

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

**MARCH 18, 2014**

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, March 18, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, 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 Buddy Palmer, followed by the Pledge of Allegiance led by Councilman Markel Whittington.

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

President Davis 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 M. Bryan, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order as presented.

**4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

**IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS**

No scouts were present to be recognized.

**IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES**

No city employees were present to be recognized.

**IN THE MATTER OF PUBLIC RECOGNITIONS**

The following public recognitions were made: President Davis recognized Mr. Chris Traylor, President of NAACP, who was present in the audience. She, also, had attended the Our Mississippi Honors event on March 15 at the BancorpSouth Convention Center.

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**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “AMERICAN RED CROSS MONTH”**

Mayor Shelton read and presented a proclamation to officials of the local American Red Cross proclaiming the Month of March 2014 as “American Red Cross Month” in the City of Tupelo. Across the country and around the world, the American Red Cross responded to hurricanes, tornadoes, floods and wildfires, the tragedy of the Boston Marathan and the typhoon Haiyan in the Philippines. Our local community depends on this organization which relies on donations of time and money to fulfill its humanitarian mission, and although economic times are challenging now, the American Red Cross continues to offer help and comfort to those in need.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “BOYS AND GIRLS CLUB”**

There are two Boys and Girls Clubhouses in Tupelo, one in the Haven Acres community and the other in the Park Hill area. This organization provides services to more than 600 young people annually. The clubs help ensure that our young people spend quality time during after-school hours and summer months in a safe and supportive place with caring professionals presenting quality programs. Mayor Shelton read and presented a Proclamation celebrating “Boys & Girls Club Week” on March 23 – 29, 2014. The Proclamation calls on all citizens in Tupelo to recognize and commend the Boys & Girls Clubs of North Mississippi for providing comprehensive and effective services to the youth in our communities.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “SAFE DIGGING MONTH”**

Johnny Timmons, Manager of the Tupelo Water and Light Department, accepted a Proclamation from Mayor Shelton in recognition of proclaiming April 2014 as “Safe Digging Month”. Mississippi’s underground utility infrastructure is damaged unintentionally by those who fail to call to have underground lines located prior to digging. Designated by the FCC in 2005, Call-Before-You-Dig Number 811 provides a means through this simple number to reach their local one-call center to request utility locations at the intended dig site. The call should be made two working days before you dig. Safe digging is no accident.

**IN THE MATTER OF MAYOR’S REPORT**

Following is an overview of Mayor Shelton’s report for this meeting:

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... The "Don't Be Cruel" Tupelo BBQ duel was held in Fairpark on March 14 and 15 in which approximately 100 teams, 100 judges and over 140 volunteers participated. A huge success according to Mayor Shelton and thanked the staff and Board of Directors of the Link Center, the Downtown Tupelo Main Street Association, Marilyn Vail, Sherrie Cochran and many other City employees who worked on this event.

... Mayor Shelton had attended and had spoken at the Our Mississippi Honors event held recently at the BancorpSouth Convention Center. Dr. Steadman Graham was the keynote speaker and Mrs. Myrlie Evers-Williams received the lifetime achievement award. He presented each of them with a key to the City of Tupelo and thanked Mr. Wesley Wells on the wonderful job he did in organizing the event. He, also, thanked Mayor Jack Reed, Jr. for serving as emcee.

... Mayor Shelton offered congratulations to Tupelo High School's Riptide Indoor Percussion Ensemble for their 2<sup>nd</sup> -place finish at the Winter Guard International Regional competition...another first in Tupelo High School history.

... Next Mayor Shelton introduced the Mayor's Youth Council for their participation in the MML Leadership event. Tupelo High School teacher/sponsor Chris Jones described the group's accomplishments.

... Mayor Shelton congratulated the Tupelo Community Theatre. Their production of The Santaland Diaries was named Best Production at the Southeastern Theatre Conference held on March 8 in Mobile, Alabama.

... The Tupelo High School Fall Athletics Program was ranked 4<sup>th</sup> in the nation by MacPreps.com. The MaxPreps Cup is an awards competition that determines the best overall sports programs in the country. This is a huge honor and a great reflection of the quality of the Tupelo Public School District.

... The Mayor offered congratulations to Tupelo Tidal Tech. They advance to the VEX Robotics HS World Competition in Anaheim, California, on April 23 – 26.

... The Mayor noted that Tupelo's micropolitan area was recognized by Site Selection Magazine as second in the nation out of 576 areas nationwide on new and expanded industry. In 2013, more than 900 new jobs were created and over \$78 million was invested in capital improvements. This is due in large part to the tremendous efforts of the Community Development Foundation and the other economic groups like Three Rivers and the TVA Industrial group.

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... Mayor Shelton announced the next Tupelo Fit Event will be held Friday, March 21, 2014, at the Tupelo Wellness Center. An intense circuit training class will begin at 8:30 a.m.

... Pricilla Presley had recently visited Tupelo and had sent a very complimentary letter to Mayor Shelton which he shared with the City Council and audience.

Next Mayor Shelton mentioned announcements concerning upcoming events in the City:

March 18 – Art Rocks Tupelo. This will kick off the John Berry in concert presented by the Tupelo Concert Association.

March 19 – Elton John will perform at the BancorpSouth Area.

Throughout the weekend there will be performances by the Tupelo Community Theater, the Tupelo Ballet, and the Mississippi Symphony Orchestra. In addition, a number of arts exhibits and the 2<sup>nd</sup> Annual Craft Beer Festival will be held on Saturday, March 22, in Fairpark. Next weekend a number of events are scheduled including:

... The “Run in Her Shoes” race and the Giving Gala – both of which benefit the Regional Rehabilitation Center, the Tupelo Lee Humane Society and the Down on Main Series.

... The Mustache Bash will be held next weekend to benefit the North-east Mississippi Autism Center.

... The following weekend the “Tupelo Color Run” and the Circus will be back at the BancorpSouth Arena.

... On April 5, 2014, the NOleput Festival is scheduled to begin at 11:00 a.m. downtown near the Ice House.

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**4. PUBLIC AGENDA**

**(NO ITEMS)**

5. **ACTION AGENDA**  
**(NO ITEMS)**

6. **ROUTINE AGENDA**

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

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, March 4, 2014.

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

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, 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. 118749 through 119129 (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 APPOINTMENTS TO MAYOR'S ACCOUNTABILITY TASK FORCE**

Mayor Shelton had submitted a memo dated March 18, 2014, to the City Council requesting approval for his recommendations to the Accountability Task Force. Upon a motion by Councilman Palmer, seconded by Councilman Newell, the council voted unanimously to approve these individuals for the Mayor's Task Force. Each council member had submitted to Mayor Shelton his recommendation of an individual to serve from his/her ward. Copies of their bio's are attached to these minutes as **APPENDIX A.**

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

Mayor Shelton, by memorandum dated March 18, 2014, had submitted his recommendations for two appointments to the Tupelo Planning Committee, requesting the City

Council's approval of the same. Mrs. Doris Pittman, Ward 5, recommended by Councilman Buddy Palmer, will replace Mr. Bob Myers. Ms. Pittman will complete Mr. Myers' term which will expire January 2018. Mr. Guy Hildenbrand, Ward 3, recommended by Councilman Jim Newell, will take the place of Mr. Orlando Ivy. Mr. Hildenbrand will complete Mr. Ivy's term which will expire January 2015.

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to approve these two appointments to the Tupelo Planning Committee. Copies of their bio's are attached to these minutes as **APPENDIX B.**

### **IN THE MATTER OF REVIEW/APPROVE REQUEST TO APPLY FOR COVERDELL FORENSIC SCIENCE GRANT**

Terri Blissard, Grant Administrator, had submitted by memorandum to the city council dated March 12, 2014, a request to apply for a 2014 Paul Coverdell Forensic Science Improvement Grant through the U. S. Department of Justice. This grant is available to State and local agencies to fund improvements to forensic data collection and processing. The Tupelo Police Department wishes to apply for up to \$175,000 in Coverdell funding to establish a latent fingerprint lab and hire an expert analyst. There is no match required from the City for this program.

This grant has a 12-month funding cycle which will run from approximately October 1, 2014, through September 30, 2015. Salaries and expenses beyond that time frame will become the responsibility of the City, unless another Coverdell grant is awarded. However, according to Ms. Blissard, these grants are not typically awarded to the same agency in consecutive years unless the recipient entity is a State crime lab or State administering agency. For example, in Mississippi the only repeat recipient of this Federal funding is the Department of Public Safety, which in turn funds the State Crime Lab.

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the council voted unanimously to approve a Resolution of Authorization to Submit Application for the Paul Coverdell Forensic Science Improvement Grant Program to the U. S. Department of Justice for a maximum of \$175,000. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX C.**

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### **IN THE MATTER OF REVIEW/APPROVE REQUEST FOR PERMISSION TO PLACE STRUCTURE IN ALLEY RIGHT-OF-WAY**

This item had been tabled at the March 4, 2014, City Council meeting. Councilman Whittington moved to bring the issue off the table; the motion was seconded by Councilman L. Bryan and unanimously approved by a vote of the council.

The Development Services Department had received a request for permission to place exterior stairs in the alley between 208 and 210 Main Street. The owner of the buildings on either side of the alley is planning to renovate the upper floors for residential use and needs to use the alley for access. City Departments which could have been affected by this action were contacted and none had any objection to the placement of the stairs in the alley.

Upon a motion by Councilman Whittington and a second by Councilman L. Bryan, the council voted unanimously to approve this request and allow the placement of exterior stairs in this alley.

**IN THE MATTER OF REVIEW/APPROVE ENERGY SERVICE COMPANY AND ENERGY AUDIT FOR TUPELO PARKS AND RECREATION DEPARTMENT**

Alex Farned, Director of the Tupelo Parks and Recreation Department, had submitted a request to Mayor Shelton and the City Council for a review and approval of an ESCO (Energy Service Company) and energy audit for that Department. This energy audit is being done to update the current sports lighting as well as making the city's sports facilities more desirable when attracting and bidding on tournaments. According to Mr. Farned's memo dated February 27, 2014, this is a budgeted item.

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to grant this request for an energy audit to be conducted by ESCO for the Tupelo Parks and Recreation Department.

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

Councilman M. Bryan moved to table this matter; the motion was seconded by Councilman L. Bryan and unanimously approved by a vote of the City Council.

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**IN THE MATTER OF REVIEW/RATIFY CONTRACT FOR CONSTRUCTION OF SIDEWALKS UNDER MDOT SAFE ROUTES TO SCHOOL GRANT**

At the January 21, 2014, City Council meeting, John Crawley, City Engineer, had recommended that Prairie Construction Company as the lowest and best bidder be awarded the bid for the Safe Routes to School Project, pending MDOT and FHWA concurrence. At that meeting, the City Council had unanimously approved award of this bid to Prairie Construction Company as the lowest and best bidder and to authorize the Mayor to enter into a contract

subject to legal review and subsequent ratification as well as concurrence by MDOT and FHWA. These conditions having been met, this contract between the City of Tupelo and contractor for Construct Sidewalks & Intersection Improvements, SRSP-0430-00(017)/LPA 106386-401000 Project is now before the City Council for ratification.

Upon a motion by Councilman L. Bryan, seconded by Councilman Newell, the council voted unanimously to ratify this contract for said project, an executed copy being attached to these minutes and incorporated herein as **APPENDIX D.**

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

Upon a motion by Councilman Palmer and a second by Councilman Whittington, the council voted unanimously to accept the minutes of the Tupelo Planning Committee meeting of March 3, 2014, a copy being attached hereto as **APPENDIX E.**

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

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to accept the minutes of the Tupelo Historic Preservation Commission meeting of February 13, 2014, a copy being attached hereto as **APPENDIX F.**

**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR TUPELO PRIMARY SUBSTATION – VOLTAGE REGULATOR TESTING AND RECONDITIONING**

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

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Tupelo Primary Substation – Voltage Regulator Testing & Reconditioning  
Recommendation: Service Electric Company  
Lowest Qualified Bid: \$46,750.00

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

**IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 1 (SUMMARY) FOR HAMM STREET SEWER REHAB PROJECT**

Johnny Timmons, Manager, Tupelo Water and Light Department, had submitted Change Order No. 1 (Summary) for the Hamm Street Sewer Rehab Project for the council's consideration. This change order results in a net deduct of \$67,938.24 due to a change in the final construction quantities. This change order brings the final construction amount to \$513,888.48.

Councilman Palmer moved to approve this change order; the motion was seconded by Councilman Whittington and unanimously approved by a vote of the council. A copy of the change order is attached to these minutes as **APPENDIX H.**

**7. STUDY AGENDA**

**(NO ITEMS)**

**8. EXECUTIVE SESSION**

**IN THE MATTER OF EXECUTIVE SESSION**

Upon a motion by Councilman M. Bryan, 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 Councilman Newell, seconded by Councilman Whittington, the council voted unanimously to go into executive session to discuss prospective purchase of real property.

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

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**IN THE MATTER OF EXECUTIVE SESSION DECISION**

Following discussion in executive session, Councilman L. Bryan moved to authorize the City Attorney to offer as just compensation to the owner of the following parcels: 28118, 24412, 31055, 24416, 24418, 21821, the purchase price as authorized during executive session, and conditioned on compliance with Section 43-37-3 of the Mississippi Code governing the acquisition of real property in publicly funded projects. The motion was seconded by Councilman Newell. President Davis asked if there was any further discussion and Councilman Jennings asked that his comments be made a part of the minutes of this meeting: "I want in the minutes my concerns. I am not supporting this...strongly opposing this. I think the city can do a better job of not going this route. I think this is a "chicken" way to get out of it. We cannot buy

our way out of crime...cannot. I don't think any city or law enforcement can tell you that you can buy your way out of crime, and I just want to strongly object to this".

There being no further discussion, vote on the motion was as follows:

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

**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 Newell, the council voted unanimously to adjourn the regular meeting at 8:00 p.m.

ATTEST:

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

\_\_\_\_\_  
PRESIDENT

\_\_\_\_\_  
MAYOR