

**MINUTES OF THE REGULAR MEETING
OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF STARKVILLE, MISSISSIPPI
August 4, 2020**

Be it remembered that the Mayor and Board of Alderman met in a Regular Meeting on August 4, 2020 at 5:30 p.m. in the Courtroom of City Hall, located at 110 West Main Street, Starkville, MS. Present were Mayor Lynn Spruill, Aldermen Sandra Sistrunk, David Little, Hamp Beatty and Henry Vaughn, Sr. as well as City Clerk / CFO Lesa Hardin and City Attorney Chris Latimer. Aldermen Ben Carver, Jason Walker, and Roy A'. Perkins attended telephonically or by videoconference.

Mayor Lynn Spruill opened the meeting with the Pledge of Allegiance followed by a moment of silence.

Mayor Lynn Spruill asked for any revisions to the Official Agenda.

REQUESTED REVISIONS TO THE OFFICIAL AGENDA:

The Mayor called for any changes to the agenda. There being none, the Mayor called for a motion to approve the agenda with consent items.

1. A MOTION TO APPROVE THE AGENDA WITH CONSENT ITEMS.

Alderman Little offered a motion, duly seconded by Alderman Beatty, to approve the August 4, 2020 Agenda as amended. Mayor Spruill then read the consented items after which the Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea
Alderman Jason Walker	Voted: Yea
Alderman Hamp Beatty	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Henry Vaughn, Sr.	Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion carried.

**OFFICIAL AGENDA OF
THE MAYOR AND BOARD OF ALDERMEN
OF THE
CITY OF STARKVILLE, MISSISSIPPI
REGULAR MEETING OF TUESDAY, AUGUST 4, 2020
5:30 P.M., COURT ROOM, CITY HALL
110 WEST MAIN STREET**

CONSENT AGENDA ITEMS ARE HIGHLIGHTED

- I. CALL THE MEETING TO ORDER**
- II. PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE**
- III. APPROVAL OF THE OFFICIAL AGENDA INCLUDING CONSENTED ITEMS**
- IV. APPROVAL OF THE BOARD OF ALDERMEN MINUTES**

CONSIDERATION OF THE MINUTES OF THE JULY 7, 2020 MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE.

CONSIDERATION OF THE MINUTES OF THE JULY 17, 2020 WORK SESSION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE.

V. ANNOUNCEMENTS AND COMMENTS

A. MAYOR'S COMMENTS:

Importance of completing Census reports

B. BOARD OF ALDERMEN COMMENTS:

VI. CITIZEN COMMENTS

VII. PUBLIC APPEARANCES

STARKVILLE PUBLIC LIBRARY PRESENTATION BY LIBRARY DIRECTOR PHILLIP CARTER.

VIII. PUBLIC HEARING

A. SECOND PUBLIC HEARING AND CONSIDERATION OF AMENDING THE CITY OF STARKVILLE CODE OF ORDINANCES, ARTICLE III. SECTION 82-51 ET SEQ. ASSEMBLIES, PARADES AND PROCESSIONS.

B. PUBLIC HEARING AND CONSIDERATION OF SE 20-09 A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA K APPROXIMATELY 2,035 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

C. PUBLIC HEARING AND CONSIDERATION OF SE 20-10 A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA G&H APPROXIMATELY 1,632 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

D. PUBLIC HEARING AND CONSIDERATION OF SE 20-13 A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA N&O APPROXIMATELY 3,727 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

E. PUBLIC HEARING AND CONSIDERATION OF SE 20-12 A SPECIAL EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF A "RECREATIONAL VEHICLE PARKS" AND "MINI-STORAGE" FACILITY ON THE WEST SIDE OF LOUISVILLE STREET APPROXIMATELY 800 FEET (0.15 MILES) NORTH OF WARRIOR DRIVE IN A R-N ZONING DISTRICT.

F. PUBLIC HEARING AND CONSIDERATION OF UE 20-01 A USE EXCEPTION TO ALLOW FOR A "PLACE OF WORSHIP" AT 708 TAYLOR ROAD SUITE B&C IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102E-00-196.02.

- G. PUBLIC HEARING AND CONSIDERATION OF VA 20-05 A REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS LOCATED AT 605 DR. MARTIN LUTHER KING JR. DRIVE EAST IN A S-1 WITH THE PROPERTY #117N-00-001.1 (STARKVILLE UTILITIES OPERATION CENTER ADDITION).

IX. MAYOR'S BUSINESS

- A. CONSIDERATION OF EXTENDING THE PROCLAMATION OF A LOCAL EMERGENCY DUE TO THE COVID-19 VIRUS FOR AN ADDITIONAL THIRTY (30) DAYS.

X. BOARD BUSINESS

- A. CONSIDERATION OF MAKING THE APPOINTMENT OF JERRY TONEY, SOLE APPLICANT, TO THE LINK BOARD FOR THE TERM BEGINNING SEPTEMBER 1, 2020 TO AUGUST 31, 2022.
- B. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON THE 2020-2021 BUDGET AND TAX LEVY FOR THE CITY OF STARKVILLE TO BE HELD AT THE AUGUST 18, 2019 MEETING.

XI. DEPARTMENT BUSINESS

A. AIRPORT

THERE ARE NO ITEMS FOR THIS AGENDA

B. COMMUNITY DEVELOPMENT DEPARTMENT

1. CODE ENFORCEMENT

THERE ARE NO ITEMS FOR THIS AGENDA

2. PLANNING

THERE ARE NO ITEMS FOR THIS AGENDA

C. COURTS

THERE ARE NO ITEMS FOR THIS AGENDA

D. ENGINEERING

- 1. CONSIDERATION OF THE STANDARD MASTER AGREEMENT BETWEEN CLIENT AND KIMLEY-HORN AND ASSOCIATES, INC. FOR CONTINUING PROFESSIONAL SERVICES.

E. FINANCE AND ADMINISTRATION

- 1. REQUEST APPROVAL OF THE CITY OF STARKVILLE CLAIMS DOCKET FOR ALL DEPARTMENTS INCLUDING STARKVILLE UTILITIES DEPARTMENT AS OF JULY 28, 2020 FOR FISCAL YEAR ENDING 9/30/20, ACKNOWLEDGING THAT THE CITY CLERK HAS ATTESTED AND CERTIFIED ON THE COVER OF THE CLAIMS DOCKET THAT

ALL CLAIMS ON THE DOCKET ARE TRUE, ACCURATE, LAWFUL AND PROPER TO THE BEST OF HER KNOWLEDGE, FOR PAYMENT PURSUANT TO HER DUTIES UNDER MISS. CODE SECTIONS 21-39-5, 21-39-7, 21-39-9, 21-39-17 AND 21-15-21.

2. REQUEST AUTHORIZATION FOR THE CITY CLERK'S OFFICE TO ADVERTISE FOR SOURCE OF SUPPLY FOR THE STREET AND SANITATION (GENERAL CITY) FOR THE PERIOD OF OCTOBER 1, 2020 –SEPTEMBER 30, 2021.

3. REQUEST AUTHORIZATION TO ADVERTISE FOR MUNICIPAL DEPOSITORY FOR THE CITY OF STARKVILLE.

F. FIRE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

G. HUMAN RESOURCES

1. REQUEST AUTHORIZATION TO HIRE SAMANTHA GILLEN AS A CERTIFIED POLICE OFFICER IN THE STARKVILLE POLICE DEPARTMENT.

2. REQUEST AUTHORIZATION TO HIRE MEAGAN WARD AS AN ACCOUNTANT IN THE STARKVILLE UTILITIES DEPARTMENT.

H. INFORMATION TECHNOLOGY

THERE ARE NO ITEMS FOR THIS AGENDA

I. PARKS

1. REQUEST APPROVAL TO ADVERTISE FOR BIDS AS COMPLETED BY THE DESIGN TEAM AND APPROVED BY THE CITY DRC PROCESS FOR THE CORNERSTONE SPORTS COMPLEX PROJECT WITH THE BIDS TO INCLUDE TURF, BUILDINGS, AND THE OVERALL GENERAL CONTRACT FOR CONSTRUCTION OVER THE NEXT FOUR MONTHS.

J. POLICE DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

K. SANITATION DEPARTMENT

THERE ARE NO ITEMS FOR THIS AGENDA

L. UTILITIES DEPARTMENT

1. REQUEST AUTHORIZATION TO ADVERTISE FOR BIDS FOR AUTOTRANSFORMER FOR THE STARKVILLE PRIMARY 161/69 KV SUBSTATION (MATERIAL ONLY).

2. REQUEST AUTHORIZATION TO AWARD THE LOWEST AND BEST BID TO WORSHAM BROTHER CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE STARKVILLE UTILITIES ELECTRIC OPERATIONS CENTER EXPANSION AND RENOVATIONS TO ALLOW COMBINING WATER AND ELECTRIC OPERATION AT ONE SITE IN AN AMOUNT NOT TO EXCEED \$1,978,000.00 WHICH WILL NOT INCLUDE ALTERNATE #1 (\$17,000.00).

XII. CLOSED DETERMINATION SESSION

XIII. OPEN SESSION

XIV. EXECUTIVE SESSION

XV. OPEN SESSION

XVI. RECESS UNTIL AUGUST 18, 2020 @ 5:30 IN THE COURT ROOM AT 110 WEST MAIN STREET.

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

Consent items 2 – 14:

2. CONSIDERATION OF THE MINUTES OF THE JULY 7, 2020 MEETING OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE, MS.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval of the minutes of the July 7, 2020 meeting of the Mayor and Board of Aldermen of the City of Starkville, MS” is enumerated, this consent item is thereby approved.

3. CONSIDERATION OF THE MINUTES OF THE JULY 17, 2020 WORK SESSION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF STARKVILLE.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval of the minutes of the July 17, 2020 work session of the Mayor and Board of Aldermen of the City of Starkville, MS” is enumerated, this consent item is thereby approved.

4. CONSIDERATION OF EXTENDING THE PROCLAMATION OF A LOCAL EMERGENCY DUE TO THE COVID-19 VIRUS FOR AN ADDITIONAL THIRTY (30) DAYS.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval of extending the Proclamation of a Local Emergency Due to the Covid-19 virus for an additional thirty (30) days” is enumerated, this consent item is thereby approved.

**PROCLAMATION OF EXISTENCE OF A LOCAL EMERGENCY
City of Starkville, Oktibbeha County, Mississippi**

WHEREAS, The City of Starkville Mayor and Board of Aldermen did find that conditions of extreme peril to the safety of persons and property arose within the City of Starkville, caused by Infectious Disease Pandemic COVID-19 commencing on March 17, 2020 and

WHEREAS, the United States Department of Health and Human Services Secretary Alex Azar declared a public health emergency for COVID19 beginning on January 27, 2020, on March 11, 2020, the World Health Organization (WHO) publicly characterized COVID-19 as a pandemic; and on March 13, 2020, the President of the United States declared a nationwide state of emergency due to the coronavirus COVID-19 pandemic; and

WHEREAS, the aforesaid conditions of extreme peril warrant and necessitate the continuation of the proclamation of

the existence of a local emergency in order to provide for the health and safety of the citizens and the protection of their property within the affected jurisdiction;

NOW, THEREFORE, IT IS HEREBY PROCLAIMED that in accordance with Section 33-15-17(d), Mississippi Code of 1972, as amended, a local emergency continues to exist throughout the City of Starkville and Oktibbeha County; and shall be reviewed every thirty (30) days until such local emergency is no longer in effect and proclaimed terminated by Mayor and Board of Aldermen of the City of Starkville, Oktibbeha County, State of Mississippi.

IT IS FURTHER PROCLAIMED AND ORDERED that all City of Starkville agencies and departments shall render all possible assistance and discharge their emergency responsibilities as set forth in the Oktibbeha County Comprehensive Emergency Management Plan.

DATE: August 4, 2020

Mayor, D. Lynn Spruill

ATTEST:

City Clerk, Lesa Hardin

5. CONSIDERATION OF MAKING THE APPOINTMENT OF JERRY TONEY, SOLE APPLICANT, TO THE LINK BOARD FOR THE TERM BEGINNING SEPTEMBER 1, 2020 TO AUGUST 31, 2022.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval of reappointing Jerry Toney, sole applicant, as the GTR Link Advisory Board member for the City of Starkville for the term beginning September 1, 2020 to August 31, 2022” is enumerated, this consent item is thereby approved.

6. CONSIDERATION OF CALLING FOR A PUBLIC HEARING ON THE 2020-2021 BUDGET AND TAX LEVY FOR THE CITY OF STARKVILLE TO BE HELD AT THE AUGUST 18, 2019 MEETING.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to set Public Hearings on the tax millage and budget to be held August 18, 2020 and September 1, 2020 for the City of Starkville for Fiscal Year 2020 – 2021, with adoption scheduled at the September 1, 2020 meeting” is enumerated, this consent item is thereby approved.

7. CONSIDERATION OF THE STANDARD MASTER AGREEMENT BETWEEN CITY OF STARKVILLE AND KIMLEY-HORN AND ASSOCIATES, INC. FOR CONTINUING PROFESSIONAL SERVICES.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval of the Standard Master Agreement between the City of Starkville and Kimley-Horn and Associates, Inc. for continuing professional services” is enumerated, this consent item is thereby approved. (Agreement on following page)

8. CONSIDERATION FOR THE CITY CLERK’S OFFICE TO ADVERTISE FOR SOURCE OF SUPPLY FOR THE STREET AND SANITATION (GENERAL CITY) FOR THE PERIOD OF OCTOBER 1, 2020 – SEPTEMBER 30, 2021.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to advertise for source of supply for the Street and Sanitation (General City) for the period of October 1, 2020 –September 30, 2021” is enumerated, this consent item is thereby approved.

**STANDARD MASTER AGREEMENT BETWEEN CLIENT AND
KIMLEY-HORN AND ASSOCIATES, INC. FOR CONTINUING PROFESSIONAL SERVICES**

THIS AGREEMENT is made this 4th day of August, 2020, by and between THE CITY OF STARKVILLE ("the Client") and KIMLEY-HORN AND ASSOCIATES, INC. ("the Consultant"). This Agreement sets forth the terms whereby Kimley-Horn, or an affiliated company, will provide professional services on one or more projects (with respect to each engagement "the Project"), with the specifics of each engagement to be set forth in an Individual Project Order ("IPO"). If the IPO is executed by an affiliated company of Kimley-Horn, the IPO shall incorporate the terms of this Agreement as if signed by the affiliated company.

AGREEMENT

(1) Scope of Services and Additional Services. The Consultant will perform only services set forth in IPO's ("the Services"). If requested by the Client and agreed to by the Consultant, the Consultant will perform Additional Services which shall be governed by these provisions. Unless otherwise agreed to in writing, the Client shall pay the Consultant for the performance of any Additional Services an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 time cost.

(2) Client's Responsibilities. In addition to other responsibilities in this Agreement or imposed by law, the Client shall:

(a) Designate in writing a person to act as its representative, such person having complete authority to transmit instructions, receive information, and make or interpret the Client's decisions.

(b) Provide all information and criteria as to the Client's requirements, objectives, and expectations for the Project and all Client standards of development, design, or construction.

(c) Provide the Consultant all available studies, plans, or other documents pertaining to the Project, such as surveys, engineering data, and environmental information, etc., all of which the Consultant may rely upon.

(d) Provide for access to the project site and other property as required for the Consultant to provide its services.

(e) Review all documents or reports presented by the Consultant and communicate decisions pertaining thereto within a reasonable time so as not to delay the Consultant.

(f) Furnish approvals and permits for all government authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary.

(g) Obtain any independent accounting, legal, insurance cost estimating, and feasibility

services as the Client may require.

(h) Give prompt written notice to the Consultant whenever the Client observes or otherwise becomes aware of any development that affects the Consultant's services, or any defect or nonconformance in any aspect of the Project.

(3) Period of Services. This Agreement and the rates of compensation in IPO's are agreed to in anticipation of conditions permitting orderly and continuous progress of the Project through completion of the Services. The Consultant shall begin work on each IPO after receipt of a fully executed copy of the IPO. The times for performance shall be extended as necessary for periods of suspension or delay resulting from circumstances the Consultant does not control. If such suspension or delay extends for more than six months, the rates of compensation shall be renegotiated.

(4) Compensation for Services. The Consultant's compensation shall be computed on the basis set forth herein, unless otherwise stated in the IPO. The Client shall pay the Consultant an amount based upon the Consultant's then-current hourly rates plus an amount to cover certain direct expenses including telecommunications, in-house reproduction, postage, supplies, project related computer time, and local mileage. Other direct expenses will be billed at 1.15 times cost. If the Consultant's compensation is on an hourly labor fee basis, estimated fees and expenses may be set forth in the IPO in question. Services undertaken or expenses incurred by the Consultant exceeding any estimates set forth in the IPO shall be the liability of the Client.

(5) Method of Payment.

(a) Invoices will be submitted periodically for services performed and expenses incurred. Payment of each invoice will be due within 45 days of receipt. The Client shall also pay any applicable sales tax. All retainers will be held and applied against the final invoice. Interest will be added to accounts not paid within 45 days at the maximum rate allowed by law. If the Client fails to make any payment due the Consultant under this or any other agreement within 45 days after the Consultant's transmittal of its invoice, the Consultant may, after giving notice to the Client, suspend services and withhold deliverables until all amounts due are paid in full.

(b) If the Client relies on payment or proceeds from a third party to pay Consultant and Client does not pay Consultant's invoice within 60 days of receipt, Consultant may communicate directly with such third party to secure payment.

(c) If the Client objects to any charge on an invoice, it shall so advise the Consultant in writing giving its reasons within fourteen (14) days of receipt of the invoice or all such objections shall be waived and the amount stated in the invoice shall conclusively be deemed due and owing. If the Client

objects on only a portion of the invoice, payment for all other portions remains due within 25 days of receipt.

(e) The Client agrees that payment to the Consultant is not subject to any contingency. The Consultant may negotiate payment of any check tendered by the Client, even if the words "in full satisfaction" or words intended to have similar effect appear on the check without such negotiation being an accord and satisfaction of any disputed debt and without prejudicing the right of the Consultant to collect additional amounts from the Client.

(6) Use of Documents. All documents, data, and programs prepared by the Consultant are related exclusively to the services described in the IPO and may be used only if the Client has satisfied all of its obligations under this Agreement. They are not intended or represented to be suitable for use or reuse by the Client or others on extensions of the Project or on any other project. Any modifications made by the Client to any of the Consultant's documents, or any use, partial use or reuse of the documents without written authorization by the Consultant will be at the Client's sole risk and without liability to the Consultant. The Consultant's electronic files and source code remain the property of the Consultant and shall be provided to the Client only if expressly provided for in the IPO. Any electronic files not containing an electronic seal are provided only for the convenience of the Client, and use of them is at the Client's sole risk. In the case of any defects in the electronic files or any discrepancies between them and the hardcopy of the documents prepared by the Consultant, the hardcopy shall govern.

(7) Opinions of Cost. Because the Consultant does not control the cost of labor, materials, equipment or services furnished by others, methods of determining prices, or competitive bidding or market conditions, any opinions rendered as to costs, including but not limited the costs of construction and materials, are made solely based on its judgment a professional, familiar with the industry. The Consultant cannot and does not guarantee that proposals, bids or actual costs will not vary from opinions of cost prepared by it. If at any time the Client wishes greater assurance as to the amount of any cost, it shall employ an independent cost estimator to make such determination. Consultant's services required to bring costs within any limitation established by the Client will be paid for as Additional Services by the Client.

(8) Termination. The obligation to provide further services under this Agreement may be terminated by either party upon seven (7) days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof or upon thirty days' written notice for the convenience of the terminating party. The Consultant will be paid for all services rendered to the effective date of termination, all expenses subject to reimbursement, and other reasonable expenses incurred by the Consultant as a result of such termination.

(9) Standard of Care. The standard of care applicable to Consultant's services will be the degree of care and skill ordinarily exercised by consultants performing the same or similar services in the same locality at the time the services are provided, and it is agreed that the Consultant is not a fiduciary with respect to the Client.

(10) Intentionally omitted.

(11) Intentionally omitted.

(12) Construction Costs. Under no circumstances shall the Consultant be liable for extra costs or other consequences due to unknown conditions, or related to the failure of contractors to perform work in accordance with the plans and specifications. Consultant shall have no liability whatsoever for any costs arising out of the Client's decision to obtain bids or proceed with construction before the Consultant has issued final, fully-approved plans and specifications. The Client acknowledges that all preliminary plans are subject to substantial revision until plans are fully approved and all permits obtained.

(13) Certifications. The Consultant shall not be required to execute certifications or third-party reliance letters that are inaccurate, that relate to facts of which the Consultant does not have actual knowledge, or that would cause the Consultant to violate applicable rules of professional responsibility.

(14) Intentionally Omitted.

(15) Hazardous Substances. Consultant shall not be a custodian, transporter, handler, arranger, contractor, or remediator with respect to hazardous substances and conditions. Consultant's services will be limited to analysis, recommendations, and reporting, including, when agreed to, plans and specifications for isolation, removal, or remediation. The Consultant will notify the Client of unanticipated hazardous substances or conditions of which the Consultant actually becomes aware. The Consultant may stop affected portions of its services until the hazardous substance or condition is eliminated.

(16) Construction Phase Services.

(a) If the Consultant prepares construction documents and the Consultant is not retained to make periodic site visits, the Client assumes all responsibility for interpretation of the documents and for construction observation, and the Client waives any claims against the Consultant in any way connected thereto.

(b) The Consultant shall have no responsibility for any contractor's means, methods, techniques,

equipment choice and usage, sequence, schedule, safety programs, or safety practices, nor shall Consultant have any authority or responsibility to stop or direct the work of any contractor. The Consultant's visits will be for the purpose of endeavoring to provide the Client a greater degree of confidence that the completed work of its contractors will generally conform to the construction documents prepared by the Consultant. Consultant neither guarantees the performance of contractors, nor assumes responsibility for any contractor's failure to perform its work in accordance with the contract documents.

(c) The Consultant is not responsible for any duties assigned to it in the construction contract that are not expressly provided for in this Agreement. The Client agrees that each contract with any contractor shall state that the contractor shall be solely responsible for job site safety and for its means and methods; that the contractor shall indemnify the Client and the Consultant for all claims and liability arising out of job site accidents; and that the Client and the Consultant shall be made additional insureds under the contractor's general liability insurance policy.

(17) No Third-Party Beneficiaries; Assignment and Subcontracting. Nothing under this Agreement shall be construed to give any rights or benefits in this Agreement to anyone other than the Client and the Consultant, and all duties and responsibilities undertaken pursuant to this Agreement will be for the sole and exclusive benefit of the Client and the Consultant and not for the benefit of any other party. The Client shall not assign, sublet or transfer any rights under or interest in this Agreement or any claim arising out of the performance of services by the Consultant without the written consent of the Consultant. The Consultant reserves the right to augment its staff with subconsultants as it deems appropriate due to project logistics, schedules, or market conditions. If the Consultant exercises this right, it will maintain the agreed-upon billing rates for services identified in this Agreement or the IPO, regardless of whether the services are provided by in-house employees, contract employees, or independent subconsultants.

(18) Confidentiality. The Client hereby consents to the use and dissemination by the Consultant of photographs of the Project and to the use by the Consultant of facts, data and information obtained by the Consultant in the performance of its services. Notwithstanding the foregoing, with respect to any facts, data or information specifically identified in writing by the Client as confidential, the Consultant shall use reasonable care to maintain the confidentiality of such identified material.

(19) Miscellaneous Provisions. This Agreement is to be governed by the law of the State in which the Project is located. This Agreement and each executed IPO contain the entire and fully integrated agreement between the parties, and supersede all prior and contemporaneous negotiations, representations, agreements or understandings, whether written or oral. Except as provided in Section 1,

this Agreement can be supplemented or amended only by a document executed by both the Consultant and the Client. Any provision in this Agreement that is unenforceable shall be ineffective to the extent of such unenforceability without invalidating the remaining provisions hereof. The non-enforcement of any provision by either party shall not constitute a waiver of that provision nor shall it affect the enforceability of that provision or of the remainder of this Agreement.

The parties have made and executed this Agreement as of the day and year first above written.

CLIENT: City of Starkville, MS

KIMLEY-HORN AND ASSOCIATES, INC.

BY: _____

BY: _____

D. Lynn Spruill

ITS: Mayor

ITS: _____

ATTEST: _____

ATTEST: _____

Lesa Hardin, City Clerk

This is an example of an IPO.

INDIVIDUAL PROJECT ORDER NUMBER _____

Describing a specific agreement between Kimley-Horn and Associates, Inc. (the Consultant), and _____ (the Client) in accordance with the terms of the Master Agreement for Continuing Professional Services dated _____, which is incorporated herein by reference.

Identification of Project: _____

Specific scope of basic Services: _____

Additional Services if required: _____

Schedule: _____

Deliverables: _____

Terms of compensation: _____

Other special terms of Individual Project Order: _____

ACCEPTED:

CLIENT

KIMLEY-HORN AND ASSOCIATES, INC

BY: _____

BY: _____

TITLE: _____

TITLE: _____

DATE: _____

DATE: _____

9. CONSIDERATION TO ADVERTISE FOR MUNICIPAL DEPOSITORY FOR THE CITY OF STARKVILLE.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to advertise for Municipal Depository for the City of Starkville” is enumerated, this consent item is thereby approved.

10. CONSIDERATION TO HIRE SAMANTHA GILLEN AS A CERTIFIED POLICE OFFICER IN THE STARKVILLE POLICE DEPARTMENT.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to hire Samantha Gillen as a Certified Police Officer” is enumerated, this consent item is thereby approved.

11. CONSIDERATION TO HIRE MEAGAN WARD AS AN ACCOUNTANT IN THE STARKVILLE UTILITIES DEPARTMENT.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to hire Meagan Ward as an Accountant in the Starkville Utilities Department” is enumerated, this consent item is thereby approved.

12. CONSIDERATION TO ADVERTISE FOR BIDS AS COMPLETED BY THE DESIGN TEAM AND APPROVED BY THE CITY DRC PROCESS FOR THE CORNERSTONE SPORTS COMPLEX PROJECT WITH THE BIDS TO INCLUDE TURF, BUILDINGS, AND THE OVERALL GENERAL CONTRACT FOR CONSTRUCTION OVER THE NEXT FOUR MONTHS.

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to authorize bids as completed by the Design Team and approved by the City DRC process for the Cornerstone Sports Complex Project with the bids to include turf, buildings, and the overall general contract for construction over the next four months” is enumerated, this consent item is thereby approved.

13. CONSIDERATION TO ADVERTISE FOR BIDS FOR AUTOTRANSFORMER FOR THE STARKVILLE PRIMARY 161/69 KV SUBSTATION (MATERIAL ONLY).

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to advertise for bids for autotransformer for the Starkville Primary 161/69 kV Substation (Material Only)” is enumerated, this consent item is thereby approved.

14. CONSIDERATION TO AWARD THE LOWEST AND BEST BID TO WORSHAM BROTHER CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE STARKVILLE UTILITIES ELECTRIC OPERATIONS CENTER EXPANSION AND RENOVATIONS TO ALLOW COMBINING WATER AND ELECTRIC OPERATION AT ONE SITE IN AN AMOUNT NOT TO EXCEED \$1,978,000.00 WHICH WILL NOT INCLUDE ALTERNATE #1 (\$17,000.00).

Upon the motion of Alderman Little, duly seconded by Alderman Beatty, and adopted by the Board to approve the August 4, 2020 Official Agenda, and to accept items for consent, whereby the “approval to award the lowest and best bid to Worsham Brother Construction, LLC for the construction of the Starkville Utilities electric operations center expansion and renovations to allow combining water and electric operation at one site in an amount not to exceed \$1,978,000.00 which will not include Alternate #1 (\$17,000.00)” is enumerated, this consent item is thereby approved.

JBHM Architects, PA
PO Box 9127 (39705)
104 3rd Street South
Columbus, Mississippi 39701

662 329 4883
FAX 662 329 2725
EMAIL info@jbhm.com

July 29, 2020

Mr. Terry N. Kemp. P.E.
Starkville Utilities
200 North Lafayette Street
Starkville, MS 39759

RE: **STARKVILLE UTILITIES
OPERATIONS FACILITY ADDITIONS AND RENOVATIONS
STARKVILLE MISSISSIPPI**

Dear Mr. Kemp:

Bids for the above referenced project were opened on July 28, 2020 at the offices of Starkville Utilities, 200 North Lafayette Street. A total of eight (8) bids were received with the apparent low bidder being Worsham Brothers Construction, LLC submitting a bid of \$1,995,000.

JBHM recommends an award of the construction contract to Worsham Brothers Construction, LLC in an amount not to exceed \$1,978,000 which will not include Alternate #1 (\$17,000).

Please advise as to how you wish for us to proceed. Should you have any questions, please do not hesitate to contact me.

Sincerely,



William D. Whittle, Assoc AIA
Senior Project Manager

Enclosure: Certified Bid Tabulation, (8) Bid Proposals and Bid Bonds

cc: JBHM File 20003.00.13

OFFICES
Biloxi, C.A.
Columbus
Jackson
Tupelo

PRINCIPALS
JOSEPH S. HENDERSON, AIA
RICHARD H. MCNEEL, AIA
WILLIAM M. LEWIS, AIA




Project Number 20003.00

Project Name:
Operations Facility Additions and Renovations
Starkville, Mississippi

Opening Date 7/28/2020
Opening Time 2:00 p.m.

Contractor	A.S.Fornea Construction, LLC	Alliant Construction, Division of Ergon Construction Group, Inc.	Amazon & Associates, Inc.	Burks Mordecai Builders, Inc.	Flagstar Construction Company, Inc.	Hooker Construction, Inc.	T & M Steel	WAR Construction, Inc.	Worsham Brothers Construction, LLC
Certificate of Responsibility	17370-MC	06809-MC	13249-MC	08855-MC	10817-MC	03552-MC	05598-MC	No Bid	21549-MC
Surety Company	General Casualty Company of Wisconsin	Western Surety Company	Liberty Mutual Insurance Company	Travelers Casualty and Surety Company of America	Arch Insurance Company	Western Surety Company	North American Specialty Insurance Company		American Contractors Indemnity Company
Addendums 1, 2, 3 & 4 Acknowledged	Yes	Yes	Yes	Yes	Yes	Yes	Yes		Yes
BASE BID	\$ 2,260,000.00	\$ 2,154,000.00	\$ 2,300,000.00 (\$66,000.00) deduct	\$ 2,160,000.00 7,500.00 add	\$ 2,491,000.00	\$ 2,380,000.00	\$ 2,177,000.00	\$ -	\$ 1,978,000.00
Alt. No 1 (ADD) Lighting Replacement	\$ 19,000.00	\$ 17,400.00	\$ 17,000.00	\$ 18,500.00	\$ 17,000.00	\$ 18,600.00	\$ 17,700.00	\$ -	\$ 17,000.00
Total Bid	\$ 2,279,000.00	\$ 2,171,400.00	\$ 2,251,000.00	\$ 2,186,000.00	\$ 2,508,000.00	\$ 2,398,600.00	\$ 2,194,700.00	\$ -	\$ 1,995,000.00
Complete entire work in 270 consecutive calendar days									


William D. Whittle, Assoc AIA, Senior Project Manager

Certified Correct By:

ANNOUNCEMENTS AND COMMENTS:

MAYOR'S COMMENTS:

Mayor Spruill reminded everyone of the importance of completing a 2020 census form. This information is used for state and school funding as well as state and national government representation.

The Mayor encouraged everyone to ride out to view the Partnership School. She stated that the school will provide an exciting learning environment for 6th and 7th grades.

BOARD OF ALDERMEN COMMENTS:

Alderman Carver noted the Partnership School will also provide a unique learning opportunity for MSU education majors.

Alderwoman Sistrunk discussed the effect of the pandemic on the FY21 budget and the future of the BUILD Grant.

CITIZEN COMMENTS:

Alvin Turner, Ward 7, expressed concern by the citizens with Covid-19 and the upcoming elections. He asked that all possible precautions be taken.

Chris Thompson thanked local officials for their service to the community and citizens. He then read Proverbs 3: 5-6 and asked them to keep God first in all their decisions.

PUBLIC APPEARANCES:

STARKVILLE PUBLIC LIBRARY PRESENTATION BY LIBRARY DIRECTOR PHILLIP CARTER.

Phillip Carter encouraged everyone to obtain a library card and join the Friends of the Library as a means of support for the local library. He noted they are currently conducting a community needs assessment in order to provide the services to citizens which are most needed. He has established five year goals for the city and plans to accommodate the needs of the community as times change. The majority of the funding comes from local funding authorities. He addressed the failing HVAC system and requested additional funding from the City. He asked that anyone with questions or suggestions contact the library.

PUBLIC HEARINGS:

SECOND PUBLIC HEARING AND CONSIDERATION OF AMENDING THE CITY OF STARKVILLE CODE OF ORDINANCES, ARTICLE III. SECTION 82-51 ET SEQ. ASSEMBLIES, PARADES AND PROCESSIONS.

Mayor Spruill opened the Public Hearing and called for public comments.

Alvin Turner, Ward 7, asked that all persons be respectful and peaceful at all gatherings.

There being no additional comments from the public or from the Board, the Mayor closed the public hearing.

15. CONSIDERATION OF AMENDING THE CITY OF STARKVILLE CODE OF ORDINANCES, ARTICLE III. SECTION 82-51 ET SEQ. ASSEMBLIES, PARADES AND PROCESSIONS.

Alderman Little, duly seconded by Alderman Sistrunk, offered a motion to approve amending the City of Starkville ordinance dated 9-18-2018; Article III. Assemblies, Parades and Processions; Sec. 82-51 et seq.

The Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea

Alderman Jason Walker Voted: Yea
Alderman Hamp Beatty Voted: Yea
Alderman Roy A'. Perkins Voted: Yea
Alderman Henry Vaughn, Sr. Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

- **ARTICLE III. - ASSEMBLIES, PARADES AND PROCESSIONS**^[2]
- **DIVISION 1. - GENERALLY**
- **Sec. 82-51. - Enforcement.**

Nothing contained in this article shall prohibit the authority of any police officer to arrest a person engaged in any acts or activities for which a permit has been granted under the city's special events policy or the First Amendment assemblies policy, if the conduct of such person violates the laws, or if such person obstructs the public streets and sidewalks of the city or engages in acts that cause a breach of the peace.

(Code 1977, § 18-74; Ord. of 9-18-2018)

- **Sec. 82-52. - Dispersal of activity.**

Whenever the free passage of any street or sidewalk in the city shall be obstructed by a crowd, congregation, parade, meeting, assembly or procession, or the conduct of two or more persons, except as authorized by any permit issued pursuant to the city's special events policy or the First Amendment assemblies policy, the persons comprising such group shall disperse or move when directed to do so by a police officer. It shall be unlawful for any person to refuse such direction to move or disperse and such refusal shall be a violation of this article.

(Code 1977, § 18-83; Ord. of 9-18-2018)

- **Secs. 82-53—82-65. - Reserved.**
- **DIVISION 2. - PERMIT**
- **Sec. 82-66. - Required.**

It shall be unlawful for any person to organize or hold or participate in any parade, meeting, assembly or procession of persons and/or vehicles on the streets or sidewalks within the city unless such activity shall have first been authorized by a written permit pursuant to the city's special events policy or First Amendment assemblies policy with approval of the Mayor or the Starkville Board of Aldermen, as the case may be, pursuant to those policies.

(Code 1977, § 18-75; Ord. of 9-18-2018)

- **Sec. 82-67. - Application.**

Any person desiring a permit required by the provisions of this division shall make application therefor to the community development department through the city's special events or First Amendment assemblies' application process.

(Code 1977, § 18-76; Ord. of 9-18-2018)

- **Sec. 82-68. - Public health, safety, and welfare.**

In analyzing a special event or First Amendment assemblies' application as part of the city's special events committee or First Amendment assemblies' application review process, the chief of police, or his designee, shall consider:

The number of persons to participate;

Anticipated traffic conditions at the time and date proposed for the activity;

Schedule of other similar activities for which permits may have been issued;

Adequacy of adult supervision for any minors scheduled to participate;

Availability of city personnel whose presence on duty may be required by the activity and by the necessity to protect the general public; and

Adequacy of public facilities in the location proposed for the activity to accommodate the proposed activity and the normal public use of public facilities in the proposed location.

(Code 1977, § 18-77; Ord. of 9-18-2018)

- **Sec. 82-69. - Issuance.**

The special events permit or First Amendment assemblies permit required by this division shall be issued by the city upon application therefor and approval by the Mayor or the Starkville Board of Aldermen, as the case may be, pursuant to the City's Special Events Policy or First Amendment Assemblies Policy.

(Code 1977, § 18-78; Ord. of 9-18-2018)

- **Sec. 82-70. - Modifications.**

If the chief of police or his designee, acting in their roles on the Special Events Committee as outlined in the city's special events policy or as required by the First Amendment assemblies permit policy, determines from the application for a permit under this division that the proposed parade or march will unduly interfere with and impede traffic on the public streets, alleys and ways over which the parade or march will pass, and/or the public streets, alleys and ways that intersect the public streets, alleys and ways over which the parade or march will pass, he shall so advise the applicant in writing and shall suggest such modifications in the application which, if made, will not unreasonably interfere with and impede normal traffic on the public streets, alleys and ways by such parade or march. Such modifications may include:

- (1) Changing or altering the route of the march or parade;
- (2) Changing the date and/or time of day the parade or march will be made;
- (3) Changing or altering the length of the march or parade;
- (4) Changing the width of the parade or march, i.e. from requiring the whole width of the public street, alley or way to a lesser part of the width, to be specified;
- (5) Any combination of the foregoing suggested areas of modifications;
- (6) Any other modification that will cause such parade or march to not unduly interfere with and impede normal traffic on such public streets, alley and ways of the city.

(Code 1977, § 18-79; Ord. of 9-18-2018)

- **Sec. 82-71. - Deviation from conditions of permit.**

It shall be unlawful for any person participating in any act or activity for which a special events permit or First Amendment assemblies permit has been granted under the provisions of this division to deviate from or alter any of the terms or conditions of such permit. The city shall prosecute any such unlawful activity and seek appropriate penalties pursuant to sections [1-10](#) and [1-11](#) of the City's Code of Ordinances.

(Code 1977, § 18-80; Ord. of 9-18-2018)

- **Sec. 82-72. - Display.**

Every person having a special events permit or a First Amendment assemblies permit issued under the provisions of this division shall have such permit in his possession during the activity permitted thereby, and shall display such permit upon the request of any law enforcement officer. Failure to display such permit shall be deemed a misdemeanor.

(Code 1977, § 18-81; Ord. of 9-18-2018)

- **Sec. 82-73. - Revocation.**

Any permit issued under the provisions of this division may be revoked by the chief of police, or his designee, for the violation by the permittee of any law.

(Code 1977, § 18-82; Ord. of 9-18-2018)

- **Sec. 82-74. - Contents; filing of copy.**

Upon issuance of a special events permit or a First Amendment assemblies permit required by this division, the permit shall contain therein all information contained in the application therefor and a signed copy of such permit shall be kept with the application in the city's community development department.

(Code 1977, § 18-84; Ord. of 9-18-2018)

- **Secs. 82-75—82-90. - Reserved.**

PUBLIC HEARING AND CONSIDERATION OF SE 20-09: A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA K APPROXIMATELY 2,035 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

City Planner Daniel Havelin presented Special Exception request 20-09. The applicant, Miesha Edwards, is seeking a Special Exception to place a manufactured home on Area K of the subject property. The subject property is 16th Section land owned by the Starkville Oktibbeha Consolidated School District. The School District has identified several areas along the west side of Sand Road as lease areas for Manufactured Homes. The property is located within an R-N zoning district with the parcel number 105-16-002.00.

Mayor Spruill opened the Public Hearing and called for public comments.

The applicant, Miesha Edwards, thanked the Mayor and Board for their consideration.

There being no additional comments from the public or from the Board, the Mayor announced the public hearing closed.

16. CONSIDERATION OF SE 20-09: A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREA K APPROXIMATELY 2,035 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

Alderman Vaughn, duly seconded by Alderman Little, offered a motion approving SE 20-09: a request for Special Exception to allow a manufactured home on the west side of Sand Road in Area K. The Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea
Alderman Jason Walker	Voted: Yea
Alderman Hamp Beatty	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Henry Vaughn, Sr.	Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

PUBLIC HEARING AND CONSIDERATION OF SE 20-10 A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREAS G & H APPROXIMATELY 1,632 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

City Planner Daniel Havelin presented Special Exception request 20-10. The applicant, Tyler Dooley, is seeking a Special Exception to place a manufactured home on Areas G & H of the subject property. The subject property is 16th Section land owned by the Starkville Oktibbeha Consolidated School District. The School District has identified several areas along the west side of Sand Road as lease areas for Manufactured Homes. The property is located within an R-N zoning district with the parcel number 105-16-002.00.

Mayor Spruill opened the Public Hearing and called for public comments.

There being no comments from the public or from the Board, the Mayor announced the public hearing closed.

17. CONSIDERATION OF SE 20-10: A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREAS G&H APPROXIMATELY 1,632 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

Alderman Little, duly seconded by Alderman Vaughn, offered a motion approving SE 20-10: a request for Special Exception to allow a manufactured home on the west side of Sand Road in Area G&H. The Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea
Alderman Jason Walker	Voted: Yea
Alderman Hamp Beatty	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Henry Vaughn, Sr.	Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

PUBLIC HEARING AND CONSIDERATION OF SE 20-13: A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREAS N & O APPROXIMATELY 3,727 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

City Planner Daniel Havelin presented Special Exception request 20-13. The applicant, Paris Fuller, is seeking a Special Exception to place a manufactured home on Area N&O of the subject property. The subject property is 16th Section land owned by the Starkville Oktibbeha Consolidated School District. The School District has identified several areas along the west side of Sand Road as lease areas for Manufactured Homes. The property is located within an R-N zoning district with the parcel number 105-16-002.00.

Mayor Spruill opened the Public Hearing and called for public comments.

The applicant, Paris Fuller, thanked the Mayor and Board for their consideration.

There being no additional comments from the public or from the Board, the Mayor announced the public hearing closed.

18. CONSIDERATION OF SE 20-13: A SPECIAL EXCEPTION TO ALLOW FOR A MANUFACTURED HOME ON THE WEST SIDE OF SAND ROAD IN AREAS N & O APPROXIMATELY 3,727 FEET SOUTH OF LOUISVILLE STREET IN A R-N ZONING DISTRICT.

Alderman Vaughn, duly seconded by Alderman Sistrunk, offered a motion approving SE 20-13: Special Exception to allow a manufactured home on the west side of Sand Road in Areas N & O. The Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea
Alderman Jason Walker	Voted: Yea
Alderman Hamp Beatty	Voted: Yea
Alderman Roy A'. Perkins	Voted: Yea
Alderman Henry Vaughn, Sr.	Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

PUBLIC HEARING AND CONSIDERATION OF SE 20-12: A SPECIAL EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF A “RECREATIONAL VEHICLE PARK” AND “MINI-STORAGE” FACILITY ON THE WEST SIDE OF LOUISVILLE STREET APPROXIMATELY 800 FEET (0.15 MILES) NORTH OF WARRIOR DRIVE IN A R-N ZONING DISTRICT.

City Planner Daniel Havelin presented Special Exception request 20-12. The applicant, Kim Moreland of Moreland Holdings, is seeking a Special Exception to allow for a “Recreational Vehicle Park” and “Mini-Storage” facility on the west side of Louisville Street approximately 800 feet north of Warrior Drive. The subject property is 16th Section land owned by the Starkville Oktibbeha Consolidated School District. The applicant has entered into an agreement with the School District to lease 10.06 acres directly north of their current business Moreland RV Park. The lease area would be an extension of the business with additional storage units and RV spots. The property is located within a R-N zoning district with the parcel number 105 -16-019.00.

Mayor Spruill opened the Public Hearing and called for public comments.

Willis Owens of Pritchard Engineering, representing Moreland Holdings, was available for questions.

There being no comments from the public or from the Board, the Mayor announced the public hearing closed.

19. CONSIDERATION OF SE 20-12: A SPECIAL EXCEPTION TO ALLOW FOR THE CONSTRUCTION OF A “RECREATIONAL VEHICLE PARK” AND “MINI-STORAGE” FACILITY ON THE WEST SIDE OF LOUISVILLE STREET APPROXIMATELY 800 FEET (0.15 MILES) NORTH OF WARRIOR DRIVE IN A R-N ZONING DISTRICT.

Alderman Little, duly seconded by Alderman Sistrunk, offered a motion to approve SE 20-12: a request for Special Exception to allow a “Recreational Vehicle Park” and “Mini-Storage” facility on the west side of Louisville Street approximately 800 feet north of Warrior Drive. The Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea
Alderman Jason Walker	Voted: Yea
Alderman Hamp Beatty	Voted: Yea
Alderman Roy A’ Perkins	Voted: Yea
Alderman Henry Vaughn, Sr.	Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

PUBLIC HEARING AND CONSIDERATION OF UE 20-01: A USE EXCEPTION TO ALLOW FOR A “PLACE OF WORSHIP” AT 708 TAYLOR ROAD SUITE B&C IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102E-00-196.02.

City Planner Daniel Havelin presented Use Exception request 20-01. The applicant, Pastor Wes Schrickel of the Orchard Church, is seeking a Use Exception to operate the Orchard Church out of 708 Taylor Road suites B&C. The Use Chart in Section 13.3 of the Unified Development Code requires a Use Exception or a Special Exception for “Place of Worship” in a C zoning district. The proposed use does not require the construction of a new building or major modification to an existing building or site. Therefore, the request is being reviewed as a Use Exception. Section 3.5.1.F of Unified Development Code also requires that the Use Exception meet additional standards for that use.

Mayor Spruill opened the Public Hearing and called for public comments.

Shawn Ivy, owner of property in the area, asked if this would prevent any of the suites to possibly sell alcohol in the future. Pastor Schrickel was present for any questions and offered to sign a waiver on behalf of the church if needed.

There being no additional comments from the public or any additional comments from the Board, the Mayor announced the public hearing closed.

20. CONSIDERATION OF UE 20-01 A USE EXCEPTION TO ALLOW FOR A “PLACE OF WORSHIP” AT 708 TAYLOR ROAD SUITE B&C IN A C ZONING DISTRICT WITH THE PARCEL NUMBER 102E-00-196.02.

Alderman Walker, duly seconded by Alderman Perkins, offered a motion to table Use Exception request 20-01: a request for Special Exception to allow for a “Place of Worship” at 708 Taylor Road suites B & C until August 18 when a waiver from the Orchard Church has been received and reviewed by the City Attorney.

The Board voted as follows:

Alderman Ben Carver	Voted: Nay
Alderman Sandra Sistrunk	Voted: Nay
Alderman David Little	Voted: Nay
Alderman Jason Walker	Voted: Yea
Alderman Hamp Beatty	Voted: Nay
Alderman Roy A’ . Perkins	Voted: Yea
Alderman Henry Vaughn, Sr.	Voted: Yea

Having not received a majority affirmative vote, the Mayor declared the motion failed.

Alderman Beatty, duly seconded by Alderman Sistrunk, then offered a motion to approve UE 20-01: a request for Special Exception to allow for a “Place of Worship” at 708 Taylor Road suites B & C, expressly conditioned upon the applicant providing an alcohol distance waiver pursuant to Starkville Code of Ordinance Section 10-38 and Mississippi Code Section 67-1-51 to the satisfaction of the City Attorney, on or before August 13, 2020, or the Board of Aldermen’s approval of this item will be automatically rescinded.

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea
Alderman Jason Walker	Voted: Nay
Alderman Hamp Beatty	Voted: Yea
Alderman Roy A’ . Perkins	Voted: Nay
Alderman Henry Vaughn, Sr.	Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

Alderman Walker then requested that all owners effected by the exception be given a copy of the waiver.

STATE OF MISSISSIPPI
COUNTY OF OKTIBBEHA

IN RE: *THE ORCHARD CHURCH, STARKVILLE, MISSISSIPPI*

**WAIVER OF DISTANCE RESTRICTIONS UNDER MISSISSIPPI CODE ANNOTATED,
§ 67-1-51 (1972) (AS AMENDED)**

Comes now The Orchard Church, Starkville, Mississippi, and submits this waiver for consideration by the Mayor and Board of Aldermen of the City of Starkville, *to-wit*:

1. The Orchard Church [hereinafter CHURCH] is an unincorporated, not-for-profit eleemosynary institution.
2. The undersigned individuals are authorized to sign this document by virtue of those minutes of the Council of Elders of The Orchard Church, held on August 10, 2020, a copy of which is appended hereto.
3. The CHURCH seeks to waive the distance restrictions imposed by *Mississippi Code Annotated*, § 67-1-51 (1972) (as amended) between itself and any other entity in the City of Starkville that might be impacted as affects any other manufacture, sale, or storage of intoxicating liquor which is now or may in the future be located within 400 feet from the parameters of the CHURCH's current location on Highway 12.
4. Therefore, after action taken by the CHURCH's governing authorities, the undersigned are authorized, and hereby do wave the distance restrictions imposed by the *Mississippi Code Annotated* so as to allow activity relating to the manufacturing, sale, or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion.
5. The undersigned individuals hereby that they are authorized to execute this document per the appended document.

6. FURTHER AFFIANTS SAITH NOT.

J. Va. Phoe
Pat. P. P. P.

PERSONALLY APPEARED BEFORE ME, the undersigned notary public for the county and state aforesaid, the two individuals who have been authorized to execute this document, who after by me being duly sworn, stated and deposed on their oath that all facts contained in the above and foregoing waiver are true and correct to the best of their knowledge, information and belief and that they are duly authorized by the CHURCH to execute this document on its behalf.

This the 12th day of August, 2020.

Marla L. Tigner
NOTARY PUBLIC

My Commission expires: Feb. 5, 2024



**MINUTES OF MEETING OF
Council of Elders / The Orchard Church
August 10th, 2020**

A meeting of the Council of Elders was held on August 10, 2020. Unanimously, the following Resolution was adopted:

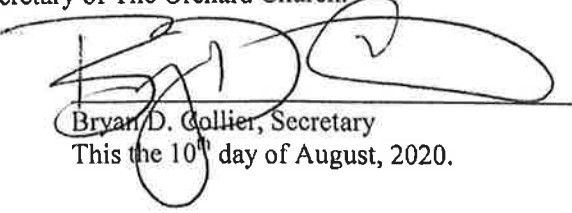
RESOLVED, that any two (2) members of the Council of Elders of The Orchard Church, or any one (1) member of the Council of Elders of The Orchard Church and the Chief Financial Officer be, and by this resolution are, authorized to execute on behalf of The Orchard Church, without more specific resolution, any legal document or financial document, including, but not limited to deeds, notes, encumbrances, acknowledgements, waivers or documents required by lenders, lessors or banking institutions or any other document relating to the real or personal property of The Orchard Church., for purposes of conducting any financial or legal business on behalf of the corporation

The Chief Operating Officer of the Corporation is: Vance Phillips.

The Members of the Council of Elders of The Orchard Church. are:

Dr. William Wood,
Willie Frank Waterer, Jr.,
H. Richmond Culp, III,
Dr. Montgomery Berry,
Bernard Bean,
Phillip Howell,
Stan Williams,
Shane Homan,
Justin Davis,
Chad Brown,
Ben Beavers

Witness the signature of the Secretary of The Orchard Church.


Bryan D. Collier, Secretary
This the 10th day of August, 2020.

PUBLIC HEARING AND CONSIDERATION OF VA 20-05 A REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS LOCATED AT 605 DR. MARTIN LUTHER KING JR. DRIVE EAST IN A S-1 WITH THE PROPERTY #117N-00-001.1 (STARKVILLE UTILITIES OPERATION CENTER ADDITION).

City Planner Daniel Havelin presented VA 20-05. The applicant, Springer Engineering on behalf of Starkville Utilities, is requesting a variance from sidewalk requirements located 605 Dr. Martin Luther King Jr. Drive East. Starkville Utilities is in the process of designing an addition to its existing operation center. The addition is greater than 1,000 sq ft and therefore triggers the requirements from Site Plan Review in accordance with U.D.C. Section 3.9.2.A. Sidewalks are required on any development or redevelopment within the sidewalk development zone that requires site plan approval (Section 14.11.3.A). The applicant is requesting relief from Section 14.11.2.

The applicant is also requesting that if the variance is granted to use the “Fee in Lieu” option as established in U.D.C. Section 3.7.5.B.1. The “Fee in Lieu” option states that a fee shall be paid prior to issuance of a Certificate of Occupancy or Final Plat to cover the cost of constructing the sidewalk. The fee shall then be used to construct sidewalks as needed in accordance with the adopted Capital Improvements Plan. The fee shall be an amount not less than 150% of the estimated installation cost. The installation cost of the sidewalks shall be based on unit prices as determined based upon quarterly posted construction bid averages provided by MDOT. The unit price used to determine the installation cost shall be reviewed and approved by the City Engineer.

Mayor Spruill opened the Public Hearing and called for public comments.

There being no comments, the Mayor announced the public hearing closed.

21. CONSIDERATION OF VA 20-05 A REQUEST FOR A VARIANCE FROM SIDEWALK REQUIREMENTS LOCATED AT 605 DR. MARTIN LUTHER KING JR. DRIVE EAST IN A S-1 WITH THE PROPERTY #117N-00-001.1 (STARKVILLE UTILITIES OPERATION CENTER ADDITION).

Alderman Sistrunk, duly seconded by Alderman Beatty, offered a motion to approve VA 20-05: a request for variance from sidewalk requirements with the Fee in Lieu option for 605 Dr. Martin Luther King Jr. Drive East, with the funds to be budgeted as a separate designated line item and carried forward year to year until the funds are fully expended. The Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea
Alderman David Little	Voted: Yea
Alderman Jason Walker	Voted: Yea
Alderman Hamp Beatty	Voted: Yea
Alderman Roy A’ Perkins	Voted: Yea
Alderman Henry Vaughn, Sr.	Voted: Yea

Having received a majority affirmative vote, the Mayor declared the motion passed.

22. CONSIDERATION OF THE CITY OF STARKVILLE CLAIMS DOCKET

Upon the motion of Alderman Sistrunk, duly seconded by Alderman Little, to approve the City of Starkville Claims Docket for all departments including Starkville Utilities, as of July 28, 2020 for fiscal year ending 9/30/20, acknowledging that the City Clerk has attested and certified on the cover of the claims docket that all claims on the docket are true, accurate, lawful and proper to the best of her knowledge, for payment pursuant to her duties under Miss. Code Sections 21-39-5, 21-39-7, 21-39-9, 21-39-17 and 21-15-21. The Board voted as follows:

Alderman Ben Carver	Voted: Yea
Alderman Sandra Sistrunk	Voted: Yea

Alderman David Little Voted: Yea
Alderman Jason Walker Voted: Yea
Alderman Hamp Beatty Voted: Yea
Alderman Roy A'. Perkins Voted: Nay
Alderman Henry Vaughn, Sr. Voted: Nay

Having received a majority affirmative vote, the Mayor declared the motion passed.

General Fund	001	\$ 171,898.02
Airport Fund	015	15,141.52
Sanitation	022	19,232.38
Industrial Park Bond	303	29,432.23
Public Improv Bonds - 2018	319	300.00
Trust & Agency	610	9,368.18
Economic Dev, Tourism, Conv	630	69,074.26
Sub Total Before Utilities		\$ 314,446.59
Utilities Dept.	SED	726,398.99
Total Claims	Total	\$1,040,845.58

23. MOTION TO RECESS UNTIL AUGUST 18, 2020 @ 5:30 IN THE COURT ROOM AT 110 WEST MAIN STREET.

Upon the motion of Alderman Beatty, duly seconded by Alderman Vaughn, for the Board of Aldermen to recess the meeting until August 18, 2020 @ 5:30 at 110 West Main Street in the Court Room of City Hall, the Board voted as follows:

Alderman Ben Carver Voted: Yea
Alderman Sandra Sistrunk Voted: Yea
Alderman David Little Voted: Yea
Alderman Jason Walker Voted: Yea
Alderman Hamp Beatty Voted: Yea
Alderman Roy A'. Perkins Voted: Yea
Alderman Henry Vaughn, Sr. Voted: Yea

Having received a majority affirmative vote, Mayor Spruill declared the motion passed.

SIGNED AND SEALED THIS THE _____ DAY OF _____ 2020.

D. LYNN SPRUILL, MAYOR

Attest:

LESA HARDIN, CITY CLERK

(SEAL)