

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 7, 2012

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, February 7, 2012, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, R. Fred Pitts, Jim Newell, Nettie Y. Davis, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council. Councilman Jonny Davis was absent.

The invocation was led by Councilman Jennings, followed by the Pledge of Allegiance led by Councilman Whittington.

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 Whittington, 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 GIRL/BOY SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by council members:

Councilwoman Davis – Announced that beginning February 7, 2012, the Oren Dunn Museum would present an exhibit called “The Dream Lives On” honoring eight Black women of the community. A reception will be held on Saturday, February 25, at the Museum, and Councilwoman Davis invited everyone to come out and take part in this event. The exhibit will feature displays on each of the recipients being honored.

MUNICIPAL MINUTES, CITY OF TUPELO

STATE OF MISSISSIPPI

FEBRUARY 7, 2012

Councilwoman Davis – The Park Hill Neighborhood Association is attempting to recruit minority young people to serve as life guards at the community center. Training will be offered to any person interested. She asked that anyone who would like to work as a lifeguard attend the Park Hill Neighborhood Association meeting on Thursday, February 9, 2012 at 6:00 p.m. Representatives from the Tupelo Parks and Recreation Department will be present to aid in this endeavor.

Councilman Pitts – Announced that Comcast has agreed to replay Mayor Reed’s “State of the City” address following the City Council meetings which are aired each Tuesday night. The replays will begin on February 7, 2012, and will continue on February 14, February 21 and February 28. President Pitts expressed appreciation to Comcast for providing this service to the public.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

**5.1.A RE-ZONING OF PROPERTY LOCATED AT
INTERSECTION OF NORTH GREEN STREET
AND PRESLEY CIRCLE**

Mrs. Bradley, owner of the property, appeared and requested the City Council to approve this re-zoning.

**5.1.B IN REGARD TO DEVELOPMENT CODE
TEXT AMENDMENTS**

No one appeared to address this issue.

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

FEBRUARY 7, 2012

6. ACTION AGENDA

IN THE MATTER OF REVIEW/ADOPT ORDINANCE PROHIBITING PUBLIC INDECENCY

Upon a motion by Councilman Whittington, seconded by Councilman Bryan, the council voted as follows to adopt an Ordinance Prohibiting Public Indecency, an executed copy being attached to these minutes and incorporated herein as

APPENDIX A:

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

IN THE MATTER OF REVIEW/ADOPT ORDINANCE RE-ZONING PROPERTY AND AMENDING OFFICIAL ZONING MAP

Upon a motion by Councilwoman Davis, seconded by Councilman Whittington, the council voted unanimously of those present to adopt an Ordinance Re-zoning Property and Amending Official Zoning Map. The property is located at the southwest corner of North Green Street and Presley Circle and will be re-zoned from R-1M, Residential Single Family, Medium Lot Zoning District, to the C-2, General Commercial Zoning District. The Planning Committee had approved this re-zoning at their January 9, 2012 meeting. Mrs. Bradley, owner of the property, plans to construct an office building on this vacant lot and had attended a public hearing earlier in this meeting requesting approval from the City Council. A copy of the ordinance is attached to these minutes and incorporated herein as **APPENDIX B.**

7. ROUTINE AGENDA

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

Upon a motion by Councilman Newell, seconded by Councilman Whittington, the council voted unanimously of those present to approve the minutes of the regular City Council meeting of Tuesday, January 17, 2012.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 7, 2012

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Jennings, seconded by Councilman Newell, 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. 98342 through 98794 (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 FY 2012 BUDGET REVISION #2

Upon a motion by Councilman Whittington and a second by Councilman Bryan, the council voted unanimously of those present to approve FY 2012 Budget Revision #2, a copy being attached to these minutes as **APPENDIX C.**

IN THE MATTER OF REVIEW/ACCEPT HOMELAND SECURITY GRANT FOR EOD UNIT

Upon a motion by Councilwoman Davis, seconded by Councilman Bryan, the council voted unanimously of those present to accept a Homeland Security grant for \$50,000 for EOD Unit travel and training expenses. According to Terri Blissard, Grant Administrator, by memorandum dated February 2, 2012, there is no match requirement for this grant.

IN THE MATTER OF REVIEW/ACCEPT HOMELAND SECURITY GRANT FOR EOD UNIT

Upon a motion by Councilman Whittington and a second by Councilman Newell, the council voted unanimously of those present to accept a Homeland Security grant in the amount of \$9,417.00. According to Terri Blissard, Grant Administrator, by memorandum dated February 2, 2012, these funds will purchase two Segway Personal Transporters plus accessories.

IN THE MATTER OF REVIEW/APPROVE SOLE SOURCE PURCHASE REQUEST FOR EOD UNIT

Upon a motion by Councilman Whittington and a second by Councilman Bryan, the council voted unanimously of those present to approve a request from Police Chief

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 7, 2012

Carlton for a sole source purchase of two Segway Personal Transporters and accessory equipment. According to a memorandum from Terri Blissard, Grant Administrator, dated February 2, 2012, the Department of Homeland Security has provided funding for each EOD Unit in the state to purchase Segways. This funding is for one particular model of Segway Personal Transporter, along with a specific accessory package, and cannot be used for any other kind of purchase. Attached to these minutes and incorporated herein as **APPENDIX D** is a sole source letter from Segway, Inc. which confirms Segway is the only manufacturer of the particular product required under the terms of the Homeland Security grant.

IN THE MATTER OF REVIEW/APPROVE LAW FIRM TO PREPARE CONTINUING DISCLOSURE INFORMATION STATEMENT IN REGARD TO VARIOUS BOND ISSUES

Upon a motion by Councilman Jennings and a second by Councilman Whittington, the council voted unanimously of those present to retain the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC, to prepare and submit the City's Continuing Disclosure Information Statement in connection with various bond issues. This firm serves as Bond Counsel in connection with the bond issues for the city. This year's filing of the statement is due on or before March 15, 2012.

The firm agrees to render an opinion to the effect that the city has complied with the Securities and Exchange Commission continuing disclosure requirement.

IN THE MATTER OF REVIEW/APPROVE CLOSING OF CHECKING ACCOUNTS AT BANCORPSOUTH BANK

City Clerk Kim Hanna had submitted a list of City of Tupelo checking accounts at BancorpSouth Bank that were used for grants which have now been completed or the money for which the accounts were set up now rolls through the General Fund of the city. Ms. Hanna has requested that since these accounts are no longer needed, they should be closed. Upon a motion by Councilwoman Davis, seconded by Councilman Newell, the council voted unanimously of those present to approve this request to close these accounts at BancorpSouth Bank. A listing of the same is attached to these minutes as **APPENDIX E**.

IN THE MATTER OF REVIEW/APPROVE CLOSING OF CHECKING ACCOUNT AT BANCORPSOUTH BANK

City Clerk Kim Hanna had submitted a request to the City Council for approval to close a City of Tupelo Checking Account at Bancorpsouth Bank, i. e., Water & Light

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 7, 2012

Checking Account. According to Ms. Hanna, the activity in this account will now roll through the Electric Money Market. Upon a motion by Councilman Newell, seconded by Councilman

Whittington, the council voted unanimously of those present to grant this request to close the Water & Light Checking Account at BancorpSouth Bank.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING OF JANUARY 9, 2012

Councilman Jennings moved to accept the minutes of the Planning Committee meeting of January 9, 2012, and the motion was seconded by Councilman Whittington. A discussion followed on the matter. President Pitts commented on Item 3 in the minutes which the Planning Committee had tabled. President Pitts stated he had attended that meeting and he felt after reading the minutes that there were some important statements made by two representatives of the entity, and he could not support the minutes as written since these statements had not been included. He stated he could support the other two items covered in the minutes, but since the motion had been made to accept all the minutes, he would be voting against the motion.

Councilman Bryan asked if President Pitts could not support the idea or if something was not right? President Pitts responded that at the hearing, the two gentlemen representing the dealership made statements concerning their feelings toward the sign that was being requested and the minutes did not reflect these comments. Councilman Newell then stated, "So you are saying the minutes are not correct." President Pitts responded that in his opinion they were not as he was at the meeting.

Councilman Newell then asked that even though the Planning Committee had tabled this particular item, would that have an impact on the issue? President Pitts replied that he felt it would and that it had already had an impact, and he just could not approve the minutes as written.

Councilman Bryan then questioned City Attorney Hill that since this particular item had been tabled by the Planning Committee, could the City Council just take it out of the minutes completely. Attorney Hill replied that this could not be done. He said Councilman Pitts had stated the basis on which he wanted to vote against accepting and approving these minutes; that he just did not believe they were stated accurately as to what occurred. The motion on the table at this time is to approve the minutes and that is all the City Council can do. The minutes are what they are from that Committee meeting.

Councilman Newell then stated that Item 3 was going to be revisited by the Planning Committee and maybe this could be clarified in the next set of minutes. However, Attorney Hill said he did not know how they could clarify what occurred at a preceding meeting. Also, he stated he understood that Councilman Pitts was not saying

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 7, 2012

that he necessarily disagreed with the action taken by the Planning Committee; only that he thought the minutes as presented are not fully accurate.

Councilman Bryan said that since Councilman Pitts was President of the City Council and if he felt these minutes are not quite accurate, he would take the same position on the vote.

Councilman Newell asked if an amendment could be made to the motion to exclude Item 3, and Attorney Hill replied affirmatively. Councilman Newell then offered an amendment to the original motion to exclude Item 3. Councilman Jennings seconded the amendment. Attorney Hill added that as a point of clarification, the item could not be excluded but the amendment would be to accept the minutes as to Items 1 and 2 but not Item 3.

Vote on the amended motion was as follows:

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

A copy of the minutes of the Planning Committee meeting of January 9, 2012, is attached to these minutes and incorporated herein as **APPENDIX F.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF HISTORIC PRESERVATION COMMISSION REGULAR MEETING OF DECEMBER 8, 2011, AND MINUTES OF SPECIAL CALLED MEETING OF DECEMBER 8, 2011

President Pitts questioned the term “special called meeting” appearing on the cover memo of this item when in actuality there was a COA “hearing” conducted immediately after the regular meeting of the Historic Preservation Commission on December 8, 2011, and Councilman Newell asked for a clarification. Pat Falkner, Senior Planner, explained that was the usual procedure of the Commission to conduct the COA hearings after the regular meetings. Councilman Newell moved to accept the minutes of the regular meeting of the Commission of December 8, 2011, and the minutes of a COA Hearing of the same date. The motion was seconded by Councilman Jennings with vote being as follows:

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

**MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI**

FEBRUARY 7, 2012

Copies of these minutes are attached to these minutes and incorporated herein as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE NEIGHBORHOOD GRANT APPLICATION FOR WINFIELD NEIGHBORHOOD ASSOCIATION

Upon a motion by Councilman Bryan, seconded by Councilman Jennings, the council voted unanimously of those present to approve a neighborhood grant application for Winfield Neighborhood Association in the amount of \$2,485.25. These funds are for improvements to the Winfield Subdivision gateway entrance beds. According to memorandum dated January 31, 2012, from B. J. Teal, Director of the Department of Development Services, this project meets the requirements for the 2012 Neighborhood Grant Fund Request criteria.

IN THE MATTER OF REVIEW/APPROVE SOLE SOURCE PURCHASE VENDOR FOR TUPELO POLICE DEPARTMENT

Upon a motion by Councilwoman Davis, seconded by Councilman Bryan, the council voted unanimously of those present to approve Remotec, Inc. (NORTHROP GRUMMAN) as the sole source vendor for the purchase of a Gripper Tool Kit by the Tupelo Police Department. The total cost of the items is \$5,695.00, and Police Chief Tony Carlton provided verification from the vendor as the sole source for the items to be purchased, copies of which are attached to these minutes and incorporated herein as **APPENDIX H**.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION AUTHORIZING TRANSFER OF PROPERTY

Upon a motion by Councilman Whittington and a second by Councilman Bryan, the council voted unanimously of those present to approve a Resolution Authorizing Transfer of Property, a copy being attached to these minutes and incorporated herein as **APPENDIX I**. The Lee County Sheriff's Department, a member of the NMNU, was the titled owner of a 2009 Toyota Camry which had been damaged in an accident in October, 2011. A settlement had been received by the Sheriff's Department and the sums subsequently relinquished to the NMNU. Using the money received from the settlement, the NMNU purchased a 2012 Dodge 1500 pickup. Since the Tupelo Police Department is the host agency for the NMNU, the title to the pickup was vested in the City of Tupelo.

The Resolution before the City Council transfers ownership of the 2012 Dodge 1500 pickup from the City of Tupelo to the Lee County Sheriff's Department to replace the vehicle damaged in the aforementioned accident in 2011.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

FEBRUARY 7, 2012

IN THE MATTER OF REVIEW/AWARD/REJECT BIDS FOR TUPELO PUBLIC WORKS DEPARTMENT

Upon a motion by Councilman Whittington and a second by Councilman Newell, the council voted unanimously of those present to award the following bids, as recommended by Public Works Department Director Sid Russell:

1224PW Hot Mix Supply Recommendation – APAC Mississippi, Inc.

**IN THE MATTER OF REVIEW/DISCUSS ORDINANCE AMENDING
DEVELOPMENT CODE OF CITY OF TUPELO**

Councilman Bryan moved to suspend the rules and move this item up for action. The motion was seconded by Councilman Whittington and unanimously approved by a vote of those present.

Councilman Newell then offered a motion to adopt Ordinance Amending the Development Code of City of Tupelo; the motion was seconded by Councilman Bryan and unanimously approved by a vote of the council members present. A copy of this ordinance is attached to these minutes and incorporated herein as **APPENDIX M.**

9. ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilwoman Davis, seconded by Councilman Bryan, the council voted unanimously of those present to adjourn the regular meeting at 6:25 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR