional.

Storage, Group S, occupancy includes, among others, the use of a building or structure, or a portion thereof, for storage that is not classified as a hazardous occupancy.

SECTION 3. APPROVED EQUIPMENT AND LAYOUT

Only approved sprinkler contractors registered with the State of Mississippi shall be allowed to install fire suppression (sprinkler) systems within the City of Starkville. Only sprinkler-heads and devices approved for use in fire suppression systems shall be installed. Plans for all fire suppression (sprinkler) systems shall be submitted to the Fire Department for review. Automatic fire suppression (sprinkler) systems shall be installed as outlined in National Fire Protection Association (NFPA) Standard 13, which is applicable and referenced in the International Fire Code (IFC) plus:

- A. Documentation indicating that proper markings shall be provided for all controlling valves.
- B. The name, address and telephone number of fire suppression contractor and any subcontractor associated with the installation of the sprinkler system shall be permanently attached to the riser.
- C. Shop drawings shall be submitted to the Fire Department for review. A reminder noted on the submitted drawings and specifications shall state: "Contact the Starkville Fire Department not less than twenty-four (24) hours in advance to witness any required test".

SECTION 4. CONSTRUCTION REQUIREMENTS

Every automatic fire suppression (sprinkler) system shall conform to National Fire Protection Association Standard 13, as modified by other standards of the National Fire Protection Association that pertain to specific hazards or processes. All materials used in construction of every automatic fire suppression (sprinkler) system installed in any structure within the City, including piping, shall be new and as specified in NFPA 13.

SECTION 5. HOSE THREADS

All hose threads shall be 3.093 x 6, as specified by the City of Starkville Fire Department.

SECTION 6. REQUIREMENTS BY OCCUPANCY

The following structures shall be equipped with automatic fire suppression (sprinkler) systems:

- A. *Assembly*: All buildings with an occupant capacity of one hundred (100) persons or more, without exception.
- B. *Business*: All buildings exceeding ten thousand (10,000) square feet of gross floor area.
- C. *Educational*: All buildings.
- D. *Hazardous*: All buildings.
- E. *Factory-Industrial*: All buildings exceeding ten thousand (10,000) square feet of gross floor area.
- F. *Institutional*: All buildings.
- G. *Mercantile*: All buildings exceeding ten thousand (10,000) square feet of gross floor area.
- H. *Residential*: All apartments, condominiums, duplexes, hotels, motels, rooming houses, lodging houses, dormitories, convents and monasteries regardless of size. All single family dwellings that exceed five-thousand (5,000) square feet of gross floor area, excluding porches, overhangs, stoops and garages.
- I. *Storage*: All buildings exceeding ten thousand (10,000) square feet of gross floor area with the exception of aircraft "T" hangers and open parking garages.

J. *Mixed Occupancies*: All buildings exceeding ten thousand (10,000) square feet of gross floor area.

SECTION 7. OTHER STRUCTURES THAT SHALL BE EQUIPPED WITH AUTOMATIC SPRINKLER SYSTEMS

In addition to those stated above, the following structures shall be equipped with automatic fire suppression (sprinkler) systems:

- A. Enclosed parking garages in other than single family dwellings that exceed one thousand (1,000) square feet gross floor area.
- A. Enclosed vehicular repair garages that exceed two thousand, five hundred (2,500) square feet gross floor area.

SECTION 8. REMODELING AND/OR ADDITIONS

This ordinance shall apply to any buildings whenever one or more of the following occurs:

- A. Change in occupancy classification as defined by the International Building Code.
- B. When additions are made to any existing building that would result in the total gross floor area to exceed any of the thresholds established by this ordinance.
- C. When remodeling is done which involves more than twenty-five percent (25%) of the gross square footage of the building, excluding maintenance and cosmetic changes.

SECTION 9. INVALIDITY/SEVERABILITY

In the event any section or provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section or provision thereof not adjudged invalid or unconstitutional, which shall remain in full force and effect.

SECTION 10. REPEALING CLAUSE

All 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 and rescinded, but only to the extent of such conflict.

SECTION 11. 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 30th day after its adoption. The Clerk is directed to cause this Ordinance to be published one time in the Starkville Daily News and to obtain proof of publication thereof.

THE FOREGOING ORDINANCE was proposed in a motion by Alderman Richard Corey duly seconded by Alderman Henry Vaughn, that the aforesaid Ordinance was put to a roll call vote with the Aldermen voting as follows:

Ben Carver	Voted: <u>YEA</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>YEA</u>
Henry Vaughn	Voted: <u>YEA</u>

ORDAINED AND ADOPTED, this the 19th, day of January, A.D., 2010 at the Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Mississippi.

PARKER WISEMAN, Mayor
City of Starkville, Mississippi
(SEAL)

MARKEETA OUTLAW, Clerk
City of Starkville, Mississippi

5. AN ORDER PLACING A MORATORIUM ON THE ISSUANCE OF CERTIFICATES OF OCCUPANCY AND PRIVILEGE LICENSES FOR CHECK CASHING, TITLE LOAN AND "PAYDAY LOAN" BUSINESSES FOR TWELVE (12) MONTHS OR UNTIL THE ADOPTION OF THE CITY'S COMPREHENSIVE PLAN

There came for consideration the matter of the approval of the motion approving and adopting a resolution placing a moratorium on the issuance of certificates of occupancy and and privilege licenses for check cashing, title loans and "Payday Loans" businesses for twelve (12) months or until the adoption of the City's Comprehensive Plan. After discussion and upon the motion of Alderman Sandra C. Sistrunk, duly seconded by Alderman Roy A.' Perkins,

The Board moved unanimous approval of the motion to approve and adopt a resolution placing a moratorium on the issuance of certificates of occupancy and and privilege licenses for check cashing, title loans and "Payday Loans" businesses for twelve (12) months or until the adoption of the City's Comprehensive Plan; said resolution is as follows:

A RESOLUTION TO IMPOSE A MORATORIUM ON THE ISSUANCE OF PRIVILEGE LICENSES AND CERTIFICATES OF OCCUPANCY FOR PAYDAY LENDING, CAR TITLE LOAN AND CHECK CASHING INSTITUTIONS IN THE CITY OF STARKVILLE

WHEREAS, it is determined by the Mayor and Board of Aldermen that the existence and widespread proliferation of "check cashing" establishments also known as "payday lending" institutions and "car title" loan businesses is appropriate to control within the confines of the zoning structure of the municipality; and,

WHEREAS, the proliferation of Payday Lending, Car Title Loan and Check Cashing Institutions is detrimental to the economic vitality of the City of Starkville; and,

WHEREAS, the clustering of such institutions in prominent locations and primary transportation and entrance corridors creates a negative impression for the City of Starkville; and,

WHEREAS, the Mayor and Board have determined a need for the issuance of all certificates of occupancy and privilege licenses for “payday loan” businesses to cease until such time as a new City of Starkville comprehensive plan is adopted; and

WHEREAS, the proper location of such businesses for the City of Starkville will be a factor in deliberations and considerations regarding the development of a comprehensive plan;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville: THAT the City of Starkville hereby resolves that:

1) The businesses commonly referred to as “payday loan” businesses, car title loan businesses and check cashing businesses are to be denied a privilege license and certificate of occupancy for doing business within the city limits of Starkville, Mississippi, for a twelve (12) month period or until the completion and adoption of a revised comprehensive plan by the Board of Aldermen for the City of Starkville.

2) Additionally, upon the cessation of operations of currently existing aforementioned businesses for whatever reason their privilege license and certificate of occupancy will not be valid for renewal or transference to another entity.

3) This moratorium is not intended to close or to impact those businesses currently operating within the City of Starkville.

4) For the purpose of this moratorium, the following definitions are applicable:

Car title loan business means a business, other than a financial institution, with a primary business activity of making small, short-term consumer loans using the equity value of a car or other vehicle as collateral when the title to such vehicle is owned free and clear by the borrower.

Check cashing business means a business, other than a financial institution, with a primary business activity of providing customers with amounts equal to the face value of the check, or those specified in written authorization to electronically transfer money, for a fee.

Financial Institution means an establishment open to the public for the deposit, custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds, that is licensed by the appropriate federal agency as a bank, savings and loan association, credit union, or stock brokerage.

Payday advance or loan business means a business, other than a financial institution, with a primary business activity of making small consumer loans which are usually backed by postdated check or authorization to make an electronic debit against an existing financial account, with loan repayment typically due when the borrower's next paycheck is issued in order to reclaim the postdated check or cancel the electronic debit.

5) This moratorium shall apply to all applications currently pending or under review by the City of Starkville as of the date of this resolution.

There came for consideration the matter of approval of a motion to adopt a Resolution creating a moratorium on the existence of "payday lending" institutions, car title loan businesses and check cashing businesses in the City of Starkville and that said Resolution shall be in full force and affect from and after passage by the Board of Aldermen of the City of Starkville.

Following presentation of the foregoing resolution and upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Roy A.' Perkins , that the Resolution be adopted, and after discussion, the Board voted to adopt the Resolution, as follows:

Ben Carver	Voted: <u>YEA</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>YEA</u>
Henry Vaughn	Voted: <u>YEA</u>

The motion to adopt the foregoing resolution having received a majority of the affirmative votes of the members present, the Mayor declared the motion and resolution passed, approved, and adopted (defeated) on this the 19th day of January, 2010.

