

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JUNE 21, 2011

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, June 21, 2011, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, R. Fred Pitts, Jim Newell, Nettie Y. Davis, Jonny Davis, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council.

The invocation was led by Rev. Gloria McKinney, Pastor of St. Paul United Methodist Church, followed by the Pledge of Allegiance led by Boy Scout Carson Heath.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Pitts called the City Council meeting to order at 6:00 p.m.

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

Upon a motion by Councilwoman Davis and a second by Councilman Davis, the council voted unanimously to amend the agenda as follows:

ADD:	Routine Item #7.9	Travel Request from John Crawley
CORRECT:	Item #7.3 to Read:	Review/Approve Resolution Approving Engineering Contract for Downtown Tupelo Main St. Enhancement Project And Elvis Presley Birthplace Trail, and Authorizing Execution by Mayor

Councilwoman Davis moved to suspend the rules and move the following listed Study Agenda items to the Action Agenda. The motion was seconded by Councilman Newell and unanimously approved by a vote of the Council:

MOVE:	Study Item #8.4 to Action Item #6.4
MOVE:	Study Item #8.5 to Action Item #6.5
MOVE:	Study Item #8.6 to Action Item #6.6
MOVE:	Study Item #8.3 to Action Item #6.7

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4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Boy Scouts from Troop #12 sponsored by the First United Methodist Church together with their leader Duke Loden were present. Those scouts were Jake Hughes, Quentin Clemmer and Carson Heath. Carson had earlier led the Pledge of Allegiance. The scouts are working toward their Communications Merit Badge and Citizenship in the Community Badge.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

Mayor Reed recognized Jan Willis, Director of the Lee-Itawamba County Library. Mr. Willis is retiring effective the end of June to accept another position in Memphis, Tennessee. Mayor Reed presented Mr. Willis a Certificate of Appreciation for his years of service to the citizens of Tupelo and the surrounding region.

IN THE MATTER OF MAYOR'S REPORT

Mayor Reed's report centered upon the introduction of the team of delegates who had brought home the All-America City award from Kansas City, Missouri, last week. This is the fourth time that Tupelo has won this prestigious award. Mayor Reed stated the recognition is something the city can market and use for a long time in promoting Tupelo. The team had been working for several weeks on their presentation covering three projects, i.e, the Fairpark District, Green Houses of Traceway, and the Mayor's Task Force on Education and Health. Tupelo's award was one of only ten presented out of a field of twenty-six nationwide finalists. The National League of Cities sponsors this event. Tom Booth was recognized by Mayor Reed for his outstanding leadership and facilitation of this endeavor.

(President Pitts then closed the regular meeting and opened the Public Agenda.)

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5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LISTING OF LOT MOWINGS

No one appeared to address this issue.

5.2 CITIZEN'S HEARINGS

5.2.A DR. CLYDE A. SHEEHAN

Dr. Clyde A. Sheehan appeared before the City Council to address a complaint in regard to an incident concerning his daughter. On April 29, 2011, his daughter's car was struck by heavy rocks thrown off the Green Street overpass while she was traveling at night on McCullough Blvd. Her vehicle was heavily damaged although she herself was not physically injured. Dr. Sheehan requested that a fence be erected on the Green Street and Madison Street overpasses and that he be reimbursed by the city for the repair costs to the vehicle which were incurred as a result of the incident.

(President Pitts closed the Public Agenda and the council returned to regular session.)

6. ACTION AGENDA

IN THE MATTER OF REVIEW/APPROVE TUPELO AIRPORT AUTHORITY
NATIONAL GUARD ARMORY BUILDING MDA LOAN

On May 17, 2011, the City Council had passed a Resolution of Intention to Apply for Loan with Mississippi Development Authority on Behalf of the Tupelo Airport Authority. The maximum principal amount of this loan is not to exceed \$1,500,000.00 for the purpose of making improvements to the airport facility to promote commerce and economic growth. The Resolution of Intent was published once a week for four weeks in the Northeast Mississippi Daily Journal.

No statutorily sufficient written protest against the authorization and approval of the loan has been filed in the City Clerk's office as of 6:00 p.m. on June 21, 2011; therefore, upon a motion by Councilman Bryan, seconded by Councilman Newell, the council voted unanimously to approve a Resolution Declaring the Absence of Protest Against Authorizing and Improving a Loan on Behalf of the City of Tupelo, Mississippi,

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and the Tupelo Airport Authority from the Mississippi Development Authority in the Principal Amount not to Exceed One Million Five Hundred Thousand Dollars (\$1,500,000.00). A copy of this executed Resolution is attached to these minutes and incorporated herein as **APPENDIX A.** The loan shall be a general obligation of the City of Tupelo secured by the full faith, credit and taxing powers of the City. The City of Tupelo acknowledges and approve the provisions of Sections 57-61-15 (7) of the Act with respect to forfeiture of homestead exemption and sales tax allocations.

IN THE MATTER OF REVIEW/APPROVE APPLICATION FOR AD VALOREM TAX EXEMPTION FOR GENLYTE THOMAS GROUP

Upon a motion by Councilman Davis, seconded by Councilman Whittington, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Genlyte Thomas Group, LLC d/b/a Day-Brite/Capri/Omega for a period of ten (10) years beginning January 1, 2011, except State and School District ad valorem taxation. True value of property exempted is \$2,990,288.81. This action is subject to approval and certification by the Mississippi State Tax Commission. An executed copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE APPLICATION FOR AD VALOREM TAX EXEMPTION FOR VIP CINEMA, LLC AND ITS AFFILIATE, VIP PROPERTY MANAGEMENT, LLC

Upon a motion by Councilman Newell, seconded by Councilman Bryan, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi Granting Exemption from Ad Valorem Taxes to VIP Cinema, LLC, and its Affiliate, VIP Property Management, LLC, for a period of ten (10) years beginning January 1, 2011, except State and School District ad valorem taxation. True value of property exempted is \$549,710.14. This action is subject to approval and certification by the Mississippi State Tax Commission. An executed copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION FOR LINE OF CREDIT WITH BANCORPSOUTH FOR TAA LOCALIZER NAVIGATIONAL SYSTEM

The Tupelo Airport Authority is in need of the design, acquisition and installation of a localizer navigational aid system and has applied for an Airport Improvement Program (AIP) grant (Grant A) from the Federal Aviation Administration for the costs and expenses of the design review of the project in the amount of \$28,500.00. It is the

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intention of the Airport Authority to apply for a separate grant (Grant B) of not less than \$350,000.00 for the costs and expenses of the acquisition and installation of the project. BancorpSouth Bank has offered to loan the Tupelo Airport Authority the costs and expenses of this project through a line of credit under which the principal balance cannot exceed \$350,000.00 at any time, provided the Line of Credit can be secured by a grant to the extent of \$28,500.00 (Grant A) and by Grant B. The bank has offered to allow up to \$30,000.00 of the Line of Credit to be drawn prior to the approval of Grant A for purposes of paying the costs and expenses of the Design work on the project.

Upon a motion by Councilman Whittington, seconded by Councilman Bryan, the council voted unanimously to approve a Resolution Authorizing the City of Tupelo to Give BancorpSouth Bank a Security Interest in the Proceeds of Grants from the Federal Aviation Administration's Airport Improvement Program to Secure Borrowing by the Tupelo Airport Authority for the Design, Acquisition and Installation of a Localizer Navigational Aid System. An executed copy of this Resolution is attached to these minutes as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE SECURITY AGREEMENT AND ASSIGNMENT RELATED TO BANCORPSOUTH LINE OF CREDIT

Upon a motion by Councilman Bryan and a second by Councilman Whittington, the council voted unanimously to approve a Security Agreement and Assignment between the Tupelo Airport Authority, the City of Tupelo, Mississippi, and BancorpSouth Bank in connection with the above Resolution for a line of credit from said Bank. The Tupelo Airport Authority has executed a promissory note to the Bank in the amount of \$350,000.00 and under the terms of this Security Agreement and Assignment has agreed to pledge as collateral certain items as listed and described in the document. The City of Tupelo is joining in this Security Agreement and Assignment to pledge its interests in this collateral for security for payment of the note.

Officials of the Tupelo Airport Authority and the City of Tupelo, Mississippi, have executed this Security Agreement and Assignment, a copy being attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE MEMORANDUM OF UNDER-STANDING BETWEEN CITY AND MDOT FOR DOWNTOWN TUPELO MAIN STREET ENHANCEMENT PROJECT & ELVIS PRESLEY BIRTHPLACE TRAIL

Upon a motion by Councilwoman Davis, seconded by Councilman Davis, the council voted as follows to approve a Memorandum of Understanding between the
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Mississippi Department of Transportation and the City of Tupelo, Mississippi, for the purpose of establishing conditions under which the City may utilize Transportation Enhancement and subsequent acts to complete the proposed project STP-0430-00(0016)LPA/ 106067-701000, entitled Downtown Main Street Enhancement Project and Elvis Presley Birthplace Trail, Tupelo, Mississippi. The project consists of construction of sidewalks and bicycle lanes on Main St. from Green St. to Veterans Blvd. and on Veterans Blvd. from Main St. to Reece St. and on Reece St. from Veterans Blvd. to Elvis Presley Drive. Approximately \$2,300,000.00 in federal funds, with 80% federal match and 20% local match, are available for the project. Consideration by the City Council of an engineering services contract covering this project appears later on this agenda. A copy of the executed MOU is attached to these minutes and incorporated herein as **APPENDIX F.**

Vote on the motion to approve the MOU was as follows:

VOTING AYE: Pitts, N. Davis, J. Davis, Bryan, Jennings
VOTING NAY: Whittington, Newell

**IN THE MATTER OF REVIEW/APPLICATION FOR AD VALOREM TAX
EXEMPTION FROM LEGGETT & PLATT COMPONENTS COMPANY, INC.**

Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Leggett & Platt Components Company, Inc. for a period of ten (10) years beginning January 1, 2011, except State and School District ad valorem taxation. True value of property exempted is \$3,311,408.91. This action is subject to approval and certification by the Mississippi State Tax Commission. An executed copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX G.**

7. ROUTINE AGENDA

**IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL
MEETING**

Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, June 7, 2011.

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IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Davis, seconded by Councilman Whittington, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, Pitts, N. Davis, J. Davis, and Jennings:

- Check Nos. 92419 through 92891 (Pool Cash Fund)
- Electronic transfers as shown on the face of the docket.
- Invoices as shown on the face of the docket.
- Requests made by AFLAC to reimburse employees under Flex-One Plan as shown on the face of the docket.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION APPROVING ENGINEERING CONTRACT FOR DOWNTOWN TUPELO MAIN STREET ENHANCEMENT PROJECT AND ELVIS PRESLEY BIRTHPLACE TRAIL, AND AUTHORIZING EXECUTION BY MAYOR

Earlier in this meeting, the City Council had approved a Memorandum of Understanding between the Mississippi Department of Transportation and the City of Tupelo, Mississippi, whereby conditions were established to utilize funds from MDOT to complete the proposed project STP-0430-00(0016)LPA/106067-701000, entitled Downtown Main Street Enhancement Project and Elvis Presley Birthplace Trail, Tupelo, Mississippi. To accomplish this project, it is necessary that the city engage a qualified and experienced engineering firm to perform engineering services in connection with said project.

Upon a motion by Councilman Davis, seconded by Councilwoman Davis, the council voted as follows to approve a Resolution Approving Engineering Contract for Downtown Tupelo Main Street Enhancement Project and Elvis Presley Birthplace Trail, and Authorizing Execution by Mayor. At the regular City Council meeting of January 18, 2011, the council had approved the selection of Engineering Solutions, Inc. to provide the design engineering services for this project and by approving this Resolution, the contract between the city and Engineering Solutions, Inc. is ratified and the Mayor is authorized to execute the same. A copy of the Resolution with a copy of the contract included as Exhibit A is attached to these minutes and incorporated herein as **APPENDIX H.** Vote on the motion was as follows:

VOTING AYE: Pitts, N. Davis, J. Davis, Bryan, Jennings
VOTING NAY: Whittington, Newell

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IN THE MATTER OF REVIEW/APPROVE SPECIAL POLICE DETAIL AT WALL'S BARGAIN CENTER

Police Chief Tony Carleton had submitted an additional name of a police officer requesting to work security at Wall's Bargain Center. Upon a motion by Councilman Jennings and a second by Councilman Newell, the council voted unanimously to approve the addition of this officer to work this detail. A copy of Chief Carleton's memo giving the officer's name is attached to these minutes and incorporated herein as **APPENDIX I.** This officer will be allowed to wear police uniform and have proper city-issued equipment for help with security and deterrent at this store. Liability and fee for the officer's detail will come from Wall's Bargain Center.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING

Councilman Whittington moved to accept the minutes of the Planning Committee meeting of June 6, 2011, and the motion was seconded by Councilwoman Davis. A discussion followed in regard to Item 3 concerning a Major Conditional Use that had been granted the Tupelo Public Schools for the use of manufactured buildings to be placed at Carver Elementary School. The district has since voted to reconsider their plans for this school, and the temporary buildings will no longer be needed. However, the Major Conditional Use, according to Pat Falkner, Senior Planner, has not been cancelled and is still in effect. Councilman Newell offered an amendment to the original motion to deny Item 3 of the minutes, thus cancelling the Major Conditional Use previously approved for the school district. This amendment was seconded by Councilman Davis and unanimously approved by the council. Vote on the original motion to accept the minutes of the Planning Committee meeting of June 6 was unanimous, also. A copy of the minutes is attached hereto and incorporated into these minutes as **APPENDIX J.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR TUPELO WATER AND LIGHT DEPARTMENT

Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously to award the following bid for the Tupelo Water and Light Department, as recommended by Johnny Timmons, Manager:

Bid No. 1209WL Water Meters (6-Month Supply Bid) to the low qualified bid submitted by HD Supply Waterworks as indicated on the attached bid tabulation.

A copy of the bid package is attached hereto as **APPENDIX K.**
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IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWINGS

Councilwoman Davis moved to approve a listing of lot mowings as submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace

to public health, safety and welfare of the community, thereby authorizing the Department to proceed with mowing procedures. The motion was seconded by Councilman Newell. A public hearing had been held earlier in this meeting with no one appearing to address any of the properties. The motion was approved by a unanimous vote of the council. A copy of the listing is attached to these minutes and incorporated herein as APPENDIX L.

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR SALE OF LANIER BUILDING

On May 3, 2011, a Resolution Authorizing Advertisement of Intent to Sell Property had been approved by the City Council and subsequently published three (3) consecutive weeks in the Northeast Mississippi Daily Journal. The subject property was formerly leased by Oxford Industries and is commonly known as the Hunter-Sadler building. As a result of the publication, only one bid was received in the amount of \$151,077.00. Upon a motion by Councilman Davis, seconded by Councilman Newell, the council voted unanimously to reject the bid received for this property.

IN THE MATTER OF REVIEW/APPROVE TRAVEL REQUEST

A memo had been received from B. J. Teal, Director of the Department of Development Services, requesting that John Crawley, City Engineer, be allowed permission for his children to accompany him in a city-owned vehicle on a trip to Destin, Florida, to attend a Tri-State Engineering Conference. Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to grant this request that Mr. Crawley's children be allowed to accompany him on this trip.

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS TUPELO NEIGHBORHOOD REINVESTMENT PLAN

At the request of Council Members Newell and Bryan, this item will be moved to the Action Agenda for the July 5, 2011, meeting.

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IN THE MATTER OF REVIEW/DISCUSS DEMOLITION OF BUILDINGS
COMPRISING TRACE INN AND COUNTRY HEARTH INN AND SUITES

This item will remain on the Study Agenda for further consideration.

9. ADJOURNMENT

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman Bryan, seconded by Councilman Newell, the council voted unanimously to adjourn the regular meeting at 6:45 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR