

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

The City of Starkville, Mississippi

July 20, 2010

Be it remembered that the Mayor and Board of Alderman met in a regular meeting on July 20, 2010 at 5:30 p.m. in the Courtroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS. There being present were Mayor Parker Wiseman, Aldermen Ben Carver, Sandra Sistrunk, Eric Parker, Richard Corey, Jeremiah Dumas, Roy A. Perkins, and Henry Vaughn, Sr. Attending the Board were City Attorney Chris Latimer and City Clerk Markeeta Outlaw.

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

REQUESTED REVISIONS OF THE OFFICIAL AGENDA

Mayor Parker Wiseman and Alderman Perkins

Add to Consent item XI - K - 1; Authorization to change the hours of operation for sanitation laborers from 7 a.m. - 3 p.m. to 6 a.m. - 2 p.m. in order to accommodate abnormally high temperatures Effective immediately and to remain in effect until further order of the Board of Aldermen

Alderman Sandra Sistrunk

Remove from the Agenda item VIII - A; the 4th Public Hearing for Sign Ordinance

Amend Agenda Item X - G; which currently states "Consideration of Amending the City of Starkville sign Ordinance...." to "Consideration of the Formation of a committee to further review the City of Starkville Sign Ordinance and present findings for said Ordinance to the Board of Aldermen no later than the 1st meeting in September, 2010.

Alderman Richard Corey

Add to Consent item X - E; Consideration of Appointing the City Planner as Staff Support to the Historic Preservation Commission, and the City Engineer as Staff Support to the Stormwater Hearing Board

Alderman Henry Vaughn, Sr.,

Remove from consent item XI - J - 1; Request Approval to Advertise for Bids for Materials and Services to install Fire Mains and Hydrants in Northeast Starkville

Alderman Roy A'. Perkins

Add to Consent X - D; Consideration of Appointing a Alderman Jeremiah Dumas as Board Liaison to the Tree Advisory Board; Alderman Richard Corey as Board Liaison to the Historic Preservation Commission; and Alderman Eric Parker as Board Liaison to the Stormwater Hearing Board

Add to Consent item IX - E; Consideration of the Appointment of a Board of Aldermen Municipal Complex Committee and Appointing Aldermen Roy A'. Perkins, Jeremiah Dumas, Richard Corey, Mayor Parker Wiseman and CAO Lynn Spruill.

Alderman Henry Vaughn, Sr.,

Add to Consent item X - H; Consideration of the Authorization for the Building Department to issue a 15 day notice for the Expiration of Temporary Certificates of Occupancy.

1.

APPROVAL OF THE OFFICIAL AGENDA AS REVISED

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the official agenda as modified with items listed as consent, the Board voted unanimously in favor of the motion.

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

OFFICIAL AGENDA

THE MAYOR AND BOARD OF ALDERMEN

OF THE

CITY OF STARKVILLE, MISSISSIPPI

RECESS MEETING OF TUESDAY, JULY 20, 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

I. CALL THE MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE

III. APPROVAL OF THE OFFICIAL AGENDA

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

IV. APPROVAL OF BOARD OF ALDERMEN MINUTES

A. REQUEST CONSIDERATION OF THE APPROVAL OF THE MINUTES FROM THE REGULAR MEETING OF THE BOARD OF ALDERMEN HELD ON JUNE 1, 2010.

- B. REQUEST CONSIDERATION OF THE APPROVAL OF THE MINUTES FROM THE RECESS MEETING OF THE BOARD OF ALDERMEN HELD ON JUNE 15, 2010.

V. ANNOUNCEMENTS AND COMMENTS

MAYOR'S COMMENTS:

PRESENTATION TO JACK WALLACE OF THE STATEMENTS OF SUPPORT BY THE MAYOR AND BOARD OF ALDERMEN FOR THE EMPLOYER SUPPORT OF THE GUARD AND RESERVE (ESGR)

PRESENTATION OF A PROCLAMATION BY THE CITY OF STARKVILLE RECOGNIZING DISABILITY AWARENESS DAY AS JULY 24, 2010.

INTRODUCTION OF NEW EMPLOYEES:

MICHAEL HOWARD – STREET DEPARTMENT

BOARD OF ALDERMEN COMMENTS:

ALDERMAN PARKER PRESENTS THE EMPLOYEE OF THE MONTH TO SARAH HANKINS FROM THE ANIMAL CONTROL DIVISION OF THE POLICE DEPARTMENT

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

- A. PUBLIC APPEARANCE BY JOAN WILSON PRESENTING THE ANNUAL BUDGET REQUEST FROM THE OKTIBBEHA COUNTY HERITAGE MUSEUM
- B. PUBLIC APPEARANCE BY MARK SMITH AND PAIGE ROBERTS FROM THE MISSISSIPPI CHAPTER OF THE AMERICAN RED CROSS TO EXPLAIN THE ORGANIZATIONAL STRUCTURE OF THAT AGENCY.

VIII. PUBLIC HEARING

- A. FOURTH PUBLIC HEARING ON AMENDING THE CITY OF STARKVILLE SIGN ORDINANCE NUMBER 2008-10 AND THE CITY OF STARKVILLE CODE OF ORDINANCES TO PROVIDE FOR EXPANDED ENUMERATED USERS FOR CITY RIGHTS-OF-WAY, GUIDELINES AND PERMITTING PROCESSES FOR SAID USERS, AMORTIZATION OF NON-CONFORMING SIGNS AND OTHER MINOR REVISIONS AND CLARIFICATIONS.

IX. MAYOR'S BUSINESS

- ### A. CONSIDERATION OF APPROVING THE MEMBERSHIP FOR MAYOR WISEMAN IN THE NORTH MISSISSIPPI MAYOR'S ASSOCIATION WITH DUES OF \$350.00.
- B. CONSIDERATION OF APPROVING A MAIN STREET AND LAMPKIN STREET CLOSURE FOR A YOUTH PARADE TO BE HELD ON JULY 23,

2010, AT 12:00.

- ### C. CONSIDERATION OF THE APPROVAL OF THE PARTICIPATION OF THE MAYOR AND BOARD OF ALDERMEN IN THE ESGR CITY OF STARKVILLE SUPPORT RESOLUTION.
- D. CONSIDERATION OF THE APPROVAL OF A RESOLUTION TO PARTICIPATE IN THE MISSISSIPPI MAIN STREET PROGRAM.
- E. CONSIDERATION OF THE APPOINTMENT OF A BOARD OF ALDERMEN MUNICIPAL COMPLEX COMMITTEE AND MAKING APPOINTMENTS THERETO.

X. BOARD BUSINESS

- ### A. CONSIDERATION OF THE APPROVAL OF A CITY ATTORNEY EVALUATION FORM.
- ### B. CONSIDERATION OF THE MODIFICATION OF THE OPEN RECORDS POLICY TO COMPLY WITH THE CHANGES IN STATE LAW.
- C. REPORT FROM THE POLICE CHIEF ON THE INCREASED INSTANCES OF GRAFFITI AND ACTIONS TAKEN TO PREVENT AND MINIMIZE AND REPAIR DAMAGE.
- D. CONSIDERATION OF APPOINTING A BOARD LIAISON TO THE TREE ADVISORY BOARD, THE HISTORIC PRESERVATION COMMISSION AND THE STORMWATER HEARING BOARD.
- E. CONSIDERATION OF APPOINTING A STAFF SUPPORT PERSON TO THE HISTORIC PRESERVATION COMMISSION AND THE STORMWATER HEARING BOARD.
- F. BUDGET COMMITTEE REPORT
- G. CONSIDERATION OF AMENDING THE CITY OF STARKVILLE SIGN ORDINANCE NUMBER 2008-10 AND THE CITY OF STARKVILLE CODE OF ORDINANCES TO PROVIDE FOR EXPANDED ENUMERATED USERS FOR CITY RIGHTS-OF-WAY, GUIDELINES AND PERMITTING PROCESSES FOR SAID USERS, AMORTIZATION OF NON-CONFORMING SIGNS AND OTHER MINOR REVISIONS AND CLARIFICATIONS.
- H. CONSIDERATION OF THE AUTHORIZATION FOR THE BUILDING DEPARTMENT TO ISSUE A 15 DAY NOTICE FOR THE EXPIRATION OF TEMPORARY CERTIFICATES OF OCCUPANCY.
- I. CONSIDERATION OF A REQUEST BY TABOR PROPERTIES, LLC, TO APPROVE A CONDITIONAL USE TO ALLOW MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 703 SPRING STREET IN WARD 4.
- J. REQUEST AUTHORIZATION TO PURCHASE PAINT FOR THE PURPOSE OF PAINTING THE SIGN POSTS THAT HOLD THE HISTORIC DISTRICT NEIGHBORHOOD SIGNS WITH A NOT TO EXCEED AMOUNT OF \$500.00.

XI. DEPARTMENT BUSINESS

A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

B. BUILDING, CODES AND PLANNING DEPARTMENT

1. CONSIDERATION OF A REQUEST BY MIKE BRENT, TO APPROVE "FIRESTATION BUSINESS PARK" A FINAL SUBDIVISION PLAT IN A C-1/C-2 (NEIGHBORHOOD COMMERCIAL/GENERAL BUSINESS) ZONING DISTRICT LOCATED NORTHWEST OF THE INTERSECTION OF JACKSON STREET (MS HIGHWAY 389) AND GARRARD ROAD IN WARD 6.