Parker Wiseman, Mayor
ATTEST:
(seal)

Markeeta Outlaw, City Clerk
ORDAINED AND ADOPTED this the 19th day of January, 2010.

6. AN ORDER TO APPROVE THE CALL FOR A PUBLIC HEARING ON AMENDING THE SOLID WASTE ORDINANCE, 2008-2 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 94

There came for consideration the matter of the approval of the motion call for a public hearing on amending the Solid Waste Ordinance, 2008-2, and the City of Starkville Code of Ordinances, Chapter 94 at the first meeting in February. After discussion and upon the motion of Alderman Eric Parker, duly seconded by Alderman Jeremiah Dumas,

The Board moved unanimous approval of the motion to motion call for a public hearing on amending the Solid Waste Ordinance, 2008-2, and the City of Starkville Code of Ordinances, Chapter 94 at the first meeting in February.

7. AN ORDER TO APPROVE THE CALLING FOR A PUBLIC HEARING ON REPEALING AND REPLACING THE CITY OF STARKVILLE FLOODPLAIN ORDINANCE, 2003-03, AND CITY OF STARKVILLE CODE OF ORDINANCES CHAPTER 62

There came for consideration the matter of the approval of the motion call for a public hearing on February 2nd and 16th to repeal and replace current floodplain ordinance, in conjunction with adoption of updated Flood Insurance Rate Maps and other supporting data to meet FEMA's required effective date of February 17, 2010 and to remain in the National Flood Insurance Program. After discussion and upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver,

The Board moved unanimous approval of the motion to motion call for a public hearing on February 2nd and 16th to repeal and replace current floodplain ordinance, in conjunction with adoption of updated Flood Insurance Rate Maps and other supporting data to meet FEMA's required effective date of February 17, 2010 and to remain in the National Flood Insurance Program.

8. AN ORDER AUTHORIZING THE PURCHASE OFFICE FURNITURE UNDER STATE CONTRACT FOR THE NEW STARKVILLE ELECTRIC ADMINISTRATION BUILDING

There came for consideration the matter of the approval of the motion to grant authorization by and through the Starkville Electric Departments General Manager to purchase new office furniture from "State Contract" bid. The revised cost of this purchases \$58,997.52. After discussion, and upon the motion of Alderman Roy Perkins, duly seconded by Alderman Henry N. Vaughn Sr.,

The Board moved unanimous approval of the motion to grant authorization by and through the Starkville Electric Departments General Manager to purchase new office furniture from "State Contract" bid. The revised cost of this purchases \$58,997.52.

9. AN ORDER TO MOVE INTO CLOSED SESSION

There came for consideration the matter of the approval of the motion to move into a closed determination session. After discussion and upon the motion of Alderman Roy A.' Perkins, duly seconded by Alderman Henry N. Vaughn Sr.,

The members of the Board present and voting moved unanimous approval of the motion to move into a closed determination session.

10. AN ORDER TO MOVE INTO EXECUTIVE SESSION

There came for consideration the matter of the approval of the motion to move into executive session for the discussion for the purpose of the discussion pending litigation, land acquisition and potential litigation. After discussion and upon the motion of Alderman Roy A.' Perkins, duly seconded by Alderman Henry N. Vaughn Sr.,

The members of the Board present and voting moved unanimous approval of the motion move into executive session for the discussion of pending litigation, land acquisition and potential litigation.

11. AN ORDER APPROVING ADDITIONAL ENGINEERING AND APPRAISAL NECESSARY FOR PROPERTY ACQUISITION

There came for consideration the matter of the approval of the motion granting authorization for the additional survey, engineering and appraisal work necessary to acquire property from GARY Day et al to extend access from Highway 389 to Highway 12 bypass also known as Garrad Road and Pat Station Road. After discussion and upon the motion of Alderman Ricahrd Corey, duly seconded by Alderman Ben Carver,

The Board moved unanimous approval of the motion granting authorization for the additional survey, engineering and appraisal work necessary to acquire property from Gary Day et al to extend access from Highway 389 to Highway 12 bypass also known as Garrad Road and Pat Station Road.

12. AN ORDER TO MOVE OUT OF EXECUTIVE SESSION

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

The members of the Board present and voting moved unanimous approval of the motion to move out of executive session.

A MOTION TO RECESS UNTIL UNTIL 5:30 PM ON TUESDAY FEBRUARY 5, 2010

Alderman Roy A. Perkins moved that the Board of Aldermen recess until 5:30 p.m. on Tuesday February 5, 2010, in the Court Room of City Hall located 101 Lamkin Street Starkville, MS 39759. Alderman Henry N. Vaughn Jr., seconded, with the motion carrying unanimously.

PARKER WISEMAN, MAYOR

TAMMY R. CARLISLE,
DEPUTY CITY CLERK

SIGNED AND SEALED THIS ___ DAY OF _____ 2010.