

CITY OF STARKVILLE, MS MINUTE BOOK 43
MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND BOARD OF ALDERMEN

595

The City of Starkville, Mississippi

Be it remembered that the Mayor and Board of Aldermen met in a Regular Meeting on March 2, 2010 at 5:30 p.m. in the Courtroom of City Hall, located 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 MARCH 2, 2010 BOARD MEETING WITH AMENDMENTS AS FOLLOWS:

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

REGULAR MEETING OF TUESDAY, MARCH 2, 2010
5:30 P.M., COURT ROOM, CITY HALL
101 EAST 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
 - A. REQUEST CONSIDERATION OF THE APPROVAL OF THE MINUTES OF NOVEMBER 3, 2009, REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN.

- B. REQUEST CONSIDERATION OF THE APPROVAL OF THE MINUTES OF DECEMBER 1, 2009, REGULAR MEETING 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

~~****A. REPORT BY ADMINISTRATIVE HEARING OFFICER, JENNY TURNER, TO THE BOARD OF THE ACTIVITIES OF THE ADMINISTRATIVE ADJUDICATION DIVISION OF THE BUILDING, CODES AND PLANNING DEPARTMENT FOR CALENDAR YEAR 2009.~~

- B. PRESENTATION BY CANDY CRECINK WITH THE STARKVILLE AREA ARTS COUNCIL FOR AUTHORIZATION TO CLOSE THE STREETS AND IN-KIND SERVICES FOR THE ANNUAL COTTON DISTRICT ARTS FESTIVAL.
- C. PRESENTATION BY RON COSSMAN REPRESENTING THE HEALTHIEST HOMETOWN COMMITTEE ON THE NEED FOR A PROTECTIVE SAFETY HELMET ORDINANCE.
- D. PRESENTATION BY DIANE HOLLOWAY ON THE SIGN ORDINANCE AS IT IMPACTS THE SNIPE SIGN PROHIBITION.
- E. PRESENTATION BY RAY DAILY FROM FLORIDA CARE ON THE MATTER OF SEWER REQUIREMENTS FOR PROPERTY LOCATED ON HIGHWAY 389.

VIII. PUBLIC HEARING

- A. SECOND PUBLIC HEARING ON REPEALING AND REPLACING THE CITY OF STARKVILLE ANIMAL CONTROL ORDINANCE 2008-07 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 18, ANIMALS, ARTICLE II. REGULATING THE CONTROL OF ANIMALS, DIVISION 1. GENERALLY SEC. 18-26. DEFINITIONS.
- B. FIRST PUBLIC HEARING REPEALING AND REPLACING THE STORM WATER CONTROL ORDINANCE, 2006-07 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 54, ENVIRONMENT, ARTICLE 6. SECTIONS 54-161-164.

IX. MAYOR'S BUSINESS

- A. DISCUSSION ON THE MEETING OPTIONS AT WHICH TO ADDRESS THE APPOINTMENT TO THE SCHOOL BOARD.

X. BOARD BUSINESS

- A. CONSIDERATION OF AMENDING THE ANIMAL CONTROL ORDINANCE 2008-07 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 18, ANIMALS, ARTICLE II. REGULATING THE CONTROL OF ANIMALS, DIVISION 1. GENERALLY SEC. 18-26. DEFINITIONS.
- B. CONSIDERATION OF MAKING APPOINTMENTS TO THE COMPREHENSIVE PLANNING COMMISSION.
- C. CONSIDERATION OF THE REQUEST BY THE STARKVILLE AREA ARTS COUNCIL FOR STREET CLOSURES AND IN-KIND SERVICES IN THE AMOUNT OF \$6,544.00 FOR THE COTTON DISTRICT ARTS FESTIVAL, SCHEDULED FOR SATURDAY, APRIL 17, 2010.
- D. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON THE CREATION OF AN ORDINANCE TO REQUIRE SAFETY HELMETS FOR OPERATORS OF BICYCLES AND ALTERNATIVE VEHICLES UNDER THE AGE OF SIXTEEN (16).
- E. CONSIDERATION OF ISSUING AN EXTENSION ON THE CERTIFICATE OF OCCUPANCY FOR TWO BUSINESSES LOCATED AT 972 AND 974 MS HIGHWAY 12 EAST TO PROVIDE ADDITIONAL TIME TO CONSTRUCT A STORMWATER RETENTION FACILITY AND RECEIVE FINAL PLAT APPROVAL.

**** F. *CONSIDERATION OF REVISING THE POSITION OF RECEPTIONIST/CLERK TO THAT OF GENERAL OFFICE CLERK WITH TELEPHONE SWITCHBOARD AS THE PRIMARY DUTY.*

ADDED AT THE MEETING:

- G. *CONSIDERATION OF ISSUING A BUILDING PERMIT TO THE PROPERTY LOCATED AT 976 MISSISSIPPI HIGHWAY TWELVE (12) EAST STARKVILLE, MS*

XI. DEPARTMENT BUSINESS**### A. AIRPORT (ALL ITEMS ON CONSENT)**

- 1. REQUEST APPROVAL OF FINAL PAY REQUEST, #7, FROM MASTER CRAFT BUILDERS, INC. IN THE AMOUNT OF \$2,557.00 FROM THE 2009 MDOT MULTI-MODAL GRANT MM-0068-0309 FOR CONSTRUCTION OF THE SECOND EIGHT (8) UNIT T-HANGAR BUILDING ON GEORGE M. BRYAN FIELD.
- 2. REQUEST APPROVAL OF PAYMENT REGARDING BIG A'S INVOICE FOR TREE REMOVAL ON GRETA LANE PER REQUEST OF THE FAA ON GEORGE M. BRYAN FIELD.

- B. BUILDING, CODES AND PLANNING DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE FIRE DEPARTMENT CLAIMS DOCKET AS OF FEBRUARY 25, 2010.

2. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF FEBRUARY 25, 2010.

3. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING JANUARY 31, 2010, IN ACCORDANCE WITH § 21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

D. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

E. ELECTRIC DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

F. ENGINEERING AND STREETS(ALL ITEMS ON CONSENT)

1. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT PROJECT STP-0420-00(018) LPA/105851-701000.

2. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PAT STATION ROADWAY PROJECT.

3. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE REED ROAD WIDENING PROJECT.

G. FIRE DEPARTMENT (ALL ITEMS ON CONSENT)

1. REQUEST APPROVAL OF PAY REQUEST #2 FROM WEATHERS CONSTRUCTION, INC, FOR WORK ON FIRE STATION #5 IN THE AMOUNT OF \$27,0031.00.

H. PERSONNEL

1. REQUEST TO APPROVE THE PROMOTION OF CHRISTOPHER BROOKS TO THE POSITION OF ACCOUNTS RECEIVABLE CLERK.

2. REQUEST PERMISSION TO ADVERTISE TO FILL THE POSITION OF GENERAL OFFICE CLERK IN THE CITY CLERK'S OFFICE WITH PRIMARY DUTIES TO INCLUDE THE SWITCHBOARD.

3. REQUEST PERMISSION TO ADVERTISE TO FILL THE POSITION OF POLICE OFFICER.

I. POLICE DEPARTMENT (ALL ITEMS ON CONSENT)

1. REQUEST AUTHORIZATION TO ALLOW CHIEF DAVID B. LINDLEY TO TRAVEL OUT-OF-STATE TO ALEXANDRIA, VIRGINIA ON MARCH 6 - 8, 2010 TO ATTEND THE 2010 MIDYEAR CONFERENCE OF THE DIVISION OF STATE ASSOCIATIONS OF CHIEFS OF POLICE WITH ALL EXPENSES EXCEPT MEALS TO BE PAID BY THE ASSOCIATION.
2. REQUEST AUTHORIZATION TO AUCTION FOR SALE ON-LINE AT GOVDEALS.COM, FOUR (4) SEIZED VEHICLES AND ONE (1) POLICE VEHICLE TO BE DECLARED AS SURPLUS PROPERTY WITH PROCEEDS TO BE PLACED IN THE EQUIPMENT LINE OF THE POLICE DEPARTMENT BUDGET #001-112-730.

J. PUBLIC SERVICES

THERE ARE NO ITEMS FOR THIS AGENDA

~~****### K. SANITATION DEPARTMENT (ALL ITEMS ON CONSENT)~~

- ~~1. REQUEST CONSIDERATION OF ADVERTISING FOR BIDS ON THE RUBBISH CONTRACT.~~

XII. EXECUTIVE SESSION

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

XIII. RECESS UNTIL MARCH 16, 2010 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

APPENDIX A

PROPOSED CONSENT AGENDA

IX. MAYOR'S BUSINESS – NO ITEMSX. BOARD BUSINESS – NO ITEMSXI. DEPARTMENT BUSINESS

A. AIRPORT

1. REQUEST APPROVAL OF FINAL PAY REQUEST, #7, FROM MASTER CRAFT BUILDERS, INC. IN THE AMOUNT OF \$2,557.00 FROM THE 2009 MDOT MULTI-MODAL GRANT MM-0068-0309 FOR CONSTRUCTION OF THE SECOND EIGHT (8) UNIT T-HANGAR BUILDING ON GEORGE M. BRYAN FIELD.
2. REQUEST APPROVAL OF PAYMENT REGARDING BIG A'S INVOICE FOR TREE REMOVAL ON GRETA LANE PER REQUEST OF THE FAA ON GEORGE M. BRYAN FIELD.

B. BUILDING DEPARTMENT – NO ITEMS

C. OFFICE OF THE CITY CLERK

2. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF FEBRUARY 25, 2010.
3. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING JANUARY 31, 2010, IN ACCORDANCE WITH § 21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

D. COURTS – NO ITEMS

E. ELECTRIC DEPARTMENT – NO ITEMS

F. ENGINEERING AND STREETS

1. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE AMERICAN RECOVERY AND REINVESTMENT ACT PROJECT STP-0420-00(018) LPA/105851-701000.
2. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PAT STATION ROADWAY PROJECT.
3. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE REED ROAD WIDENING PROJECT.

G. FIRE DEPARTMENT

1. REQUEST APPROVAL OF PAY REQUEST #2 FROM WEATHERS CONSTRUCTION, INC, FOR WORK ON FIRE STATION #5 IN THE AMOUNT OF \$27,031.00.

H. PERSONNEL – NO ITEMS

I. POLICE DEPARTMENT

1. REQUEST AUTHORIZATION TO ALLOW CHIEF DAVID B. LINDLEY TO TRAVEL OUT-OF-STATE TO ALEXANDRIA, VIRGINIA ON MARCH 6 - 8, 2010 TO ATTEND THE 2010 MIDYEAR CONFERENCE OF THE DIVISION OF STATE ASSOCIATIONS OF CHIEFS OF POLICE WITH ALL EXPENSES EXCEPT MEALS TO BE PAID BY THE ASSOCIATION.
2. REQUEST AUTHORIZATION TO AUCTION FOR SALE ON-LINE AT GOVDEALS.COM, FOUR (4) SEIZED VEHICLES AND ONE (1) POLICE VEHICLE TO BE DECLARED AS SURPLUS PROPERTY WITH PROCEEDS TO BE PLACED IN THE EQUIPMENT LINE OF THE POLICE DEPARTMENT BUDGET #001-112-730.

J. PUBLIC SERVICES – NO ITEMS

~~K. SANITATION DEPARTMENT~~

- ~~1. REQUEST CONSIDERATION OF ADVERTISING FOR BIDS ON THE RUBBISH CONTRACT.~~

There came for consideration the matter of the approval of the motion approving the Official Agenda and Consent Agenda of the March 2, 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 Eric Parker.

The members of the Board present and voting moved unanimous approval of the Official Agenda of the March 2, 2010 board meeting with the amendments enumerated above with orders contained in the aforementioned agenda are effectuated upon the approval.

2. AN ORDER APPROVING THE MINUTES OF NOVEMBER 3, 2009, REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN

There came for consideration the matter of the approval of the motion approving the Minutes of Regular Meeting of November 2, 2009. After discussion and upon the motion of Aldermen Jeremiah Dumas duly seconded by Alderman Richard Corey,

The Board moved unanimous approval of the the Minutes of Regular Meeting of November 2, 2009.

3. AN ORDER APPROVING THE MINUTES OF DECEMBER 1, 2009, REGULAR MEETING OF THE CITY OF STARKVILLE BOARD OF ALDERMEN

There came for consideration the matter of the approval of the Minutes of the December 1, 2009 regular Meeting.

After discussion and upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk,

The Board moved unanimous approval of the Minutes of the December 1, 2009 regular Meeting.

PUBLIC APPEARANCES:

The Mayor and Board heard a presentation from Ms. Candy Cresink of the Starkville Area Arts Council Relative to her request for in-kind services for the annual Cotton District Arts Festival.

The Mayor and Board heard a presentation from Dr. Ron Cossman representing the Healthiest Hometown Committee in support of a child protective safety helmet ordinance.

The Mayor and Board heard a presentation from Diane Holloway to discuss the Relay for Life request for snipe signage exception.

The Mayor and Board heard a presentation Ray Dailey from Florida Care to address the Board of Aldermen regarding sewer to his business located on Highway 389.

PUBLIC HEARING

SECOND PUBLIC HEARING ON REPEALING AND REPLACING THE CITY OF STARKVILLE ANIMAL CONTROL ORDINANCE 2008-07 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 18, ANIMALS, ARTICLE II. REGULATING THE CONTROL OF ANIMALS, DIVISION 1. GENERALLY SEC. 18-26. DEFINITIONS

The Mayor and Board of Aldermen held the Second public hearing on amending the Animal Control Ordinance 2008-07 and the City of Starkville Code of Ordinance, Chapter 18. to expand and clarify the definitions of an abused animal and to authorize the added use of licensing funds toward the spay and neuter program.

After discussion between the Mayor and Board the public hearing was opened for comments from the public in favor of or in opposition to the proposed amendments to the aforementioned ordinance.

Those speaking in favor of the ordinance:

Ms. Patrick Nordin

Mr. Fred Stewart

Mr. Alvin Turner

Calling for and hearing no additional comments in favor of or in opposition to the proposed amendments to the aforementioned ordinance, the Mayor declared public hearing closed.

PUBLIC HEARING

FIRST PUBLIC HEARING REPEALING AND REPLACING THE STORM WATER CONTROL ORDINANCE, 2006-07 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 54, ENVIRONMENT, ARTICLE 6. SECTIONS 54-161-164

The Mayor and Board of Aldermen held the First public hearing on repealing and replacing the storm water control ordinance, 2006-07 and amending the City of Starkville code of ordinances, Chapter 54, ENVIRONMENT. ARTICLE VI. STORM WATER CONTROL.

After discussion between the Mayor and Board the public hearing was opened for comments from the public in favor of or in opposition to the proposed amendments to the aforementioned ordinance.

Those speaking in favor of the ordinance:

Mr. Fred Stewart

Mr. Clyde Pritchard- Mr. Pritchard noted that he was in favor of the proposed ordinance but asked the the Board/City review the statements regarding applicability, intent, retention criteria, storm event stand point, less fulfillment guidance by the City, we (the engineer) need freedom to exercise expertise on accomplishing the task of dealing challenges and define "design professional" to mean Engineer.

Calling for and hearing no additional comments in favor of or in opposition to the proposed amendments to the aforementioned ordinance, the Mayor declared public hearing closed.

4. AN AMENDING THE ANIMAL CONTROL ORDINANCE 2008-07 AND THE CITY OF STARKVILLE CODE OF ORDINANCES, CHAPTER 18, ANIMALS, ARTICLE II. REGULATING THE CONTROL OF ANIMALS, DIVISION 1. GENERALLY SEC. 18-26. DEFINITIONS

There came for consideration the matter of the approval of the motion amending the animal control ordinance 2008-07 and the City of Starkville Code of Ordinances, Chapter 18, Animals, article II. Regulating the Control of Animals, Division 1. Generally Sec. 18-26. Definitions. After discussion and upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver

The Board moved unanimous approval of the motion amending the animal control ordinance 2008-07 and the City of Starkville Code of Ordinances, Chapter 18, Animals, article II. Regulating the Control of Animals, Division 1. Generally Sec. 18-26. Definitions as follows:

ORDINANCE NO. 2010-5

AN ORDINANCE REGULATING THE CONTROL AND TREATMENT OF ANIMALS, THE VACCINATION OF ANIMALS, THE IMPOUNDING OF ANIMALS, THE POSSESSION OF ANIMALS, THE PRESCRIBED CITY EXERCISE AREA PROVISIONS AND PROVIDING FOR VIOLATIONS AND RELATED ISSUES THEREOF

WHEREAS, it is the duty of every owner of any animal, or having any animal in his or her possession or custody, to provide the animal with appropriate humane living conditions, treatment and adequate veterinary care; and,

WHEREAS, it is also the duty of every owner, possessor, or custodian of animals to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damages which might result from their animals' behavior, regardless of the motivation or intent of said animal and regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity; and,

WHEREAS, the Mayor and the Board of Aldermen believe that it is in the best interest of the City of Starkville that animal owners have the ability to exercise their animals without the necessity of the animals being on a leash; and

WHEREAS, it is in the best interest of the community as the proliferation of the animal population increases for the need for the sanitation and cleanliness associated therewith to be addressed; and

WHEREAS, in the event the owner, keeper, or possessor of animals is a minor, the parent, guardian, or custodian of such minor will be responsible to ensure that all provisions of this ordinance are complied with and for any penalties or violations. All persons who own or possess animals within the city limits of the City of Starkville do so according to the terms and conditions of this ordinance and all rights of such persons are predicated upon compliance with this and any other applicable ordinances.

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

Section 1. Definitions

(a) The term "animal" whenever used in this ordinance shall be held to apply to both male and female animals and without regard to age or size. Animal shall be inclusive of all domesticated and/or feral creatures or animals to include i.e. cats, dogs, ferrets, potbellied pigs, snakes, etc.

(b) Any person over the age of eighteen (18) years who shall harbor or permit an animal for ten (10) days or more or let the same habitually remain to be fed for a period of ten days or more in or about his/her house, store, or other location shall be deemed the "owner, possessor, or custodian" of said animal, and shall be liable under this ordinance. Any person under age eighteen years (18) in possession of an animal shall have his or her guardian, parent, or custodian stand fully responsible for his or her compliance with this ordinance as the "owner, possessor or custodian" of said animals and any penalties for non-compliance.

(c) Any animal shall be deemed to be "running at large" if it is at any time off the premises of the owner, possessor, or custodian, and it shall not be sufficient that said animal is trained to obey the commands of its owner, possessor, or custodian or that it is momentarily or accidentally off the premises of the owner, possessor, or custodian, or that said owner, possessor, or custodian is not aware that said animal was off his or her premises or that said animal is very young or known to be harmless except that said animal shall not be deemed "running at large" if it be controlled as follows at all times while off the premises of the owner, possessor, or custodian as follows:

- (1) If enclosed in an adequately ventilated cage, pen, vehicle, trailer, or other enclosure suitable to prevent escape of said animal and of sufficient size as not to be overcrowded or cramped;
- (2) If chained or tied to a leash not to exceed six (6) feet in length and having sufficient strength to restrain said animal with said leash being securely affixed to an object of sufficient rigidity that it cannot be moved by said animal, or leash being securely held by a person who is capable of controlling and restraining said animal;
- (3) If said animal is bodily carried by a person who is capable of controlling and restraining said animal;
- (4) An animal is not “running at large” if under voice control as direct control when the animal is actually participating in organized group training or is in an official showing, obedience, or field event.
- (5) An animal is not “running at large” if the animal is contained in an enclosed area at a City Park subject to prescribed rules and regulations as put forth by the Park Commission and approved by the Mayor and the Board of Aldermen.
- (d) Electronic animal confinement system shall mean a commercially produced and professionally installed electronic fence which requires an electrically generated perimeter which is not readily visible, and that the animal within the perimeter shall wear an electronic collar which produces an electric shock to the animal when the perimeter is approached too closely.
- (e) Abused animal means any animal which is any of the following whether such abuse is attributable to intentional cruelty or neglect:
 - (1) mistreated, beaten, tormented or teased whether resulting in death or not
 - (2) deprived of water, food or shelter,
 - (3) kept under unsanitary conditions,
 - (4) abandoned,
 - (5) trained, bred, or sold for fighting other animals,
 - (6) transported unrestrained in open air vehicles,
 - (7) transported in the trunk of any vehicle,
 - (8) left unattended in a vehicle in extreme heat without proper ventilation,
 - (9) is overcrowded in its habitat such as, but not limited to, too many dogs in one yard.
 - (10) has its movements unreasonably restricted by a collar that is the pinch-type, prong-type, or choke-type that is not properly fitted to the dog.
 - (11) a domesticated animal is held outside in extreme weather conditions, including conditions in which:
 - a. a cold or winter weather advisory has been issued by the National Weather Service or the local or state authority with jurisdiction and the animal is not provided access to any climate controlled area, warming equipment or devices/products/methods capable of mitigating the extreme cold
 - b. a heat advisory has been issued by the National Weather Service or the local or state authority or jurisdiction and the animal is not provided access to any climate controlled area, cooling equipment or devices/products/methods capable of mitigating the extreme heat;

c. a hurricane, tropical storm or tornado warning has been issued for the jurisdiction by the National Weather Service.

(12) a domesticated animal is held chained, tethered or has its movements unreasonably restricted for more than three (3) hours within a twenty-four (24) hour period; provided, however, that a domesticated animal may be held chained, tethered or have its movements restricted for a reasonable period of time to allow the responsible owner or custodian to perform necessary tasks so long as the chain is 10 feet or longer, or shorter than 10 feet but attached to a running line that provides adequate movement.

(f) Dangerous Animals: The following animals are hereby found and determined to be dangerous animals and as such are subject to all requirements and provisions of this ordinance and more particular restraints on dangerous animals:

(1) Any animals, other than domestic dogs and cats, which in a wild state are carnivorous or poisonous or which, due to their physical makeup or capabilities, are capable of inflicting serious physical harm or death to human beings. This includes, but is not limited to, animals belonging to the cat or snake family including all constrictors, bears, wolverines, bobcats, badgers, lions, tigers and such other animals as the Mayor and Board of Aldermen may from time to time determine by resolution to be vicious animals.

(2) Any domestic dog or cat or any other animal that exhibits any of the following characteristics:

(a) Without provocation, approaches in a threatening or terrorizing manner any person in an apparent attitude of attack or exhibits any behavior that constitutes a physical threat of bodily harm to a person upon the streets, sidewalks, any public or common grounds or places or in any other place where such person is conducting himself or herself peaceably and lawfully;

(b) Without provocation, bites, inflicts injury, assaults or otherwise attacks a person in any place where such person is conducting himself or herself peaceably and lawfully whether on public or private property, or attacks another animal when such animal is not on the property of the owner, possessor, or custodian of the attacking animal;

(c) A known propensity, tendency or disposition to attack without provocation, to cause injury to or otherwise endanger the safety of human beings or their domestic animals;

(d) Owned or harbored primarily, or in part, for the purpose of fighting or any animal trained for fighting or being sold, bred, or maintained as a fighting animal

(3) For the purposes of this ordinance, a person shall be considered to be peaceably and lawfully upon the private property of an owner, possessor, or custodian of an animal when he or she is on such property in the performance of any duty imposed upon him or her by any laws or postal regulations of the United States, or the State of Mississippi, or any political subdivision thereof or when he or she is on such property upon invitation, expressed or implied, by law or by the owner, possessor, or custodian of said animal or of said premises.

(4) The provisions of this ordinance notwithstanding, no animal may be determined to be dangerous due to the fact that it:

(a) Inflicts injury or damage on a person committing a trespass or other tort upon the person or premises occupied by the person owning, or in possession, or in custody of the animal, or teasing, tormenting, abusing or assaulting the animal, or committing or attempting to commit a crime or ordinance violation.

(b) Inflicts injury or damage on another domestic animal that is or was teasing, tormenting, abusing or assaulting the animal or its young.

(c) Takes any action to defend or protect a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(5) Unless specifically stated to the contrary, the following are exempt from the definition of Dangerous Animals:

(a) Dogs or other animals assisting a peace officer or other law enforcement officer engaged in law enforcement duties; and

(b) Animals in a licensed veterinary, animal or small animal hospital for treatment, or kept in a bona fide educational, medical or other research institution, or in zoos, museums or similar places where such animals are kept as live exhibits or for study.

Section 2. Restrictions on owning, harboring or keeping any animal.

It shall be unlawful for any person to own, harbor, possess or keep any animal within the corporate limits of the City of Starkville, Mississippi, except in compliance with the provisions of this ordinance and the following specific provisions:

(a) All dogs and cats within the city above three (3) months of age shall be vaccinated for rabies. An additional vaccination is to be administered at fifteen (15) months of age and subsequently thereafter in compliance with Mississippi state law. Dogs and cats shall wear, at all times, a tag provided by the vaccinating veterinarian indicating such vaccination. All animals shall be vaccinated as required by the Mississippi State Board of Health and this ordinance shall automatically conform with and to any changes in required vaccinations of all animals by said State Department of Health and/or state law as may subsequently change from time to time.

(b) It shall be the duty of every owner of any animal, or anyone having possession or custody of any animal, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the property limits of its owner, possessor or custodian, and to ensure that:

(1) the animal is securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own. Such enclosure must be securely locked at any time the animal is left unattended;

(2) the animal is on a leash, as defined in Section 1, and under the control of a competent person, and that person is present with the animal any time it is not restrained while on the owner's property.

(3) No animal shall be tethered in public areas and must be on a leash in public areas even when with owner.

(c) All dogs shall be licensed (registered) annually with the city. This is in addition to a current rabies tag. At the time of registration, a uniquely numbered tag will be given to the owner, possessor, or custodian and the tag must be affixed, along with the rabies vaccination tag, to the collar of the animal at all times. If the owner, possessor or custodian moves, the city must be notified in writing of the new address within ten (10) days of the move. If the dog dies, the city should be notified. If the dog is given away, exchanged, or sold, then the city shall be notified by the old and by the new owner who must register the dog anew, including paying any fees. An initial registration of \$10.00 shall be paid to cover administrative expenses, including production of forms and tags and other administrative and educational materials. This fee will also cover the production of pamphlets/leaflets to be used as educational materials and distributed to animal owners and purchasers to make them aware of the ordinance and the fee may be used for the advocacy and expenses associated with the spay and neuter program. The fee may change from time to time based on resolution of the Board of Aldermen.

In order to encourage people to have their animals spayed or neutered, city registration fees are ½ price for animals with a veterinary certification that they have been spayed or neutered. Registration will be administered for the city by the Oktibbeha County Humane Society and applicants should go to the animal shelter to register.

(d) An electronic animal confinement system shall be considered an acceptable enclosure when:

(1) the equipment is maintained and in continuous working order, and the animal to be contained within wears the appropriate electronic collar when within the fence perimeters;

(2) the equipment must include a battery backup to ensure an electric current to the underground wiring in the event of a power failure; and

(3) on each side of the property, permanent and prominently displayed signs are posted on the outer perimeter of the electronic animal confinement system. The signs shall be no smaller than eighteen (18) inches square, one on every side of the property, and shall read: "Animal(s) on this property are contained by an electronic animal confinement system."

(e) In cases where an animal has been deemed dangerous by the city through court or enforcement officials, or has been trained to be a guard dog, then an electronic animal confinement system may not be used as either the primary or secondary fence or enclosure.

(f) Individuals who contain their animal(s) by means of an electronic animal confinement system and are found in violation of the ordinance must contain thereafter the animal(s) in manners elsewhere in this ordinance.

Section 3. Health and safety; noisy and nuisance animals prohibited

(a) It shall be unlawful for any person to intentionally administer or cause to be administered poison of any sort to any animal on, in any manner intentionally injure, maim or destroy any animal, or place any poison where it may be accessible to any animal; provided, however, any police, law enforcement, or humane officer, in the performance of his or her duties may, if necessary, in order to catch an animal for the purpose of impounding it or subdue such animal, use such force and means as are necessary at the time in the sole and exclusive judgment of the described enforcement officer or officers. Necessary or common practices including, but not limited to, cropping of ears and docking of tails, are not considered maiming when performed by a licensed veterinarian.

