

**MUNICIPAL MINUTES, CITY OF TUPELO**  
**STATE OF MISSISSIPPI**  
**OCTOBER 1, 2019**

Be it remembered that a regular meeting of the Tupelo City Council was held in the Council Chambers in the City Hall building on Tuesday, October 1, 2019 at 6:00 p.m. with the following in attendance: Lynn Bryan, Travis Beard, Buddy Palmer, Market Whittington, Willie Jennings, City Attorney Ben Logan; Sandy Shumaker, acting Clerk of the Council.

Councilman Markel Whittington gave the invocation, followed by the Pledge of Allegiance led by Council President Travis Beard.

**IN THE MATTER OF CALLING THE MEETING TO ORDER**

Acting President Buddy Palmer called the meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER**

Councilman L Bryan moved, seconded by Councilman Beard, to confirm the agenda and agenda order. Of those present, the vote was unanimous.

**PROCLAMATIONS, RECOGNITIONS, AND REPORTS AGENDA**

**IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS**

Cub Scouts from Troop 9 sponsored by New Life Church were recognized by the Council.

**IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES**

No City employees were present for recognition of years of service to the City of Tupelo.

**IN THE MATTER OF PUBLIC RECOGNITIONS**

Councilman Jennings announced he welcomed and spoke to the Black Nurse's Association on Saturday, September 28, 2019.

Councilman Lynn Bryan announced that he had a person call who had recently been involved with a program hosted by the City of Tupelo Park and Recreation Department. This person gave great reviews for how the event was handled. Councilman Bryan wanted to congratulate and thank Park Director Alex Farned and his staff for doing such a great job.

Councilman Palmer announced that he gave the welcome to the Suicide Awareness Group and wanted to thank them for the great job they do.

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**IN THE MATTER OF A VARIOUS PROCLAMATIONS**

Proclamations were read recognizing Fire Prevention Week, Piominko Day and Teen Addiction Awareness Day by various Councilmen and were declared by each to be an important time. A copy of the Proclamations are attached as **APPENDIX A.**

**IN THE MATTER OF THE MAYOR'S REPORT**

There was not a Mayor's report due to Mayor Jason Shelton being in Japan.

(CLOSE REGULAR MEETING OPEN PUBLIC AGENDA)

**PUBLIC AGENDA**

**PUBLIC HEARINGS**

**IN THE MATTER OF A PUBLIC HEARING REGARDING LOT MOWING LIST**

No one appeared to discuss this matter

(CLOSE PUBLIC AGENDA AND OPEN REGULAR SESSION)

**ACTION AGENDA**

**IN THE MATTER OF REVIEW, APPROVE, REJECT AMENDMENTS TO CHAPTER 24, ARTICLE VII, CODE OF ORDINANCES- MANAGEMENT OF STREETS, TRENCHING, AND RIGHTS-OF-WAY OF THE CITY AND ESTABLISHING CHAPETER25.2 – TELECOMMUNICATIONS: ARTICLE I – TELECOMMUNICATIONS: ARTICLE I – TELECOMMUNICATIONS ORDINANCE AND ARTICLE II – SMALL TECHNOLOGY FACILITY ORDINANCE. (Moved up 08/20/19, Work Session 08/29/19, Tabled 09/03/19, tabled 9/17/19)**

Councilman L Bryan moved, seconded by Councilman Whittington, to remove the matter of Amendments to Chapter 24, Article VII, Code of Ordinances – Regulating the Maintenance of Streets, Trenching and Rights of Way from the table. The vote was unanimous in favor.

Councilman Whittington moved, seconded by Councilman Jennings, to remove the matter of Amendments to Chapter 24, Article VII Code of Ordinances Telecommunications Ordinance from the table. The vote was unanimous in favor.

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Councilman Beard moved, seconded by Councilman Whittington to remove the matter of Small Cell Network from the table. The vote was unanimous in favor.

Councilman Whittington moved, seconded by Councilman Jennings, to approve ORDINANCE AMENDING CODE OF ORDINANCES OF THE CITY OF TUPELO, MISSISSIPPI, CHAPTER 24, ARTICLE VII, CODE OF ORDINANCES- MANAGEMENT OF STREETS, TRENCHING, AND RIGHTS-OF-WAY OF THE CITY AND ESTABLISHING CHAPETER 25.5 – TELECOMMUNICATIONS: ARTICLE I – TELECOMMUNICATIONS: ARTICLE I – TELECOMMUNICATIONS ORDINANCE AND ARTICLE II – SMALL TECHNOLOGY FACILITY ORDINANCE. The vote was unanimous in favor. A copy of the Ordinance is attached as **APPENDIX B.**

**ROUTINE AGENDA**

**REVIEW, APPROVE, REJECT MINUTES OF THE SEPTEMBER 17, 2019 REGULAR CITY COUNCIL MEETING**

Councilman Jennings moved, seconded by Councilman Beard, to approve the minutes as submitted. Of those present, the vote was unanimous in favor.

**REVIEW, APPROVE, REJECT ADVERTISING AND PROMOTIONAL EXPENSE LIST**

Chief Financial Officer, Kim Hanna, submitted a request to the City Council to approve a list of expenditures for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Tupelo. Councilman L Bryan moved, seconded by Councilman Whittington, to approve the advertising and promotional list as submitted. The vote was unanimous in favor. A copy of the list is attached to these minutes as **APPENDIX C.**

**IN THE MATTER OF REVIEW, PAY BILLS AND APPROVE UTILITY ADJUSTMENTS**

Bills were reviewed at 4:30 p.m. by council members: Travis Beard, Buddy Palmer, Lynn Bryan, Willie Jennings, Markel Whittington; Missy Shelton, Deputy Clerk; and Johnny Timmons, Tupelo Water and Light Department.

Councilman Beard moved, seconded by Councilman Whittington, to approve the payment of the checks, bills and claims. The vote was unanimous in favor.

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CHECK NUMBERS 359038 - 359510  
ELECTRONIC TRANSFERS 50000321 - 50000339  
INVOICES AS SHOWN ON THE FACE OF THE DOCKET  
NO TWL ADJUSTMENTS

**REVIEW, APPROVE, REJECT THE 2019 MUNICIPAL COMPLIANCE QUESTIONNAIRE**

Upon a motion made by Councilman Jennings, seconded by Councilman Beard, the council voted unanimously to approve the Municipal Compliance Questionnaire as submitted by City Clerk Kim Hanna. The period covered by this questionnaire is October 1, 2018 to September 30, 2019. A copy is attached to these minutes as **APPENDIX D.**

**IN THE MATTER OF REVIEW, APPROVE, REJECT GRANT CONTRACT FROM USDA'S NATURAL RESOURCES CONVERSATION SERVICE FOR EMERGENCY WATERSHED PROTECTION GRANT CONTRACT FOR KING'S CREEK BANK STABILIZATION**

Grant Administrator Terri Blissard explained that USDA's Natural Resources Conversation Service for Emergency Watershed Protection has committed to provide \$65,051.25, toward bank stabilization on King's Creek. The remaining share for the City's match is \$19,712.50. After discussion, Councilman Whittington moved, seconded by Councilman Jennings to accept the grant from NRDC for the bank stabilization on King's Creek. Of those present, the vote was unanimous. A copy is attached to these minutes as **APPENDIX E.**

**IN THE MATTER OF REVIEW, ACCEPT, REJECT AWARD LETTER OF 2019 JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$15,600.00 TO BE SHARED BY THE CITY OF TUPELO POLICE DEPARTMENT AND THE LEE COUNTY SHERIFF'S DEPARTMENT**

The 2019 Justice Assistant Grant in the amount of \$15,600.00 has been offered to the City of Tupelo as explained by Terri Blissard, Grant Administrator. She further explained that this grant will be shared by the City of Tupelo Police Department and the Lee County Sheriff's Department with the City being the fiscal administrator. Councilman Beard moved, seconded by Councilman Whittington to accept the 2019 Justice Assistance Grant in the amount of \$15,600.00. Of those present, the vote was unanimous. A copy is attached to these minutes as **APPENDIX F.**

**IN THE MATTER OF REVIEW, ACCEPT, REJECT DIP GRANT FOR ROAD IMPROVEMENTS RELATED TO THE BANCORPSOUTH BANK EXPANSION**

After explanation from Grant Administrator Terri Blissard, Councilman Whittington moved, and Councilman Beard seconded, that the City of Tupelo accept the DIP Grant for Road

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Improvements related to the Bancorpsouth Bank Expansion. Of those present, the vote was unanimous. A copy is attached to these minutes as **APPENDIX G.**

**REVIEW, APPROVE, REJECT THE 2019 MUNICIPAL COURT CLERK TRAINING CERTIFICATE FOR RHONDA COLE AND THE 2019 FINE SCHEDULE**

Upon a motion made by Councilman Beard, seconded by Councilman Jennings, the council voted unanimously to accept the Municipal Court Clerk Training Certificate for Municipal Court Clerk, Rhonda L. Cole and the most recent copy of the Municipal Court's fine schedule and spread both on the municipal minutes.

Mrs. Cole attended the Mississippi Municipal Court Clerk's Association Training Seminar in Biloxi, Mississippi, June 24-25, 2019 and September 11-13, 2019. Under Mississippi code Sec. 21-23-12, a training certificate of the Municipal Court Clerk and the court's fine schedule are required to be made part of the permanent records of the City Council. A copy of the training certificate for Clerk Cole and the Municipal Court's most recent fine schedule are attached to these minutes and made part hereof as **APPENDIX H.**

**IN THE MATTER OF REVIEW, ACCEPT, REJECT BID PACKAGES A-L FOR CONSTRUCTION OF THE BANCORPSOUTH ARENA AND CONFERENCE CENTER EXPANSION AND RENOVATION**

Bid were solicited and received for Bid Packages A-L for the construction of the BancorpSouth Arena and Conference Center expansion and renovation. The actions were, as follows:

<u>Bid Package</u>	<u>Bid #</u>	<u>Bidder</u>	<u>Amount</u>
A-Site Improvements	2019-017CO	DC Services, LLC	\$678,000

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package A-Site Improvements to the lowest and best bid, representing the base bid only of \$678,000, to DC Services LLC and to authorize the Mayor and City Clerk to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX I.**

B-Structural Concrete	2019-018CO	Shaw Services	\$959,264
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Councilman L Bryan moved, seconded by Councilman Whittington to award Bid Package B-Structural Concrete to the lowest and best bid, representing the base bid only of \$959,264, to Shaw Services and to authorize the Mayor and City Clerk to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX J.**

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C-Masonry                      2019-019CO      Bush Masonry, LLC                      \$582,000

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package C-Masonry to the lowest and best bid, representing the base bid only of \$582,000, to Bush Masonry, LLC, and to authorize the Mayor and City Clerk to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX K.**

D-Structural Steel              2019-020CO      Harrell's Metal Works, Inc.              \$940,728

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package D-Structural Steel to Harrell's Metal Works, Inc., representing the base bid in the amount of \$925,778, Alternate #1 in the amount of \$15,000 for a total of \$940,728 as the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX L.**

E-Roofing                      2019-021CO      Graham Roofing, Inc.                      \$497,127

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package E-Roofing to Graham Roofing Inc., representing the base bid in the amount of \$326,201, Alternate #1 in the amount of \$170,926 for a total of \$497,127 as the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX M.**

F-Glass & Glazing              2019-022CO      Tull Brothers, Inc.                      \$978,343

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package F-Glass & Glazing representing the base bid only of \$978,343 as the lowest and best bid, to Tull Brothers Inc. and to authorize the Mayor and City Clerk to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX N.**

G-Drywall & Paint              2019-040CO      Acoustics & Specialties, LLC              \$1,815,200

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package G-Drywall & Paint to Graham Roofing Inc., representing the base bid in the amount of \$1,713,000, Alternate #1 in the amount of \$89,900 and Alternate #2 in the amount of \$12,300 for a total of

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\$1,815,200 as the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX O.**

H-General Works                      2019-024CO      DC Services, LLC                      \$1,466,000

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package H-General Works to DC Services LLC, representing the base bid in the amount of \$1,403,000, Alternate #1 in the amount of \$13,000 and Alternate #2 in the amount of \$50,000 for a total of \$1,466,000 as the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX P.**

I-Flooring                                      2019-025CO      F.L. Crane & Sons, Inc.                      \$509,525

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package I-Flooring, representing the base bid in the amount of \$364,825, Alternate #1 in the amount of \$92,160 and Alternate #2 in the amount of \$52,540 for a total of \$509,525 as the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. And sign a contract. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX Q.**

J-Fire Protections                      2019-026CO      Fireline, Inc.                      \$104,300

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package J-Fire Protection, representing the base bid in the amount of \$99,500 and Alternate #1 in the amount of \$4,800 for a total of \$104,300 as the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX R.**

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K-Mechanical & Plumb 2019-027CO      Kline Mechanical Systems, Inc.      \$2,134,590

Councilman Beard moved, seconded by Councilman Whittington to award Bid Package K-Mechanical and Plumbing, representing the base bid in the amount of \$2,023,640, Alternate #1 in the amount of \$38,090 and Alternate #2 in the amount of \$72,860 for a total of \$2,134,590 as

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the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX S.**

L-Electrical	2019-028CO	Conditioned Air, Inc.	\$1,851,580
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Councilman Beard moved, seconded by Councilman Whittington to award Bid Package L-Conditioned Air, Inc., representing the base bid in the amount of \$1,650,000, Alternate #1 in the amount of \$87,500, Alternate #2 in the amount of \$13,930 and Alternate #4 in the amount of \$100,150 for a total of \$1,851,580 as the lowest and best bidder and to authorize Mayor Jason Shelton and City Clerk Kim Hanna to execute any and all documents necessary to enter the contract, subject to later ratification by the City Council. Of those present, the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX T.**

**IN THE MATTER OF REVIEW, APPROVE, REJECT AMENDMENT TO NAMING RIGHTS AGREEMENT WITH BANCORPSOUTH FOR AN ADDITIONAL TWELVE YEARS**

Upon a motion made by Councilman Whittington, seconded by Councilman Beard, the council voted unanimously to approve the naming rights agreement with BancorpSouth for an additional twelve years. A copy of the full agreement is attached as **APPENDIX U.**

**IN THE MATTER OF REVIEW, ACCEPT REJECT MINUTES OF THE SEPTEMBER 9, 2019 PLANNING COMMITTEE MEETING**

Upon a motion made by Councilman Whittington, seconded by Councilman Beard, the council voted unanimously to accept these minutes as submitted, a copy being attached as **APPENDIX V.**

**IN THE MATTER OF REVIEW, APPROVE, REJECT REQUEST TO SURPLUS OFFICER KEITH BOWDRY'S DUTY WEAPON GLOCK MODEL 45, 9MM, SN BKLY497 FOR \$1.00, WHICH WILL BE TURNED OVER TO HIM UPON HIS RETIREMENT FROM THE TUPELO POLICE DEPARTMENT, MISS CODE §45-9-131 (1972 AS AMENDED)**

Councilman Beard moved, seconded by Councilman Whittington, to surplus the Glock Model 45, 9MM, SN BKLY497 and allow Officer Keith Bowdry to purchase same in the amount of \$1.00 upon his retirement from the City of Tupelo Police Department. Of those present the vote was unanimous in favor. A copy of the request is attached as **APPENDIX W.**



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**IN THE MATTER OF REVIEW, ACCEPT, REJECT DONATION OF LED LIGHTS FROM CREATE FOR ROBINS FIELD**

Upon motion duly made by Councilman Beard, seconded by Councilman Whittington, to accept the donation of LED lights from CREATE for Robins Field. Of those present the vote was unanimous in favor. A copy of the request is attached hereto as **APPENDIX X.**

**IN THE MATTER OF REVIEW, ACCEPT, REJECT REQUEST TO REJECT GROUNDS MAINTENANCE AND HOUSEKEEPING OF THE FAIRPARK DISTRICT AND DOWNTOWN TUPELO CORE GENERAL GROUNDS MAINTENANCE**

Bids were solicited and received for the Grounds Maintenance and Housekeeping of the Fairpark District and Downtown Tupelo Core General Grounds Maintenance. Two bids were received, but it was discovered that the specifications prepared for the bid were ambiguous or otherwise inadequate and did not provide for consideration of all factors of significance to the buying entity. Therefore, Councilman L Bryan moved, seconded by Councilman Beard, to reject all bids received on Bid # 2019-042DT and rebid the Grounds Maintenance and Housekeeping of the Fairpark District and Downtown Tupelo Core General Grounds Maintenance when further modifications can be made to the specifications required. Of those present the vote was unanimous in favor. An itemized list of the specifications/duties is attached hereto as **APPENDIX Y.**

**IN THE MATTER OF REVIEW, APPROVE, REJECT REQUEST TO SURPLUS A SCOTT AIR COMPRESSOR, ASSET #11980/2127, SERIAL 31061438**

Chief Thomas Walker addressed the Council and requested that the Scott Air Compressor, Asset # 11980/2127, SN 31061438, be declared surplus. Councilman L Bryan moved, and Councilman Jennings seconded, to rend the item no longer needed by the municipality and to surplus, used for parts and remove the item from the City's asset list. Of those present the vote was unanimous in favor. A copy of the request is attached hereto as **APPENDIX Z.**

**IN THE MATTER OF REVIEW, AWARD, REJECT REQUEST TO REJECT BID #2019-041PW FOR PURCHASE OF A STREET SWEEPER FOR LACK OF BIDDERS**

Bids were solicited and a Reverse Auction was held for the purchase of Bid #2019-041PW Street Sweeper. Because of the lack of any bids, Public Works Director Chuck Williams asked that the bid be rejected. Upon motion duly made by Councilman Jennings and seconded by Councilman Beard, the Council voted unanimously to Reject Bid #2019-041PW for a Street Sweeper. The request for rejection is attached hereto as **APPENDIX AA.**

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**IN THE MATTER OF REVIEW, AWARD, REJECT BID 2019-037WL HIVE WATER TANK AND BOOSTER STATION**

Solicitations for Bid #2019-037WL – Hive Water Tank and Booster Station. Johnny Timmons, TWL Director, requested that the bid from TL Wallace Construction, in the amount of \$1,523,561.00 be awarded for this project. Councilman Whittington made the motion to award Bid # 2019-037WL for the HIVE water tank and booster station to TL Wallace Construction, pending contractor approval by the Mississippi Development Authority. Councilman Beard seconded the motion and of those present the vote was unanimous in favor. A copy of the bid packet is attached hereto as **APPENDIX BB.**

**IN THE MATTER OF REVIEW, ACCEPT, REJECT AMENDMENT TO THE ENERGY SERVICES AGREEMENT BETWEEN THE CITY OF TUPELO AND MCNEIL RHOADS FOR “AMI SCOPE OF WORK”**

Councilman Jennings moved, and Councilman Whittington seconded, to accept the amendment to the energy services agreement between the City of Tupelo and McNeil Rhoads for “AMI Scope of Work”. Of those present, the vote was unanimous in favor. A copy of the agreement is attached hereto as **APPENDIX CC.**

**IN THE MATTER OF REVIEW, APPROVE FINAL LOT MOWING LIST**

Councilman Whittington moved and Councilman Beard seconded that the final lot mowing list be approved. Of those present, the vote was unanimous in favor. A copy of the final lot mowing list is attached as **APPENDIX DD.**

**IN THE MATTER OF REVIEW, APPROVE RESOLUTION TO AMEND MINUTES OF JUNE 18, 2019 COUNCIL MEETING**

Councilman Jennings moved, seconded by Councilman Beard, to amend the Municipal Minutes, City of Tupelo, State of Mississippi, June 18, 2019 to accurately record a public hearing held to apply for a CAP Loan. A copy of the Resolution and Order Finding as Fact a Clerical Omission in the Minutes of the City Council Meeting of June 18, 2019 and modifying same NUNC PRO TUNC to Reflect a Public Hearing Held Regarding CAP Loan is hereto attached as **APPENDIX EE.**

**IN THE MATTER OF REVIEW, APPROVE, RESOLUTION OF INTENT TO APPLY FOR CAP LOAN FOR HYPERION PROJECT**

Councilman Whittington moved, seconded by Councilman Beard to approve a Resolution of Intent to Apply for CAP Loan for Hyperion Project be completed and submitted. Of those present, the vote was unanimous in favor. A copy of the Resolution of Intent to Apply for CAP Loan for Hyperion Project is hereby attached as **APPENDIX FF.**

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**STUDY AGENDA**

No items appeared for discussion.

**EXECUTIVE SESSION**

No items appeared for discussion.

**IN THE MATTER OF ADJOURNMENT**

With no further business to come before the City Council, Councilman Beard moved, seconded by Councilman Jennings, to adjourn the meeting at 7:00 p.m. Of those present the vote was unanimous in favor.

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Buddy Palmer, Acting President

ATTEST:

\_\_\_\_\_  
Missy Shelton, Clerk of the Council

\_\_\_\_\_  
Jason Shelton, Mayor

\_\_\_\_\_  
Date