

APPROVED

MINUTES OF THE PLANNING & ZONING COMMISSION MEETING OF FEBRUARY 14, 2012 THE CITY OF STARKVILLE, MISSISSIPPI

The Planning & Zoning Commission of the City of Starkville, Mississippi held its regularly scheduled meeting in the City Hall Courtroom at 101 E. Lampkin Street, Starkville, Mississippi, commencing at 5:30 PM. Present were Commissioners Dora Herring, James Hicks, Jerry Emison, Jason Walker, Jeremy Murdock, Ira Loveless and John Moore. Attending the Commissioners were City Attorney Chris Latimer, City Planner Ben Griffith, Assistant City Planner Pamela Daniel, and Recording Secretary Bill Green.

AN ORDER APPROVING THE WRITTEN AGENDA

The Commission considered the matter of approval of the written agenda dated February 14, 2012. After discussion, Commissioner Moore made a motion to approve the written agenda as presented. The motion was seconded by Commissioner Hicks and the Commission unanimously approved the written agenda as presented.

AN ORDER APPROVING THE MINUTES OF THE DECEMBER 13, 2011 MEETING

The Commission considered the matter of approval of the minutes of the December 13, 2011 meeting. After discussion, Commissioner Murdock made a motion to approve the minutes as presented. Commissioner Loveless seconded the motion and the Commission voted unanimously to approve the minutes as presented.

Commissioner Herring asked that an amendment be made to the December 13th minutes to reflect that she was out of town that day and asked to be excused. Chairman Emison stated that it would be more appropriate to address her request on the February 14th minutes and asked if anyone would care to make a motion. Commissioner Murdock made a motion to excuse Commissioner Herring's absence from the December 13, 2011 meeting. The motion was seconded by Commissioner Moore and the Commission voted unanimously to excuse Commissioner Herring's December 13th absence.

CITIZEN COMMENTS

Chairman Emison asked if any member of the public cared to address the Commission, stating that there was a public hearing on the agenda and comments regarding that item would be called for at the appropriate time. No comments were received.

**A PUBLIC HEARING REQUESTED BY SHENESTIA THOMPSON FOR A ZONING
CHANGE FROM R-1 (SINGLE FAMILY) TO R-M (MOBILE HOMES/MHP/MHS),
LOCATED AT 1646 ROCKHILL ROAD IN WARD 6**

There came before the Commission item #RZ 12-01: a public hearing requested by Shenestia Thompson for a zoning change from R-1 (Single Family) to R-M (Mobile Homes/MHP/MHS), located at 1646 Rockhill Road in Ward 6. Before the Assistant City Planner could read a brief introduction of the item, Chairman Emison asked the City Attorney to advise the Commission and the applicant on what would constitute as adequate evidence of ownership.

The City Attorney stated that City staff had approached him the day before the public hearing asking whether or not Ms. Thompson had provided sufficient evidence of ownership of the subject property. He stated that it was important because per City ordinance, only the owner or someone with concurrence of all the owners could submit a rezoning application. Mr. Latimer stated that it appeared to him that the subject property was owned by the Estate of Thomas Brooks and that it was not clear who was an heir or who was authorized to act on behalf of the estate. He suggested that the family provide sufficient evidence of ownership from the chancery clerk if there was a will or hire an attorney to research the matter and obtain clear proof of ownership from the chancery court.

Commissioner Herring then asked if the applicant would have to re-apply if the Commission tabled the item. City Planner Ben Griffith replied that the applicant would not be required to re-apply if the request was tabled. Commissioner Herring then asked if the applicant was present and if she understood what she needed to do?

The applicant's mother, Dorothy Thompson, said that she did not understand since the family had been paying the property taxes for many years. She stated that the grandparents were deceased and only two aunts remained.

The applicant's aunt, Emma Gillespie, asked what action was needed to prove that they were the legal heirs and whether or not the proof was in the records they had provided.

Chairman Emison explained that the City Attorney had advised that the information provided was not sufficient and that the Commission could not take action until clear ownership had been established. He explained the necessity of identifying all heirs of the estate if no will could be located and that an attorney would need to help the family through that process.

The applicant's mother, Dorothy Thompson stated that a trailer had been on the property for eight years and that they are asking to rezone the property so the trailer could be replaced. She added that had they known about the issue, they could have taken care of it a long time ago.

Keith Collier, a cousin of the applicant, stated that she was trying to take care of her children and the manufactured home was all she could afford. He stated that she was trying to take care of her kids, if she didn't, she would be locked up. Mr. Collier added that she is a child of God and told the Commission to take care of her.

Rita Akins, an adjacent property owner spoke in support of the applicant. She asked what would be the next step in helping Ms. Thompson, adding that she wanted to do whatever she could to assist.

Chairman Emsion stated that it was in the family's long-term interest to correct the ownership issue or there could be truly large problems. He went on to say that once the evidence of ownership was established, the Commission would have a public hearing.

Mr. Latimer advised City staff to advertise and notice adjacent property owners every month until the applicant was ready to move forward.

Mr. Griffith asked if that was necessary since it appeared that the item would be tabled, adding that the costs could increase quickly if it took the family longer than expected to resolve the ownership issue.

Mr. Latimer then suggested that City staff advertise and notice for the March 13th meeting and then see what progress had been made by the family before advertising and noticing any further.

After further discussion, Commissioner Herring made a motion to table the request until evidence of ownership is established. Commissioner Loveless seconded the motion and the Commission voted unanimously to table the request.

PLANNER'S REPORT

City Planner Ben Griffith stated there would be three public hearings and a plat on the March 13th agenda. Mr. Griffith reminded the Commissioners to be mindful of all *ex parte* communications and to contact the Planning Office with any questions regarding any items on the upcoming agenda.

ADJOURNMENT

Commissioner Murdock made a motion, seconded by Commissioner Walker, to adjourn the meeting at 6:10 PM. The next regularly scheduled meeting will be Tuesday, March 13, 2012 at 5:30 PM in the City Hall Courtroom.

Jerry Emison, Chairman

Ben Griffith, AICP, City Planner