

MUNICIPAL MINUTES CITY OF TUPELO
STATE OF MISSISSIPPI
OCTOBER 15, 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 15, 2019 at 6:00 p.m. with the following in attendance: Markel Whittington, Lynn Bryan, Travis Beard, Buddy Palmer, Mike Bryan, Willie Jennings, City Attorney Ben Logan; Missy Shelton, Clerk of the Council.

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

IN THE MATTER OF CALLING THE MEETING TO ORDER

Vice President Mike Bryan called the meeting to order at 6:00 p.m.

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

Councilman Buddy Palmer moved, seconded by Councilman Willie Jennings, 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 AND GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No employees were present for recognition.

IN THE MATTER OF RECOGNITION OF CAPTAIN TIM BELL

Police Chief Bart Aguirre presented Captain Tim Bell a letter of special recognition for the accomplishment of attending and graduating the FBI National Academy.

IN THE MATTER OF RECOGNITION OF SCHNEIDER ELECTRIC REPRESENTATIVES

The Mayor welcomed Allie Harris, Madelena Dewitt, and Dave Horton from Schneider Electric, who gave recognition and congratulations to the City of Tupelo for a \$500,000 savings on the Energy Saving Project.

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IN THE MATTER OF PUBLIC RECOGNITIONS

Councilman Jennings announced and invited everyone to a Ward 7 Community event where there will be bingo, food and fellowship on October 19, 2019 at 6:00 p.m. This event is geared toward improving the community.

IN THE MATTER OF A VARIOUS PROCLAMATIONS

Proclamations were read by Mayor Jason Shelton and presented recognizing November to be Alzheimer's Month, National Disability Employment Awareness and Native American Indian Heritage Month. A copy of the Proclamations are attached as **APPENDIX A.**

IN THE MATTER OF THE MAYOR'S REPORT

Mayor Shelton reminded that the City of Tupelo is having the 1st New Year's Eve Part this year to kick off a 150th birthday for the City of Tupelo. The Mississippi Municipal League is having their Small Town Conference in Tupelo October 17-18. He also recognized a special guest, former Junior High School and High school principal, Mr. Dale Dobbs.

(CLOSE REGULAR MEETING OPEN PUBLIC AGENDA)

PUBLIC AGENDA

PUBLIC HEARINGS

No one appeared to discuss this matter

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

There were no items discussed.

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ROUTINE AGENDA

REVIEW, APPROVE, REJECT MINUTES OF THE OCTOBER 1, 2019 REGULAR CITY COUNCIL MEETING

Councilman Travis Beard, seconded by Councilman Willie Jennings, 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 Markel Whittington moved, seconded by Councilman Buddy Palmer, 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 B.**

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, Mike Bryan, Willie Jennings, Markel Whittington; Kim Hanna, City Clerk; and Johnny Timmons, Tupelo Water and Light Department.

Councilman Buddy Palmer moved, seconded by Councilman Travis Beard, to approve the payment of the checks, bills and claims. The vote was unanimous in favor. **APPENDIX C**

CHECK NUMBERS 359538 – 359888
ELECTRONIC TRANSFERS 50000340 – 50000365
INVOICES AS SHOWN ON THE FACE OF THE DOCKET
TWL ADJUSTMENTS – NONE

IN THE MATTER OF REVIEW, APPROVE FINAL RESOLUTION GRANTING 2018 (10-YEARS REQUESTED) AD VALOREM TAX EXEMPTION LEGGETT AND PLATT COMPONENTS COMPANY, INC. #0341

Councilman Willie Jennings moved, seconded by Councilman Travis Beard, to approve the Final Resolutions granting 2018 (10-Years Requested) ad valorem tax exemption to Leggett and Platt Components Company, Inc. #0341, #0908 and #4201. Of those present, the vote was unanimous in favor. **APPENDIX D**

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IN THE MATTER OF REVIEW, ACCEPT REJECT MINUTES OF THE OCTOBER 7, 2019 PLANNING COMMITTEE MEETING

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

IN THE MATTER OF REVIEW, APPROVE, REJECT REQUEST TO SURPLUS A 4 TON HEAT PUMP, S/N 607774269

Public Works Director Chuck Williams requested that the 4 ton heat pump S/N 607774269 with a value of \$1,679.00, be declared surplus. Councilman Markel Whittington moved, and Councilman Buddy Palmer seconded, to find the item no longer needed by the municipality, remove the item from the City's asset list and sell for scrap. Of those present the vote was unanimous in favor. A copy of the request is attached hereto as **APPENDIX F.**

IN THE MATTER OF REVIEW, REJECT MINUTES OF THE OCTOBER 8, 2019 TUPELO TRAFFIC COMMITTEE MEETING

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

IN THE MATTER OF REVIEW, APPROVE REJECT ORDER RELEASING SEWER EASEMENT AND ACCEPTING NEW SEWER EASEMENT AT 1776 MCCULLOUGH

Councilman Markel Whittington moved and Councilman Travis Beard seconded that the order releasing sewer easement and accepting new sewer easement at 1776 McCullough be approved. After a brief explanation by Johnny Timmons and a discussion the vote was unanimous in favor by those present. A copy of the easements is attached as **APPENDIX H.**

IN THE MATTER OF REVIEW, APPROVE, RATIFY CONTRACT WITH STEWART ENVIRONMENTAL CONSTRUCTION FOR THE SYNTHETIC TURF INSTALLATION

Councilman Travis Beard moved, seconded by Councilman Buddy Palmer, ratify the contract with Stewart Environmental Construction for the synthetic turf installation. Of those present, the vote was unanimous in favor. **APPENDIX I**

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IN THE MATTER OF REVIEW, APPROVE, REJECT MISSISSIPPI
TRANSPORTATION COMMISSION AIRPORT FEDERAL MATCHING GRANT
AGREEMENT PROJECT NO. AIP-3-28-0070-044-2019

Mr. Cliff Nash, Airport Director explained that the Mississippi Transportation Commission Airport Federal Matching Grant Agreement for Project No. AIP 3-28-0070-044-2019 has been awarded to the Tupelo Municipal Airport. The breakdown for the grant match is: Federal 95%, State of Mississippi 2 ½ % and Tupelo Airport 2 ½%. Councilman Markel Whittington moved, seconded by Councilman Buddy Palmer to approve the Mississippi Transportation Commission Airport Federal Matching Grant. Of those present, the vote was unanimous in favor.

APPENDIX J

IN THE MATTER OF REVIEW, ACCEPT, REJECT RECOMMENDATION OF ROY
TURNER TO THE ELVIS PRESLEY BIRTHPLACE BOARD OF DIRECTORS

Councilman Buddy Palmer moved, seconded by Councilman Markel Whittington to accept the recommendation of Mayor Jason Shelton to appoint Roy Turner to the Elvis Presley Birthplace Board of Directors. The council voted unanimously to approve this motion. A copy of Mr. Turner's bio is attached to these minutes as **APPENDIX K**

IN THE MATTER OF REVIEW, APPROVE, REJECT AN ORDER CLOSING AND
VACATING A PORTION OF THE SOUTH END OF LUMPKIN AVENUE
(RELOCATED)

Councilman Markel Whittington moved and seconded Councilman Travis Beard seconded to approve the closing and vacating a portion of the South end of Lumpkin Avenue. After discussion and explanation from City Attorney Ben Logan, the vote of those present was unanimous in favor. A copy of the Order is attached as **APPENDIX L**.

IN THE MATTER OF REVIEW, APPROVE, REJECT AN ORDER CLOSING AND
VACATING A PORTION OF STEPHEN D. LEE STREET

Councilman Markel Whittington moved and seconded Councilman Buddy Palmer seconded to approve the closing and vacating a portion of Stephen D. Lee Street. After discussion and explanation from City Attorney Ben Logan, the vote of those present was unanimous in favor. A copy of the Order is attached as **APPENDIX M**.

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IN THE MATTER OF REVIEW, APPROVE, RATIFY THE FRANCHISE WITH TELEPAK/C SPIRE

Councilman Markel Whittington moved and Councilman Travis Beard seconded that the Telecommunications Franchise Agreement with Telepak Networks, Inc. be ratified. The vote was unanimous in favor by those present. **APPENDIX N**

IN THE MATTER OF REVIEW, APPROVE A RESOLUTION APPROVING REAL ESTATE DEVELOPMENT AGREEMENT BETWEEN THE CITY OF TUPELO, MISSISSIPPI, AND PINNACLE POINT AT TUPELO, LLC FOR THE DEVELOPMENT OF THE LANDMARK MAJOR SUBDIVISION RESIDENTIAL COMPONENT ON NORTH GLOSTER STREET

Councilman Markel Whittington moved and Councilman Willie Jennings seconded that the Resolution Approving Real Estate Development Agreement between the City of Tupelo and Pinnacle Point at Tupelo, LLC for the Development of the Landmark Major Subdivision Residential Component on North Gloster Street be approved. The vote was unanimous in favor by those present. **APPENDIX O**

IN THE MATTER OF REVIEW, APPROVE, REJECT APPLICATION FOR AD VALOREM TAX ABATEMENT TO KINDRED AT HOME AT 3402 WEST MAIN

Councilman Travis Beard moved, seconded by Councilman Buddy Palmer, to approve the application of Kindred at Home located at 3402 West Main and in a business improvement district for a commercial ad valorem tax abatement in the amount of \$219,000 for a period of five (5) years. The vote was unanimous in favor by those present. **APPENDIX P**

IN THE MATTER OF REVIEW, APPROVE FINAL LOT MOWING LIST

Councilman Buddy Palmer moved and Councilman Travis 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 Q**.

IN THE MATTER OF REVIEW, ADOPT, REJECT RESOLUTIONS ADJUDICATING COST AND ASSESSING LIEN AGAINST REAL PROPERTY UNDER MISS. CODE ANNO. 21-19-11 (1972) AS AMENDED

Councilman Travis Beard moved, seconded by Councilman Willie Jennings to adopt the resolutions adjudicating the costs and assessing liens for enrollment against private properties upon which work had been done by the city pursuant to 21-19-11. After a discussion, Councilman Lynn Bryan moved, seconded by Councilman Travis Beard that Case # 29500 – Ray Sandra be deleted from the list until further investigation can be completed regarding the

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situation of the resident. The vote was unanimous to make the change. The vote was unanimous in favor of taking this action on the list of properties submitted by the Department of Development Services with Case # 29500 being deleted at this time. **APPENDIX R**

IN THE MATTER OF REVIEW, ADOPT, REJECT RESOLUTION RESCINDING MAY 7, 2019 ACTION OF CITY COUNCIL GRANTING INITIAL APPLICATION FOR EXEMPTION OF 2019 AD VALOREM TAXES OF COOPER TIRE & RUBBER COMPANY

City Attorney Ben Logan explained that in December 2014 Cooper Tire & Rubber Company had entered a Fee In Lieu of Taxes Agreement with the city and county to be exercised when the company reached \$100,000,000 in investment in plant and equipment. Since that time, the company had submitted applications for and received standard 10-year exemptions from the city. After the city council approved the company's application for standard exemption in May 2019, the city, county and company realized the \$100,000,000 fee-in-lieu of taxes threshold had been met. The company has requested to exercise the fee-in-lieu agreement for the remainder of time for those improvements. Councilman Willie Jennings moved, and Councilman Travis Beard seconded, to approve a Resolution rescinding the city council's action of May 7, 2019, which granted an Initial Application for Exemption from 2019 Ad Valorem Taxes of Cooper Tire & Rubber Company and finding the company eligible and qualified for Fee in Lieu of Taxes pursuant to the December 2014 Fee in Lieu of Taxes Agreement. Of those present, the vote was unanimous in favor. A copy of the Resolution with supporting documents is attached as **APPENDIX S.**

IN THE MATTER OF REVIEW/ACCEPT/REJECT AUDIT REPORT FOR THE CITY OF TUPELO ELECTRIC DEPARTMENT

Councilman Markel Whittington moved, seconded by Councilman Travis Beard, to approve the Financial Report for the City of Tupelo Electric Department for June 30, 2019 and 2018. During the agenda review meeting Michael Little, representing Franks, Franks, Wilemon, & Haygood, P.A., reviewed this report with no instances of noncompliance with government standards. The vote was unanimous in favor. A copy of this financial report is attached to these minutes as **APPENDIX T.**

STUDY AGENDA

IN THE MATTER OF REVIEW, DISCUSS STUDY AGREEMENT WITH PONTOTOC COUNTY BOARD OF SUPERVISORS TO SHARE IN COST OF PAVING A PORTION OF MOUNT PLEASANT ROAD

Councilman Travis Beard moved, seconded by Councilman Willie Jennings, to move this item up to the November 4, 2019 action agenda. The vote was unanimous in favor.

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EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Councilman Willie Jennings moved, seconded by Councilman Markel Whittington, to determine the need for executive session. The vote of those present was unanimous in favor, and the council closed the open session to discuss the need for executive session.

City Attorney Logan advised that the following items were appropriate topics for executive session:

PENDING LITIGATION

The council returned to open session, and Councilman Markel Whittington moved, seconded by Councilman Travis Beard, to go into executive session. Of those present, the vote was unanimous in favor to enter into executive session at 6:50 p.m.

After discussion these items in executive session, Councilman Markel Whittington moved, seconded by Councilman Willie Jennings, to come out of executive session, and the vote was unanimous to come out.

The open meeting resumed at 6:55 p.m.

IN THE MATTER OF PENDING LITIGATION

Councilman Buddy Palmer moved, to authorize City Attorney Ben Logan on behalf of the City of Tupelo, Mississippi, to enter the Confidential, Full, Final and Absolute Release and Settlement Agreement and approve entry of the Agreed Final Judgement in Favor of NOVA Casualty Co. attached to these Minutes as **APPENDIX U**. The motion was seconded by Councilman Markel Whittington. Of those present, the vote was unanimous in favor.

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IN THE MATTER OF ADJOURNMENT

With no further business to come before the City Council, Councilman Willie Jennings moved, seconded by Councilman Buddy Palmer to adjourn the meeting at 6:58 p.m. Of those present the vote was unanimous in favor.

Mike Bryan, Vice-President City Council

ATTEST:

Missy Shelton, Clerk of the Council

Jason Shelton, Mayor

Date