2. CONSIDERATION OF APPROVAL OF THE LOWEST AND BEST BID SUBMITTED BY ENVIRONMENTAL EVALUATION & CONTROL TO REMOVE AND DISPOSE OF ASBESTOS-CONTAINING MATERIALS FROM THE STRUCTURE LOCATED AT 514 MS HIGHWAY 182 WEST.

3. CONSIDERATION TO AUTHORIZE CITY ATTORNEY TO CONDUCT TITLE SEARCHES ON 13 DILAPIDATED PROPERTIES AND TO PROCEED WITH CORRECTIVE ACTION.

C. OFFICE OF THE CITY CLERK

1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JULY 15, 2010.

2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING JUNE 30, 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

1. AUTHORIZATION OF PAY ESTIMATE NO. 1 IN THE AMOUNT OF \$373,521 FOR J.J FERGUSON SAND AND GRAVEL FOR PROJECT NO. STP-0420-00-(018)/10585170100 OTHERWISE KNOWN AS ARRA II.

2. AUTHORIZATION OF PAY ESTIMATE NO. 1 IN THE AMOUNT OF \$15,240.44 FOR STIDHAM CONSTRUCTION FOR THE 2010 DRAINAGE IMPROVEMENT PROJECT NO. 11- HOLLIS I.

G. FIRE DEPARTMENT

1. REQUEST AUTHORIZATION TO FOR PAYMENT NUMBER 6 FOR WEATHERS CONSTRUCTION, INC. FOR THE CITY OF STARKVILLE FIRE STATION #5 IN THE AMOUNT OF \$191,536.46.

H. PERSONNEL

1. REQUEST APPROVAL OF PROMOTIONS TO VACANT POSITIONS OF LIEUTENANT AND SERGEANT IN THE POLICE DEPARTMENT.

I. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

J. PUBLIC SERVICES

1. REQUEST APPROVAL TO ADVERTISE FOR BIDS FOR MATERIALS AND SERVICES TO INSTALL FIRE MAINS AND HYDRANTS IN NORTHEAST STARKVILLE.
2. REQUEST APPROVAL FOR A MODIFICATION TO THE ENGINEERING CONTRACT WITH CLEARWATER CONSULTING FOR THE EMERGENCY FORCE MAIN REPLACEMENT PROJECT DUE TO UNFORESEEN CIRCUMSTANCES.
3. REQUEST APPROVAL TO HIRE ARGUS ANALYTICAL, THE SUBMITTER OF THE LOWEST QUOTE, TO PERFORM TOTAL NITROGEN TESTING OF TREATED WASTEWATER FOR A 12 MONTH PERIOD IN THE AMOUNT OF \$10,985.00.
4. REQUEST APPROVAL FOR THE MAYOR TO EXECUTE A UTILITY EASEMENT TERMINATION AGREEMENT IN CONJUNCTION WITH A LOT AGGREGATION IN THE SHERWOOD FOREST SUBDIVISION, SEVENTH EDITION.

K. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

XII. CLOSED DETERMINATION SESSION

XIII. OPEN SESSION

XIV. EXECUTIVE SESSION

A. PENDING LITIGATION

B. PERSONNEL

C. PROPERTY ACQUISITION

XV. OPEN SESSION

XVI. ADJOURN UNTIL AUGUST 3, 2010 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

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

APPENDIX A

PROPOSED CONSENT AGENDA

IX. MAYOR'S BUSINESS

- A. CONSIDERATION OF APPROVING THE MEMBERSHIP FOR MAYOR WISEMAN IN THE NORTH MISSISSIPPI MAYOR'S ASSOCIATION WITH DUES OF \$350.00.
- C. CONSIDERATION OF APPROVING THE COMMITMENT LETTER FOR ESGR FOR THE CITY OF STARKVILLE.

X. BOARD BUSINESS

- A. CONSIDERATION OF THE APPROVAL OF A CITY ATTORNEY EVALUATION FORM.
- B. CONSIDERATION OF THE MODIFICATION OF THE OPEN RECORDS POLICY TO COMPORT WITH THE CHANGES IN STATE LAW.

XI. DEPARTMENT BUSINESS

- A. AIRPORT – NO ITEMS
- B. BUILDING DEPARTMENT
 - 2. CONSIDERATION OF APPROVAL OF THE LOWEST AND BEST BID SUBMITTED BY ENVIRONMENTAL EVALUATION & CONTROL TO REMOVE AND DISPOSE OF ASBESTOS-CONTAINING MATERIALS FROM THE STRUCTURE LOCATED AT 514 MS HIGHWAY 182 WEST.
 - 3. CONSIDERATION TO AUTHORIZE CITY ATTORNEY TO CONDUCT TITLE SEARCHES ON 13 DILAPIDATED PROPERTIES AND TO PROCEED WITH CORRECTIVE ACTION.
- C. OFFICE OF THE CITY CLERK
 - 1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS EXCEPT THE FIRE DEPARTMENT AS OF JULY 15, 2010.

2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING JUNE 30, 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. AUTHORIZATION OF PAY ESTIMATE NO. 1 IN THE AMOUNT OF \$373,521 FOR J.J FERGUSON SAND AND GRAVEL FOR PROJECT NO. STP-0420-00-(018)/10585170100 OTHERWISE KNOWN AS ARRA II.
 2. AUTHORIZATION OF PAY ESTIMATE NO. 1 IN THE AMOUNT OF \$15,240.44 FOR STIDHAM CONSTRUCTION FOR THE 2010 DRAINAGE IMPROVEMENT PROJECT NO. 11- HOLLIS I.
- G. FIRE DEPARTMENT
1. REQUEST AUTHORIZATION TO FOR PAYMENT NUMBER 6 FOR WEATHERS CONSTRUCTION, INC. FOR THE CITY OF STARKVILLE FIRE STATION #5 IN THE AMOUNT OF \$191,536.46.
- H. PERSONNEL
1. REQUEST APPROVAL OF PROMOTIONS TO VACANT POSITIONS OF LIEUTENANT AND SERGEANT IN THE POLICE DEPARTMENT.
- I. POLICE DEPARTMENT – NO ITEMS
- J. PUBLIC SERVICES
1. REQUEST APPROVAL TO ADVERTISE FOR BIDS FOR MATERIALS AND SERVICES TO INSTALL FIRE MAINS AND HYDRANTS IN NORTHEAST STARKVILLE.
 2. REQUEST APPROVAL FOR A MODIFICATION TO THE ENGINEERING CONTRACT WITH CLEARWATER CONSULTING FOR THE EMERGENCY FORCE MAIN REPLACEMENT PROJECT DUE TO UNFORESEEN CIRCUMSTANCES.
 3. REQUEST APPROVAL TO HIRE ARGUS ANALYTICAL, THE SUBMITTER OF THE LOWEST QUOTE, TO PERFORM TOTAL NITROGEN TESTING OF TREATED WASTEWATER FOR A 12 MONTH PERIOD IN THE AMOUNT OF \$10,985.00.
 4. REQUEST APPROVAL FOR THE MAYOR TO EXECUTE A UTILITY EASEMENT TERMINATION AGREEMENT IN CONJUNCTION WITH A LOT AGGREGATION IN THE SHERWOOD FOREST SUBDIVISION, SEVENTH EDITION.
- K. SANITATION DEPARTMENT – NO ITEMS

2.

**APPROVAL OF MEMBERSHIP FEES FOR MAYOR PARKER WISEMAN
TO THE NORTH MISSISSIPPI MAYOR'S ASSOCIATION
IN THE AMOUNT OF \$350.00 ANNUALLY**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval for Membership Payment to the North Mississippi Mayor's Association, in the Amount of \$350.00 for Mayor Parker Wiseman" is enumerated, this consent item is approved.

3.

APPROVAL OF A RESOLUTION OF SUPPORT TO THE ESGR

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of the Resolution of Support to the ESGR" is enumerated, this consent item is approved.



STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE



CITY OF STARKVILLE
Parker Y. Wiseman, Mayor

We recognize the National Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

Therefore, we join other employers in pledging that:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

Employer

Date

Chairman
National Committee for Employer
Support of the Guard and Reserve

Secretary of Defense



4.

**APPROVAL TO ESTABLISH A BOARD OF ALDERMEN
MUNICIPAL COMPLEX COMMITTEE AND
APPOINT MEMBERS TO SAID COMMITTEE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval to Establish a Board of Aldermen Municipal Complex Committee and to appoint members to said Committee" is enumerated, this consent item is approved.

5.

APPROVAL OF A CITY ATTORNEY EVALUATION FORM

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of a City Evaluation Form" is enumerated, this consent item is approved.

**CITY ATTORNEY PERFORMANCE REVIEW
RATING SHEET**

Rate each item from 1 (low) to 5 (high) based on your opinion of the City Attorney's performance. Mark N/A if you do not have enough information to rate.

I. LEGAL CONSULTATION

- A. Has legal advice provided by the City Attorney proven to be accurate and technically correct?
- B. Does the City Attorney provide his best and honest recommendations given all existing legal issues and ramifications?
- C. Does the City Attorney possess and provide an efficient and effective knowledge of the City's Municipal Code and regulations?
- D. Does the City Attorney possess and provide an efficient and effective knowledge of other government regulations and case law regarding municipal government and issues facing the City?
- E. Does advice provided by the City Attorney regularly take into account and balance the overall objectives of the City?
- F. Does the City Attorney regularly provide the scope of legal expertise necessary to meet the City's needs on issues that arise, either from himself, within his firm or other available resources?
- G. Does the City Attorney proactively identify potential issues when he is aware of them to avoid problems from occurring?
- H. Are alternatives and innovative solutions provided rather than just raising problems?
- I. Is the City Attorney able to maintain the Board of Aldermen's, Mayor's and staff's confidence while informing them of the different legal risks that proposed actions might generate?

II. LEGAL REPRESENTATION

- A. Does the City Attorney aggressively represent the interests of the City as directed by the Board of Aldermen?
- B. Is the City Attorney's approach effective in achieving the best possible legal outcomes for the City's interests given the issues that arise?
- C. Does the City Attorney represent the City in a professional and ethical manner?
- D. Is the City Attorney impartial and objective in his duties and responsibilities?
- E. Are the City Attorney's estimates of legal impacts reasonably accurate on a regular basis?

III. STAFF WORK

- A. Does the City Attorney prepare ordinances, resolutions, contracts and other legal work accurately and consistent with the direction and objectives communicated by the Board of Aldermen, Mayor and/or department directors?
- B. Does the City Attorney accurately identify and address all legal issues within documents and items that he reviews?
- C. Are the Board of Aldermen, Mayor, Commissioners, and city staff advised of key changes in municipal law as it pertains to the City's activities?
- D. Does the City Attorney display a positive attitude in carrying out his responsibilities and responding to requests?
- E. Has the City Attorney been successful in accomplishing objectives previously established?

IV. COST/FISCAL ACCOUNTABILITY AND CONTROL

- A. Are regular legal activities achieved within budgetary goals and limits?
- B. Has the City Attorney been effective in minimizing legal costs by limiting tasks to those regarding legal issues and utilizing City in-house staff when possible to perform administrative and other functions?
- C. Are standard forms developed and used where possible to minimize preparation of legal documentation?
- D. Are legal tasks performed with appropriate authorization according to established procedures and contract requirements?

**A RESOLUTION ESTABLISHING PROCEDURES TO
COMPLY WITH THE MISSISSIPPI PUBLIC RECORDS ACT**

WHEREAS, the State of Mississippi has passed the Mississippi Public Records Act of 1983, Title 25, Chapter 61, Section 5 of the Mississippi Code of 1972, as amended by House Bill 113 of the 2010 Mississippi Legislature; and

WHEREAS, the Mayor and Board of Aldermen of The City of Starkville, Mississippi, hereby announce the City's intention to fully and willingly comply with the Mississippi Public Records Act of 1983 as amended; and

WHEREAS, the Mississippi Public Records Act of 1983 provides for the adoption of policies and procedures for the compliance with said act;

NOW, THEREFORE, BE IT RESOLVED:

That this statement of policy and procedure is drafted and published in compliance with and in implementation of the Mississippi Public Records Act of 1983 as enacted and amended.

That it shall be the policy of the City of Starkville that the terms, conditions, and mandates contained in the Mississippi Public Records Act of 1983 be strictly adhered to in the operation of this City and that no policy or policies in contravention of such statute shall be condoned. The Mississippi Public Records Act of 1983 is hereby and herein incorporated by reference, and each and every term and condition set forth therein is adopted for the use of this City.

That the following procedures in implementation of said Public Records Act are hereby and herein adopted and shall be complied with by the City and by any person exercising the right to inspect, copy or mechanically reproduce, or obtain a reproduction of any public record held and controlled by the City:

1. Requests for public records held or controlled by the City shall be provided on a form provided by the City and shall be in writing and shall be clear and concise. The date of the request shall be the date such request was received by the Chief Administrative Officer (CAO), or an appropriate designated representative, whose office location and mailing address are City Hall, Lampkin Street, Starkville, Mississippi 39759.
2. The City shall produce or deny all requests for production of documents or records within seven (7) working days of the request. Within that period, the CAO, or the designated representative, shall notify the person requesting such information as to whether or not such request shall be honored. If the request is to be honored, the notice of such shall contain an estimate of the total cost of compliance with such request. The party requesting production must tender payment in the amount of that estimate before the requested records are produced. (If the estimated cost of complying with the public records request exceeds the actual cost, the requesting party will be issued a refund of the difference. If such estimated cost is less than the actual cost, the requesting party must tender payment for the balance due prior to receipt of the records requested.) The notice shall be timed so as to allow the requested production within seven (7) working days of the request.
3. The CAO or the appropriate designee shall maintain or have maintained at all times a file showing all record requests received, the subject of the request, whether or not the request was honored, and the time

frames involved in compliance with or in response to the request. The record shall also reflect the manner of complying with the request, i.e. a successful fax delivery note, a read receipt for an email delivery, a signed receipt for a personal pickup and a signed receipt for a mailed copy. If the record request is to be denied, a written response shall be made to the person making the request detailing the reasons for the denial of the request for records. Prior to any denial of a public records request the request should be forwarded to the CAO and the City Attorney with the appropriate information regarding the reasoning behind said recommended denial. Denials of public record requests and the reasons therefore shall be made a part of the record system established by the CAO and the designated representative recommending denial. All records kept and maintained hereunder shall be preserved for a period of three (3) years from the compliance with or denial of a request.

4. The party requesting the production of a record held or controlled by the City shall be charged the actual cost of searching, reviewing and/or duplicating, and, if applicable, mailing or faxing said record. Such costs shall be collected in advance of complying with the request for public records.

5. It shall be the duty of the CAO, or the designated representative, in consultation with the appropriate parties and when necessary, the city attorney, to evaluate and approve all requests for public records. Any party whose request for public records is denied may appeal such denial to the Mayor. The Mayor's consideration of any such appeal shall be so timed as to allow final processing of the request within a seven (7) working day production period.

6. The designated representatives of the CAO as referenced in the above policy and procedure shall be the positions of the department heads as they are referenced in the City of Starkville organizational structure. If said department heads have any concerns that the public records request is not proper or that the subject matter being sought is not appropriately defined or is not information that is within their purview, then they are to refer the requesting party directly to the CAO or the City Attorney for proper guidance on handling the public records in a timely and accurate manner.

7. If the City is unable to produce the requested public record by the seventh working day after the request is made, the City must provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, in no event shall the date for the public body's production of the requested records be any later than fourteen (14) working days from the receipt by the public body of the original request.

REQUEST FOR PUBLIC RECORDS UNDER THE MISSISSIPPI PUBLIC RECORDS ACT
OF 1983

CITY OF STARKVILLE, MS

City Hall
101 Lampkin Street Starkville, MS 39759

ATTN: CHIEF ADMINISTRATIVE OFFICER OR DEPARTMENT HEAD

Ladies and Gentlemen:

I have received, read and understand the procedures outlined and adopted by the City to comply with the Mississippi Public Records Act of 1983. I wish to personally inspect (yes___ or no___), Personally copy by hand (yes___ or no___), or have copies mailed/faxed/mailed (circle one) for me (yes___ or no___) of the following public records:

Please mail (yes_ or no_) this material to me at the address indicated below or call (yes_ or no_) me at the telephone number listed below and I will personally pick them up. I understand that I will be charged for the actual cost of searching, reviewing and/or duplicating; and if applicable, postage fees with said costs to be paid in advance of receipt of any information.

Mailing Address: _____

Phone Number/Fax Number: _____

Sign: _____ Date: _____

**** Please note that the nature of the material requested may prohibit the option of faxing or emailing the requested documents. If the request is unable to filled by faxing or emailing, with a receipt request required for the confirmation of receipt, then the applicant will be notified and the documents will be held for pickup or mailed provided there is a notice of mailing location.

7.

House Bill 113

AN ACT TO AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO REVISE THE MAXIMUM WAITING PERIOD FOR PRODUCTION OF RECORDS UNDER AN OPEN RECORDS REQUEST; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-61-5, Mississippi Code of 1972, is amended as follows:

25-61-5. (1) (a) Except as otherwise provided by Sections 25-61-9 and 25-61-11, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body, or, if a public body has not adopted * * * written procedures, the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record of the public body shall be provided within one (1) working day after a written request for a public record is made. No public body shall adopt procedures which will authorize the public body to produce or deny production of a public record later than seven (7) working days from the date of the receipt of the request for the production of the record.

(b) If a public body is unable to produce a public record by the seventh working day after the request is made, the public body must provide a written explanation to the person making the request stating that the record requested will be

produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, in no event shall the date for the public body's production of the requested records be any later than fourteen (14) working days from the receipt by the public body of the original request.

(2) If any public record contains material which is not exempted under this chapter, the public agency shall redact the exempted and make the non-exempted material available for examination. Such public agency shall be entitled to charge a reasonable fee for the redaction of any exempted material, not to exceed the agency's actual cost.

(3) Denial by a public body of a request for access to or copies of public records under this chapter shall be in writing and shall contain a statement of the specific exemption relied upon by the public body for the denial. Each public body shall maintain a file of all denials of requests for public records. Public bodies shall be required to preserve such denials on file for not less than three (3) years from the date such denials are made. This file shall be made available for inspection * * * or copying or both during regular office hours to any person upon written request.

SECTION 2. This act shall take effect and be in force from and after July 1, 2010.

7. APPROVAL TO APPOINT ALDERMAN JEREMIAH DUMAS AS BOARD LIAISON TO THE TREE ADVISORY BOARD; ALDERMAN RICHARD COREY AS BOARD LIAISON TO THE HISTORIC PRESERVATION COMMISSION AND; ALDERMAN ERIC PARKER AS BOARD LIAISON TO THE STORMWATER HEARING BOARD

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval to Appoint Alderman Jeremiah Dumas as Board Liaison to the Tree Advisory Board; Alderman Richard Corey as Board Liaison to the Historic Preservation Commission; and Alderman Eric Parker as Board Liaison to the Stormwater Hearing Board" is enumerated, this consent item is approved.

8. APPROVAL TO APPOINT THE CITY PLANNER AS STAFF SUPPORT TO THE HISTORIC PRESERVATION COMMISSION; AND TO APPOINT THE CITY ENGINEER AS STAFF SUPPORT TO THE STORMWATER HEARING BOARD

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval to Appoint The City Planner as Staff Support To the Historic Preservation Commission; and To Appoint The City Engineer as Staff Support to the Stormwater Hearing Board" is enumerated, this consent item is thereby approved.

8a. APPROVAL TO ISSUE 15 DAY NOTICE FOR THE EXPIRATION OF TEMPORARY CERTIFICATES OF OCCUPANCY WITH CONDITIONS PROPOSED BY STAFF.

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval to issue a 15 day notice for the expiration of Temporary Certificates of Occupancy with conditions proposed by staff" is enumerated, this consent item is thereby approved.

CONDITIONS

If the Mayor and Board of Aldermen were to approve the extension of the temporary Certificates of Occupancy for the businesses located at 972, 974 & 976 MS Highway 12 East, the following conditions should be required:

1. The Building Department shall execute temporary Certificates of Occupancy for the buildings at 972, 974 & 976 MS Highway 12 East, which shall expire on Wednesday, August 4, 2010.
2. The Developer shall record a phase one final plat at the Oktibbeha County Chancery Clerk's Office and provide copies of the recorded plat to the City Planner, no later than Wednesday, August 4, 2010.
3. Upon recording of the phase one final plat and providing a copy of such to the City Planner, permanent Certificates of Occupancy shall then be issued by the Building Department to the businesses located at 972, 974 & 976 MS Highway 12 East.

4. If these conditions cannot be met by Wednesday, August 4, 2010, the Building Department shall revoke the temporary Certificates of Occupancy and notify the businesses in writing, via Certified Mail—Return Receipt Requested, that they shall have ten (10) working days to cease all business activities until the above conditions are met, as authorized in Section 110 of the 2003 International Building Code.

9.

APPROVAL OF THE LOWEST AND BEST BID FOR THE REMOVAL AND DISPOSAL OF ASBESTOS-CONTAINING MATERIALS FROM A STRUCTURE LOCATED AT 514 HIGHWAY 182 WEST, SUBMITTED BY ENVIRONMENTAL EVALUATION & CONTROL IN THE AMOUNT OF \$5,550.00

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of the Lowest and Best Bid For the Removal and Disposal of Asbestos-Containing Materials from a Structure Located at 514 Highway 182 West, Submitted by Environmental Evaluation & Control in the Amount of \$5,550.00" is enumerated, this consent item is thereby approved.

10.

APPROVAL TO AUTHORIZE THE CITY ATTORNEY TO PERFORM TITLE SEARCHES ON 13 DILAPIDATED PROPERTIES, AND TO PROCEED WITH CORRECTIVE ACTION

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval to Authorize the City Attorney to Perform Title Searches on 13 Dilapidated Properties, and to Proceed with Corrective Action" is enumerated, this consent item is thereby approved.



THE CITY OF STARKVILLE

CODE ENFORCEMENT DIVISION
CITY HALL, 101 E. LAMPKIN STREET
STARKVILLE, MISSISSIPPI 39759-2944

J.B. Lyles
Code Inspector

Phone: (662) 323-2525 ext 137
Fax: (662) 323-4143
jblyles@cityofstarkville.org

DILAPIDATED STRUCTURES FOR 2010—2011

106 Yellow Jacket Drive	Parcel #102H-00-048.00
106 ½ Yellow Jacket Drive	Parcel #102H-00-047.00
102 Yellow Jacket Drive	Parcel #102H-00-049.00
132 Yellow Jacket Drive	Parcel #102H-00-045.00
118 Curtis Circle	Parcel #102C-00-168.00
311 N. Washington Street	Parcel #118P-00-078.00
1295 New Light Road	Parcel #1030-08-011.00
E of 300 Garrard	Parcel #118-27-022.00
S. Lafayette Street	Parcel #102A-00-179.00
Highway 12 (next to Lowe's)	Parcel #102L-00-016.00
Lot Behind Pizza Hut	Parcel #102G-00-038.00
207 Ware Street	Parcel #102B-00-086.00
313 N. Jackson Street	Parcel #118I-00-099.00

11.

**APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET #7-20-10-B
REPRESENTING CLAIMS FROM ALL DEPARTMENTS EXCLUDING THE FIRE
DEPARTMENT, WITH TOTAL CLAIMS BEING \$698,111.35**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of the City of Starkville Claims Docket #7-20-10-B Representing Claims from all Departments Excluding the Fire Department, with Total Claims Being \$698,111.35" is enumerated, this consent item is thereby approved.

**CLAIMS DOCKET #7-20-10-B
July 2010
JUNE 15, 2010**

General Fund	001	\$192,496.17
Restricted Fire Fund	003	5,436.00
Airport Fund	015	495.10
Sanitation	022	23,723.53
Landfill	023	18,267.47
1994 2% Food and Beverage Tax	105	0.00
Computer Assessments	107	0.00
Road Maintenance Fund	304	261,781.47
American Recovery Reinvestment Act Fund (ARRA)	309	0.00
Park and Recreation (Tourism)	375	2,189.00
Water/Sewer	400	153,966.62
Vehicle Maintenance (Shop)	500	39,755.99
VCC (Hotel/Motel)	610	0
Economic Development, Tourism & Convention (2%)	630	0
Electric		0
TOTAL		\$698,111.35

12.

**APPROVAL TO ACCEPT THE RECEIPTS AND EXPENDITURES REPORT FOR THE
PERIOD ENDING JUNE 30, 2010, IN ACCORDANCE WITH SECTION 21-35-13 OF
THE MISSISSIPPI CODE OF 1972 ANNOTATED**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of the City of Starkville Receipts and Expenditure Report for the Period Ending June 30, 2010, in Accordance with Section 21-35-13 of the Mississippi Code of 1972 annotated" is enumerated, this consent item is thereby approved.

13.

APPROVAL OF PAY ESTIMATE #1 IN THE AMOUNT OF \$373,521 TO J.J. FERGUSON SAND AND GRAVEL FOR ARRA II PROJECT NO. STP-0420-00(018)/10585170100

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of Pay Estimate No. 1 in the amount of \$373,521 to J.J. Ferguson Sand and Gravel for ARRA II Project No. STP-0420-00(018)/10585170100" is enumerated, this consent item is thereby approved.

14.

APPROVAL OF PAY ESTIMATE #1 IN THE AMOUNT OF \$15,240.44 TO STIDHAM CONSTRUCTION FOR THE 2010 DRAINAGE IMPROVEMENT PROJECT NO. 11 - HOLLIS I

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of Pay Estimate #1 in the amount of \$15,240.44 to Stidham Construction for the 2010 Drainage Improvement Project No. 11 - Hollis I" is enumerated, this consent item is thereby approved.

15.

APPROVAL OF PAY REQUEST #6 TO WEATHERS CONSTRUCTION, INC. IN THE AMOUNT OF \$191,536.46 FOR CONSTRUCTION OF THE CITY OF STARKVILLE FIRE STATION NO. 5

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of Pay Request #6 to Weathers Construction, Inc., for construction work done to the City of Starkville Fire Station #5" is enumerated, this consent item is thereby approved.

16.

APPROVAL OF POLICE DEPARTMENT PROMOTIONS AS RECOMMENDED

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of Promotions within the Police Department as recommended" is enumerated, this consent item is thereby approved.

PROMOTIONS
2229.5 Hours Annually

Sergeants: Grade 11

Michael Edwards
Steven Gant
Landon Stamps

Lieutenants: Grade 12

Mark Ballard
Henry Stewart

17.

APPROVAL OF A MODIFICATION TO THE ENGINEERING CONTRACT WITH CLEARWATER CONSULTING FOR THE EMERGENCY FORCE MAIN REPLACEMENT PROJECT DUE TO UNFORESEEN CIRCUMSTANCES

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve the Official Agenda, and whereby, "Approval of a Modification to the Engineering Contract with Clearwater Consulting for the Emergency Force Main Replacement Project Due to Unforeseen Circumstances" is enumerated, this consent item is thereby approved.

CONTRACT MODIFICATIONS

STAFF RECOMMENDATION:

At the February 2nd, 2010 Board meeting, an engineering services contract for design and inspection services with Clearwater Consulting was approved for the subject project in an amount not to exceed \$16,600.

As the new force main was being installed, unforeseen problems were encountered.

1. An undocumented concrete structure associated with the old lagoon operation was encountered in the planned pipe path.
2. "As built" drawings of the old force main location were never done and it was discovered that the old force main had two (2) unexpected turns that placed it in the planned path of the new force main.
3. The planned path was to cut through a hill, on top of which was a gravel service road going from the lagoon levee to the pumping station. When cutting through the hill, it was discovered that a good portion of the hill was filled with Class I rubbish (old tree trunks, rotten construction lumber, concrete chunks, and various other construction debris.).

Since this is large pipe that has to be laid on a relatively constant grade to avoid air pockets, the pipeline profile elevations will need to be re-shot and a new profile for an alternate route re-drawn by the engineers. Two more additional large fittings will be required and thrust block details will also need to be drawn. A geotechnical investigation of the rubbish laden unstable soils will need to be done and a remediation specification developed.

These redesigns will cause Clearwater's expenses to exceed the original contract amount.

Approval is requested to allow Clearwater Consultants to exceed the contract amount and bill the remainder of the work per the fee schedule as shown in exhibit "A" of the original contract.

18.

APPROVAL TO HIRE ARGUS ANALYTICAL, THE SUBMITTER OF THE LOWEST QUOTE, TO PERFORM TOTAL NITROGEN TESTING OF TREATED WASTEWATER, FOR A 12-MONTH PERIOD AT A COST OF \$10,985.00

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to Approve the Official Agenda, and whereby, "Approval to Hire Argus Analytical, the submitter of the Lowest Quote, to Perform Total Nitrogen Testing of Treated Wastewater, for a 12-Month Period at a Cost of \$10,985.00" is enumerated, this consent item is thereby approved.

QUOTES FOR WASTEWATER TESTING SERVICES

NAME	QUOTE AMOUNT	APPARENT BEST QUOTE
Argus Analytical	\$10,985.00	Apparent Best Quote
Bonner Analytical	\$14,080.00	
Enviro-Labs	\$18,200.00	

19.

APPROVAL OF AUTHORIZATION OF THE MAYOR TO EXECUTE A UTILITY EASEMENT TERMINATION AGREEMENT IN CONJUNCTION WITH A LOT AGGREGATION IN THE SHERWOOD FOREST SUBDIVISION, 7TH EDITION

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to Approve the Official Agenda, whereby, "Approval of Authorization of the Mayor to Execute A Utility Easement Termination Agreement in Conjunction with a Lot Aggregation in the Sherwood Forest Subdivision, 7th Edition" is enumerated, this consent item is thereby approved.

EASEMENT TERMINATION AND CONVEYANCE AGREEMENT

This Easement Termination and Conveyance Agreement ("Agreement") made and entered into as of the 21st day of July, 2010, by and between Anthony and Patricia Vizzini ("Vizzini's") and the City of Starkville, MS, a Mississippi Municipal Corporation ("City").

WITNESSETH

WHEREAS, The Vizzini's are owners of the three adjacent tracts of real property described in exhibit A; and

WHEREAS, The Vizzini's desire to aggregate these tracts into one or 2 parcels; and

WHEREAS, Aggregation of these parcels will require the termination of general utility easements along the boundaries of the tracts as platted in the Sherwood Forest Subdivision, Seventh Edition as shown in Plat Book 6 at page 17 in the land records of Oktibbeha County; and

WHEREAS, The Vizzini's desire to convey new general utility easements to the City that encompass the boundaries of the aggregated tracts.

NOW, THEREFORE, it is agreed as follows:

1. The City, for the benefit of the Vizzini's, agrees to terminate the following described general utility easements.

EASEMENT #1

COMMENCE AT AN IRON STAKE BEING USED AS THE SOUTHWEST CORNER OF LOT #112 OF SHERWOOD FOREST SUBDIVISION, SEVENTH ADDITION OF THE CITY OF STARKVILLE, MISSISSIPPI AS SHOWN IN PLAT BOOK 6 AT PAGE 17 AS RECORDED IN THE OFFICE OF THE CHANCERY CLERK OF OKTIBBEHA COUNTY, MISSISSIPPI. THENCE RUN N00°34'02"W ALONG THE EAST RIGHT-OF-WAY FOR CANTERBURY ROAD 105.00 FEET TO THE NORTHWEST CORNER OF LOT #112 AND THE POINT OF BEGINNING.

THENCE ALONG A LINE 5 FOOT RIGHT AND LEFT OF AND PARALLEL TO THE FOLLOWING DESCRIBED LINE:

THENCE RUN N88°52'56"E 179.93 FEET TO THE TERMINUS OF THIS UTILITY EASEMENT.

EASEMENT #2

COMMENCE AT AN IRON STAKE BEING USED AS THE SOUTHWEST CORNER OF LOT #112 OF SHERWOOD FOREST SUBDIVISION, SEVENTH ADDITION OF THE CITY OF STARKVILLE, MISSISSIPPI AS SHOWN IN PLAT BOOK 6 AT PAGE 17 AS RECORDED IN THE OFFICE OF THE CHANCERY CLERK OF OKTIBBEHA COUNTY, MISSISSIPPI. THENCE RUN N00°34'02"W ALONG THE EAST RIGHT-OF-WAY FOR CANTERBURY ROAD 220.00 FEET TO THE NORTHWEST CORNER OF LOT #111 AND THE POINT OF BEGINNING.

THENCE ALONG A LINE 5 FOOT RIGHT AND PARALLEL TO THE FOLLOWING DESCRIBED LINE:

THENCE RUN N88°52'56"E 179.94 FEET TO THE TERMINUS OF THIS UTILITY EASEMENT.

2. The Vizzini's certify that they are the sole owners of the three tracts of real property described in Exhibit A. The Vizzini's further certify that no other individual, group, or entity of any kind has any right, title, or interest in the above referenced property.

3. The Vizzini's agree to convey to the City and cause to have filed in the office of the Chancery Clerk of Oktibbeha County, Mississippi the following described general utility easements prior to the execution of any contract for the sale of all or any portions of the tracts of real property as shown in exhibit A.

EASEMENT #1

FIVE (5) FEET ALONG THE NORTH BOUNDARY AND TEN (10) FEET ALONG THE EAST BOUNDARY OF TRACT 3 AS SHOWN IN EXHIBIT A, WHETHER AGGREGATED OR NOT.

EASEMENT(S) #2

FIVE (5) FEET ON BOTH SIDES OF ANY NEWLY ESTABLISHED BOUNDARIES RESULTING FROM THE AGGREGATION OF THE 3 TRACTS SHOWN IN EXHIBIT A.

CONDITIONAL EASEMENT #3

FIVE (5) FEET ALONG THE SOUTH BOUNDARY OF TRACT 3, AS SHOWN ON EXHIBIT A, SHOULD TRACT 3 BE SOLD WITH ITS BOUNDARIES REMAINING AS SHOWN IN EXHIBIT A.

4. The Vizzini's agree to indemnify, defend, save and hold harmless, protect, and exonerate the City of Starkville and each of its officers, agents, employees, and representatives, both in their official and in their individual capacities from and against all claims, demands, liabilities, suits, actions, damages, losses and costs of every kind and nature whatsoever, including, without limitation, court costs, investigative fees, expenses, and attorneys' fees, related to this Agreement arising out of or caused by the negligent or wrongful actions or inactions of the Vizzini's or their agents or representatives.

5. The Vizzini's agree and acknowledge that this Agreement shall not be filed in the Office of the Chancery Clerk of Oktibbeha County, Mississippi without the express written consent of the City, with said written consent becoming a part of this Agreement as Exhibit B.

6. The Vizzini's agree and acknowledge that this Agreement shall be null and void in the absence of full compliance with the aforesaid terms and conditions to which they have certified, acknowledged and agreed.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed in two (2) counterparts, each of which shall constitute an original.

CITY OF STARKVILLE (City)

101 Lampkin St
Starkville, MS 39759

By authority of the Board of Alderman as recorded in official minutes of a recess meeting dated July 20th, 2010.

By _____

Parker Wiseman, Mayor

STATE OF MISSISSIPPI

COUNTY OF OKTIBBEHA

PERSONALLY APPEARED before me, the undersigned authority in and for said county and state, within my jurisdiction, the within named **Parker Wiseman**, who acknowledged that he is the **Mayor of the City of Starkville, MS** and that for and on behalf of the said entity, and as its act and deed he executed and delivered the above and foregoing Agreement, after first having been duly authorized by said entity so to do.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the _____ day of _____, A.D., 2010.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Anthony Vizzini
307 Canterbury Road
Starkville, MS 39759
Phone: 662.648.8270

STATE OF _____

COUNTY OF _____

PERSONALLY APPEARED before me the undersigned authority at law in and for the state and county aforesaid, **Anthony Vizzini**, who acknowledged that he executed and delivered the above and foregoing Agreement on the date therein stated as his voluntary act and deed for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the _____ day of _____, A.D., 2010.

NOTARY PUBLIC

My Commission Expires: _____

Patricia Vizzini
307 Canterbury Road
Starkville, MS 39759
Phone: 662.648.8270

STATE OF _____
COUNTY OF _____

PERSONALLY APPEARED before me the undersigned authority at law in and for the state and county aforesaid, **Patricia Vizzini**, who acknowledged that she executed and delivered the above and foregoing Agreement on the date therein stated as her voluntary act and deed for the purposes therein expressed.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this the _____ day of _____, A.D., 2010.

NOTARY PUBLIC

My Commission Expires: _____

INDEXING INSTRUCTIONS TO THE CHANCERY CLERK OF OKTIBBEHA COUNTY, MISSISSIPPI: Lots 111 and 112 of Sherwood Forest Subdivision, Seventh Edition and part of Lot 22 of Block 94 of the City of Starkville, MS.

20.

AUTHORIZATION TO CHANGE THE HOURS OF OPERATION FOR SANITATION LABORERS FROM 7 A.M. - 3 P.M. TO 6 A.M. - 2 P.M. IN ORDER TO ACCOMMODATE ABNORMALLY HIGH TEMPERATURES EFFECTIVE IMMEDIATELY AND TO REMAIN IN EFFECT UNTIL FURTHER ORDER OF THE BOARD OF ALDERMEN

Upon then motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to Approve the Official Agenda, whereby, "Authorization to change the hours of operation for sanitation laborers from 7 a.m. - 3 p.m. to 6 a.m. - 2 p.m. in order to accommodate abnormally high temperatures Effective immediately and to remain in effect until further order of the Board of Aldermen" is enumerated, this consent item is thereby approved.

21.

A MOTION TO APPROVE THE JUNE 1, 2010 MINUTES OF THE REGULAR MEETING OF THE MAYOR AND BOARD OF ALDERMEN

There came for consideration the matter of the June 1, 2010, Minutes of the Regular Meeting of the Mayor and Board of Aldermen. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver, to approve the June 1, 2010 Minutes of the Regular Meeting of the Mayor and Board of Aldermen, the Board voted unanimously in favor of the motion.

22.

A MOTION TO APPROVE THE JUNE 15, 2010 MINUTES OF THE RECESS MEETING OF THE MAYOR AND BOARD OF ALDERMEN

There came for consideration the matter of the July 15, 2010, Minutes of the Recess Meeting of the Mayor and Board of Aldermen. After discussion, and

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Ben Carver, to approve the July 15, 2010 Minutes of the Recess Meeting of the Mayor and Board of Aldermen, the Board voted unanimously in favor of the motion.

MAYOR AND BOARD COMMENTS

Mayor introduced Mr. Jack Wallace, incoming President of "Employer Support of the Guard and Reserve" (ESGR) effective September 1, 2010. Mr. Wallace spoke to the Board regarding City Support of the Mississippi Guard and Reserve units. Mr. Wallace thanked the Mayor and Board for their support as he explained the Statement of Support being requested from the City, and informed the Board of the pride he feels relative to the support the City has shown. He explained that the City will be listed on the esgr.net website as one of the 1st Cities's to sign the Resolution of Support.

Mayor Parker Wiseman read the Resolution of Support and photos were taken to send to Washington, DC.

Mayor Parker Wiseman read a proclamation recognizing July 24, 2010 as Disability Awareness Day.

Mayor Parker Wiseman introduced new employee
Michael Howard - Maintenance Worker I in the Street Department

Alderman Eric Parker presented the June 2010 Employee of the Month Plaque to Sarah Hankins of the Animal Control Division of the Police Department.

CITIZEN COMMENTS

Mr. Alvin Turner of Ward 7 thanked the Board for the completion of Jefferson Street. He informed the Board that the citizens on Carver Dr. have "given up" on the Carver Drive Ditch Project. Mr. Turner also made inquiries regarding a curfew and the enforcement of the Bike Helmet Ordinance. He presented the Board with pictures of concerns of Lafayette Street's poor condition.

Ms. Carol Moss Reed of Ward 3 congratulated the Mayor and Board on their 1st year in Office. She further addressed the Board with concerns of new regulations regarding the Red Cross restructuring and the dissatisfaction of the Oktibbeha County Red Cross Board.

Ms. Michelle Williams of Ward 2 re-addressed the Board with concerns of police harassment. She asked the Board to investigate her complaints, and not assign the Police Department personnel to investigate a complaint filed against the Police Department.

Ms. Bentrese Reeves of Ward 2 asked the Board to advise of plans being developed to pave Greta Lane. Alderman Sistrunk and Mayor Wiseman explained that the 1998 annex area are being assessed to determine cost for completing the project.

Mr. Ben Wilson of Ward 4 addressed the Board with comments of the negative impact on the neighborhood if University Inn is allowed to be used as a Condo Hotel. He produced a petitions of neighborhood residents opposing the Condo Hotel Project.

PUBLIC APPEARANCES

Ms. Joan Wilson presented the annual budget of the Oktibbeha County Heritage Museum, and requests. Major project this year is to honor veterans. Ms. Wilson explained the repairs needed at the Museum.

Oktribbeha County Heritage Museum

Financial Statement

July 1, 2009 to June 30, 2010

Beginning Balance June 2009 includes Restricted Funds carryover \$7,234.74

Museum Operations

Receipts

City of Starkville	3,500.00	
County Board of Supervisors	4,500.00	
Donations	472.80	
Total		8,472.80

Expenses

Atmos	1,795.93	
Starkville Electric	3,594.09	
AT & T	618.97	
Building Maintenance	510.55	
Exhibit Construction	1,473.92	
Supplies	136.79	
Association Dues	100.00	
Total		8,166.05

Receipts less Expenses 306.75

Restricted Funds

Receipts

Starkville Area Arts Council (equipment/supplies)	1,000.00	
Kiwanis (kid's corner)	500.00	
Rebecca Stockwell	500.00	
Rotary	250.00	
International Friendship House	25.00	
Starkville Women's Club	25.00	
Total		2,300.00

Expenses

Archival materials/supplies	284.87	
Total		284.87

Receipts less Expenses 2,015.13

Ending Balance June 2010	\$ 9,556.62
Restricted Funds	(1,000.00)
Operational Balance, June 2010	<u>\$ 8,556.62</u>

Mr. Mark Smith, CEO of the Mississippi Chapter of the American Red Cross, explained to the Mayor and Board the Organizational re-structure and its affect on the Oktibbeha County Chapter. Alderman Perkins requested that Mr. Mark Smith, within seven days report to the Mayor the status of the Red Cross level of service in the Starkville Office. The Mayor verbalized the importance for the American Red Cross to repair relationships with the local volunteers.

23.

A MOTION TO APPROVE STREET CLOSURES OF MAIN STREET AND LAMPKIN STREET FOR A YOUTH PARADE, JULY 23, 2010, AT 12:00 NOON

There came for consideration the matter of closing city streets. A "Youth Parade" is scheduled for July 23, 2010 at 12:00 noon, the organizers is requesting that Main Street and Lampkin Street be closed for approximately one hour. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Sandra Sistrunk to approve the closing Main and Lampkin Streets on July 23, 2010, at 12:00 noon. The Board unanimously voted to approve the motion.

24.

A MOTION TO APPROVE A RESOLUTION TO PARTICIPATE IN THE MISSISSIPPI MAIN STREET PROGRAM

There came for consideration the matter of resolving to participate in the Mississippi Main Street Program. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Jeremiah Dumas, the Board unanimously approve the motion to approve a Resolution to Participate in the Mississippi Main Street Program as presented with changes noted.

**A RESOLUTION AUTHORIZING PARTICIPATION
IN THE MISSISSIPPI MAIN STREET PROGRAM**

WHEREAS, The Mississippi Main Street Program has been established to assist small cities and towns to develop a public/private effort to revitalize their downtown areas, and

WHEREAS, the City of Starkville agrees to participate in the Mississippi Main Street Program,

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF STARKVILLE:

SECTION 1: That the City of Starkville through the Greater Starkville Development Partnership applies for selection to participate in the Mississippi Main Street Program with the specific goal of revitalizing the central business district within the context of the preservation and rehabilitation of its historic buildings.

SECTION 2: That the City of Starkville will support the goals of this local program if so selected.

SECTION 3: That the City of Starkville and the Greater Starkville Development Partnership guarantees that a Main Street Project Manager with a travel and operating budget will be employed.

SECTION 4: That the Greater Starkville Development Partnership be and is designated to submit the application.

ADOPTED THIS TWENTIETH DAY OF JULY, 2010.

PARKER WISEMAN, MAYOR

_____, **ATTEST**

MARKEETA OUTLAW, CITY CLERK

APPROVED AS TO LEGAL FORM:

_____, **CHRIS LATIMER, CITY ATTORNEY**

NOTE:

Alderman Richard Corey asked for a report on the progress of obtaining those responsible for the recent increase of graffiti on city property. Police Chief David Lindley explained efforts of the Police Department in apprehension and deterrence of further activity of this kind.

Alderman Sandra Sistrunk reported on the Budget. Alderman Sistrunk commended Department Head on operating within limited budgets. She noted that the City is operating on 2007 levels. She reported that revenues are on target and sales taxes are holding steady. Alderman Sistrunk reiterated the need to increase ending fund.

25.

A MOTION TO APPROVE THE FORMATION OF A COMMITTEE TO FURTHER REVIEW THE CITY OF STARKVILLE SIGN ORDINANCE AND TO PRESENT FINDINGS TO THE BOARD OF ALDERMEN AT THEIR REGULAR MEETING OF SEPTEMBER 7, 2010 WITH COMMITTEE MEMBERS BEING ALDERMEN ERIC PARKER, BEN CARVER, AND JEREMIAH DUMAS, ALONG WITH THE MAYOR AND CHIEF ADMINISTRATIVE OFFICER

There came for consideration the matter of creating the City of Starkville Sign Ordinance Review Committee, consisting of Aldermen Eric Parker, Ben Carver, and Jeremiah Dumas, Mayor Parker Wiseman and Chief Administrative Officer Lynn Spruill, to report to the Board on September 7, 2010 with findings and recommendations. After discussion, and

Upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Richard Corey the Board unanimously voted to approve the motion.

City Planner Ben Griffith introduced the next item for discussion being a request to approve a conditional use to allow a multi-family residential use in a c-2 zoning district located at 703 Spring Street.

The Mayor opened the Floor for comments from the Citizens. He devoted 15 minutes to those in favor of the Conditional Use, and 15 minutes to those opposing the Conditional Use with an aggregate of 30 minutes.

Mr. Larry Tabor explained the project being proposed for the area in question. He informed the Board of the Planning and Zoning decision to grant the conditional use with seven conditions as recommended by unanimous vote of the Planning and Zoning Commission.

Mr. Larry Bell a local contractor, explained the positive affect this project will have on local contractors

Mr. Wes Shelton of Bell Building, supported the Tabor Project and expounded on the impact it has on the local economy, and the quality of the tabor projects.

Mr. Mark Castleberry of Castle Properties, supported the Tabor Project and informed the Board that lack of a specific property will not affect the Cotton Mill Marketplace is a false statement.

Mr. Ted Roman, Vice President of Bank 1st, informed the Board that Bank 1st has approved funds for Mr. Tabor's Project.

Mr. Jimmy Gouras, referred to his credentials and spoke on zoning provisions and conditional use guidelines. He stated that they must be harmonious and compatible with adjacent land use, and that in his professional opinion the proposed use is not compatible and will have an adverse impact on adjoining properties if a Conditional Use is allowed.

Mr. David Borne, a developer, proposed to deliver a world class conference center. He further stated that a Condominium / Hotel concept had problems with SEC violations. Mr. Borne alluded to the possibility of the project being “like apartments” which could have a negative impact on adjoining properties.

Mr. Ben Wilson cleared up a potential misunderstanding regarding the petition, stating that Mr. Nicholas advised him, but he was the author.

Mr. Nicholas, property owner and developer, stated that rezoning a commercial property to residential is a downgrade and will adversely affect the surrounding properties. He also stated that “it also will not produce sales tax revenue for the city.”

Mr. Jeremy Tabor, a member of the City’s Comprehensive Plan Review Committee, gave his opinion that no retail will come to Starkville if they can't pay their bills, he further stated that Starkville cannot support 32 acres of retail.

Mr. Johnny Moore, Attorney-at-Law, reminded the Board that the Cotton Mills Market Place Development includes a condo project. He further informed that large projects like the Cotton Mills Market Place have a difficult time, especially with no secured funding. Mr. Moore then told the Board that the Cotton Mills Market Place Developers were given an opportunity to purchase the property and after two years could not get the funding. He closed saying that Tabors quality is impeccable, and the project will improve the area.

The Mayor closed the citizen portion of the discussion and reopened the discussion to the Board.

City attorney Chris Latimer gave legal instructions for the basis of the Board's decisions.

Alderman Richard Corey inquired about the concept of the Condo hotel operation.

Alderman Ben Carver thanked the Tabors and the P&Z Commission for the time spent on this project. He elaborated that boosting local tax base, job creation for local contractors, improve dilapidated structures has immediate results for the local economy and that we should uphold the P&Z decision.

Alderman Sandra Sistrunk, stated that residential property never contributes as much as commercial property does.

Alderman Jeremiah Dumas, questioned the value of the property to the Cotton Mill Marketplace Development. Mr. Nicholas responded, the value of the property around it will decrease.

Alderman Eric Parker, made reference that if this project was anywhere else in Starkville it would be welcomed.

26.

A MOTION TO APPROVE A CONDITIONAL USE TO ALLOW MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 703 SPRING STREET WITH 7 CONDITIONS AS UNANIMOUSLY RECOMMENDED BY THE P & Z

There came for consideration the matter of approving a Conditional Use of a C-2 Zoning to allow a Multi-Family Residential Use at 703 Spring Street. After discussion, and

Upon the motion of Alderman Eric Parker, duly, seconded by Alderman Ben Carver to Approve a Conditional Use of C-2 Zoned Property, located at 703 Spring Street, as Multi-Family Residential Use, the Board voted as follows:

Alderman Ben Carver
Alderman Sandra Sistrunk
Alderman Eric Parker

Voted: Yea
Voted: Nay
Voted: Yea

Alderman Richard Corey
Alderman Jeremiah Dumas
Alderman Roy A'. Perkins
Alderman Henry Vaughn, Sr.

Voted: Nay
Voted: Nay
Voted: Nay
Voted: Yea

Having failed to receive a majority affirmative vote of those members present and voting, the Mayor declared the motion defeated.

CONDITIONS

Upon review of the proposed conditional use application, the Planning & Zoning Commission's recommendation for approval to grant the Conditional Use to allow multi-family residential condominiums in a C-2 (General Business) zone located at 703 Spring Street, would be based on the findings of fact and conclusions of this staff report dated June 18, 2010, and the following conditions:

1. The applicant shall obtain all necessary permits prior to the commencement of any construction activities on the site.
2. Certificates of Occupancy for each building shall be obtained from the Building Department prior to the occupancy of any units.
3. A condominium plat shall be submitted to the City for review within six (6) months of the final conditional use approval.
4. A new conditional use application shall be required if the multi-family residential use of the property ceases for more than six (6) months.
5. The applicant shall convey a drainage easement to the City of Starkville which shall be approved by the City Attorney and City Engineer.
6. The applicant shall obtain Certificates of Occupancy within eighteen (18) months of approval by the Board of Aldermen.
7. All of the above conditions shall be executed fully and faithfully or the conditional use shall become null and void.

NOTE: Alderman Carver exited the room.

27.

A MOTION TO DENY THE CONDITIONAL USE TO ALLOW MULTI-FAMILY RESIDENTIAL USE IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 703 SPRING STREET WITH 7 CONDITIONS AS UNANIMOUSLY RECOMMENDED BY THE P&Z

There came for consideration the matter of denying a Conditional Use of a C-2 Zoning to allow a Multi-Family Residential Use at 703 Spring Street. After discussion, and

Upon the motion of Alderman Richard Corey, duly, seconded by Alderman Jeremiah Dumas to Deny a Conditional Use of C-2 Zoned Property, located at 703 Spring Street, as Multi-Family Residential Use, the Board voted as follows:

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

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

CONDITIONS

Upon review of the proposed conditional use application, the Planning & Zoning Commission's recommendation for approval to grant the Conditional Use to allow multi-family residential condominiums in a C-2 (General Business) zone located at 703 Spring Street, would be based on the findings of fact and conclusions of this staff report dated June 18, 2010, and the following conditions:

8. The applicant shall obtain all necessary permits prior to the commencement of any construction activities on the site.
9. Certificates of Occupancy for each building shall be obtained from the Building Department prior to the occupancy of any units.
10. A condominium plat shall be submitted to the City for review within six (6) months of the final conditional use approval.
11. A new conditional use application shall be required if the multi-family residential use of the property ceases for more than six (6) months.
12. The applicant shall convey a drainage easement to the City of Starkville which shall be approved by the City Attorney and City Engineer.
13. The applicant shall obtain Certificates of Occupancy within eighteen (18) months of approval by the Board of Aldermen.
14. All of the above conditions shall be executed fully and faithfully or the conditional use shall become null and void.

NOTE: Alderman Carver re-joined the meeting.

28.

A MOTION TO APPROVE THE PUCHASE OF BLACK PAINT FOR THE PURPOSE OF PAINTING THE SIGN POSTS THAT HOLD THE HISTORIC DISTRICT NEIGHBORHOOD SIGNS WITH A NOT TO EXCEED AMOUNT OF \$500.00 FROM THE APPROPRIATE LINE ITEM IN THE STREET DEPARTMENT BUDGET

There came for consideration the matter of Painting the Historic District Neighborhood Sign Posts. After discussion, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. to approve the Purchase of Black Paint for the Purpose of Painting the Sign Posts that hold the

Historic District Neighborhood Signs with a not to exceed amount of \$500.00 from the Street Department Budget, the Board unanimously vote to approve the motion.

ALDERMAN DUMAS RECINDED AND RESTATED AGENDA ITEM X - H

29.

A MOTION TO RESCIND CONSENT ITEM X – H (TO APPROVE AN EXTENSION OF 3 TEMPORARY CERTIFICATES OF OCCUPANCY), AND TO RESTATE THE MOTION TO APPROVE THE EXTENSION OF 3 TEMPORARY CERTIFICATES OF OCCUPANCY FOR BLDG LOCATED AT 972, 974, AND 976 HWY 12 EAST UNTIL AUG 4, 2010, WITH CONDITIONS PROPOSED BY STAFF.

There came for consideration the matter of extending three Temporary Certificates of Occupancy for Buildings located at 972, 974, and 976 Highway 12 East until August 4, with conditions proposed by staff. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Sandra Sistrunk to rescind and restate the motion to approve the extension of 3 temporary Certificates of Occupancy for Buildings located at 972, 974 and 976 Highway 12 East until August 4, 2010 with conditions proposed by staff, the Board unanimously approved the motion.

CONDITIONS

If the Mayor and Board of Aldermen were to approve the extension of the temporary Certificates of Occupancy for the businesses located at 972, 974 & 976 MS Highway 12 East, the following conditions should be required:

5. The Building Department shall execute temporary Certificates of Occupancy for the buildings at 972, 974 & 976 MS Highway 12 East, which shall expire on Wednesday, August 4, 2010.
6. The Developer shall record a phase one final plat at the Oktibbeha County Chancery Clerk's Office and provide copies of the recorded plat to the City Planner, no later than Wednesday, August 4, 2010.
7. Upon recording of the phase one final plat and providing a copy of such to the City Planner, permanent Certificates of Occupancy shall then be issued by the Building Department to the businesses located at 972, 974 & 976 MS Highway 12 East.
8. If these conditions cannot be met by Wednesday, August 4, 2010, the Building Department shall revoke the temporary Certificates of Occupancy and notify the businesses in writing, via Certified Mail—Return Receipt Requested, that they shall have ten (10) working days to cease all business activities until the above conditions are met, as authorized in Section 110 of the 2003 International Building Code.

30.

A MOTION TO APPROVE FIRESTATION BUSINESS PARK A FINAL SUBDIVISION PLAT IN A C-1/C-2 (NEIGHBORHOOD COMERCIAL/GENERAL BUSINESS ZONING DISTRICT) LOCATED NORTHWEST OF THE INTERSECTION OF JACKSON STREET (MS HIGHWAY 389) AND GARRARD ROAD AS PROPOSED WITH CONDITIONS MODIFIED TO DELETE #3 & #9 AND TO REINSTATE #7 & #8

There came for consideration the matter of a Final Subdivision Plat for Fire Station Business Park located northwest of the Intersection of Jackson Street/Highway 389 and Garrard Road. Conditions as recommended by staff are modified to delete #3 and #9, and to reinstate #7 and #8. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Roy A'. Perkins to approve a final subdivision plat for Fire Station Business Park, in a C1/C2 Neighborhood Commercial/General Business Zoning District, located northwest of the intersection of Garrard Road and Highway 389 North (Jackson Street) with revisions to the conditions recommended by staff, the Board voted as follows:

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

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

CONDITIONS

The Planning & Zoning Commission's recommendation for approval of the "Firestation Business Park" final subdivision plat located northwest of the intersection of Jackson Street (MS Highway 389) and Garrard Road would be based on the final plat dated April 12, 2010, the findings of fact and conclusions of this staff report dated July 8, 2010, and the following conditions:

1. The final plat shall meet the minimum standards for the State of Mississippi, as required by §17-1-23 and §17-1-25 of the Mississippi Code Annotated (1972), as amended.
2. The final plat shall meet the minimum requirements for C-1 and C-2 zoning dimensions.
- ~~3. All public utilities are currently in place or will be provided by the City.~~
4. The following address numbers shall be provided on the final plat prior to recording: Lot #1—1406, Lot #2—1404 and Lot #3—1402.
5. A bond or surety in the amount of 150% of the current cost of the proposed sidewalk and any other infrastructure improvements shall be provided prior to signing of the final plat.
6. The applicant shall submit infrastructure plans and receive approval prior to the commencement of construction.
7. When constructed, the sidewalk shall be open, unobstructed and available at all times to provide access to the traveling public.
8. Sidewalk construction shall conform to the City's Sidewalk Ordinance and ADA standards.
- ~~9. All future development and improvements shall adhere to the City's Stormwater Ordinance requirements.~~
10. Erosion control vegetation shall be established on all disturbed areas.

11. The applicant shall provide two paper copies of the recorded plat to the City, along with a digital copy in “AutoCAD” format in standard state plane coordinates.
12. The applicant shall provide “as-built” drawings of all infrastructure improvements (water, sewer, storm drainage, roadways, etc.) in “AutoCAD” format as well as a paper copy that is signed and sealed by a licensed design professional, guaranteeing accuracy.
13. The final plat shall be recorded at the Office of the Oktibbeha County Chancery Clerk within thirty (30) days of the approval by the Mayor and Board of Aldermen.

31.

**A MOTION TO ADVERTISE FOR BIDS FOR MATERIALS AND SERVICES TO
INSTALL FIRE MAINS AND HYDRANTS IN NORTHEAST STARKVILLE**

There came for consideration the matter of Bids for Fire Mains and Hydrants installation in northeast Starkville. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr. to approve the advertisement for bids for Materials and Services to install Fire Mains and Hydrants in northeast Starkville, the Board unanimously voted to approve the motion.

32.

**A MOTION TO ENTER INTO A CLOSED SESSION TO DETERMINE
IF ITEMS TO BE DISCUSSED IS PROPER FOR EXECUTIVE SESSION**

There came for consideration the matter of a Closed Session for the preliminary determination of the necessity of an Executive Session. After discussion, and

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Jeremiah Dumas, to enter into Closed Session to determine if items to be discussed are proper cause for Executive Session, the Board unanimously voted in favor of the motion.

33.

**A MOTION TO DETERMINE THAT DISCUSSIONS REGARDING PENDING
LITIGATION WITH BLUEFIELD WATER ASSOCIATION, ACADEMY CROSSING,
AND MCCO-PAT STATION ROAD PROJECT; PROPERTY ACQUISITION FOR
WATERLINE EASEMENT; PERSONNEL GRIEVANCE HEARING AND
DEPARTMENT HEAD EVALUATIONS AS PROPER FOR EXECUTIVE SESSION**

Upon the motion of Richard Corey, duly seconded by Alderman Eric Parker, the Board unanimously voted that discussion regarding Pending Litigation regarding with Bluefield Water Association, Academy Crossing, and MCCO-Pat Station Road Project; Property Acquisition for waterline easement; Personnel Grievance Hearing and Department Head Evaluations as proper cause for Executive Session.

34.

A MOTION TO EXIT CLOSED SESSION AND RETURN TO OPEN SESSION

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Eric Parker to exit Closed Session and return to Open Session, the Board voted unanimously in favor of the motion.

35.

A MOTION TO ENTER INTO AN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION WITH BLUEFIELD WATER ASSOCIATION, ACADEMY CROSSING, AND MCCO-PAT STATION ROADWAY PROJECT; PROPERTY ACQUISITION FOR WATER LINE EASEMENT; PERSONNEL GRIEVANCE HEARING AND DEPARTMENT HEAD EVALUATIONS

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Jeremiah Dumas, the Board unanimously voted to enter into Executive Session to discuss Pending Litigation related to the Bluefield Water Association, Academy Crossing, and MCCO-Pat Station Road Project; Property Acquisition for waterline easement; Personnel Grievance Hearing and Department Head Evaluations.

36.

A MOTION TO DENY THE GRIEVANCE FILED BY MASTER OFFICER RITA AKINS OF THE STARKVILLE POLICE DEPARTMENT

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, the Board unanimously voted to deny the grievance filed by Master Officer Rita Akins of the Starkville Police Department for failing to appear at the grievance hearing.

37.

A MOTION TO EXIT EXECUTIVE SESSION AND RETURN TO OPEN SESSION

Upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Ben Carver the Board unanimously approved the motion to exit Executive Session and return to Open Session.

38.

A MOTION TO ADJOURN

Upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Richard Corey, the Board unanimously voted to adjourn. The next meeting of the Mayor and Board will be held on

August 3, 2010 at 5:30 p.m. in the Courtroom of City Hall located at 101 E. Lampkin Street, Starkville, Mississippi.

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2010.

ATTEST:

MARKEETA OUTLAW, CITY CLERK

PARKER WISEMAN, MAYOR

(SEAL)