

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 19, 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, July 19, 2011, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, R. Fred Pitts, Nettie Y. Davis, Jonny Davis, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council. Councilman Jim Newell was absent.

The invocation was led by Councilman Jonny Davis, followed by the Pledge of Allegiance led by Boy Scout Davis Roy.

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, seconded by Councilman Bryan, the council voted unanimously of those present to confirm the agenda and agenda order as presented.

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Boy Scout Davis Roy was present and had earlier led the Pledge of Allegiance. Davis is working toward his Eagle Scout award and had met prior to the meeting with Councilmen Whittington and Pitts, asking questions and gaining information regarding city government as a requirement in attaining the rank of Eagle Scout.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Reed presented Certificates of Appreciation to the following city employees for their loyal and dedicated service to the citizens of Tupelo:

Andrew Hooper	Tupelo Fire Department	15 years
Cedric Lockridge	Tupelo Fire Department	15 years
Michael Montgomery	Tupelo Fire Department	15 years
Gerald Purnell	Tupelo Fire Department	15 years
John Ellis	Tupelo Fire Department	20 years
Matthew Armstrong	Tupelo Fire Department	5 years
Tony McCoy	Tupelo Police Department	20 years

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Jesse King	Tupelo Police Department	35 years
David Wammack	Development Services	20 years
Nettie Y. Davis	City Councilwoman	10 years

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by Council Members:

Councilman Jonny Davis – Congratulated Chief Tony Carleton and the Tupelo Police Department for their part in the apprehension of two bank robbers recently and in helping solve these two major crimes in the city.

Councilwoman Nettie Davis – Expressed sympathy to the family of Alderman Terry Chewe who had died this week. Alderman Chewe had served the City of Pontotoc for thirty-four years in that capacity. Councilwoman Davis stated she had known Mr. Chewe since he was a teen-ager.

IN THE MATTER OF REMARKS BY SENATOR NANCY COLLINS

Senator Collins had been elected to fill the vacancy in the Mississippi Senate which was created when Senator Alan Nunnelee had been elected to the U. S. House of Representatives from District 6. Senator Collins has been visiting the various towns and municipalities in District 6 to give a brief report and overview of the activities of the Mississippi Legislature since her election.

IN THE MATTER OF MAYOR'S REPORT

The agenda for tonight's meeting contains several nominations by Mayor Reed to various commissions and committees in the city. His remarks were limited to his expression of appreciation to the large number of volunteers in Tupelo who willingly give their time, expertise and energy to so many of these groups. Several former members and newly appointed ones were present in the audience and recognized by the Mayor for their service.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARING

5.1.A LISTING OF LOT MOWINGS
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No one appeared to address any of these listed properties.

(President Pitts then closed the Public Agenda and the City Council returned to regular session.)

6. ACTION AGENDA

**IN THE MATTER OF REVIEW/APPROVE TUPELO NEIGHBORHOOD
REINVESTMENT PLAN 2011**

This item was tabled at the July 5, 2011, regular City Council meeting and will remain on the table at this time.

7. ROUTINE AGENDA

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

Upon a motion by Councilman Whittington, seconded by Councilman Davis, the council voted unanimously of those present to approve the minutes of the regular City Council meeting of Tuesday, July 5, 2011.

IN THE MATTER OF REVIEW/PAY BILLS

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

Check Nos. 93311 through 93660 (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 RE-APPOINTMENT TO CONVENTION &
VISITORS BUREAU BOARD**

Mayor Reed had nominated Ms. Carolyn Moss for consideration for re-appointment to the Convention & Visitors Bureau Board. Her term had expired on May 15, 2009. The new appointment will be effective May 15, 2011 through May 15, 2013.

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Upon a motion by Councilwoman Davis and a second by Councilman Whittington, the council voted unanimously of those present to approve the re-appointment of Ms. Carolyn Moss to serve another term on the Convention & Visitors Bureau Board. A copy of her bio is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE APPOINTMENT AND RE-APPOINTMENTS TO THE TUPELO HOUSING AUTHORITY COMMISSION

By memorandum dated July 13, 2011, Mayor Reed had presented to the City Council several names as nominees for appointment or re-appointment to serve on the Tupelo Housing Authority Commission. Mr. Robert P. Smith is currently serving in Afghanistan, and Mayor Reed nominated Mrs. Lisa Hawkins to replace him with her term beginning July 1, 2011 and running through July 1, 2013.

The Mayor also recommended the re-appointment of the following individuals to serve on this Commission: Grace Clark; Craig A. Shannon and George Taylor. Upon a motion by Councilman Whittington and a second by Councilman Bryan, the council voted unanimously of those present to approve the appointment of Lisa Hawkins and the re-appointment of Grace Clark, Craig A. Shannon and George Taylor. Mrs. Clark's term begins July 1, 2009 and expires on July 1, 2013; Craig A. Shannon's term begins January 2, 2009 and expires on January 1, 2014 and George Taylor's term begin July 1, 2010 and expires January 1, 2015. Copies of bio's for each of these individuals are attached to these minutes and incorporated herein as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE APPOINTMENTS TO HOMELESS TASK FORCE

Mayor Reed recommended the following individuals to the City Council for approval to serve on the Homeless Task Force: Mr. Samuel (Sam) Bell; Dr. Brian Condit; Mrs. Susan Gilbert and Rev. Paul J. Stephens. Upon a motion by Councilman Whittington, seconded by Councilman Davis, the council voted unanimously of those present to approve the appointment of these four persons to serve on this Task Force. Copies of their bio's are attached hereto and incorporated into these minutes as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE APPOINTMENT TO TUPELO LICENSE COMMISSION

Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve the nomination of Mr. Anthony

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Macklin to serve on the Tupelo License Commission. Mr. Macklin had been nominated to this position by Mayor Reed. A copy of his bio is attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE APPOINTMENTS TO TUPELO PLANNING COMMITTEE

Upon a motion by Councilman Whittington, seconded by Councilwoman Davis, the council voted unanimously of those present to re-appointment Mr. Mitch Ellett to the Tupelo Planning Committee with a term effective February 2011 – February 2015. By the same motion, Mrs. Margaret Ann Kennedy was approved to serve on this committee to fill the unexpired term of Mrs. Gloria Gasaway who had resigned before the termination of her term. Mrs. Kennedy's term will expire January 2014. Likewise, upon the same motion, Mr. Jim Goodwin and Mr. Bill Smith were approved unanimously of those council members present to serve on the committee with terms beginning July 2011 and expiring July 2015. According to a memorandum from Mayor Reed to the City Council, these appointments will complete the nine-member board for the Tupelo Planning Committee.

Mr. Michael B. Gratz, Jr. and Mr. Russ Wilson, outgoing members, were present and Mayor Reed expressed to them the thanks and appreciation of the city for their service on the Planning Committee. Mr. Wilson has served for a total of eighteen years. Copies of bio's of the newly-appointed members are attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE ACCEPTANCE OF AIRPORT IMPROVEMENT PROGRAM GRANT FROM FEDERAL AVIATION ADMINISTRATION

Upon a motion by Councilman Jennings and a second by Councilman Bryan, the council voted as follows to approve a Grant Agreement between the City of Tupelo, Mississippi, and the Tupelo Airport Authority (Co-Sponsors) and the Federal Aviation Administration signifying acceptance of funds from the FAA for and on behalf of the United States, said funds representing 95 percent of the allowable costs incurred in accomplishing Project Number 3-28-0070-035-2011, said Project consisting of the following: Extend Runway 18/36 (design only); conduct wildlife hazard assessment

The maximum obligation of the United States payable under this offer shall be \$544,079.00, which consists of \$475,774.00 for airport development and \$68,305.00 for planning.

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Vote taken on this issue was as follows:

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

An executed copy of the Grant Agreement is attached to these minutes and incorporated herein as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE APPLICATION FOR NEIGHBORHOOD IMPROVEMENTS GRANT FOR SHARON HILLS

The Sharon Hills Neighborhood Association had submitted an application for 2010-2011 grant funds in the amount of \$3,000.00 for the development of a long-range plan for improvement within their neighborhood. They plan to build an entrance column to provide a proper designation for the Sharon Hills neighborhood. The Association feels this improvement will add to the aesthetic appeal of the area and will attract more home buyers as well as maintain and improve current property values.

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously of those present to approve the application submitted by the Sharon Hills Neighborhood Association for this project.

IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWINGS

Councilman Whittington moved to approve a listing of lot mowings 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 Bryan. 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 those present. A copy of the listing is attached to these minutes and incorporated herein as **APPENDIX G.**

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

Upon a motion by Councilwoman Davis, seconded by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Traffic Committee meeting of July 12, 2011, a copy being attached hereto as **APPENDIX H.**

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IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR AIR STRUCTURE REPLACEMENT AT ROB LEAKE CITY POOL

Don Lewis, Director of the Tupelo Parks and Recreation Department, had submitted a bid package for the City Council's consideration covering Bid 1210PR – Air Structure Replacement at Rob Leake City Pool. Mr. Lewis recommended the acceptance of the bid of Airzon Companies as the lowest and best bid in the amount of \$152,257.00 and Option Item #1 for \$64,669.00 for the replacement of existing air supported structures at Rob Leake City Pool.

Upon a motion by Councilman Davis and a second by Councilman Whittington, the council voted unanimously of those present to award Bid 1210PR to Airzon Companies, including Option Item #1, a copy of the bid package being attached to these minutes as **APPENDIX I.**

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR DONATION OF SICK LEAVE TO OREN DUNN MUSEUM EMPLOYEE

Upon a motion by Councilman Whittington and a second by Councilwoman Davis, the council voted unanimously of those present to approve a request that City of Tupelo personnel be allowed to donate sick leave time to Rachaelle Mathis, an employee of the Oren Dunn Museum. According to a memorandum dated July 8, 2011, from Don Lewis, Director of the Tupelo Parks and Recreation Department, Ms. Mathis is currently on FMLA and is undergoing treatment. It is expected that she will be able to return to work at the museum in August.

IN THE MATTER OF REVIEW/APPROVE PROPOSED BUDGET CALENDAR FOR FY 2012

Upon a motion by Councilman Davis, seconded by Councilman Jennings, the council voted unanimously of those present to approve the Proposed Budget Calendar for FY 2012, a copy being attached to these minutes as **APPENDIX J.**

IN THE MATTER OF REVIEW/APPROVE SOLE SOURCE VENDOR FOR PURCHASE OF QUANTUM SNIFFER

Police Chief Tony Carleton had submitted a request to the City Council that a sole source vendor be approved for the purchase of a Quantum Sniffer QS-H150. This item is a hand-held explosive detector that rapidly detects and identifies trace amounts of a wide variety of military, commercial and homemade explosives. The QS-H150 employs a patented heated vortex collector for the simultaneous detection of explosives particulates

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and vapors, without contact and in real-time. According to Chief Carleton's memorandum, it also includes a patented non-radioactive ionization source and a low maintenance contamination resistant design.

Upon a motion by Councilman Bryan, seconded by Councilman Davis, the council voted unanimously of those present to approve Implant Sciences Corporation of Wilmington, MA, as the sole source vendor for the purchase of the Quantum Sniffer QS-H150, it having been determined that no competitor manufactures anything similar to this item for use by the Tupelo Police Department. A copy of a letter from the manufacturer, Implant Sciences Corporation, indicating that company as the sole manufacturer and distributor of this device is attached to these minutes as

APPENDIX K.

IN THE MATTER OF REVIEW/APPROVE PROPOSED ENGAGEMENT LETTER WITH LAW FIRM FOR LEGAL SERVICES IN CONNECTION WITH LITIGATION “YAKAMA v. CITY OF TUPELO”

Upon a motion by Councilman Whittington, seconded by Councilman Davis, the council voted unanimously of those present to approve a proposed engagement letter between the law firm of Witherspoon-Kelley, P. S. and City of Tupelo, Mississippi, to represent the City’s interests in a lawsuit filed in the Eastern District of the United States District Court in Washington against the FBI, United States Marshals Services, a number of other Federal agencies and several local governmental entities, including Tupelo, by the Confederated Tribes and Bands of the Yakama Nation. The lawsuit is in regard to a nationwide operation involving a contraband cigarette investigation. A Tupelo police officer has been assisting Federal authorities in this matter, thus necessitating the retention of legal counsel to represent the city’s interests.

No damages are being sought in this lawsuit, only injunctive and declaratory relief. However, suit for damages could possibly be filed later on.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF MAJOR THOROUGHFARE PROGRAM MEETING

Upon a motion by Councilman Davis, seconded by Councilman Whittington, the council voted unanimously of those present to accept the minutes of the Major Thoroughfare Program meeting of June 13, 2011, a copy being attached to these minutes and incorporated herein as

APPENDIX L.

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IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR DRAINAGE TASK FORCE IMPROVEMENTS PROJECTS

Upon a motion by Councilwoman Davis and a second by Councilman Whittington, the council voted unanimously of those present to award bids for two Drainage Task Force Projects to the lowest and best bidder, Paul Smithey Construction Company, as recommended by Sid Russell, Director of the Public Works Department. The two projects are Tupelo Drainage Improvements 2010 with a bid of \$609,704.50; and Old Belden Circle Drainage Improvements with a bid of \$312,429.78.

Seven bids were received on the Tupelo Drainage Improvements 2010 project and ten bids were received on the Old Belden Circle Drainage Improvements project with Paul Smithey Construction Company being the low bidder on each project. A complete copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX M.**

8. STUDY AGENDA

**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 at this time.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to go into executive session to discuss pending litigation of Block Corporation v. Tupelo Water and Light Department.

Upon a motion by Councilman Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to come out of executive session and return to the regular meeting.

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IN THE MATTER OF EXECUTIVE SESSION DECISION

Upon a motion by Councilwoman Davis and a second by Councilman Davis, the council voted unanimously of those present to authorize the City Attorney's office to settle claim filed by Block Corporation against the Tupelo Water and Light Department.

10. ADJOURNMENT

IN THE MATTER OF ADJOURNMENT

Upon a motion by Councilman Whittington and a second by Councilman Davis, the council voted unanimously of those present to adjourn the regular City Council meeting at 7:40 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR