

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

**The City of Starkville, Mississippi
May 18, 2010**

Be it remembered that the Mayor and Board of Aldermen met in a Recess Meeting on May 18, 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 Á. Perkins, and Henry Vaughn, Sr. Attending the Board were City Clerk Markeeta Outlaw and City Attorney Chris Latimer.

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

REQUESTED REVISIONS TO THE OFFICIAL AGENDA

Alderman Henry Vaughn requested the following revisions to the Official Agenda

Item X - D; regarding the Appointment to the Starkville Housing Authority, be placed on Consent.

Item X – F; regarding Appointments to the Starkville Board of Adjustments and Appeals, be placed on Consent.

Alderman Jeremiah Dumas requested the following revisions to the Official Agenda

Item IX – A; regarding the Appointment of (Alderman Eric Parker) as the Board Liaison to An Internal City Staff committee to make to Recommendations on the Adoption of the Most Recent ICC Building and Fire Codes, be placed on Consent

Item X – E; regarding Street Closures and In-Kind Services for the first Annual Memorial Day Parade, be placed on Consent.

Item X – G; regarding a Resolution Selecting a Voting Delegate (Alderman Vaughn) and two (2) Alternates (Aldermen Dumas and Corey) to participate in the 2010 MML Election for the City of Starkville, be placed on Consent.

Item X – I; regarding Advertising to fill a vacancy on the Oktibbeha County Heritage Museum Board, term to end September 30, 2011, be placed on Consent.

Alderman Eric Parker requested the following revisions to the Official Agenda

Item XI - B – 4; regarding P&Z #FP 10-03; Stark Crossing Phase 3, a revised Final Subdivision Plat, be placed on Consent.

Item XI - B - 5 regarding P&Z #FP 10-04; Stark Crossing Phase 4, a revised Final Subdivision Plat, be placed on Consent.

Alderman Richard Corey requested the following revision to the Official Agenda

Item X - H regarding Sidewalk and Roadway Waivers, and Site Plan approval for "Starkville Station RV Park" at 100 Lincoln Green, be removed from the Agenda.

1.

**A MOTION TO APPROVE THE OFFICIAL AGENDA OF THE
May 18, 2010 MEETING OF THE MAYOR
AND BOARD OF ALDERMEN AS REVISED**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr., to approve and adopt the May 18, 2010, Official Agenda of the Mayor and Board of Aldermen, with changes as enumerated above, the Board unanimously voted its approval.

There being no objections to the Consent Items, the Mayor declared the list of items for consent, adopted.

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

RECESS MEETING OF TUESDAY, MAY 18, 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 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. CONSIDERATION OF THE APPROVAL OF THE MINUTES OF THE CITY OF STARKVILLE BOARD OF ALDERMEN REGULAR MEETING OF APRIL 6, 2010.

- B. CONSIDERATION OF THE APPROVAL OF THE MINUTES OF THE CITY OF STARKVILLE BOARD OF ALDERMEN RECESS MEETING OF APRIL 13, 2010.

V. ANNOUNCEMENTS AND COMMENTS

MAYOR'S COMMENTS:

INTRODUCTION OF NEW EMPLOYEES:

TAWNIA SANDERS—ADMINISTRATIVE ASSISTANT TO MAYOR AND BOARD

TASHA CARTER—GENERAL CLERK / RECEPTIONIST FOR ELECTRIC DEPARTMENT

CHANCE CUMMINGS—FIREFIGHTER

BOARD OF ALDERMEN COMMENTS:

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

- A. PRESENTATION BY ASHLEY CUMBERLAND AND ALLISON MATTHEWS OF THE GREATER STARKVILLE DEVELOPMENT PARTNERSHIP REQUESTING CITY OF STARKVILLE PARTICIPATION WITH STREET CLOSINGS AND IN-KIND SERVICES FOR THE FIRST ANNUAL MEMORIAL DAY PARADE, SCHEDULED FOR MONDAY, MAY 31, 2010.

***** ~~B. PUBLIC APPEARANCE BY JIM GAFFORD OF THE TRANSPORTION COMMITTEE REQUESTING APPROVAL OF THE RESOLUTION ON THE COMPLETE STREETS PROJECT~~

- C. PRESENTATION BY JEREMY TABOR AND STEVE ROBERTS REQUESTING SIDEWALK AND ROADWAY WAIVERS, FOR DEVELOPMENT REVIEW COMMITTEE (DRC) APPROVAL OF A SITE PLAN FOR "STARKVILLE STATION RV PARK" LOCATED AT 100 LINCOLN GREEN IN WARD 4.

VIII. PUBLIC HEARING

- A. THIRD PUBLIC HEARING ON THE ADOPTION OF AN ORDINANCE CREATING AN HISTORIC DISTRICT COMMISSION

IX. MAYOR'S BUSINESS

- A. CONSIDERATION OF APPOINTING A BOARD LIAISON TO AN INTERNAL CITY STAFF COMMITTEE TO MAKE RECOMMENDATIONS ON THE ADOPTION OF THE MOST RECENT ICC BUILDING AND FIRE CODE.
- B. CONSIDERATION OF AUTHORIZING A MAYOR'S YOUTH COUNCIL AND THE ATTENDANCE OF THREE REPRESENTATIVES AND AN INTERN FOR THE YOUTH TRACK SEMINAR ASSOCIATED WITH MML DURING THE SUMMER CONFERENCE WITH ADVANCE TRAVEL AUTHORIZED.

X. BOARD BUSINESS

**** ~~A. CONSIDERATION OF A RESOLUTION ADOPTING A COMPLETE STREETS CONCEPT FOR THE FUTURE CONSTRUCTION AND UPGRADE OF CITY OF STARKVILLE STREETS AND INFRASTRUCTURE.~~

- B. REPORT FROM THE BUDGET COMMITTEE
- C. CONSIDERATION OF THE ADOPTION OF AN ORDINANCE CREATING AN HISTORIC DISTRICT COMMISSION.
- D. CONSIDERATION OF MAKING AN APPOINTMENT TO THE STARKVILLE HOUSING AUTHORITY
- E. CONSIDERATION OF AUTHORIZING THE REQUEST OF ASHLEY CUMBERLAND AND ALLISON MATTHEWS OF THE GREATER STARKVILLE DEVELOPMENT PARTNERSHIP FOR STREET CLOSURES AND IN-KIND SERVICES FOR THE FIRST ANNUAL MEMORIAL DAY PARADE, SCHEDULED FOR MONDAY, MAY 31, 2010.
- F. CONSIDERATION OF MAKING AN APPOINTMENT TO THE BOARD OF ADJUSTMENTS AND APPEALS FOR WARD 7.
- G. CONSIDERATION OF APPROVING A RESOLUTION SELECTING A VOTING DELEGATE AND TWO (2) ALTERNATES TO PARTICIPATE IN THE 2010 MML ELECTION ON BEHALF OF THE CITY OF STARKVILLE.
- H. CONSIDERATION OF APPROVAL OF REQUEST OF JEREMY TABOR AND STEVE ROBERTS FOR SIDEWALK AND ROADWAY WAIVERS AND FOR DEVELOPMENT REVIEW COMMITTEE (DRC) APPROVAL OF A PROPOSED SITE PLAN FOR "STARKVILLE STATION RV PARK" LOCATED AT 100 LINCOLN GREEN IN WARD 4.

**** I. CONSIDERATION OF ADVERTISING FOR A VACANCY ON THE OKTIBBEHA COUNTY HERITAGE MUSEUM BOARD FOR A RECENTLY VACATED TERM ENDING SEPTEMBER 30, 2011.

XI. DEPARTMENT BUSINESS

- A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

- B. BUILDING, CODES AND PLANNING DEPARTMENT

1. REQUEST AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSALS (RFP) TO PROVIDE TOWING SERVICES OF JUNKED VEHICLES FOR THE CITY'S CODE ENFORCEMENT DIVISION, IN COMPLIANCE WITH CHAPTER 54, ARTICLE IV OF THE CITY'S CODE OF ORDINANCES.

2. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS TO PROVIDE REMOVAL AND DISPOSAL OF ASBESTOS FROM THE DILAPIDATED STRUCTURE LOCATED AT 514 MS HIGHWAY 182 WEST (PARCEL NUMBER 118N-00-131.00) IN PREPARATION FOR DEMOLITION BY THE CITY.

3. CONSIDERATION TO APPROVE P&Z ITEM #CU10-03: A REQUEST BY PINELAKE CHURCH TO APPROVE A CONDITIONAL USE TO ALLOW A CHURCH IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT 200 MS HIGHWAY 25 BYPASS SOUTH IN WARD 1.
4. CONSIDERATION TO APPROVE P&Z ITEM #FP 10-03: A REQUEST BY MR. MIKE BRENT FOR APPROVAL OF "STARK CROSSING—PHASE 3 REVISION" A REVISED FINAL SUBDIVISION PLAT IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED ON EUDORA WELTY DRIVE IN WARD 1.
5. CONSIDERATION TO APPROVE P&Z ITEM #FP 10-04: A REQUEST BY MR. MIKE BRENT FOR APPROVAL OF "STARK CROSSING—PHASE 4 REVISION" A REVISED FINAL SUBDIVISION PLAT IN A C-2 (GENERAL BUSINESS) ZONING DISTRICT LOCATED AT THE NORTHEAST INTERSECTION OF EUDORA WELTY AND ABERNATHY DRIVES IN WARD 1.

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 MAY 13, 2010.
- ### 2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING APRIL 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 (ALL ITEMS ON CONSENT)

1. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE STARKVILLE ELECTRIC DEPARTMENT'S "SOURCE OF SUPPLY" FOR JULY 1, 2010 TO DECEMBER 31, 2010.
2. REQUEST AUTHORIZATION TO ADVERTISE TO PURCHASE TWO (2) 15 KV PAD MOUNTED SWITCHGEAR UNITS FOR USE IN THE UPPER CROSSING AREA.

F. ENGINEERING AND STREETS (ALL ITEMS ON CONSENT)

1. AUTHORIZATION FOR THE MAYOR TO SIGN THE MDOT ACTIVATION DOCUMENTATION FOR STIP PROJECT FUNDING FOR THE LOUISVILLE STREET WIDENING PROJECT.
2. REQUEST APPROVAL OF CONSULTANT TO PERFORM ENGINEERING AND DESIGN RELATED SERVICES RELATED TO THE LYNN LANE MULTI-USE PATH PROJECT AND AUTHORIZATION TO ENTER INTO A CONTRACTURAL AGREEMENT TO PROVIDE SAID SERVICES.

3. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE HOSPITAL ROAD REBUILD PROJECT

4. AUTHORIZATION OF PAY ESTIMATE NO. 1 IN THE AMOUNT OF \$120,248 FOR FALCON CONTRACTING FOR PROJECT NO. STP-0420-00-(017/105680701000 OTHERWISE KNOWN AS ARRA I.

G. FIRE DEPARTMENT (ALL ITEMS ON CONSENT)

1. REQUEST AUTHORIZATION TO PAY WEATHERS CONSTRUCTION, INC. FOR PAYMENT NUMBER FOUR (4) IN THE AMOUNT OF \$103,908.72 FOR FIRE STATION NUMBER 5.

H. PERSONNEL(ALL ITEMS ON CONSENT)

1. REQUEST TO HIRE CARYL E. PRITCHARD TO FILL THE POSITION OF DEPUTY COURT CLERK.

2. REQUEST TO ADVERTISE TO FILL TWO (2) VACANT POSITIONS IN THE STREET DEPARTMENT—EQUIPMENT OPERATOR AND MAINTENANCE WORKER.

3. REQUEST TO HIRE ROBERT B. BARNES TO FILL THE POSITION OF DRIVER IN THE SANITATION DEPARTMENT

4. REQUEST TO HIRE WILLIAM R. SMITH TO FILL THE POSITION OF LABORER IN THE SANITATION DEPARTMENT.

I. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

J. PUBLIC SERVICES (ALL ITEMS ON CONSENT)

1. REQUEST APPROVAL TO PURCHASE VARIABLE FREQUENCY MOTOR CONTROL EQUIPMENT AND INSTALLATION SERVICES FOR THE INFLUENT PUMP STATION AT THE WASTEWATER PLANT FROM CONTROL SYSTEMS, INC., A SOLE SOURCE, IN THE AMOUNT OF \$31,188.00

K. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

XII. EXECUTIVE SESSION

A. PENDING LITIGATION

B. PERSONNEL

C. POTENTIAL LITIGATION

D. PROPERTY ACQUISITION

XIII. ADJOURN UNTIL JUNE 1, 2010 @ 5:30 AT 101 LAMPKIN STREET IN THE CITY HALL COURTROOM.

APPENDIX A

PROPOSED CONSENT AGENDA

IX. MAYOR'S BUSINESS - NO ITEMS

X. BOARD BUSINESS - NO ITEMS

XI. DEPARTMENT BUSINESS

A. AIRPORT - NO ITEMS

B. BUILDING DEPARTMENT

1. REQUEST AUTHORIZATION TO ADVERTISE FOR REQUEST FOR PROPOSALS (RFP) TO PROVIDE TOWING SERVICES OF JUNKED VEHICLES FOR THE CITY'S CODE ENFORCEMENT DIVISION, IN COMPLIANCE WITH CHAPTER 54, ARTICLE IV OF THE CITY'S CODE OF ORDINANCES.
2. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS TO PROVIDE ASBESTOS REMOVAL AND ABATEMENT FOR THE DILAPIDATED STRUCTURE LOCATED AT 514 MS HIGHWAY 182 WEST (PARCEL NUMBER 118N-00-131.00) IN PREPARATION FOR DEMOLITION BY THE CITY.

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 MAY 13, 2010.
2. REPORT OF THE RECEIPTS AND EXPENDITURES FOR PERIOD ENDING APRIL 30, 2010, IN ACCORDANCE WITH § 21-35-13 OF THE MISSISSIPPI CODE OF 1972 ANNOTATED.

D. COURTS - NO ITEMS

E. ELECTRIC DEPARTMENT

1. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE STARKVILLE ELECTRIC DEPARTMENT'S "SOURCE OF SUPPLY" FOR JULY 1, 2010 TO DECEMBER 31, 2010.
2. REQUEST AUTHORIZATION TO ADVERTISE TO PURCHASE TWO (2) 15 KV PAD MOUNTED SWITCHGEAR UNITS FOR USE IN THE UPPER CROSSING AREA.

F. ENGINEERING AND STREETS

1. AUTHORIZATION FOR THE MAYOR TO SIGN THE MDOT ACTIVATION DOCUMENTATION FOR STIP PROJECT FUNDING FOR THE LOUISVILLE STREET WIDENING PROJECT.
2. REQUEST APPROVAL OF CONSULTANT TO PERFORM ENGINEERING AND DESIGN RELATED SERVICES RELATED TO THE LYNN LANE MULTI-USE

PATH PROJECT AND AUTHORIZATION TO ENTER INTO A CONTRACTURAL AGREEMENT TO PROVIDE SAID SERVICES.

3. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE HOSPITAL ROAD REBUILD PROJECT
4. AUTHORIZATION OF PAY ESTIMATE NO. 1 IN THE AMOUNT OF \$120,248 FOR FALCON CONTRACTING FOR PROJECT NO. STP-0420-00-(017/105680701000 OTHERWISE KNOWN AS ARRA I.

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H. PERSONNEL

1. REQUEST TO HIRE CARYL E. PRITCHARD TO FILL THE POSITION OF DEPUTY COURT CLERK.
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3. REQUEST TO HIRE ROBERT E. BARNES TO FILL THE POSITION OF DRIVER IN THE SANITATION DEPARTMENT
4. REQUEST TO HIRE WILLIAM R. SMITH TO FILL THE POSITION OF LABORER IN THE SANITATION DEPARTMENT.

I. POLICE DEPARTMENT – NO ITEMS

J. PUBLIC SERVICES

1. REQUEST APPROVAL TO PURCHASE VARIABLE FREQUENCY MOTOR CONTROL EQUIPMENT AND INSTALLATION SERVICES FOR THE INFLUENT PUMP STATION AT THE WASTEWATER PLANT FROM CONTROL SYSTEMS, INC., A SOLE SOURCE, IN THE AMOUNT OF \$31,188.00.

K. SANITATION DEPARTMENT – NO ITEMS

NOTE: THE FOLLOWING CONSENT ITEMS (NUMBERS 2 - 25) WERE ADOPTED WITH APPROVAL OF THE OFFICIAL AGENDA AS REVISED

2.

APPROVAL OF THE APPOINTMENT OF ALDERMAN ERIC PARKER AS BOARD LIAISON TO IN INTERNAL CITY STAFF COMMITTEE TO MAKE RECOMMENDATIONS ON THE ADOPTION OF THE MOST RECENT ICC BUILDING AND FIRE CODE

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept

items for Consent, whereby the Appointment of Alderman Eric Parker, as Board Liaison, to an Internal City Staff Committee to make recommendations on the adoption of the most recent ICC Building and Fire Code is enumerated, this consent item is thereby unanimously approved

3.

**APPROVAL OF THE APPOINTMENT OF MS. SOPHIA NICKELS TO
THE STARKVILLE HOUSING AUTHORITY TO FILL
THE UNEXPIRED TERM OF MR. JAMES SMITH
ENDING SEPTEMBER 5, 2014**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept items for Consent, whereby the Appointment of Ms. Sophia Nickels to the Starkville Housing Authority to fill the unexpired term ending September 5 2014 is enumerated, this consent item is thereby unanimously approved.

4.

**APPROVAL OF STREET CLOSURES AND PROVISIONS FOR
IN-KIND SERVICES FOR THE FIRST ANNUAL MEMORIAL DAY PARADE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept items for Consent, whereby Street Closures and Provisions for In-Kind Services, in the amount of approximately \$1,755.00, for the First Annual Memorial Day Parade, scheduled for Monday, May 31, 2010 is enumerated, this consent item is thereby unanimously approved.

5.

**APPROVAL OF THE APPOINTMENT OF MR. JOHN HILL
TO THE STARKVILLE BOARD OF ADJUSTMENTS AND APPEALS
TO FILL THE WARD 7 VACANCY, TERM ENDING 06/30/2013**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept items for Consent, whereby the Appointment of Mr. John Hill to the Starkville Board of Adjustments and Appeals to fill the Ward 7 Vacancy with term ending June 30, 2013 is enumerated, this consent item is thereby unanimously approved.

6.

**APPROVAL OF A RESOLUTION APPOINTING
MISSISSIPPI MUNICIPAL LEAGUE 2010 VOTING DELEGATE AND
ALTERNATES FOR THE CITY OF STARKVILLE, MISSISSIPPI WITH SAID
DELEGATE BEING ALDERMAN HENRY VAUGHN, AND ALTERNATES
BEING ALDERMEN JEREMIAH DUMAS AND RICHARD COREY**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept items for Consent, the Resolution Appointing Mississippi Municipal League Voting Delegate Alderman Henry Vaughn, Sr., and Alternates Alderman Jeremiah Dumas and Alderman Richard Corey is enumerated, this consent item is thereby unanimously approved.

RESOLUTION

**RESOLUTION APPOINTING
MISSISSIPPI MUNICIPAL LEAGUE
2010 VOTING DELEGATES
FOR THE CITY OF STARKVILLE**

WHEREAS, the Mississippi Municipal League amended the bylaws of the association to provide for a ballot election, to be conducted by the officers of the Mississippi Municipal Clerks and Collectors Association, to be held each year at the summer convention, to elect a second vice president and to vote on any proposed bylaw changes; and

WHEREAS, the amended bylaws require the governing authority board (Alderman, City Council, City Commission) to designate in its minutes the voting delegate and two alternates to cast the vote for each member municipality.

NOW, THEREFORE, BE IT RESOVED BY THE BOARD OF ALDERMEN OF THE CITY OF STARKVILLE

In accordance with the bylaws of the Mississippi Municipal League, the voting delegate(s) for the 2010 Mississippi Municipal League election to be held at the annual convention on June 28-July 1, 2010 are as follows:

Voting Delegate: HENRY N. VAUGHN, SR.	ALDERMAN
First Alternate: JEREMIAH DUMAS	ALDERMAN
Second Alternate: RICHARD COREY	ALDERMAN

That public interest and necessity requiring same, this resolution shall become effective upon passage.

The above and foregoing Resolution, after having been first reduced to writing, was introduced by ALDERMAN JEREMIAH DUMAS, seconded by ALDERMAN RICHARD COREY, and was adopted by the following vote, to-wit:

YEAS: 7 NAYS: 0

The Mayor thereby declared the motion carried and the Resolution adopted, this the 18th day of May, 2010.

(SEAL)

ATTEST:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the Mayor, this the
18TH DAY OF MAY, 2010

ATTEST:

APPROVED:

CITY CLERK

MAYOR

7.

**APPROVAL TO ADVERTISE TO FILL THE UNEXPIRED
TERM OF MS. MARY LEE BEAL, FOR THE OKTIBBEHA
COUNTY HERITAGE MUSEUM BOARD,
TERM ENDING SEPTEMBER 30, 2011**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby the Approval to Advertise for the Oktibbeha County Heritage Museum Board vacancy is enumerated, this consent item is thereby unanimously approved.

8.

**APPROVAL TO ADVERTISE FOR PROPOSALS TO PROVIDE
JUNKED VEHICLE TOWING SERVICES AS OUTLINED
IN CHAPTER 54 ARTICLE IV OF THE
CITY OF STARKVILLE CODE OF ORDINANCES**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby the Approval to Advertise for Proposals to Provide Junked Vehicle Towing Services as Outlined in Chapter 54, Article IV of the City of Starkville Code of Ordinances is enumerated, this consent item is thereby unanimously approved.

9.

**APPROVAL TO ADVERTISE FOR SEALED BIDS TO PROVIDE
REMOVAL AND DISPOSAL OF ASBESTOS FROM A DILAPIDATED
STRUCTURE LOCATED AT 514 MS HIGHWAY 182 WEST
PARCEL #118N-00-131.00**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby the Approval to Advertise for Sealed Bids to provide Removal

and Disposal of Asbestos from a Dilapidated Structure located at 514 Highway 182 West is enumerated, this consent item is thereby unanimously approved.

10.

**APPROVAL OF A REVISED FINAL SUBDIVISION PLAT #FP 10-3
"STARK CROSSING - PHASE 3 - EUDORA WELTY DRIVE"
SUBMITTED BY MR. MIKE BRENT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby the Approval of a Revised Final Subdivision Plat (Stark Crossing - Phase 3 - Eudora Welty Drive) Submitted by Mr. Mike Brent is enumerated, this consent item is thereby unanimously approved.

11.

**APPROVAL OF A REVISED FINAL SUBDIVISION PLAT #FP 10-4
"STARK CROSSING - PHASE 4 - NORTHEAST INTERSECTON OF
EUDORA WELTY AND ABERNATHY DRIVE"
SUBMITTED BY MR. MIKE BRENT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby the Approval of a Revised Final Subdivision Plat (Stark Crossing - Phase 4 - NE Intersection or Eudora Welty and Abernathy Drive) Submitted by Mr. Mike Brent is enumerated, this consent item is thereby unanimously approved.

12.

**APPROVAL OF CLAIMS DOCKET #05-18-10-B
FOR THE CITY OF STARKVILLE
EXCLUDING FIRE DEPARTMENT CLAIMS
THROUGH MAY 14, 2010 IN THE AMOUNT OF \$494,734.57
IN ACCORDANCE WITH SECTION 17-3-1
OF THE MISSISSIPPI CODE OF 1972, ANNOTATED**

Upon the motion of Alderman Eric Parker, duly seconded by Alderman Richard Corey and unanimously adopted by the Board to approve the Official Agenda and to accept items for Consent, whereby the "Claims Docket #05-18-10-B which contains claims from all departments through May 14, 2010, except the Fire department, with said claims totaling \$494,734.57" is enumerated, this consent item is thereby unanimously approved.

**CLAIMS DOCKET
05-18-10-B
MAY 18, 2010**

General Fund	001	\$271,315.67
Restricted Police Fund	002	450.40
Restricted Fire Fund	003	5,908.00
Airport Fund	015	12,271.43

Sanitation	022	20,569.46
Landfill	023	3,943.72
Computer Assessments	107	4,836.67
City Bond and Interest	202	1,000.00
2009 Road Maint. Bond	304	26,703.00
P & R Bond Series 2007	325	0
Park & Rec Tourism 2%	375	13,823.60
Water/Sewer	400	115,832.73
Vehicle Maintenance	500	18,079.89
Hotel/Motel	610	0
2% (VCC, EDA, MSU)	630	0
Electric		0
TOTAL CLAIMS		\$494,734.57

13.

**APPROVAL TO ACCEPT THE FINANCIAL REPORT OF
RECEIPTS AND EXPENDITURES FOR THE PERIOD ENDING
APRIL 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. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval to Accept the Financial Report of Receipts and Expenditures for the Period Ending April 30, 2010, in accordance with Section 21-35-13 of the Mississippi Code of 1972, annotated is enumerated, this consent item is thereby unanimously approved.

14.

**APPROVAL TO ADVERTISE FOR SEALED BIDS FOR
THE STARKVILLE ELECTRIC DEPARTMENT'S
"SOURCE OF SUPPLY" ITEMS,
TO BE VALID FOR A PERIOD OF SIX MONTHS,
JULY 1 - DECEMBER 31, 2010**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval to Advertise for Sealed Bids to provide the Starkville Electric Department's Source of Supply items being valid for a period of six months, July 1, 2010 - December 31, 2010 is enumerated, this consent item is thereby unanimously approved.

15.

**APPROVAL TO ADVERTISE FOR SEALED BIDS OF
TWO (2) 15KV PAD MOUNTED SWITCHGEAR UNITS
FOR USE IN THE UPPER CROSSING AREA**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval to Advertise for Sealed Bids of Two (2) 15KV Pad

Mounted Switchgear Units, is enumerated, this consent item is thereby unanimously approved.

16.

**APPROVAL OF THE MAYOR TO EXECUTE (MDOT)
MISSISSIPPI DEPARTMENT OF TRANSPORTATION
ACTIVATION DOCUMENTS FOR STIP PROJECT FUNDING
OF THE LOUISVILLE STREET WIDENING PROJECT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval for the Mayor to Execute MDOT Activation Documents for STIP Project Funding of the Louisville Street Widening Project is enumerated, this consent item is thereby unanimously approved.

May 12, 2010

Mr. Travis Wampler, PE District One LPA
Engineer Mississippi Department of
Transportation
P. O. Box 2060 Tupelo,
Mississippi 38803-2060

RE: City of Starkville Reinstated of Small
Urban STP Funds

Dear Mr. Wampler:

The City of Starkville would like to utilize \$988,118.00 in Surface Transportation Program funding for the following project:

Project No. Louisville Street (FA-7107)
Widening and Pedestrian Improvement
Estimated STP Funds: \$988,118.00

For the project noted above, enclosed you will find the following:

1) Project Description 2) Estimated Project Cost Including Construction, Testing, and Contingencies 3) Project Schedule 4) Board of Authority Minutes Agreeing to Local Match and Cost Overruns. 5) STIP/TIP Confirmation

If you need further information, please call me at your earliest convenience.

Sincerely yours,

/s/ Parker Wiseman

Parker Wiseman Mayor,
City of Starkville

cc: State LPA Engineer (77-01 Sharpie Smith)

17.

**APPROVAL TO ENTER INTO A CONTRACTUAL AGREEMENT WITH A
CONSULTANT TO PERFORM ENGINEERING AND DESIGN RELATED
SERVICES TO THE LYNN LANE MULTI-USE PATH PROJECT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval to Enter into a Contractual Agreement with a Consultant to Perform Engineering and Design Related Services to the Lynn Lane Multi-Use Path Project is enumerated, this consent item is thereby unanimously approved.

18.

**APPROVAL TO ADVERTISE FOR SEALED BIDS FOR THE
HOSPITAL ROAD REBUILD PROJECT**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval to Advertise for Sealed Bids for the Hospital Road Rebuild Project is enumerated, this consent item is thereby unanimously approved.

19.

**APPROVAL OF PAY REQUEST NO. 1 IN THE AMOUNT OF
\$120,247.00 FOR FALCON CONTRACTING FOR
PROJECT NO. STP-0420-00-(017/105680701000) - ARRA I**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval of Pay Request #1 in the Amount of \$120,247.00 to Falcon Contracting for Project No. STP-0420-00-0017/105680701000 (ARRA I) is enumerated; this consent item is thereby unanimously approved.

20.

**APPROVAL OF PAY REQUEST NO. 4 IN THE AMOUNT OF
\$103,908.72 TO WEATHERS CONSTRUCTION, INC. FOR
FIRE STATION NUMBER 5**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval of Pay Request #5 in the Amount of \$103,908.72 to Weathers Construction, Inc. for the Fire Station Number 5 Project is enumerated, this consent item is thereby unanimously approved.

21.

**APPROVAL TO EMPLOY CARYL E. PRITCHARD
TO FILL THE POSITION OF DEPUTY COURT CLERK
IN THE MUNICIPAL COURT OFFICE**

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept the Consent Items, whereby the "Approval to Employ Caryl E. Pritchard to Fill the Vacant Positions of Deputy Court Clerk in the Municipal Court Office, Subject to a 1-year Probationary Period, at a Grade 7 Step 1 with an Annual Salary of \$22,321.08, or \$10.73 Per Hour" is enumerated, this consent item is thereby unanimously approved.

22.

APPROVAL TO ADVERTISE TO FILL TWO (2) VACANT POSITIONS IN THE STREET DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby Approval to Advertise to fill two (2) Vacant Positions in the Street Department (Equipment Operator and Maintenance Worker) is enumerated; this consent item is thereby unanimously approved.

23.

APPROVAL TO EMPLOY ROBERT B. BARNES TO FILL THE POSITION OF DRIVER IN THE SANITATION DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept the Consent Items, whereby the "Approval to Employ Robert B. Barnes to Fill the Vacant Position of Driver in the Sanitation Department, Subject to a 1-year Probationary Period, at a Grade 6 Step 1 with an Annual Salary of \$20,291.89, or \$9.76 Per Hour" is enumerated, this consent item is thereby unanimously approved.

24.

APPROVAL TO EMPLOY WILLIAM R. SMITH TO FILL THE POSITION OF LABORER IN THE SANITATION DEPARTMENT

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to approve the Official Agenda and to accept the Consent Items, whereby the "Approval to Employ William R. Smith to Fill the Vacant Position of Laborer in the Sanitation Department, Subject to a 1-year Probationary Period, at a Grade 4 Step 3A with an Annual Salary of \$17,969.38, or \$8.64 Per Hour" is enumerated, this consent item is thereby unanimously approved.

25.

APPROVAL OF THE SOLE SOURCE PURCHASE FROM CONTROL SYSTEMS, INC FOR VARIABLE FREQUENCY MOTOR CONTROL EQUIPMENT AND INSTALLATION SERVICES FOR THE INFLUENT PUMP STATION AT THE WASTEWATER PLANT IN THE AMOUNT OF \$31,188.00

Upon the motion of Alderman Richard Corey, duly seconded by Alderman Henry Vaughn, Sr. and unanimously approved by the Board to adopt the Official Agenda and to accept items for Consent, whereby "Approval of the Sole Source Purchase from Control Systems, Inc. for Variable Frequency Motor Control Equipment and Installation Services for the Influent Pump Station at the Wastewater Plant in the Amount of \$31,188.00 is enumerated, this consent item is thereby unanimously approved.

End of Consent items

26.

**A MOTION TO APPROVE THE MINUTES OF THE
APRIL 6, 2010
MAYOR AND BOARD OF ALDERMEN
REGULAR MEETING**

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey to approve the minutes of the April 6, 2010 meeting of the Mayor and Board of Aldermen, the Board voted unanimously in favor of the motion.

27.

**A MOTION TO APPROVE THE MINUTES OF THE
APRIL 13, 2010
MAYOR AND BOARD OF ALDERMEN
RECESS MEETING**

Upon the motion of Alderman Henry Vaughn, Sr., duly seconded by Alderman Roy A'. Perkins to approve the minutes of the April 13, 2010 meeting of the Mayor and Board of Aldermen, the Board voted unanimously in favor of the motion.

MAYOR'S COMMENTS

Mayor Parker Wiseman introduced new employees

Tawnya Sanders - Administrative Assistant to the Mayor and Board

Tasha Carter - General Clerk/Receptionist for the Electric Department

Chance Cummings - Firefighter in the Fire Department

BOARD OF ALDERMEN COMMENT

CITIZEN COMMENTS

Mr. Alvin Turner of Ward 7 told the Board that citizens are concerned about the Carver Drive Ditch and hope something can be done to address their concerns. He also spoke on concerns of a curfew and explained that people are not willing to listen after something happens.

PUBLIC APPEARANCES

Ms. Ashley Cumberland requested Street Closure and In-kind Services in support of the First Annual Memorial Day Parade, scheduled for 11:00 a.m. on Monday, May 31, 2010. Parade will line up at the Presbyterian Church on Main Street and end at the Methodist Church on Lampkin Street. Registration fee is \$25.00.

Mr. Jeremy Tabor and Mr. Steve Roberts appeared before the Board to request sidewalk and roadway waivers for a project that consists of a 5-acre RV/Motor Home Park with a proposed location of 100 Lincoln Green in Ward 4.

3RD PUBLIC HEARING (ORDINANCE CREATING AN HISTORIC DISTRICT COMMISSION)

Mayor Parker Wiseman opened the 3rd Public Hearing on the Proposed Ordinance Creating an Historic District Commission.

Alderman Richard Corey introduced the Proposed Ordinance Creating an Historic District Commission.

Ms. Michelle Jones informed the Board that the Proposed Ordinance meets the requirements of the Department of Archives and History.

Citizens were allowed to speak for a maximum of 30 minutes: 15 minutes was given to those speaking for the Proposed Ordinance and 15 minutes to those citizens speaking against.

Citizen spoke on the Proposed Ordinance as listed.

FOR	AGAINST
J. W. BRUCE	
MEGAN BEAN	
MICHAEL FAZIO	
JAMIE MIXON	

Mayor Parker Wiseman closed the Public Hearing after final comments from the Board.

28.

**A MOTION APPROVING THE CREATION OF
A MAYOR'S YOUTH COUNCIL AND AUTHORIZING
ATTENDANCE OF THREE REPRESENTATIVES AND
TWO INTERNS TO THE YOUTH TRACK SEMINAR ASSOCIATED
WITH THE MISSISSIPPI MUNICIPAL LEAGUE (MML) CONFERENCE
BEING HELD IN BILOXI, MS ON JUNE 29, 2010
WITH AUTHORIZED ADVANCED TRAVEL UP TO \$700,
AS IS NECESSARY AND PROPER**

There came for consideration the matter of forming a Mayor's Youth Council and providing travel and lodging for three representatives and two interns to attend the Youth Track Seminar being held in conjunction with the Mississippi Municipal League (MML) on June 29, 2010 in Biloxi, MS, with advance travel as is necessary and proper not to exceed \$700.00. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey to approve the creation of a Mayor's Youth Council and to authorize three representatives and two interns to attend the Youth Track Seminar being held in conjunction with the Mississippi Municipal League (MML) on June 29, 2010 in Biloxi, MS, with advance travel as is necessary and proper not to exceed \$700.00. The Board voted unanimously to approve the motion.

NOTE:

Alderman Sandra Sistrunk gave the report from the Budget Committee.

29.

**A MOTION TO APPROVE
CITY OF STARKVILLE ORDINANCE NO. 2010-08
AN ORDINANCE CREATING AN HISTORIC
PRESERVATION COMMISSION**

There came for consideration the matter of an Ordinance to create an Historic Preservation Commission. After discussion, and

upon the motion of Alderman Richard Corey, duly seconded by Alderman Jeremiah Dumas to approve City of Starkville Ordinance No. 2010-08, An Ordinance Creating an Historic Preservation Commission, the Board voted as follow:

Alderman Ben Carver	Voted: <u>Yea</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.

ORDINANCE NUMBER 2010-08

AN ORDINANCE TO CREATE A PRESERVATION COMMISSION: TO ESTABLISH THE MEMBERSHIP, OFFICERS, TERMS OF OFFICE OF ITS MEMBERS AND DUTIES OF SUCH COMMISSION; PROVIDING A PROCEDURE FOR ADOPTION OF ORDINANCES TO

ESTABLISH HISTORIC DISTRICTS AND TO DESIGNATE ARCHAEOLOGICAL, ARCHITECTURAL, CULTURAL, AND HISTORICAL LANDMARKS AND LANDMARK SITES; PROVIDING THAT THE PRESERVATION COMMISSION SHALL SERVE AS A REVIEW BODY TO REVIEW PROPOSED WORK IN HISTORIC DISTRICTS AND ON LANDMARKS AND LANDMARK SITES; PROVIDING THE CRITERIA FOR EVALUATING A PROPOSED ACTIVITY; PROVIDING STANDARDS AND A PROCEDURE TO PREVENT DEMOLITION OF LANDMARKS BY INTENT OR NEGLIGENCE; PROVIDING A PROCEDURE FOR THE ISSUANCE OF CERTIFICATES OF APPROPRIATENESS AND RELATED PURPOSES.

WHEREAS, there is a need to establish a Preservation Commission to preserve, promote, and develop the City's historical resources and to advise the City on the designation of historic districts, landmarks, and landmark sites and perform such other functions as may be provided by law; and

WHEREAS, the Mayor and Board of Aldermen believe it is in the best interests of the City of Starkville to create a Historic Preservation Commission to accomplish these goals;

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

SECTION I. Recitals.

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

SECTION II. Statement of Purpose and Intent.

- A. The City hereby recognizes that the City of Starkville is known for unique qualities that have proven increasingly attractive to residents, business interests, and tourists. As a matter of public policy, the City aims to preserve, enhance, and perpetuate those aspects of the City having historical, cultural, architectural, and archaeological merit. Such historic activities will promote and protect the health, safety, prosperity, education, and general welfare of the people living in and visiting the City of Starkville.
- B. More specifically, this Historic Preservation Ordinance is designed to achieve the following goals:
 - 1. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the City's historical, cultural, social, economic, political, archaeological, and architectural identity;
 - 2. Insure the harmonious, orderly, and efficient growth and development of the City;
 - 3. Strengthen civic pride and cultural stability through neighborhood conservation;
 - 4. Stabilize the economy of the City through the continued use, preservation, and revitalization of its resources;

5. Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
6. Promote the use of resources for the education, pleasure, and welfare of the people of the City of Starkville;
7. Provide a review process for the preservation and appropriate development of the City's resources.
- 8.

SECTION III. Definitions.

Unless specifically noted otherwise, the following definitions are standard throughout this ordinance:

Alteration: Any change in the exterior appearance or materials of a landmark or a structure within a historic district or on a landmark site. Alterations shall include painting of previously unpainted brick, repointing of brickwork and sandblasting.

Applicant: The owner of record of a resource; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a "bona fide" contract to purchase a resource.

Appurtenance: An accessory to a building, structure, object, or site, including, but not limited to, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, solar panels, satellite dishes, and signs.

Building: A structure created to shelter any form of human activity.

Certificate of Appropriateness: An official signed and dated governmental document issued by the appropriate governing authority of the City of Starkville to permit specific work in a historic district or at a landmark site or landmark, which has been reviewed and approved.

Certified Local Government (CLG): A federal program authorized by the National Historic Preservation Act 16 U.S.C. 470 et seq., that provides for the participation of local governments in a federal/state/local government preservation partnership. The federal law directs the State Historic Preservation Officer of Mississippi and the Secretary of the Interior to certify local governments to participate in this partnership. Specific Mississippi requirements for the program are published in "State of Mississippi, Procedures for the Certified Local Government Program."

City: The City of Starkville as represented by the Mayor and Board of Aldermen.

Construction: Work which is neither alteration nor demolition. Essentially, it is the erection of a new structure which did not previously exist, even if such a structure is partially joined to an existing structure.

Demolition: The intentional removal of a structure within a local historic district or on a landmark site or which has been designated as a landmark, including landscape features.

Demolition by Neglect: Substantial deterioration of a historic structure that results from improper maintenance or a lack of maintenance.

Design Review Guidelines: As adopted by the local Historic Preservation Commission, shall be in a written form designed to inform local property owners about historical architectural styles prevalent in a community and to recommend preferred treatments and discourage treatments that would compromise the architectural integrity of structures in a historic district or on a landmark site or individually designated as landmarks.

Exterior Features: Exterior features or resources shall include, but not be limited to, the color, kind, and texture of the building material and the type and style of all windows, doors, roofs and appurtenances.

Historic District: A group of two (2) or more tax parcels and their structures, and may be an entire neighborhood of structures linked by historical association or historical development. It is not necessary that all structures within a historic district share the same primary architectural style or be from the same primary historical period. A historic district may also include both non-residential and residential structures, and may include structures covered by two (2) or more zoning classifications. A historic district may include both contributing and non-contributing structures. A historic district is designated by the Commission and approved by the City through an ordinance.

Historic Landmark: A structure of exceptional individual significance, and its historically associated land, which typically could not be included within a local historic district or other appropriate setting. A historic landmark is designated by the Commission and approved by the City through an ordinance.

Historic Preservation Commission: The Historic Preservation Commission, is a local Historic Preservation Commission established to advise the local government on matters relating to historic preservation, including the designation of historic districts, landmarks and landmark sites, and which may be empowered to review applications for permits for alteration, construction, demolition, relocation or subdivision for structures in historic districts or on landmark sites or designated as landmarks.

Improvement: Additions to or new construction on landmarks or landmark sites, including, but not limited to, buildings, structures, objects, landscape features, and manufactured units, like mobile homes, carports, and storage buildings.

Landmark Site: A location where a primary architectural or historical resource formerly stood or a significant historic event took place or an important archeological resource remains. For the purposes of this ordinance, a landmark site encompasses prehistoric or historic sites on unimproved or improved land. A historic landmark is designated by the Commission and approved by the City through an ordinance.

Landscape: Any improvement or vegetation including, but not limited to: shrubbery, trees, plantings, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including but not limited to, subsurface alterations, site regrading, fill deposition, and paving.

National Historic Landmark: A district, site, building, structure, and/or object that has been formally designated as a National Historic Landmark by the Secretary of the Interior and possesses exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archaeology, engineering, and culture and that possesses a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association. National Historic Landmarks are automatically listed in the National Register.

National Register of Historic Places: A Federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the Nation's historic and archaeological resources. The National Register Program is administered by the Commission, by the State Historic Preservation Office, and by the National Park Service under the Department of the Interior. Significant Federal benefits may accrue to owners of properties listed or determined eligible for listing in the National Register.

Object: A material thing of functional, cultural, historical, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.

Ordinary Repair or Maintenance: Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage. Ordinary repair or maintenance includes repainting.

Owner of Record: The owner of a parcel of land, improved or unimproved, reflected on the City tax roll and in County deed records.

Period of Greatest Historic Significance for a Landmark: The time period during which the landmark had been essentially completed but not yet altered. It is also the period during which the style of architecture of the landmark was commonplace or typical. If a landmark also achieved historical importance in part because of designed landscape features, the period of greatest historic significance includes the time period during which such landscape features were maintained.

Relocation: The moving of a structure to a new location on its tax parcel or the relocation of such a structure to a new tax parcel.

Resource: Parcels located within historic districts, individual landmarks, and landmark sites, regardless of whether such sites are presently improved or unimproved. Resources can be both separate buildings, districts, structures, sites, and objects and related groups thereof.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings: A Federal document stating standards and guidelines for the appropriate rehabilitation and preservation of historic buildings.

Site: The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, or objects.

State Historic Preservation Office: The Historic Preservation Division of the Mississippi Department of Archives and History.

State Historic Preservation Officer: The Director of the Mississippi Department of Archives and History.

Structure: A man-made object and typically will be visible because of portions which exist above grade. Structures built during the historic period, 1700 forward, may in some instances not be visible above grade if they are cellars, cisterns, icehouses or similar objects which by their nature are intended to be built into the ground. A structure includes both interior components and visible exterior surfaces, as well as attached elements such as signs and related features such as walks, walls, fences and other nearby secondary structures or landmark features.

Sub-districts: Discrete areas within a larger historic district within which separate design guidelines are appropriate and that may be created to recognize different zoning classifications or historic development patterns which have caused adjacent historic areas to develop at different times.

Subdivision: Any change in the boundaries of a single tax parcel, whether the change results in expansion or reduction or a boundary relocation.

Substantial Deterioration: Structural degradation of such a nature that water penetration into a historic structure can no longer be prevented, or structural degradation that causes stress or strain on structural members when supports collapse or warp, evidence of which includes defective roofing materials, broken window coverings and visible interior decay.

Survey of Resources: The documentation, by historical research or a photographic record, of structures of historical interest within a specified area or jurisdiction or of existing structures within a proposed historic district.

Unauthorized Demolition: The deliberate demolition of a historic structure without prior review and approval by a local Historic Preservation Commission or a governing authority to which such a Commission has made a recommendation.

SECTION IV. Starkville Preservation Commission, Composition, and Terms.

By virtue of Miss. Code Ann. 1972, Sec. 39-13-5, 39-15-7 and 39-13-9 as amended, the City is authorized to establish a Preservation Commission to preserve, promote, and develop the City's historical resources and to advise the City on the designation of historic districts, landmarks, and landmark sites and perform such other functions as may be provided by law.

- A. All members of the Commission are appointed by the City and shall serve at the will and pleasure of the City and shall serve staggered terms. The Commission shall consist of seven (7) members who are residents of the City of Starkville. The initial appointment of Commission members by the City shall include three (3) members having a term of three (3) years, three members having a term of two (2) years, and one (1) member

having a term of one (1) year; thereafter, all appointments shall be for a period of three (3) years. All members of the Commission shall serve for terms established by the City and shall be eligible for reappointment.

- B. All Commission members shall have a demonstrated knowledge of, or interest, competence, or expertise in historic preservation. To the extent available in the community, the City shall appoint professional members from the primary historic preservation-related disciplines such as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields. The City shall document a good faith effort to locate professionals to serve on the Commission before appointing lay members.
- C. The City shall publish at least one (1) notice in a newspaper in its jurisdiction to solicit responses from citizens who are professionals in the related fields of historic preservation and who are interested in serving on the Commission. The City may contact known professionals and interested laypersons and invite submission of their qualifications in written resume form.
- D. The City shall establish a date for receipt that is a minimum of a two (2) week or fourteen (14) calendar day period for the receipt of applications and nominations, with said date for receipt included in the advertisement and authorization by the Board of Aldermen. If applications or nominations are not received during the specified two (2) week period, then the position will remain open until filled. Respondents shall submit, in written resume form, information concerning their demonstrated interest, competence, knowledge, or expertise. Such information should include, but is not limited to, educational and professional background, membership in appropriate preservation organizations, subscriptions to suitable professional publications, volunteer work, attendance at workshops and seminars, and other relevant experience.
- E. When the City has collected adequate information concerning the potential appointees to the Commission, it shall decide, with the assistance of the State Historic Preservation Office, if desired, which candidates are qualified for appointment to the Commission.

SECTION V. Powers of the Commission.

In order to preserve, promote, and develop the distinctive appearance and the historic resources of Starkville and to accomplish the purposes set forth in Miss. Code Ann. 1972, Sec. 39-13-5 as amended, and in this ordinance:

- A. The Commission shall conduct or cause to be conducted a continuing study and survey of resources within the City of Starkville.
- B. The Commission shall hold public hearings and recommend to the City the adoption of ordinances designating historic districts, landmarks, and landmark sites. All properties presently listed in the National Register of Historic Places and located within the City of

Starkville, whether publicly or privately owned, will be considered for designation as landmarks, landmarks sites, and historic preservation districts, whichever category is appropriate, with appropriate public notice, hearings and recommendations.

- C. The Commission may recommend that the City recognize sub-districts within any historic district, in order that the Commission may adopt specific guidelines for the regulation of properties within such a sub-district.
- D. The Commission shall review applications proposing construction, alteration, demolition, or relocation of any resource as defined in Section II above.
- E. The Commission shall grant or deny certificates of appropriateness (within the rules and regulations of City zoning and building codes and within the guidelines established by the Commission), and may grant certificates of appropriateness contingent upon the acceptance by the applicant of specified conditions.
- F. The Commission shall not consider interior arrangements of buildings and structures except that it shall advise the Mississippi Department of Archives and History on questions relating to the interiors of publicly owned resources.
- G. The Commission, subject to the requirements and approval of the City, is authorized to apply for, receive, hold and spend funds from private and public sources, in addition to appropriations made by the City for the purpose of carrying out the provisions of this ordinance.
- H. The Commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties and to obtain the equipment, supplies, and other materials necessary for its effective operation with board approval.
- I. The Commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land for the examination or survey thereof. No member, employee, or agent of the Commission shall enter upon any private land or any private dwelling or structure without the express consent of the owner of record or occupant thereof. Application for a certificate of appropriateness by property owners shall serve as authorization for right of entry. Notarized authorization shall be required of property owners who do not reside or conduct business at the property of interest.
- J. The Commission chairman or designated member shall be responsible for signing of the Building Department's "Building Permit Routing Form" for the issuance of a building permit for all applicable structures.
- K. Paint color changes shall not be within the jurisdiction of the Commission.

SECTION VI. Rules of Procedure.

To fulfill the purposes of this ordinance and carry out the provisions contained therein:

- A. The Commission annually shall elect from its membership a chairman and vice-chairman. A recording secretary shall be appointed from City staff. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
- B. The Commission shall develop and adopt rules of procedure, which shall govern the conduct of its business, subject to the approval of the City. Such rules of procedure shall be a matter of public record. Meetings of the Commission shall be conducted in accordance with the rules of parliamentary procedure currently in effect for meetings of the Mayor and Board of Aldermen.
- C. The Commission shall develop design review guidelines for determining appropriateness as generally set forth in Section VIII of this ordinance. Such criteria shall insofar as possible be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the Secretary of the Interior's Standards For Rehabilitation.
- D. The Commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
- E. The Commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the establishment of the Commission by the City and regular meetings shall be scheduled monthly unless no applications are brought before the Commission; in which case, a regular monthly meeting may be cancelled by the chairman; however, the Commission must conduct a regular meeting at least once every three (3) months. The chairman or any two (2) members may call a special meeting to consider an urgent matter.
- F.

SECTION VII. Designation of Landmarks, Landmark Sites, and Historic Districts.

By ordinance, the City may establish landmarks, landmark sites, and historic districts within the area of its jurisdiction. Such landmarks, landmark sites, or historic districts shall be designated following the criteria as specified in Section III.

- A. The Commission shall initiate a continuing and thorough investigation of the archaeological, architectural, cultural, and historic significance of the City's resources. The findings shall be collected in a cohesive format, made a matter of public record, and made available for public inspection. The Commission shall work toward providing complete documentation for locally designated historic districts, which would include:
 - 1. An inventory of all property within the boundary of the district, with photographs of each building and an evaluation of its significance to the district. Building evaluations are to be used only as a reference or guide and shall not be used as the determining factor for issuing or denying a certificate or appropriateness.

2. An inventory, which would be in format consistent with the statewide inventory format of the Historic Preservation Division of the Mississippi Department of Archives and History (SHPO).
- B. The Commission shall advise the City on the designation of historic districts, landmarks, or landmark sites and submit or cause to be prepared ordinances to make such designation.
 - C. A resource or resources may be nominated for designation upon motion of three (3) members of the Commission or by an organization interested in historic preservation or by an owner of the property being nominated. A nomination shall contain information as specified by the Commission. The Commission must reach a decision on whether to recommend a proposed nomination to the City within six (6) months in the case of a historic district and two (2) months in the case of either a landmark or landmark site.
 - D. If the Commission votes to recommend to the City the designation of a proposed resource, it promptly forwards to the City its recommendation, in writing, together with an accompanying file.
 - E. The Commission's recommendations to the City for the designation of a historic district shall be accompanied by:
 1. A map of the historic district that clearly delineates the boundaries.
 2. A verbal boundary description and justification.
 3. A written statement of significance for the proposed historic district.
 - F. After the nomination of a resource to the City for possible local designation, the resource shall be fully protected by the provisions of this ordinance for a period of six (6) months, as if it were already designated.
 - G. Any property designated under a previous City ordinance shall remain designated.
 - H. No historic district or districts shall be designated until the Mississippi Department of Archives and History has been notified by certified letter by the City and invited to make recommendations concerning the proposed district boundaries. The Mississippi Department of Archives and History may comment by letter, telephone, e-mail or in person through designated staff. The City shall provide to the Mississippi Department of Archives and History the dates of the next two (2) public meetings at which action on the designation of such a district might be taken so that the Mississippi Department of Archives and History may comment in a timely manner. Failure of the Mississippi Department of Archives and History to comment by the date of the second such meeting shall relieve the City of any responsibility for awaiting and responding to such analysis, and the City may at any time thereafter take any necessary action to create the proposed historic district.
 - I. If a proposed ordinance is to designate a landmark or landmark site, it may be presented to the City with a recommendation that it be adopted without submission to the Mississippi Department of Archives and History.

- J. The City shall conduct a public hearing, after notice, to discuss the proposed designation and boundaries thereof. A notice of the hearing shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the City. If a newspaper is not published in the City, then the notice shall be published in a paper published in the County. The first publication of such notice shall be made not less than twenty-one (21) days prior to the date fixed in the resolution for the public hearing and the last publication shall be made not more than seven (7) days prior to such date.
- K. Within sixty (60) calendar days after the public hearing held in connection herewith, the City shall adopt the ordinance as proposed, reject it entirely, or adopt the ordinance with modifications.
- L. Furthermore, the Commission shall notify, as soon as is reasonably possible, the appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and historic districts. An updated list and map shall be maintained by such agencies and made available to the public.
- M.

SECTION VIII. Certificates of Appropriateness.

No exterior feature of any resource shall be altered, relocated, or demolished until after an application for a certificate of appropriateness of such work has been approved by the Commission. Likewise, no construction which affects a resource shall be undertaken without a certificate of appropriateness. Therefore,

- A. The Commission shall have the power to recommend the approval and denial of applications for certificates of appropriateness to the Board of Aldermen.
- B. In approving and denying applications for certificates of appropriateness, the Commission shall seek to accomplish the purposes of this ordinance.
- C. A certification of appropriateness shall not be required for work deemed by the Commission to be ordinary maintenance or repair of any resource.
- D. All decisions of the Commission shall be in writing and shall state the findings of the Commission, its recommendations, and the reasons therefore.
- E. The powers and duties of the Commission are of an advisory nature and the Commission shall not have any powers or duties which conflict with or supersede the powers and duties of the Mayor and Board of Aldermen.

SECTION IX. Criteria for Issuance of Certificates of Appropriateness.

The Commission and the City shall use the following criteria in granting or denying certificates of appropriateness:

- A. General Factors:

1. Architectural design of existing building, structure, or appurtenance and proposed alteration;
2. Historical significance of the resource;
3. General appearance of the resource;
4. Condition of the resource;
5. Materials composing the resource;
6. Size of the resource;
7. The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a historic district, upon the district as a whole and its architectural and historical character and integrity.

B. New construction:

1. In advance of new construction, steps shall be taken to insure evaluation of possible archaeological resources, as set forth in the Mississippi Antiquities Act.
2. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, including but not limited to: the height, the gross volume, the proportion between width and height of the facade (s), the proportions and relationship between doors and windows, the rhythm of solids to voids created by openings in the facade, the materials, the textures, the colors, the patterns, the trims, and the design of the roof.
3. Existing rhythm created by existing building masses and spaces between them shall be preserved.
4. The landscape plan shall be compatible with the resource, and it shall be visually compatible with the environment with which it is visually related. Landscaping shall also not prove detrimental to the fabric of a resource, or adjacent public or private improvements like sidewalks and walls.
5. No specific architectural style shall be required.

C. Exterior alteration:

1. All exterior alterations to a building, structure, object, site, or landscape feature shall be compatible with the resource itself and other resources with which it is related, as is provided in Section IX A and B, and the original design of a building, structure, object, or landscape feature shall be considered in applying these standards.
2. Exterior alterations shall not affect the architectural character or historic quality of a landmark and shall not destroy the significance of landmark sites.

D. In considering an application for the demolition of a landmark or a resource within a historic district, the following shall be considered:

1. The Commission shall consider the individual architectural, cultural, and/or historical significance of the resource.
2. The Commission shall consider the importance or contribution of the resource to the architectural character of the district.
3. The Commission shall consider the importance or contribution of the resource to neighboring property values.
4. The Commission shall consider the difficulty or impossibility of reproducing such a resource because of its texture, design, material, or detail.
5. Following recommendation for approval of demolition, the applicant must seek approval of replacement plans, set forth in Section IX, B, prior to receiving a

demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and site plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction.

6. Applicants that have received a recommendation for demolition shall be permitted to receive such demolition permit without additional Commission action on demolition, following the Commission's recommendation of a permit for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of Section IX B, are met, and the applicant provides financial proof of his ability to complete the project.
7. When the Commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate City Boards, Commissions, departments and agencies.
- 8.

SECTION X. Procedures for Issuance of Certificates of Appropriateness.

Anyone desiring to take action requiring a certificate of appropriateness concerning a resource for which a permit, variance, or other authorization from either the City Building Official or the City is also required, shall make application therefore in the form and manner required by the applicable code section or ordinance. Any such application shall also be considered an application for a certificate of appropriateness and shall include such additional information as may be required by the Commission. After receipt of any such application, the City Building Official shall be assured that the application is proper and complete. No building permit shall be issued by the City Building Official, which affects a resource without a certificate of appropriateness. In the event that a building permit need not be obtained for a building, structure, or object to be erected within a historic district or on a landmark or landmark site, a certificate of appropriateness is still required before such building, structure, or object may be erected. Thereafter, such application shall be reviewed in accordance with the following procedure:

- A. When any such application is filed, the City Building Official shall immediately notify the Commission Chairman or vice-chairman, if the chairman is unavailable, of the application having been filed.
- B. If at the time of filing of an application, there is not a Commission meeting already scheduled within thirty (30) days of this filing, the chairman or vice-chairman shall set a time and date, which shall be not later than fifteen (15) days after the filing of the application for a hearing by the Commission, and the City Building Official shall be so informed.
- C. The applicant shall, upon request, have the right to a preliminary conference with commission support staff for the purpose of making any changes or adjustments to the application, which might be more consistent with the Commission's standards.
- D. Not later than fifteen (15) days before the date set for the said hearing, the City Building Official shall mail notice thereof to the applicant at the address in the application and to all members of the Commission.

- E. Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the community at least ten (10) days before such hearing and/or by posting such notice at City Hall.
- F. At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.
- G. The Commission shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the Commission.
- H. Within not more than twenty-one (21) days after the hearing on an application, the Commission shall act upon it, either approving, denying, or deferring action until the next meeting of the Commission, giving consideration to the factors set forth in Section VIII hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the Commission and, whatever its decision, notice in writing shall be given to the applicant and the City Building Official.
- I. Whenever a local Historic Preservation Commission shall deny or recommend denial of a certificate of appropriateness, the Commission must state the reasons for such denial in writing with factual findings. Thereafter, an applicant may resubmit a new application at any time, except that an applicant must wait six (6) months whenever an application for a certificate of appropriateness is denied for a landmark property of statewide or national significance and notice of any second or subsequent application must be sent to the Mississippi Department of Archives and History as well as to the local Historic Preservation Commission.
- J. In all cases of applications affecting National Historic Landmarks, at least two-thirds of the members of the Commission must approve a certificate of appropriateness in order for it to be granted.
- K. The issuance of a certificate of appropriateness shall not relieve an applicant from obtaining a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition.
- L. Denial of a certificate of appropriateness shall be binding upon the City Building Official or the agency responsible for issuing building permits and shall prevent the issuance of other building permits for the same parcel until a certificate of appropriateness is approved. The Commission chairman or designated member shall be responsible for signing of the Building Department's "Building Permit Routing Form" for the issuance of a building permit for all applicable structures.
- M. A certificate of appropriateness may be required for work, which does not require a building permit. A certificate of appropriateness may be evidenced by either a written and dated letter to an owner or applicant or such a letter accompanied by a

signed and dated stamp on the face of any and all architectural or project drawings prepared for a project.

- N. A certificate of appropriateness shall expire after six (6) months if work has not begun.

SECTION XI. Unreasonable Economic Hardship.

- A. When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner of record must present evidence sufficient to prove that as a result of the Preservation Commission's action he is unable to obtain a reasonable return or a reasonable beneficial use. The owner of record shall submit by affidavit to the Commission for its review at least the following information:
 - 1. Date the property was acquired by its current owner;
 - 2. Price paid for the property (if acquired by purchase) and the relationship (if any) between the buyer and the seller of the property;
 - 3. Mortgage history of the property, including current mortgage;
 - 4. Current market value of the property;
 - 5. Equity in current use and in alternative uses;
 - 6. Past and current income and expense statements for a two-year period;
 - 7. Past capital expenditures during ownership of current owner;
 - 8. Appraisals of the property obtained within the previous two years; and
 - 9. Income and property tax factors affecting the property.
- B. The Preservation Commission may require that an applicant furnish additional information relevant to its determination of unreasonable economic hardship.
- C. The Preservation Commission may receive and consider studies and economic analyses from other City agencies and from private organizations relating to the property in question.
- D. Should the Commission determine that the owner's present return is not reasonable, it must consider whether there are other uses currently allowed that would provide a reasonable return and whether such a return could be obtained through investment in the property for rehabilitation purposes.
- E. Should the applicant satisfy the Commission that he will suffer an unreasonable economic hardship if a certificate of appropriateness is not approved, such certificate must be approved.

SECTION XII. Appeals.

The applicant who desires to appeal a decision by the Commission shall file an appeal to the City Planner within ten (10) calendar days after the determination of the issue by the Commission in the manner provided by law. Any such appeal shall be reviewed upon the record established before the local Historic Preservation Commission

by the Board of Aldermen at their next regularly scheduled meeting, through the Chief Administrative Officer of the City of Starkville as provided by law. Any local property owner or organization aggrieved or damaged by such a decision may appeal in the same manner. The appellant is responsible for providing a verbatim transcript of the hearing before the Board of Aldermen, including all exhibits, the transcribed testimony of witnesses, and the findings of the Board of Aldermen.

SECTION XIII. Minimum Maintenance Requirements.

In order to insure the protective maintenance or resource, of the exterior features of such property, it shall be maintained to meet the requirements of the City's minimum housing code and the City's building codes and ordinances.

SECTION XIV. Demolition by Neglect.

- A. Any resource which is a landmark and all resources within a historic district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:
1. Deterioration to the extent that it creates or permits a hazardous or unsafe condition as determined by the City's Building Official.
 2. Deterioration, as determined by the Building Official, of a building characterized by one or more of the following:
 - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property;
 - b. Deteriorated or inadequate foundations;
 - c. Defective or deteriorated floor supports or floor supports inefficient to carry imposed loads with safety;
 - d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
 - e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety;
 - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members, which sag, split, or buckle due to defective material, workmanship, or deterioration.
 - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
 - h. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration; or
 - i. Any fault, defect, or condition in the building, which renders the same structurally unsafe or not properly watertight.
- B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the City Building Official to notify the owner or

owners of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the Commission. Said notice shall be given as follows:

1. By certified mail, return receipt, mailed to the last known address of the record owner or owners as listed on the Oktibbeha County tax rolls; or
 2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.
- C. If the owner or owners fail to commence work within the time allotted as evidenced by a building permit, the Commission shall notify the owner or owners in the manner provided above to appear at a public hearing before the Commission at a date, time, and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner or owners may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the City Building Official to bring misdemeanor charges against the owner or owners if the necessary repairs are not completed within ninety (90) days of the determination by the Commission that the subject building or structure is being demolished by neglect.
- D. The City, in addition to the powers specified in Section 21-19-11(1) of the Mississippi State Code of 1972, as amended, if the Historic Preservation Division of the Department of Archives and History concurs, may make repairs necessary to correct demolition by neglect, and the cost of such repairs shall become a lien against the property in accordance with the Mississippi State Code of 1972 as amended.

SECTION XV. Public Safety Exclusion.

None of the provisions of this ordinance shall be construed to prevent any action of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, or part thereof, where such condition has been declared unsafe or dangerous by the City Building Official or the Fire Department and where the proposed actions have been declared necessary by such authorities to correct the said condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource designated as a landmark or located within a historic district, shall be damaged by fire or other calamity to such an extent that it cannot be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws, provided that:

- A. The City Building Official concurs with the property owner that the resource cannot be repaired and restored and so notifies the Commission in writing.
- B. The preservation Commission, if in doubt after receiving such notification from the City Building Official, shall be allowed time to seek outside professional expertise from the

State Historic Preservation Office and/or an independent structural engineer before issuing a certificate of appropriateness for the demolition. The Commission may indicate in writing by letter to the City Building Official that it will require a time period of up to thirty (30) days for this purpose, and, upon such notification to the City Building Official, this section shall be suspended until the expiration of such a delay period.

SECTION XVI. Enforcement and Penalties.

The following civil and criminal penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this ordinance.

A. Civil Penalty:

1. Any person who constructs, alters, relocates, or demolishes any resource in violation of this ordinance shall be required to restore the resource to its appearance or setting prior to the violation. Any action to enforce this provision shall be brought by the City of Starkville. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty.
2. If construction, alteration, or relocation of any resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such construction, alteration, or relocation shall be revoked for a period of three (3) years.
3. If demolition of a resource occurs without a certificate of appropriateness, then any permits on subject property will be denied for a period of three (3) years. No permit will be issued for any structure or structures proposed for the same parcel, which would require a footprint larger than the footprint of the demolished structure, or structures. In addition, the owner must rebuild on the site using as much of the original building material as possible, and in general following the same form. In addition, unauthorized demolition of a portion of a structure shall not serve as justification for a demolition permit whenever it can be shown that restoration or rehabilitation would still be feasible. In addition, the applicant shall not be entitled to have issued to him by any City office a permit allowing any curb cuts on subject property for a period of three (3) years from and after the date of such demolition.
4. If a historic landmark or landmark site of statewide or national significance is demolished without review and approval by a local Historic Preservation Commission, no permit for any construction on the parcel from which the landmark or landmark site has been removed may be issued for a period of up to twenty-four (24) months.
5. If demolition of a resource occurs without a certificate of appropriateness, then the license of the company, individual, principal owner, or its or his successor in interest performing such demolition shall be revoked for a period of five (5) years.
6. The City of Starkville's Administrative Adjudication Process shall be the preferred method for prosecuting civil violations of the historic preservation ordinance.

B. Criminal Penalty:

Any persons, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor, and each shall be deemed guilty of a separate violation for each day during which any violation hereof is committed. Upon conviction, each violation shall be fined not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00). Each day that a violation continues to exist shall constitute a separate offense.

SECTION XVII. Appropriations.

The City is authorized to make appropriations to the Commission necessary for the expenses of the operation of the Commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation, and management of historic properties.

SECTION XVIII. Title to Property Acquired.

All property acquired by funds appropriated by the City shall be acquired in the name of the City unless otherwise provided by the City. So long as owned by the City, properties may be maintained by or under the supervision and control of the City. However, all property acquired by the Commission from funds other than those appropriated by the City may be acquired and held in the name of the Commission, the City, or both. Whenever the Commission shall hold title to properties in its own name, such properties shall be administered in accordance with this and other City ordinances.

SECTION XIX. Non-Restrictive Clause.

- A. Nothing in this ordinance shall be construed to prevent the regulation or acquisition of property, improved or unimproved, by the State of Mississippi or any of its political subdivisions, agencies, or instrumentalities or by the United States of America or any of its political subdivisions, agencies, or instrumentalities.
- B. Furthermore, the City of Starkville hereby acknowledges that the Mississippi State Antiquities Law (39-7-1 et. seq. of the Mississippi Code of 1972, as amended in 1983), provides for the sensitive treatment of publicly owned property, improved or unimproved, shown to possess certain architectural, historical, or archaeological significance, which are designed by the Board of Trustees of the Mississippi Department of Archives and History as Mississippi Landmarks. Whenever the City proposes to rehabilitate, alter, or enlarge a Mississippi Landmark (or proposes similar actions which would affect a Mississippi Landmark), the City shall submit its plans to the Mississippi Department of Archives and History for review and compliance.

SECTION XX. Disqualification of Members by Conflict of Interests.

- A. Because the City may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire,

members of the Commission are allowed to contract their services to an applicant for a certificate of appropriateness, and, when doing so, must expressly disqualify themselves from the Commission during all discussions for that application. In such cases, the City shall, upon the request of the chairman of the Commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only. If no qualified resident of the City is able to substitute for the disqualified member, the City may appoint, in this case only, a qualified substitute who is a resident of Mississippi but not a resident of the City of Starkville.

- B. If any member of the Commission must be disqualified due to a conflict of interest on a regular and continuing basis, the chairman or the vice-chairman, in his stead, shall encourage the member to resign his commission seat. Failing this resignation, and, if the Commission member continues to enter into conflict of interest situations with the Commission, the chairman or vice-chairman of the Commission shall encourage the City to replace the member.
- C. Likewise, any member of the Commission who has an interest in the property in question or in property within three hundred (300) feet of such a property, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy, or personal interest in a matter to be considered by the Commission shall be disqualified from participating in the consideration of any request for a certificate of appropriateness involving such a property. In such cases, a qualified substitute shall be appointed as provided above.

SECTION XXI. Severability.

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

SECTION XXII. Conflict with the Mississippi Antiquities Act.

Likewise, all ordinances and part of ordinances in conflict with the Mississippi Antiquities Act (39-7-1 et. seq. of the Mississippi Code of 1972, as amended in 1983) are hereby repealed.

SECTION XXIII. Invalidation/Severability.

The requirements and provisions of this Ordinance are severable. If any article, section paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the Court shall not affect the

validity or applicability of the Ordinance as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

SECTION XXIV. Conflicts.

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

SECTION XXV. Effective Date.

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

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

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

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

ORDAINED AND ADOPTED, this the 18th day of May, A.D., 2010, at the Recess Meeting of the Mayor and Board of Aldermen of the City of Starkville, Oktibbeha County, Mississippi.

PARKER WISEMAN, Mayor
City of Starkville, Mississippi

MARKEETA OUTLAW, Clerk
City of Starkville, Mississippi

(SEAL)

30.

A MOTION TO APPROVE ITEM #CU 10-03 A CONDITIONAL USE TO ALLOW A CHURCH IN A C-2 ZONING DISTRICT, LOCATED AT 200 MS HIGHWAY 25 BYPASS SOUTH, WITH 5 CONDITIONS AS RECOMMENDED BY THE PLANNING AND ZONING COMMISSION

There came for consideration the matter of a Church desiring to move into a C-2 zoning district. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Roy A'. Perkins to approve a Conditional Use to allow a church in a C-2 zoning district, located at 200 MS Highway 25 Bypass South, with five conditions as recommended by the City Staff and approve by the Planning and Zoning Commission. The Board unanimously voted to approve the motion.

STAFF RECOMMENDATIONS

Upon review of the proposed conditional use application, the Planning & Zoning Commission's recommendation for approval to grant the Conditional Use to allow a church in a C-2 (General Business) zone located at 200 MS Highway 25 Bypass South, would be based on the findings of fact and conclusions of this staff report dated May 6, 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. A Certificate of Occupancy shall be issued by the Building Department prior to the commencement of worship activities at the site.
3. Any future proposal for an on-site private school shall require a conditional use review at that time.
4. If there is a change in the use or ownership of the property, a conditional use review shall be required.
5. All of the above conditions shall be executed fully and faithfully or the conditional use shall become null and void.

31.

**A MOTION TO ENTER INTO A CLOSED SESSION
TO DETERMINE IF THERE IS PROPER CAUSE 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 Henry Vaughn, Sr., to enter into a Closed Session to determine if items to be discussed are proper cause for Executive Session, the Board unanimously voted in favor of the motion.

32.

**A MOTION DECLARING DISCUSSION REGARDING
PENDING LITIGATION, PERSONNEL, POTENTIAL
LITIGATION AND PROPERTY ACQUISITION
AS PROPER CAUSE FOR EXECUTIVE SESSION**

There came for consideration the matter to determine the discussions regarding Pending Litigation, Personnel, Potential Litigation and Property Acquisition are proper cause for Executive Session. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, that deliberations and findings concerning the discussions of Pending Litigation regarding the Pat Station Roadway Project, Personnel in the Police Department, Potential Litigation regarding TVA Easements, and Property Acquisition are proper for Executive Session, the Board unanimously voted in favor of the motion.

33.

**A MOTION TO EXIT CLOSED SESSION AND
ENTER INTO EXECUTIVE SESSION FOR THE
DISCUSSION OF PENDING LITIGATION**

There came for consideration the matter of entering Executive Session to discuss Pending Litigation. After discussion, and

Upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Ben Carver, that the Board exit Closed Session and enter into an Executive Session to discuss the subject named, the Board unanimously voted their approval.

34.

**A MOTION TO APPROVE THE CREATION OF A
MASTER SERGEANT POSTION WITHIN THE POLICE DEPARTMENT
TO BE IMPLEMENTED AND EFFECTIVE AUGUST 15, 2010**

There came for consideration the creation and implementation of a Master Sergeant position within the Police Department. The Master Sergeant position provides for a 5% increase in salary and becomes effective August 15, 2010. The position will be funded from accrued unexpended salary/salaries within line item 001-112-420 until September 30, 2010, at which time it will be incorporated into the FY2011 Budget. After discussion, and

upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Jeremiah Dumas to approve creating a Master Sergeant position within the Police Department, with said position providing for a 5% increase in salary to become effective on and after August 15, 2010, the Board voted as follow:

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

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

35.

**A MOTION TO APPROVE PAY ADJUSTMENTS
WITHIN THE POLICE DEPARTMENT FOR
THE STAFF SUPPORT TECHNICIANS**

There came for consideration the matter of pay adjustments for Staff Support Technicians in the Police Department. Staff Support Technician Ruby Shurden is to receive a pay adjustment of \$4,000.00 effective May 19, 2010. Staff Support Technician Tammy Carlisle is to receive a pay adjustment of \$4,000.00 effective upon completion of the six month probationary period which is August 26, 2010. These adjustments will be funded from line item 001-112-430 until September 30, 2010, at which time it will be incorporated into the FY2011 Budget. After discussion, and

upon the motion of Alderman Sandra Sistrunk, duly seconded by Alderman Jeremiah Dumas, to approve pay adjustments within the Police Department for Staff Support Technicians in the amount of \$4,000.00 with Staff Support Technician Ruby Shurden's adjustment effective May 19, 2010 and Staff Support Technician Tammy Carlisle's adjustment effective upon the completion of the six month probationary period which is August 26, 2010, the Board voted as follow:

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

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

NOTE:

Alderman Eric Parker exited the meeting at this point.

36.

**A MOTION TO ESTABLISH
AN EVALUATION COMMITTEE TO
EVALUATE DEPARTMENT HEADS**

There came for consideration the matter of forming an evaluation committee to provide feedback to Department Heads. Committee members will consist of Mayor Parker Wiseman, Alderman Sandra Sistrunk, Alderman Richard Corey, and Alderman Henry Vaughn, Sr. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Henry Vaughn, Sr., to establish an evaluation committee to provide feedback to Department Heads with committee members being Mayor Parker Wiseman, Alderman Sandra Sistrunk, Alderman Richard Corey and Alderman Henry Vaughn, Sr. , the Board voted unanimously in favor of the motion.

NOTE:

Alderman Ben Carver exited the room at this point.

37.

**A MOTION TO ADOPT THE RESOLUTION
TO SALE AN EASEMENT TO TVA AS PRESENTED
CONTINGENT UPON A TITLE SEARCH**

BY CITY ATTORNEY CHRIS LATIMER

There came for consideration the matter of selling an easement to TVA. After discussion, and

upon the motion of Alderman Jeremiah Dumas, duly seconded by Alderman Richard Corey, to adopt the resolution to sale an easement to TVA as presented contingent upon a title search by City Attorney Chris Latimer, the Board voted as follows:

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

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

TVA Tract No. CVS-52

RESOLUTION

BE IT RESOLVED THAT Parker Wiseman, who is the MAYOR of CITY OF STARKVILLE, MISSISSIPPI, be authorized and directed to execute and deliver a Grant of Transmission Line Easement and all related documents to grant, sell, and convey to the United States of America a permanent easement and right-of-way as described in said grant and to receive payment therefor.

ATTESTATION

The foregoing resolution was, upon motion properly made, seconded and adopted by the Board of Aldermen of CITY OF STARKVILLE, MISSISSIPPI, at a meeting held on the 18th day of May, 2010, of record in Minute Book _____, page_____.

Date: May 18, 2010 _____ /s/ Markeeta Outlaw, CMC _____
Secretary

NOTE: Executive Session Item "Opening Prayer" was deferred to the next meeting.

Alderman Ben Carver rejoined the meeting.

34.

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

Upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Richard Corey, to exit Executive Session and return to Open Session, the Board unanimously voted their approval.

35.

A MOTION TO ADJOURN

Upon the motion of Alderman Roy A'. Perkins, duly seconded by Alderman Sandra Sistrunk, the Board unanimously approved the motion to adjourn. The next meeting of the Mayor and Board will be held Tuesday June 1, 2010 at 5:30 p.m. in the Boardroom of City Hall, located at 101 E. Lampkin Street, Starkville, MS.

SIGNED AND SEALED THIS THE ____ DAY OF _____ 2010.

MARKEETA OUTLAW, CITY CLERK

PARKER WISEMAN, MAYOR

(SEAL)