(b) Any owner, possessor, or harbinger of an animal within the city which is kept in a pen, structure, building or other enclosure is hereby required to keep such enclosure in a sanitary and clean condition so as to prevent disagreeable odors from arising there from, and to prevent the presence or breeding of flies, mosquitoes and other pests therein and for the health of said animal. The animal shall, at all times, be provided with adequate shelter and protection from the elements including harsh sunlight. The enclosure shall provide the animal adequate exercise room, light, and ventilation and will not be overcrowded. The animal shall be provided a diet adequate in quantity and nutrition and at all times have free access to clean drinking water.

(c) It shall be unlawful for any owner, possessor, or keeper of any animal to permit such animal or animals, by loud and persistent habitual barking, howling, yelping, or other loud sounds to disturb any person or neighborhood, and the same is hereby declared to be a public nuisance. It shall not be necessary, for the purposes of this section, to identify and describe the particular animal which is barking, howling, yelping, or making other loud sounds, provided only that it shall be shown who has possession, care, custody or control of said animal or the premises where said animal is located or found be identified.

(d) It shall be unlawful for anyone to knowingly abandon or abuse any domesticated animal within the city. Each person who knowingly abandons or abuses, or willingly permits such abandonment or abuse, or aids in the abandonment or abuse of any domesticated animal shall be guilty of an offense.

(e) It is illegal to command or signal an animal or dangerous animal to attack a person or another animal. If this is done, the animal will immediately be declared dangerous if it has not been before. A verbal declaration by the enforcing officer will be all that is necessary to complete the declaration of dangerous animal. Impoundment will be immediate.

(f) It is a violation for the owner, possessor, or other person having control or custody of any animal to allow such animal to frequently or habitually snarl at, growl at, jump upon, or threaten persons upon public sidewalks, roads, streets, alley, or public places or upon private property adjacent to that where the animal is contained. Such animals shall be declared a nuisance and its owner, possessor, or custodian shall be held responsible. The animal may be impounded and may thereafter be dealt with under the dangerous animal provisions.

(g) No person shall allow a dog or other domesticated animal in his/her custody to defecate on any property other than that of the owner or person having control of the animal. It shall be the duty of all persons having control of a dog or other domesticated animal to curb such animal and to immediately remove any feces to a proper receptacle. Disabled persons while relying on a Seeing Eye, hearing, or service dog/animal shall be exempt from this section.

Section 4. Enforcement Responsibility:

(a) The police department, law enforcement officers, and any other lawfully designated official or representative of the city shall have the primary duty and responsibility of enforcing the provisions of this article. Any officer of the police department, all other law enforcement officers, and any such designated official or representative is fully authorized and empowered to enforce any and all of the provisions hereof.

(b) Any official or representative of the city, lawfully designated to enforce the provisions of this article, shall have the power and authority to issue summons and citations returnable to the municipal court or to any other proper authority for violations of this article. Such summons and citations shall have the same full force and effect as is issued by the police department of the city for other law enforcement purposes. The section on penalties also applies for purposes of enforcement responsibility.

(c) The police department or other designated official or representative of the city may develop and utilize such forms as may be required and necessary to implement this ordinance, exercise the police power of the city in ordinance enforcement, and actively enforce this ordinance.

Section 5. Posting of premises

(a) All premises upon which a dangerous animal is kept, possessed or harbored shall be posted with signs that are conspicuously visible to the public and legible from property, public or private, adjacent to such premises. Such signs or notices shall contain letters of not less than two (2) inches in height and a message sufficient to warn the general public of the presence of the dangerous animal. Such signs shall be placed at all locations where entry to the owner's property is common and expected and upon all enclosures within which dangerous animals are confined, including residences and other structures. A "Beware of Dog (Animal) sign" is not a sufficient warning for the presence of a dangerous animal.

(b) The absence of any required signs shall be considered prima facie evidence of a violation of this section. Signs shall be constructed and maintained in a manner to withstand the elements.

(c) Notwithstanding any exemptions granted elsewhere in this ordinance, the requirements of this section shall apply to all duly authorized and lawfully operated dealers in animals within the city, any lawfully operated circus, carnival, performing act or similar functions and events of a temporary nature, and to any premises utilizing dogs or other animals lawfully for guard or other purposes.

Section 6. Confinement of Dangerous Animals

(a) All dangerous animals shall be kept confined within the residence or other permanent building or structure on the premises of the owner or other person in possession or control of such animals or within an enclosure as herein defined.

(b) All dangerous animals kept on the premises of the owner or person having possession or control of such animals, and not within the residence or other permanent building or structure, shall be confined within a fence or structure area of at least four (4) feet in height (or taller, as necessary to humanely or adequately contain the animal) forming a confined area sufficient to prevent the entry of young children and, effective in containing a dangerous animal. Such enclosure shall be securely closed and locked and equipped with secure sides as well as a top covering and bottom which shall be designed to prevent the animal from escaping the enclosure. The bottom of such enclosure shall be concrete and the sides and top shall be constructed of steel wire or other materials sufficient to prevent the animal from escaping the enclosure. The city reserves the exclusive unilateral right to issue more specific confinement requirements in specific instances where enclosures prove to be or are likely to be, in the exclusive decision of the city, insufficient to prevent the escape of such animals or to prevent such animals from coming into contact with people adjacent to such enclosures.

(c) Such enclosure, fence or structure must be at least five (5) feet from a fenced property line of the owner or person in control or possession of such animals, provided that such enclosure, fence or structure is within a separately and totally enclosed fenced area.

(d) No dangerous animal shall be allowed outside of the residence or required enclosure, unless it is securely muzzled and restrained, with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three (3) feet in length, and under the direct control and supervision of the owner, possessor, or custodian unless the owner, possessor, or custodian is a minor and then the dangerous animal shall not be allowed outside unless under the direct control and supervision of an owner, possessor, or custodian who is at least eighteen (18) years of age and sufficiently able to restrain said animal.

(e) In lieu of the requirement that the fence or structure area have a concrete bottom, the fence and sides of each structure area must be embedded in the ground to a depth of two (2) feet, provided such animal to be confined is not a burrowing animal, and if it is a burrowing animal, the concrete bottom is required.

(f) No dangerous animals will be allowed to be kept within 100 yards of a school, daycare, or other facility which provides services to children.

Section 7. Determination of status; impoundment; redemption or disposition of dangerous and other animals.

(a) Determination of dangerous animals is primarily a complaint-driven process and citizens are encouraged to contact the City of Starkville Police Department or other enforcement officers concerning possible violations of the law. Any police officer or any other lawfully designated official or representative of the city shall have the right to enter any private property in the city for the purpose of inspecting said property for the presence of dangerous animals or for performance of other duties in the enforcement of this article. Any police officer or other lawfully designated official or member of law enforcement or representative of the city, having cause to believe that an animal is dangerous or abused, shall conduct or cause to be conducted an investigation of the animal and the owner, possessor, or custodian shall have the opportunity to present evidence as to why the animal should not be determined to be dangerous or abused. The results of any investigation with respect to a particular animal shall not bar the city from investigating any subsequent actions of the animal.

(b) Should any police officer, member of law enforcement, or other designated official or representative of the city have reason to believe that an animal is vicious or dangerous and may pose a threat of imminent or serious harm to persons or other domestic animals or is abused, said officer or official may immediately seize and impound the animal pending an investigation as described herein. The decision of the enforcement official in seizing an animal prior to investigation shall be in the sole and exclusive judgment of the enforcing official subject to the then prompt post-seizure investigation and hearing.

(c) Any police officer or other lawfully designated official, member of law enforcement, or representative of the city, upon complaint by any citizen or person, on his or her own initiative, may make inquiries to determine compliance with this ordinance and may seize and impound any animal found in apparent violation of any of its provisions. The first offense is sufficient for impoundment and the animals will remain impounded until the situation resulting in charges is remedied. The animals may be returned upon correcting the deficiency and upon order of the municipal court. The offending party shall reimburse the city the costs of care while impounded.

(d) If any animal is caused or permitted, or is found to be within the corporate limits of the city and in violation of the provisions of this ordinance, then such animal may be apprehended and impounded by any police officer or other designated official(s) of the city or members of law enforcement, to be held or disposed of as herein provided for dangerous animals.

(e) If any such animal is so impounded, the same shall be released to the documented owner, possessor, or custodian but only if payment is made, within five (5) working days to the city or as otherwise set by court order, of such sums as may be designated from time to time by the Mayor and Board of Aldermen or the court for compensation for catching or otherwise apprehending such animal and the expenses for harboring and caring for such animal on a daily basis during the time of impoundment. These expenses are due whether the owner elects to reclaim the animal or not.

(f) In addition to or in lieu of impounding an animal found in violation of this article, any police officer or designated official(s) of the city or member of law enforcement may issue a citation for any violations of this ordinance to the person known to be the owner or be in possession or control of such animal. Any fines imposed, as set from time to time by the Mayor and Board of Aldermen or otherwise by state law, shall be paid within three (3) working days of such citation or as set by the court. If such fine is not paid within the time prescribed, a criminal warrant may be issued for such person, who may, upon conviction of such offense before the municipal court, be punished as allowed by law for violation of city ordinances.

(g) All fees and fines imposed pursuant to this section shall be paid by any violator, and all other requirements of this article with respect to a dangerous animal shall be met before an animal impounded pursuant to this article shall be released. If such fees and fines are not paid within five (5) working days or as set by the court, then any such animal so impounded may be destroyed or otherwise disposed of.

(h) Appeals from orders of the Municipal Court shall be the same as other appeals from Municipal Court.

Section 8. Killing of dangerous animals; when authorized

When any dangerous animal, in the judgment of any police officer, member of law enforcement, or other designated official or representative of the city, poses a serious and immediate threat of serious harm or injury to human life, then it shall be the lawful duty of such officer to kill such animal, without requiring such officer or official to catch, restrain or impound such animal or give any notice whatsoever in the sole and exclusive judgment of said officer.

Section 9. Penalties

(a) The failure or refusal of any person to comply with any of the provisions of this ordinance and the violation of any provision of this article by any person shall constitute a misdemeanor under state statute or an administrative offense subject to the administrative hearing process. Any person deemed guilty of any violation of any provision of this article shall, on conviction or administrative adjudication thereof, be subject to punishment allowed by law. The municipal court or other empowered adjudicatory body is hereby authorized to establish a schedule of penalties for various offenses or, in the absence of same, according to state law or other administrative order issued by the city.

(b) Issuance of a citation by the city which carries a fine due shall comply with the same time frames used by the municipal court for other violations or as determined appropriate by the municipal court and/or the administrative hearing process. Officers are encouraged to make suggestions as to how problems with fences or other containment can be remedied.

(c) If a particular animal or owner, possessor, or custodian is cited for violations more than three times, the animal containment must be brought to conform with the dangerous animal containment requirement. Second and third citations should carry incrementally larger fines as set by order of the city or by the court.

(d) If the non-conforming situation cannot be satisfactorily remedied immediately, then enforcement officers may impound the animal without prior notice. If this occurs, the animal will not be released to the owner, possessor, or custodian until proof is provided that the situation causing the citation has been satisfactorily remedied. The decision of whether the remedy is satisfactory will rest with enforcement officers and with the municipal court or other adjudicatory body.

Section 10. Additional city remedies for violations

(a) Should any dangerous animal, when unprovoked, kill or wound or assist in killing or wounding any livestock, fowl or other domestic animal belonging to or in possession of any person, or attack, bite or otherwise assault or injure any human being or assist in doing so, whether out of or within any required enclosure of the owner or person in possession or control or whether on or off the property of the owner, possessor, or custodian, whether or not such animal is leashed or muzzled and whether or not such animal escaped without the fault of the owner, possessor, or custodian, then the owner, possessor, or custodian of the animal shall be liable to the person injured or aggrieved for all damages sustained to be recovered in a civil action together with costs of suit, attorney fees, and payment of medical expenses. It is rebuttably presumed that, as a matter of law, that the owning, keeping, possessing or harboring of a dangerous animal in violation of this ordinance is a nuisance and a danger. It shall not be necessary, in order to sustain such action, to prove that the owner, possessor, or custodian of such dangerous animal knew that the animal possessed the propensity to cause such damage or that the animal had a dangerous nature.

(b) In addition to any damages awarded pursuant to this ordinance, a civil penalty of five thousand dollars (\$5,000.00) per incident or attack may be imposed by any court of competent and authorized jurisdiction.

(c) Nothing in this ordinance shall be construed so as to restrict any other remedies at law available to persons aggrieved by any attack of a vicious or dangerous animal, nor so as to prohibit criminal prosecution of persons owning or in possession of such animals as may be allowed by law.

(d) Should any employee of or person carrying out responsibilities for the City of Starkville be attacked by any dangerous animal or any other animal while engaged in the lawful performance of his or her official duties, any rights, privileges or services enjoyed by the residents of property on which the attack occurs or by the owner or possessor of such animal, at the sole and exclusive discretion of the city, may be immediately terminated without further notice. This includes, but is not limited to, termination of water, sewer and electrical service, termination of garbage pickup service, revocation of building permits or privilege licenses.

(e) Any additional expenses incurred by the city in the implementation and enforcement of this ordinance for the care and handling of the animal (including but not limited to veterinary care, transportation, supplies, etc.) as reasonably determined by the animal control officer shall be borne by the owner and shall be paid at the same time and in addition to the fine adjudicated and the administrative fee as imposed by the Administrative Hearing Officer.

Section 11. Repeal, Severability, Conflict, Effective Date, and Publication

(a.) Repeal. The ordinance enacted by the Mayor and Board of Aldermen of the City of Starkville, Mississippi, being adopted April 15, 2008 respectively, the same being entitled “AN ORDINANCE REGULATING THE CONTROL OF ANIMALS, THE VACCINATION OF ANIMALS, THE IMPOUNDING OF ANIMALS, THE POSSESSION OF ANIMALS, THE PRESCRIBED CITY EXERCISE AREA PROVISIONS AND PROVIDING FOR VIOLATIONS AND RELATED ISSUES” by the City of Starkville is hereby repealed.

(b) Severability. Should any section, clause, paragraph, provision, or part of this ordinance for any reason be held invalid or unconstitutional by any court or competent jurisdiction, this act shall not affect the validity of any other section, clause, paragraph, provision, or part of this ordinance. All provisions of this ordinance shall be considered separate provisions, and completely severable from all other portions.

(c) Conflict. In any case where a provision of this ordinance is found to be in conflict with a provision of any other ordinance or code of the City of Starkville, Mississippi, existing on the effective date of the ordinance, the provisions of this ordinance shall take precedence.

(d) Effective Date. This ordinance shall take effect and be enforced from and after its passage in the manner provided by law, on and after the ___ day of _____, 2010.

(e) Publicity. The Municipal Clerk is instructed to publish this ordinance one time in the Starkville Daily News and to obtain proof of publication thereof.

Section 12. Adoption and Certification

UPON THE MOTION of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver, the aforesaid ordinance was put to a vote with the Aldermen voting as follows:

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

ORDAINED AND ADOPTED, this the 2nd day of March, A.D., 2010 at the Regular Meeting of the Mayor and the Board of Aldermen of the City of Starkville, Mississippi.

 Parker Y. Wiseman, Mayor
 City of Starkville, Mississippi

 Tammy Carlisle, Deputy City Clerk
 City of Starkville, Mississippi

5. AN ORDER MAKING APPOINTMENTS TO THE COMPREHENSIVE PLANNING COMMISSION

There came for consideration the matter of the approval of the motion appointing the members to the comprehensive planning committee for the purpose of revising the City of Starkville comprehensive plan. After discussion and upon the motion of Alderman Jeremiah Dumas duly seconded by Alderman Ben Carver,

The members of the Board present and voting moved unanimous approval of the motion motion appointing the members to the comprehensive planning committee for the purpose of revising the City of Starkville comprehensive plan as follows:

Comprehensive Planning Committee and Process

Voting members

1. Planner – Chris Campany

Chris is an assistant professor of landscape architecture, a registered landscape architect, a certified planner, and has considerable experience in the comprehensive planning arena.

2. Housing (Section 8) – Terry Thomas. Terry is a past city engineer and now serves on the Starkville Housing Authority.

3. Transportation – Bethany Stich Bethany is an assistant professor in the Department of Public Policy and Administration. She has worked with the Georgia Department of Transportation and on numerous transportation projects.

4. Infrastructure – Bill Webb Bill is the past City Engineer and currently serves as a project consultant on several city projects.

5. Education – Judy Couey Judy is the Superintendent of the Starkville School District.

6. Parks and Recreation – Glenn Cook Glenn is a landscape architect with a Master's in Urban and Regional Planning. Glenn is the author of the 2000 National Park and Recreation Association publication, *Innovative Outdoor Recreation Developments*.

7. Historic Preservation – Michelle Jones Michelle works with the Carl Small Town Center and the Mississippi Department of Archives and History. Her interests are architecture, historical structures, and preservation.

8. Developer – Jeremy Tabor Jeremy is the owner of Tabor Brothers Construction and responsible for the development of Central Station, Annabelle, and other premier developments in Starkville.

9. Economic Developer – Jeffrey Rupp Jeffrey is a member of the Mississippi State Community Action Team, past mayor of the City of Columbus, and holds a certificate from the University of Oklahoma Economic Development Institute.

10. Natural Resources/Sustainability – Taze Fulford Taze is an assistant professor of landscape architecture and a LEED AP whose interest are sustainability and the built environment.

11. Architecture – Mark Isaacs Mark is a planner, architect (KY), and developer and has extensive knowledge in developing local policies that aid the proper growth of a community.

12. Minority Community Member –at-large – Cheik Taylor Cheik is an active community member and Deputy Director of the Brickfire Project.
13. University – Roger Baker Roger is a Campus Planner for Mississippi State University.
14. Alderman- Committee Chair – Jeremiah Dumas
15. Alderman – Mayor Pro Tempore – Sandra Sistrunk Ex-officio Members (Nonvoting)
 1. Planner – Ben Griffith
 2. Engineer – Edward Kemp
 3. Utility – Ed Hattaway
 4. Public Works – Doug Devlin
 5. Parks/Recreation - Matthew Rye
 6. Mayor – Parker Wiseman
 7. CAO – Lynn Spruill
 8. Public Safety – Fire – Roger Mann
 9. Public Safety – Police – David Lindley
 10. Previous Comprehensive Planning Committee Member – P.C. McLaurin
 11. Partnership Representative – Jon Maynard Process
 1. Initial committee meeting and distribution of comprehensive plans
 2. Comprehensive plan review period
 3. Committee meeting (discuss comp. plan findings and prepare initial findings report/presentation)
 4. P&Z / Committee work session - presentation of initial findings
 5. Initial Findings public hearing
 6. Amendment period w/ intermittent committee meetings.
 7. P&Z / Committee work session - presentation of amendments
 8. Amendment public hearing
 10. Preparation of final document
 11. P&Z adoption
 12. BOA adoption

6. AN ORDER REQUEST BY THE STARKVILLE AREA ARTS COUNCIL FOR STREET CLOSURES AND IN-KIND SERVICES IN THE AMOUNT OF \$6,544.00 FOR THE COTTON DISTRICT ARTS FESTIVAL, SCHEDULED FOR SATURDAY, APRIL 17, 2010

There came for consideration the matter of the approval of the motion to approve the request Starkville Area Arts Council to close streets and provide in-kind City services for the Cotton District Arts Festival, scheduled for Saturday, April 17, 2010, in the amount of approximately \$6,544.00, as outlined in their Special Event Application package, as reviewed and recommended by the City's Special Events Committee on February 4, 2010. After discussion and upon the motion of Alderman Henry N. Vaughn Sr., duly seconded by Alderman Ben Carver,

The Board moved unanimous approval of the motion to approve the request Starkville Area Arts Council to close streets and provide in-kind City services for the Cotton District Arts Festival, scheduled for Saturday, April 17, 2010, in the amount of approximately \$6,544.00, as outlined in their Special Event Application package, as reviewed and recommended by the City's Special Events Committee on February 4, 2010.

7. AN ORDER TO APPROVE THE OF CALL FOR A PUBLIC HEARING ON THE CREATION OF AN ORDINANCE TO REQUIRE SAFETY HELMETS FOR OPERATORS OF BICYCLES AND ALTERNATIVE VEHICLES UNDER THE AGE OF SIXTEEN (16)

There came for consideration the matter of the approval of the motion to approve the call for a public hearing at the next board meeting to adopt a child protective safety helmet ordinance. After discussion and upon the motion of Alderman Henry N. Vaughn Sr., duly seconded by Alderman Ricahrd Corey,

The members of the Board present and voting moved unanimous approval of the motion to call for a public hearing at the next board meeting to adopt a child protective safety helmet ordinance.

8. AN ORDER TO ISSUING AN EXTENSION ON THE CERTIFICATE OF OCCUPANCY FOR TWO BUSINESSES LOCATED AT 972 AND 974 MS HIGHWAY 12 EAST TO PROVIDE ADDITIONAL TIME TO CONSTRUCT A STORMWATER RETENTION FACILITY AND RECEIVE FINAL PLAT APPROVAL

There came for consideration the matter of the approval of the motion to approve the extension of sixty days (60) of temporary Certificates of Occupancy for two businesses located at 972 and 974 MS Highway 12 East, to allow sufficient time for the construction of stormwater retention facilities and the approval of the "Highway 12 Extension Property--Phase 1" final plat. After discussion and upon the motion of Alderman Jeremiah Dumas duly seconded by Alderman Eric Parker,

The members of the Board present and voting moved unanimous approval of the motion to grant the extension of sixty days (60) of temporary Certificates of Occupancy for two businesses located at 972 and 974 MS Highway 12 East, to allow sufficient time for the construction of stormwater retention facilities and the approval of the "Highway 12 Extension Property--Phase 1" final plat.

9. AN ORDER REVISING THE POSITION OF RECEPTIONIST/CLERK TO THAT OF GENERAL OFFICE CLERK WITH TELEPHONE SWITCHBOARD AS THE PRIMARY DUTY

There came for consideration the matter of the approval of the motion to approve the revision of the Receptionist/Clerk in the Office of the City Clerk to that of General Office Clerk with the telephone switchboard as the primary duty and that said position will be compensated at the current pay rate, grade and step. After discussion and upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker,

The members of the Board present and voting moved unanimous approval of the motion to approve the revision of the Receptionist/Clerk in the Office of the City Clerk to that of General Office Clerk with the telephone switchboard as the primary duty and that said position will be compensated at the current pay rate, grade and step.

10. AN ORDER ISSUING A TEMPORARY BUILDING PERMIT TO THE PROPERTY LOCATED AT 976 MISSISSIPPI HIGHWAY 12 EAST

There came for consideration the matter of the approval of the motion to issue a temporary building permit for the property located at 976 Mississippi Highway 12 East that shall expire April 20, 2010 and upon the approval of the final plat, the permit will be re-issued for the continuation of construction to the extent that the Phase 1 final plat is not approved by April 20, 2010, a stop work order shall be issued and all construction shall cease. After discussion and upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Eric Parker,

The members of the Board present and voting moved unanimous approval of the motion to issue a temporary building permit for the property located at 976 Mississippi Highway 12 East that shall expire April 20, 2010 and upon the approval of the final plat, the permit will be re-issued for the continuation of construction to the extent that the Phase 1 final plat is not approved by April 20, 2010, a stop work order shall be issued and all construction shall cease.

11. AN ORDER TO APPROVE THE CITY OF STARKVILLE FIRE DEPARTMENT CLAIMS DOCKET AS OF FEBRUARY 25, 2010

- *Before the discussion of the consideration of the approval; of the City of Starkville Fire Department Claims Docket, Alderman Carver left the room and did not vote on the matter.*

There came for consideration the matter of the approval of the motion to approve City of Starkville Fire Department Claims Docket as of February 25, 2010. After discussion and upon the motion of Alderman Jeremiah Dumas duly seconded by Alderman Richard Corey,

The members of the Board present and voting moved unanimous approval of the motion to approve City of Starkville Fire Department Claims Docket as of February 25, 2010.

12. AN ORDER TO APPROVE THE PROMOTION OF CHRISTOPHER BROOKS TO THE POSITION OF ACCOUNTS RECEIVABLE CLERK

There came for consideration the matter of the approval of the motion to approve promotion of Christopher Brooks to fill the position of Accounts Receivable Clerk in the City Clerk's Office at a salary of \$24,553.19 (\$11.80/hour) Grade 8, step 1 2080 hours subject to six month probationary period. After discussion and upon the motion of Alderman Henry N. Vaughn, Sr. duly seconded by Alderman Roy A. Perkins,

The members of the Board present and voting moved unanimous approval of the motion to approve promotion of Christopher Brooks to fill the position of Accounts Receivable Clerk in the City Clerk's Office at a salary of \$24,553.19 (\$11.80/hour) Grade 8, step 1 2080 hours subject to six month probationary period.

13. AN ORDER TO ADVERTISE TO FILL THE POSITION OF GENERAL OFFICE CLERK IN THE CITY CLERK'S OFFICE WITH PRIMARY DUTIES TO INCLUDE THE SWITCHBOARD

There came for consideration the matter of the approval of the motion to approve grant authorization to advertise to fill a position of General Office Clerk in the City Clerk's office. After discussion and upon the motion of Alderman Jeremiah Dumas duly seconded by Alderman Henry N. Vaughn Sr.,

The members of the Board present and voting moved unanimous approval of the motion to grant authorization to advertise to fill a position of General Office Clerk in the City Clerk's office.

14. AN ORDER TO ADVERTISE TO FILL THE POSITION OF POLICE OFFICER

There came for consideration the matter of the approval of the motion to grant authorization to advertise to fill the position of Police Officer. This position is vacant due to the Military Leave of Officer Mark Battise. This position will be full-time with benefits and the salary will be Grade 8, Step 6A \$30,814.82, \$13.82 hour (2229.5 hours). After discussion and upon the motion of Alderman Henry N. Vaughn Sr., duly seconded by Alderman Roy A. Perkins,

The members of the Board present and voting moved unanimous approval of the motion to grant authorization to grant authorization to advertise to fill the position of Police Officer. This position is vacant due to the Military Leave of Officer Mark Battise. This position will be full-time with benefits and the salary will be Grade 8, Step 6A \$30,814.82, \$13.82 hour (2229.5 hours).

15. 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 Eric Parker, duly seconded by Alderman Jeremiah Dumas,

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

16. 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 personnel. After discussion and upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey,

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

17. AN ORDER TO CONTINUE THE PERSONNEL MATTER UNTIL MARCH 26, 2010

There came for consideration the matter of the approval of the motion to continue the personnel matter until March 16, 2010 and that the Personnel Director is to notify the individual related to said matter and inform them of that they are ordered to appear. After discussion and upon the motion of Alderman Roy A. Perkins duly seconded by Alderman Ben Carver,

The members of the Board present and voting moved unanimous approval of the motion to continue the personnel matter until March 16, 2010 and that the Personnel Director is to notify the individual related to said matter and inform them of that they are ordered to appear.

18. 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 Eric Parker., 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 ADJOURN UNTIL 5:30 PM ON TUESDAY MARCH 16, 2010

Alderman Jeremiah Dumas moved that the Board of Aldermen adjourn until 5:30 p.m. on Tuesday March 16, 2010 in the Court Room of City Hall located at 101 Lampkin Street, Starkville, MS. Alderman Richard Corey seconded, with the motion carrying unanimously.

PARKER WISEMAN, MAYOR

TAMMY R. CARLISLE,
DEPUTY CITY CLERK

SIGNED AND SEALED THIS ___ DAY OF _____ 2010.