

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 2, 2014

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at City Hall Building on Tuesday, September 2, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Councilman Willie Jennings, followed by the Pledge of Allegiance led by Councilwoman Nettie Davis.

IN THE MATTER OF CALLING THE MEETING TO ORDER

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

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

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD: Approval for out-of-country travel for
 Mayor Shelton

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Shelton presented Certificates of Appreciation to the following City of Tupelo employees for their dedicated service to the citizens of the City:

Shanta Eiland	5 years	Parks and Recreation Department
Alex Farned	15 years	Parks and Recreation Department
Carolyn Comstock	25 years	Tupelo Water & Light Department
Jackie Clayton	35 years	Tupelo Police Department

IN THE MATTER OF PUBLIC RECOGNITIONS

No public recognitions were made.

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IN THE MATTER OF MAYOR'S REPORT

Following are excerpts from Mayor Shelton's report:

- ... Continuing work on the upcoming Budget
- ... Special election scheduled for Thursday, September 4, to fill seat in Ward III vacated by Councilman Jim Newell. Seven candidates qualified.
- ... Tupelo Police Department General Assembly scheduled for September 3 at BancorpSouth. Thanks to Chief Aquirre and Deputy Chief Gilbert for organizing this event. Special presentation will be made to Officer Joseph Maher and the family of Sgt. Gale Stauffer at 3:00 p.m.
- ... Tupelo Out of Darkness Walk scheduled for Saturday, September 6, at 9:00 p.m. bring attention to Suicide Awareness.
- ... Congratulations to the Tupelo Golden Wave football team for continuing their season 2 – 0. Thanks to all who participated in the Community Wide pep rally and Community Wide Tailgate this past week. Urged everyone to come out and support the Tupelo Golden Wave as they play Shannon at home this Friday night.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

**5.1.A LEVYING OF AD VALOREM TAXES FOR
CITY OF TUPELO AND TUPELO SEPARATE
SCHOOL DISTRICT FOR TAX YEAR 2014
AND THE CURRENT FY 2014-2015**

No one appeared to address this issue.

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5.1.B LOT MOWING OF PROPERTIES

No one appeared to address this issue.

**5.1.C DEMOLITION OF STRUCTURE AT
1665 NORTH GLOSTER STREET**

No one appeared to address this issue.

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

6. ACTION AGENDA

**IN THE MATTER OF REVIEW/ADOPT LEE COUNTY TAX ASSESSMENT ROLL AND
SPECIAL ASSESSMENT ROLL OF THE CITY OF TUPELO**

Upon a motion by Councilman Whittington and a second by Councilwoman Davis, the council voted unanimously to adopt the part of the Lee County Assessment Roll containing property located within the municipality as provided in Miss. Code Section 21-33-0, including the Land Roll Assessment, Personal Roll Assessment and Special Assessment Roll. The roll includes real and personal property for both the City of Tupelo and the Separate School District. The City assessment roll totals \$348,662,093 for real property and \$108,417,715 for personal property. The Separate School District assessment roll totals \$17,175,392 for real property and \$1,328,774 for personal property.

**IN THE MATTER OF REVIEW/ADOPT RESOLUTION FOR THE LEVYING OF THE
AD VALOREM TAXES FOR THE CITY OF TUPELO AND THE TUPELO MUNICIPAL
SEPARATE SCHOOL DISTRICT FOR THE TAX YEAR 2014 AND THE CURRENT FY
2014-2015**

Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously to adopt a Resolution for the Levying of the Ad valorem Taxes for the City of Tupelo and the Tupelo Municipal Separate School District for the Tax Year 2014 and the Current FY 2014-2015. A copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX A.**

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IN THE MATTER OF REVIEW/ADOPT ORDINANCE ESTABLISHING POLICY FOR REGULATION, LOCATION AND PERMITTING OF MUNICIPAL RIGHT-OF-WAY USAGE BY PUBLIC UTILITIES

This item was tabled at the August 5, 2014, council meeting and left on the table at the August 19, 2014, meeting. President Bryan requested that it remain on the table at this time.

7. ROUTINE AGENDA

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

Upon a motion by Councilwoman Davis and a second by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, August 19, 2014.

IN THE MATTER OF REVIEW/PAY BILLS

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

Check Nos. 123358 through 123763 (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 TO SUBMIT APPLICATION FOR CDBG GRANT TO MISSISSIPPI DEVELOPMENT AUTHORITY ON BEHALF OF PHILIPS DAY-BRITE

This item was tabled at the regular meeting of August 19, 2014, and at the request of President Bryan will remain on the table at this time.

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IN THE MATTER OF REVIEW/APPROVE ACCEPTANCE OF HOMELAND SECURITY GRANT/FIRE DEPARTMENT

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to accept a Homeland Security Grant in the amount of \$8,000 for the Tupelo Fire Department. This grant funds recurring expenses such as a satellite phone contract, calibration of air monitoring equipment, and maintenance of equipment used by the Regional Response Team. There is no match for this grant.

IN THE MATTER OF REVIEW/APPROVE ACCEPTANCE OF HOMELAND SECURITY GRANT/COORDINATOR EXPENSES

Upon a motion by Councilman L. Bryan and a second by Councilman Whittington, the council voted unanimously to accept a Homeland Security Grant in the amount of \$6,000 for cell phone, travel, and supply expenses incurred by William Grantham, Jr. in the course of his work as Statewide Homeland Security Project Coordinator. This is a pass-through funding and does not require a match.

IN THE MATTER OF REVIEW/APPROVE ACCEPTANCE OF BULLET-PROOF VEST PARTNERSHIP GRANT/POLICE DEPARTMENT

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to accept a Department of Justice Bulletproof Vest Partnership Grant which has been awarded to the Tupelo Police Department. This grant covers half the cost of bulletproof vests and related shipping costs for a two-year period up to \$8,185.29. According to memorandum from Terri Blissard dated August 22, 2014, the application for and management of this grant are done entirely online, so there is no formal contract or paperwork to approve. However, a vote by the City Council is necessary in order to create a record of the grant in the Council minutes.

IN THE MATTER OF REVIEW/ADOPT ORDINANCE PRESCRIBING AND FIXING RATES FOR ELECTRIC POWER FURNISHED TO CONSUMERS

Upon a motion by Councilman L. Bryan, seconded by Councilman Jennings, the council voted unanimously to adopt an AMENDMENT TO ORDINANCE ADOPTED JULY 1, 1997, AND AMENDED SEPTEMBER 19, 2006, MARCH 4, 2008, MARCH 8, 2011, OCTOBER 21, 2011, SEPTEMBER 17, 2013, PRESCRIBING AND FIXING RATES FOR ELECTRIC POWER FURNISHED TO CONSUMERS OF THE CITY OF TUPELO, MISSISSIPPI. According to a memorandum to the Mayor and City Council dated August 26, 2014, from Johnny Timmons, Director of the Tupelo Water and Light Department, Tennessee Valley Authority will increase the current total non-fuel electric

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rates by 1.5% effective October 2, 2014. Mr. Timmons is, therefore, requesting the adoption of this Amendment to allow Tupelo Water and Light Department to increase electric rates accordingly. An executed copy of the Amendment is attached to these minutes and incorporated herein as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE DEMOLITION OF STRUCTURE
LOCATED AT 1665 NORTH GLOSTER STREET**

The Department of Development Services has recommended that the owner of the Comfort Suites building located at 1665 North Gloster Street demolish the building. The building was damaged during the April 28 tornado and a review of the engineer's report on the structural damage to the building indicates it should be demolished. If the owner does not comply, the action taken by the City Council authorizes the city to demolish the structure and invoice the owner. A public hearing had been held earlier in this meeting with no one addressing the issue.

Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously that the structure located at 1665 North Gloster Street is a menace to public health, safety and welfare of the community and authorizes the demolition of the same.

**IN THE MATTER OF REVIEW/APPROVE LISTING OF LOT MOWINGS OF
PROPERTIES**

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 of these properties. The motion was seconded by Councilman L. Bryan who requested that the property listed at 1204 Antler Drive be deleted from the list as it had been mowed. Vote on the motion was unanimous by the Council. A copy of the listing is attached to these minutes as **APPENDIX C.**

**IN THE MATTER OF REVIEW/RATIFY CONTRACT BETWEEN CITY OF TUPELO
AND NEIGHBORHOOD DEVELOPMENT CORPORATION (NDC) TO MANAGE
AZALEA GARDENS APARTMENTS**

This item had been tabled at the regular City Council meeting of August 29, 2014. Upon a motion by Councilman Whittington, seconded by Councilwoman Davis, the council voted unanimously to bring this item off the table for action at this time.

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Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted as follows to delete this item from the agenda:

VOTING AYE: Whittington, L. Bryan, Davis, Palmer, Bryan
VOTING NAY: Jennings

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR AZALEA GARDENS DEMOLITION AND DEBRIS REMOVAL

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to award the bid for Azalea Gardens Demolition and Debris Removal to Century Construction and Realty, Inc. at the lowest and best bid of \$104,870.00. The bid was recommended by COO Don Lewis. A complete copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE RIGHT-OF-WAY ACQUISITION FROM MISSISSIPPI DEPARTMENT OF TRANSPORTATION

Johnny Timmons, Director of the Tupelo Water and Light Department, by memo dated August 28, 2014, to the Mayor and City Council had requested approval for the City of Tupelo to acquire the section of right-of-way on East Main Street (MS Highway 6/MS Hwy 178) from US Highway 45 to Hillsdale Drive. If approved, the City will take over the maintenance requirements of this section of East Main Street from the Mississippi Department of Transportation.

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the council voted unanimously to approve this request to acquire this right-of-way described above as requested by Mr. Timmons.

IN THE MATTER OF REVIEW/APPROVE CONTRACT BETWEEN CITY OF TUPELO, CONVENTION AND VISITORS BUREAU AND EP ENTERPRISES

Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously to approve an Elvis Presley Permission Agreement between ABG EPE IP LC and the City of Tupelo and the Convention and Visitors Bureau. This Agreement grants the City and CVB non-exclusive non-transferrable, non-assignable, non-sub-licensable, non-divisible right and license to use certain Licensed Property and Photograph solely for the manufacture, display and distribution of the Promotional Product(s) through the Permitted Distribution Channels in the Territory. The term of this agreement shall be effective as of September 1, 2014, and ending

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August 31, 2015. An executed copy of said Agreement is attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR ELEVATED WATER STORAGE TANKS IN INDIAN MILLS SUBDIVISION

Upon a motion by Councilman L. Bryan and a second by Councilman Jennings, the council voted unanimously to award the following bid as recommended by Johnny Timmons, Director of the Tupelo Water and Light Department:

Elevated water storage tanks in Indian Hill Subdivision (Water System Improvements) to the low qualified bid submitted by Phoenix Fabricators & Erectors, Inc. in the amount of \$466,542.00 as recommended by Cook Coggin Engineers.

A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE INTERNATIONAL TRAVEL FOR MAYOR JASON L. SHELTON

Upon a motion by Councilwoman Davis and a second by Councilman Whittington, the council voted unanimously to approve expenses for international travel for Mayor Jason L. Shelton during September 16 through September 24, 2014. The Community Development Foundation is developing a trade mission to Japan with the trip being in conjunction with SEUS-Japan conference in Tokyo. Mayor Shelton plans to be a participant in this trade mission and has requested coverage of his expenses for the trip.

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS DONATION OF LOT AND DONATION TO HABITAT FOR HUMANITY

Councilman Whittington moved to suspend the rules and move this matter up for action at this meeting. The motion was seconded by Councilman Jennings and unanimously approved by vote of the council.

According to the Development Service Department, the house at 309 Park Street burned earlier this year and the owner has offered to donate the property to the city. According to Pat Falkner, City Planner, there is a possibility of donating this property to Habitat for Humanity in exchange for a lot they own in the West Jackson Street

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redevelopment project area. The city, however, would need to demolish and remove the structures on the property before transfer to Habitat for Humanity. Mr. Falkner states this exchange would allow the city to gain control of additional property in the redevelopment area at little cost. The Park Street lot would not otherwise be needed for city purposes and could be declared surplus.

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to accept the donation of the property located at 309 Park Street with the possibility of declaring it surplus and donating to Habitat for Humanity in the future.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to close the regular session to determine the need for an executive session.

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to go into executive session to discuss (1) Acquisition of property involving commercial economic development project and (2) Contract negotiations for Tupelo Parks and Recreation Department.

Upon a motion by Councilman Palmer and a second by Councilwoman Davis, the council voted unanimously to come out of executive session and return to the regular meeting.

IN THE MATTER OF EXECUTIVE SESSION DECISION

Councilman Whittington moved to accept the donation of private streets and rights-of-way from TUP 130, TUP 330 and Belk, for dedication to the public and maintenance to city street standards by the City of Tupelo. The motion was seconded by Councilwoman Davis and unanimously approved by a vote of the council.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the council, upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously

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to adjourn the regular City Council meeting at 7:10 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR