

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

**DECEMBER 23, 2013**

Be it remembered that a special called meeting of the Mayor and City Council was held in the Council Chambers at the City Hall Building on Monday, December 23, 2013, at 3:30 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. Councilman Jim Newell was absent.

**NOTICE: CALL FOR A SPECIAL MEETING**  
**OF THE MAYOR AND CITY COUNCIL**  
**OF THE CITY OF TUPELO, MISSISSIPPI**

**STATE OF MISSISSIPPI**  
**COUNTY OF LEE**  
**CITY OF TUPELO**

**TO: MARKEL WHITTINGTON, LYNN BRYAN, JIM NEWELL,**  
**NETTIE Y. DAVIS, BUDDY PALMER, MIKE BRYAN,**  
**WILLIE JENNINGS**  
**CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**

You are hereby notified that a special meeting of the Mayor and City Council of the City of Tupelo, Mississippi, is hereby called to meet in the City Hall Council Chambers, 2<sup>nd</sup> Floor, 71 East Troy Street, in the City of Tupelo, Mississippi, at 3:30 p.m. on Monday, December 23, 2013.

The object of said meeting, being called pursuant to Miss. Code Section 1-8-11, is to discuss and act upon the following matter(s) of business:

EXECUTIVE SESSION

This call issued on this, the 20<sup>th</sup> day of December, 2013, at 2:00 p.m.

/s/ Jason L. Shelton, Mayor

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

**DECEMBER 23, 2013**

**IN THE MATTER OF CALLING THE MEETING TO ORDER**

President Davis called the special called meeting to order at 3:30 p.m.

**IN THE MATTER OF EXECUTIVE SESSION**

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

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the Council voted unanimously of those present to go into executive session to discuss prospective purchase of real property by City of Tupelo, Mississippi.

Upon a motion by Councilman M. Bryan, seconded by Councilman L. Bryan, the Council voted unanimously of those present to come out of executive session and return to the special called meeting.

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION AUTHORIZING THE PURCHASE OF CERTAIN REAL AND PERSONAL PROPERTY BY THE CITY OF TUPELO**

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the Council voted unanimously of those present to approve a Resolution Authorizing the Purchase of Certain Real and Personal Property by the City of Tupelo, contingent upon negotiation of contract for purchase referred to as Exhibit B in resolution. The City desires to purchase from Merchants & Farmers Bank, or its successor in interest, Renasant Bank, the building and real property located at 333 Court Street, Tupelo, Mississippi. A legal description is attached to the Resolution as Exhibit A. The negotiated price for said property is One Million Two Hundred Thousand Dollars (\$1,200,000.00), an amount less than the appraised value and the offering price. In addition, the Resolution provides for the purchase of the furniture and fixtures located inside and on the grounds located at 333 Court Street for the amount of Fifteen Thousand Dollars (\$15,000.00).

An executed copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX A.**

**MUNICIPAL MINUTES, CITY OF TUPELO**

**STATE OF MISSISSIPPI**

**DECEMBER 23, 2013**

**IN THE MATTER OF REVIEW/APPROVE APPLICATIONS FOR COMMERCIAL AD VALOREM TAX EXEMPTION BY RENASANT BANK**

Upon a motion by Councilman L. Bryan and a second by Councilman M. Bryan, the Council voted unanimously of those present to approve two applications for Commercial Ad Valorem Tax Exemption under Miss. Code Ann., Sec. 17-21-5, (excluding tax exemption for school district purposes) submitted by Renasant Bank for the following projects:

Total Project Cost: \$800,000.00 on property located at 216 S. Broadway  
Total Project Cost: \$110,000.00 on property located at 305 S. Broadway

Copies of these two applications are attached to these minutes and made a part hereof as **APPENDIX B.**

**IN THE MATTER OF REVIEW/APPROVE ISSUANCE OF DRAFT**

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the Council voted unanimously to approve the issuance of a City of Tupelo draft in the amount of \$1,215,000.00 to Renasant Bank in payment for building and real property located at 333 Court Street in the amount of \$1,200,00.00 and for furniture and fixtures located inside and on the grounds of said property in the amount of \$15,000.00.

**IN THE MATTER OF ADJOURNMENT**

There being no further business to come before the City Council, upon a motion by Councilman Palmer, seconded by Councilman Whittington, the Council voted unanimously of those present to adjourn the special called meeting at 4:00 p.m.

ATTEST:

\_\_\_\_\_  
CLERK OF THE COUNCIL

\_\_\_\_\_  
PRESIDENT

APPROVED:

\_\_\_\_\_  
MAYOR



## **IN THE MATTER OF PUBLIC RECOGNITIONS**

The following Public Recognitions were made by Council Members and Mayor Shelton:

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

**DECEMBER 17, 2013**

Mayor Shelton – Introduced the Tupelo High School Boys and Girls Cross Country Teams and their coaches. He elaborated more about their accomplishments during his Mayor's Report later in the meeting.

President Davis – Presented Council Clerk Glenda Muse with a gift in recognition of her work and assistance to the City Council during the past year.

President Davis – Expressed appreciation to Debbie Brangenberg, Director of Downtown Main Street Association, for her hard work (along with many others) in the success of the Christmas Parade this year.

Councilman Jennings – Wished everyone and their families a Merry Christmas and Happy New Year.

## **IN THE MATTER OF MAYOR'S REPORT**

Following are highlights of Mayor Shelton's report:

...Officially recognized the 2013 Tupelo High School girls cross country team on having won the State title this year. They are the twelfth team in thirteen years to capture this title. Coaches are Anna Katherine Sloan with Assistant Coaches Scott Brown and Bo Boatner.

...Also, officially recognized the boys cross country team for their victory at the State meet this year. They won over Ocean springs by 17 points after finishing second by just one point last year. The team is coached by Jonathan Begnaud.

...The Tupelo High School cheering team won their third straight State title and will compete at the National level next spring in Orlando, Florida. The Golden Wave and Lady Wave basketball and soccer teams are off to a great start, also.

...The Tupelo High School football team won the North Half State Championship, finishing with a 12-2 record. They competed in the State championship for the first time in twenty years.

...The grand opening of the Tupelo Aquatic Center was a big success last week. Special thanks were given to Alex Farned, Don Lewis, Amy Kennedy and all those who made that such a special event.

...Several events have been scheduled for the Tupelo FIT program. Aqua Zumba

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

**DECEMBER 17, 2013**

will kick off the series on January 3 and 4, 2014, at 10:00 a.m. at the new Center. Kickboxing classes, a Zumba class, a spin class and other opportunities are lined up and will be announced soon.

...A Tupelo resident, Ms. Carolyn Moore, had telephoned to commend Chuck Williams, Tupelo Public Works Department, for such a good job he did in clearing up a curb and gutter problem she had at her home.

...Mayor Shelton announced that he was proud to nominate two current employees, including Mr. Chuck Williams and Mr. Alex Farned, for permanent Department Head positions at this meeting. He said both men had exhibited leadership skills and knowledge to lead their respective departments on an interim basis, and he felt they would continue to do the same on a permanent basis.

...Mayor Shelton expressed appreciation to Debbie Brangenberg and her Downtown Main Street staff, the Public Works staff and the Tupelo Police Department for the hard work they put in to make the 65<sup>th</sup> annual Christmas parade a great success.

...Mayor Shelton ended his report with a wish to all Council Members, employees and the entire City of Tupelo for a Merry Christmas and a Happy New Year.

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

**5. PUBLIC AGENDA**

**5.1 APPEALS**

**5.1.A APPEAL OF SIGN VARIANCE DECISION BY  
PLANNING COMMITTEE**

Mr. Jeremie Richardson appeared before the City Council on behalf of Thai Garden Restaurant. The Planning Committee had denied a variance of sign area standards for this establishment at 1014 Commonwealth Boulevard. The issue will be taken up later in this meeting for action by the Council.

**5.1.B APPEAL OF REAR SETBACK VARIANCE  
DECISION BY PLANNING COMMITTEE**

Ms. Bonnie Wilson appeared before the City Council on behalf of O'Reilly Auto Parts. The Planning Committee

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

**DECEMBER 17, 2013**

had denied a rear setback variance for this company located at 1085 South Gloster Street. This item will be taken up later in this meeting for action by the City Council.

**5.2 CITIZENS' HEARINGS**

**5.2.A REQUEST FOR USE OF COMMUNITY  
BUILDING**

Ms. Suntanna Flemmings, 931 Terry Road, appeared before the City Council asking for the use of a community building in the city. She is organizing an empowerment group for girls of all ages and needs a location to host events to further this cause.

**5.3 PUBLIC HEARINGS**

**5.3.A DEMOLITION OF STRUCTURES AT  
1830 WEST JACKSON STREET AND  
205 NANNEY DRIVE**

No one appeared to address this issue.

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

**6. ACTION AGENDA**

No items appeared on the Action Agenda.

**7. ROUTINE AGENDA**

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

Upon a motion by Councilman Newell, seconded by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, December 3, 2013.

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

**DECEMBER 17, 2013**

**IN THE MATTER OF REVIEW/PAY BILLS**

Upon a motion by Councilman L. Bryan and a second by Councilman Newell, 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, Newell and Palmer:

Check Nos. 116609 through 116987 (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 APPOINTMENT OF DIRECTOR OF TUPELO PARKS AND RECREATION DEPARTMENT**

Since October, 2013, Alex Farned has served as Interim Director of Tupelo Parks and Recreation Department, having been recommended by Mayor Shelton and approved by the City Council at that time. Mayor Shelton has now submitted a memorandum dated December 12, 2013, stating his intention to appoint Mr. Farned as Director of the Parks and Recreation Department. Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the appointment of Alex Farned to this position. A copy of his bio is attached hereto as **APPENDIX A.**

**IN THE MATTER OF REVIEW/APPROVE APPOINTMENT OF DIRECTOR OF TUPELO PUBLIC WORKS DEPARTMENT**

In September, 2013, Chuck Williams was appointed Interim Director of the Tupelo Public Works Department by Mayor Shelton. The City Council had approved this action. Mayor Shelton has now submitted a memorandum dated December 12, 2013, stating his intention to appoint Mr. Williams as Director of the Parks and Recreation Department. Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to approve the appointment of Chuck Williams to this position. A copy of his bio is attached hereto as **APPENDIX B.**

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

Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted unanimously to accept the minutes of the Planning Committee meeting of December 2, 2013, a copy being attached hereto as **APPENDIX C.** It should be noted

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

**DECEMBER 17, 2013**

that both items discussed at that meeting were appealed and will be given further attention by the City Council later on in this meeting.

**IN THE MATTER OF REVIEW/ACCEPT/REJECT PLANNING COMMITTEE**  
**DECISION IN REGARD TO SIGN AREA VARIANCE FOR THAI GARDEN**  
**RESTAURANT**

Mr. Jeremie Richardson of Thai Garden Restaurant has appealed the Planning Committee action to deny a request for a variance allowing a larger sign at Thai Garden Restaurant on Commonwealth Boulevard. The request was originally denied by the Planning Committee at their December 2, 2013, meeting. Mr. Richardson had appeared earlier in this meeting and addressed the City Council as to his appeal.

Councilman L. Bryan moved to accept the decision of the Planning Committee to deny the appeal, and the motion was seconded by Councilman Palmer. A discussion by the Council followed in regard to some solution of the issue. After viewing pictures showing the restaurant sign as well as other business signs in the shopping center, it was the consensus of the Council that the Thai Garden sign was most suited for this particular shopping area and perhaps other tenants would desire the same size signage.

After the discussion, Councilman Bryan withdrew his original motion; Councilman Palmer withdrew the second; and Councilman Bryan moved to remand the appeal back to the Planning Committee for further attention. He suggested all tenants of the shopping center meet as a group with Mr. Pat Falkner, City Planner, to work out a compromise and new plan and apply for a variance for the entire shopping center. This motion was seconded by Councilman Palmer and unanimously approved by a vote of the Council.

**IN THE MATTER OF REVIEW/ACCEPT/REJECT PLANNING COMMITTEE**  
**DECISION IN REGARD TO SETBACK VARIANCE FOR O'REILLY AUTO PARTS**

Ms. Bonnie Wilson of O'Reilly Auto Parts, 805 South Gloster Street, had appealed the decision of the Planning Committee to deny a request for a variance allowing O'Reilly Auto Parts to construct a building addition extending to the rear property line. The request was originally denied by the Planning Committee at their December 2, 2013, meeting. Ms. Wilson had earlier appeared before the Council at this meeting in regard to the variance request.

Councilman L. Bryan moved to accept the Planning Committee's decision to deny the request for the variance, and the motion was seconded by Councilman Newell. A

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

**DECEMBER 17, 2013**

discussion followed with Councilman M. Bryan moving to suspend the rules and allow Ms. Wilson to address the Council again. The motion was seconded by Councilman Newell with vote being as follows:

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

Ms. Wilson again appeared before the Council urging support for O'Reilly's request for a variance to construct an addition to their building at 805 South Gloster Street.

Vote was then taken on the original motion to accept the Planning Committee's decision to deny the request for the variance, which vote was unanimous.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF HISTORIC PRESERVATION COMMISSION MEETING**

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to accept the minutes of the Historic Preservation Commission meeting of November 14, 2013, a copy being attached hereto as **APPENDIX D.**

**IN THE MATTER OF REVIEW/APPROVE APPLICATION FOR TAX ABATEMENT FOR TIC PROPERTIES, LCC**

Pat Falkner, City Planner, had presented an application from TIC Properties, LLC (The Imaging Center) for tax abatement to the City Council for its consideration. This abatement, according to Mr. Falkner's memorandum dated December 11, 2013, is for construction of a new building at 320 South Gloster Street. The application documents construction costs of over \$2.7 million dollars, which qualified for a five-year tax abatement. Mr. Falkner states the project meets the requirements of the tax abatement program.

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the council voted unanimously to approve the application from TIC Properties, LLC (The Imaging Center) for a five-year tax abatement.

**IN THE MATTER OF REVIEW/APPROVE APPOINTMENT TO TUPELO PARKS ADVISORY BOARD**

Upon a motion by Councilman M. Bryan and a second by Councilman L. Bryan,  
**MUNICIPAL MINUTES, CITY OF TUPELO**

**STATE OF MISSISSIPPI**

**DECEMBER 17, 2013**

the Council voted unanimously to approve the appointment of Mr. Kenneth Greer to serve on the Tupelo Parks Advisory Board. Mr. Greer will represent Ward 6 beginning in December, 2013, with his term ending in December 2016. A copy of his bio is attached to these minutes and incorporated herein as **APPENDIX E.**

**IN THE MATTER OF REVIEW/APPROVE TRAINING CERTIFICATE FOR MUNICIPAL COURT CLERK**

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the Council voted unanimously to approve a certificate of attendance for the mandatory Municipal Court Clerk training for Larry P. Montgomery, Director of Tupelo Municipal Court. Mr. Montgomery attended the seminar in Jackson, Mississippi, September 11 -13, 2013. Mississippi Code 21-23-12 requires the certificate to be made a part of the permanent record of the minutes of the City Council. A copy of the same is attached hereto as **APPENDIX F.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS ITEMS FOR TUPELO POLICE DEPARTMENT**

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the Council voted unanimously to approve a list of surplus items presented to the Council by the Tupelo Police Department. According to memorandum dated December 17, 2013, from Tupelo Police Chief Bart Aquirre, these items were purchased by the Tupelo Police Department with funds from a shared grant with the Lee County Sheriff's Office. They will be turned over to the Lee County Sheriff's Office after being declared as surplus. A copy of the list is attached hereto as **APPENDIX G.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST FOR DONATION OF LEAVE TO TUPELO FIREMAN**

Tupelo Fire Chief Thomas Walker had submitted a request to the City Council for approval for members of the Tupelo Fire Department to donate sick leave to Captain Brad Robinson. Captain Robinson is a fourteen-year veteran of the Department and has undergone knee surgery recently. Complications arose after surgery, and he has exhausted his leave due to his condition. Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to approve this request to allow fellow employees to donate leave time to Captain Brad Robinson.

**DECEMBER 17, 2013**

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

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the Council voted unanimously to accept the minutes of the Traffic Committee meeting of November 26, 2013, a copy being attached hereto as **APPENDIX H.**

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

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the Council voted unanimously to award the following bids for the Tupelo Water and Light Department as recommended by Johnny N. Timmons, Manager:

Bid No. 1308WL      Skid Steer Loader to low qualified bid submitted by Williams Equipment Company in the amount of \$53,989.74.

Bid No. 1309WL      38' Articulating/Telescoping Aerial Device to the low qualified bid submitted by Terex Utilities, Inc. in the amount of \$53,550.00.

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

**IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 1 FOR SUBSTATION VOLTAGE REGULATOR INSTALLATION PROJECT FOR TUPELO WATER AND LIGHT DEPARTMENT**

Upon a motion by Councilman L. Bryan and a second by M. Bryan, the Council voted unanimously to approve Change Order No. 1 (Includes ACA Change Order No. 1) For the South Tupelo 46:15kV Substation Voltage Regulator Installation for the Tupelo Water and Light Department. This change order results in a net increase of \$1,025.32 due to an additional eighteen (18) bus couplings needed to facilitate the outage schedule. This change order brings the contract amount to \$218,100.32. Johnny Timmons, Manager of the Department, has reviewed this change order and states he finds it to be correct. A copy of the same is attached to these minutes and made a part hereof as **APPENDIX J.**

**DECEMBER 17, 2013**

**IN THE MATTER OF REVIEW/APPROVE DEMOLITION OF PROPERTIES**

According to memorandum dated December 16, 2013, from Pat Falkner, City Planner, two properties have been identified which need to be demolished. These properties are located at 1830 West Jackson and 205 Nanney Drive. A public hearing had been held earlier in this Council meeting with no one appearing to address the issue.

Upon a motion by Councilman Whittington, seconded by Councilman Newell, the council voted unanimously that these two properties constitute a menace and hazard to public health and safety and should be demolished. The Tupelo Public Works Department is directed to proceed with demolition with the owners being invoiced by the city for the cost of demolition.

**8. STUDY AGENDA**

**IN THE MATTER OF REVIEW/DISCUSS RESOLUTION OF ACCEPTANCE OF SUMMIT SUBDIVISION STREETS**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS CONTRACT FOR OUTSIDE LEGAL SERVICES**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS AMENDMENTS TO LOT MOWING PENALTIES**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS REVISED GUIDELINES FOR NEIGHBORHOOD BEAUTIFICATION PROGRAM**

This item will remain on the Study Agenda.

**IN THE MATTER OF REVIEW/DISCUSS RESOLUTION AMENDING PONTOTOC-UNION-LEE (PUL) ALLIANCE WATER SERVICES AGREEMENT**

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the Council voted unanimously to suspend the rules and move this item up on the agenda for

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

**DECEMBER 17, 2013**

action at this meeting.

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the Council voted unanimously to approve a Resolution Amending the Pontotoc-Union-Lee (PUL) Alliance Water Services Agreement by and between the City of Tupelo and the Pontotoc, Union, Lee (PUL) Alliance, a regional economic development authority created pursuant to M.C.A., Section 57-64-1, et. Seq. The original Agreement was entered into between the parties on November 11, 2007. The Water and Wastewater Services Agreement between the City and PUL is hereby amended pursuant to Paragraph 5.01 of said agreement. Specifically, Paragraph 1.25 styled "Water Fee" is amended as set forth in the Resolution which is attached to these minutes and incorporated herein as **APPENDIX K.**

**IN THE MATTER OF ADJOURNMENT**

There being no further business to come before the City Council, upon a motion by Councilman L. Bryan, seconded by Councilman M. Bryan, the Council voted unanimously to adjourn the regular meeting at 7:15 p.m.

\_\_\_\_\_  
PRESIDENT

ATTEST:

\_\_\_\_\_  
CLERK OF THE COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR