

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

AUGUST 5, 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, August 5, 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 Bill Collins, a friend of Councilman Buddy Palmer, followed by the Pledge of Allegiance led by Councilman Mike Bryan.

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: #4.3.A	“FARMER’S MARKET WEEK” PROCLAMATION
ADD: #6.5	ORDER CALLING FOR SPECIAL ELECTION FOR ELECTING A MEMBER OF CITY COUNCIL
ADD: #7.15	APPOINTMENT OF TWO ELECTION COMMISSIONERS

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 employees for their dedicated service to the City of Tupelo:

Benjamin Sheffield	Tupelo Fire Department	15 years
Steven Shaffer	Tupelo Fire Department	15 years
Rodney Robinson	Tupelo Fire Department	15 years
Bradley Robinson	Tupelo Fire Department	15 years
Richard Bailey	Tupelo Fire Department	15 years

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Robert Carnahan

Tupelo Police Department

20 years

**IN THE MATTER OF RECOGNITION AND RESOLUTION HONORING
MS. KAY BAIN**

Mayor Shelton presented a Resolution signed by all members of the City Council to Ms. Kay Bain declaring her as an honorary Ambassador for the City of Tupelo in recognition of her embodiment of the “Tupelo Spirit” and her charitable work on behalf of our “All American City”. Ms. Bain and her late husband Buddy performed many years throughout the country with Ms. Bain serving as a guest host of the country music show “Hee Haw” on one occasion. She has hosted the “Mornin’ Show” on TWVA since 1978 and continues to represent and promote Tupelo wherever she goes.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “FARMERS
MARKET WEEK”**

Debbie Brangenberg, Director of the Downtown/Main Street Association, accepted a proclamation from Mayor Shelton proclaiming the week of August 3 – 9, 2014, as “Farmers Market Week”. Farmers markets provide Tupelo growers the opportunity to distribute their fresh and processed farm products directly to customers of the market. In addition, farmers markets contribute to the economic and social vitality of Tupelo communities, creating a positive social experience, and educating consumers about their food and where it comes from. Ms. Brangenberg recognized her husband, Carl Brangenberg, and thanked him for the many volunteer hours he has contributed to our local market during the past several years.

IN THE MATTER OF PUBLIC RECOGNITIONS

President Mike Bryan recognized State Representative Steve Holland and former City Council Member Fred Pitts who were present at the meeting.

IN THE MATTER OF MAYOR’S REPORT

Following are highlights of Mayor Jason Shelton’s report:

...Two announcements by Community Development Foundation this week about expanding industries in Tupelo.

...Thanked Councilman Buddy Palmer for continuing to initiate the effort to welcome our newest citizens who have recently been annexed into the Tupelo city limits. A meeting had been held recently at City Hall for any of those citizens to come and ask

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questions, gain information or voice any concerns they have about the annexation.

...Mayor Shelton had represented Tupelo at the Mississippi Municipal League's Mayors' luncheon at the Neshoba County Fair.

...Work continues on the FY 2015 budget and Mayor Shelton expressed thanks for input and help in these efforts.

...A special election is planned for September 4, 2014, to fill the vacant City Council seat for Ward III due to the recent resignation of Councilman Jim Newell.

...Tupelo Public School District resumed classes on Monday, August 4, 2014, and the Mayor wished students, teachers and administrators a great year.

...Saturday, August 9, is Fan Appreciation Day at the Elvis Presley Birthplace with festivities beginning around 10:45 a.m. He invited everyone to attend.

..."Tuesday Night Out" is scheduled for Thursday, August 7. Mayor Shelton encouraged council members to get out and visit the participating neighborhoods in their ward.

...A "Wellness and Fitness Festival" is coming up on August 23, 2014, at Veterans Park. This will be an all-day event with activities for all ages.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

**5.1.A PROPOSED CITY OF TUPELO BUDGET
FOR FISCAL YEAR BEGINNING
OCTOBER 1, 2014, AND ENDING
SEPTEMBER 30, 2015**

Seven (7) speakers responded to this Public Hearing representing various entities and agencies in the City of Tupelo and requesting funding under the City of Tupelo FY2015 Budget. They included:

Lee County Library, Lee Humane Society, Family Resource Center, Regional Re-Habilitation Center, Autism Center of North Mississippi, S.A.F.E., Inc. and

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Downtown/Main Street Association.

5.1.B LOT MOWING OF PROPERTIES

No one appeared to address this issue.

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

6. ACTION AGENDA

IN THE MATTER OF REVIEW/ADOPT ORDINANCE AMENDING CODE OF ORDINANCES, CHAPTER 13, ARTICLE IV, SMOKING BAN ORDINANCE

This item had been tabled at the July 15, 2014, regular meeting of the Council. Councilman Palmer moved to bring the item off the table for discussion; the motion was seconded by Councilman Jennings with vote on the matter being as follows:

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

Having received a tie vote, the motion failed and the item will remain on the table.

IN THE MATTER OF REVIEW/APPROVE RECOMMENDATIONS OF TUPELO LICENSE COMMISSION FOR NEW CODE ADOPTION

In order for the City of Tupelo to remain in compliance with Miss. Statute 12-7-2, the Tupelo License Commission met recently to discuss adoption of new codes. An important reason for the new code adoption is to allow the City of Tupelo to maintain its current fire rating status to maintain lower fire insurance costs for homeowners and commercial property owners in the City. Captain Jason Cross of the Tupelo Fire Department and David Wammack, Chief Building Inspector, participated in the discussion as well as representatives of various homebuilders and remodelers associations, contractors and mechanical/fire system contractors.

After the discussion, the License Commission voted to recommend several new code adoptions. David Wammack, Chief Building Inspector, presented this information to the Tupelo City Council and Mayor Jason Shelton in a memorandum dated July 2, 2014. Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve these new code adoptions as recommended by

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the License Commission. A copy of Mr. Wammack's letter setting forth the new code adoptions is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO COOPER TIRE & RUBBER COMPANY

This item had been left on the Study Agenda at the July 15, 2014, meeting. Upon a motion by Councilman Jennings, seconded by Councilman L. Bryan, the council voted unanimously to suspend the rules and bring the matter off the Study Agenda and take action at this meeting.

Upon a motion by Councilwoman Davis, seconded by Councilman Jennings, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Cooper Tire & Rubber Company. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of ten (10) years beginning January 1, 2014, subject to approval and certification by the Mississippi State Tax Commission. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX B.**

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

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

IN THE MATTER OF REVIEW/APPROVE ORDER FOR SPECIAL ELECTION FOR ELECTING A MEMBER OF TUPELO CITY COUNCIL

Councilman Jim Newell representing Ward III of the City of Tupelo as City Councilman had submitted his letter of resignation effective Friday, August 1, 2014.

Therefore, pursuant to Section 21-8-19 and Sections 23-15-857 and 23-15-859 of the Miss. Code of 1972 (as amended), the City Council is authorized and directed to call a special election to fill the vacancy left by the resignation of Mr. Newell, who has in excess of six (6) months remaining on his term as Councilman, the remainder of the term ending June 30, 2017. Upon a motion by Councilman Davis, seconded by Councilman Whittington, the Council voted unanimously to approve an Order Calling for the Holding of a Special Election Within and For the City of Tupelo, Mississippi, for the purpose of Electing a Member of Council. Notice of said election to be held on September 4, 2014,

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is being published for three (3) consecutive weeks in The Northeast Mississippi Daily Journal. A copy of the Order together with a copy of the Notice of Special Election is attached to these minutes and incorporated herein as **APPENDIX C.**

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF CITY COUNCIL MEETINGS

Upon a motion by Councilwoman Davis and a second by Councilman Palmer, the council voted unanimously to approve the minutes of the regular council meeting of Tuesday, July 15, 2014, and the special-called meeting of Tuesday, July 22, 2014.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, 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 Jennings:

Check Nos. 122507 through 122964 (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 TO COLISEUM COMMISSION

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to appoint Stephanie West to the Coliseum Commission to replace Danielle Del Grande. Todd Hunt, Executive Director of the BancorpSouth Arena and Conference Center, had recommended the appointment of Ms. West to represent the Innkeepers' Association. Ms. West had, also, been recommended by Mayor Shelton. A copy of her bio is attached to these minutes and made a part hereof as **APPENDIX D.**

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IN THE MATTER OF REVIEW/APPROVE AGREEMENT BETWEEN MEMA AND CITY OF TUPELO FOR THREE TORNADO SHELTERS

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to approve a Hazard Mitigation Grant Program Agreement between the Mississippi Emergency Management Agency (MEMA) and the City of Tupelo, Mississippi, relating to the delivery and installation of three FEMA 320 precast safe rooms. These safe rooms are each 10' x 20' and will be installed at Ballard Park, the Rockwell Center, and Veterans Park, according to a memorandum dated July 21, 2014, to the Mayor and City Council from Terri Blissard, Grant Administrator.

The total cost of the three safe rooms, including delivery and installation, is estimated to be \$105,000 with a required match from the city of 5% (\$5,250), plus site preparation (leveling) which will be done in-house by the Tupelo Public Works Department.

A copy of the Agreement is attached to these minutes and incorporated herein as **APPENDIX E.**

IN THE MATTER OF REVIEW/ACCEPT DONATION OF OUTDOOR PAVILION

Vanelli's Restaurant was destroyed by the April tornado but an outdoor 36' x 36' pavilion was not damaged. Owner Voz Vanelli has offered to donate the pavilion, valued at over \$75,000, to the City of Tupelo. Voz will hire a contractor to move the pavilion to Veterans Park and place it on a slab which will be provided by the City. The City agrees to pay \$10,000 to help with the cost of relocation.

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to accept the donation of this pavilion and help pay the cost of relocation.

IN THE MATTER OF ACCEPTANCE OF MINUTES OF TUPELO MAJOR THOROUGHFARE PROGRAM MEETING

Upon a motion by Councilman Whittington and a second by Councilman L. Bryan, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of June 9, 2014, a copy being attached to these minutes as **APPENDIX F.**

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**IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS
OFFICER'S DUTY WEAPON AND SELL TO THE OFFICER**

Lt. Jessie King of the Tupelo Police Department has retired from the Department and has requested that his duty weapon (Glock Model 17, 9mm), Serial No. TEB-965, be declared surplus and turned over to him for the sum of \$1.00. This action is permissible under Mississippi State Statute 45-9-131 and has been a tradition of the Police Department for many years.

Upon a motion by Councilman Palmer and a second by Councilman Whittington, the council voted unanimously to surplus Lt. Jessie King's duty weapon and sell to him for the sum of \$1.00.

**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR McCULLOUGH
BOULEVARD/OLD BELDEN CIRCLE AND COLONIAL ESTATES
IMPROVEMENTS PROJECT**

Bids were opened for the McCullough Boulevard/Old Belden Circle and Colonial Estates Improvements Project on June 26, 2014 with six bidders responding. Cook Coggin Engineers tabulated the bids and recommended the low bid in the amount of \$193,236.40 by JM Duncan, Inc. be accepted and awarded to that company. John Crawley, City Engineer, by memorandum dated July 16, 2014, to the City Council recommended, also, that the low bid of JM Duncan, Inc. be accepted.

Upon a motion by Councilwoman Davis and a second by Councilman Whittington, the council voted unanimously to award the bid for the McCullough Boulevard/Old Belden Circle and Colonial Estates Improvements Project to JM Duncan, Inc., Falkner, Mississippi, as the lowest and best bid in the amount of \$193,236.40. A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX G.**

**IN THE MATTER OF REVIEW/RATIFY CONTRACT BETWEEN
ENGINEERING SOLUTIONS, INC. AND CITY OF TUPELO FOR EASON
BOULEVARD MILL AND OVERLAY BETWEEN EAST MAIN STREET AND
BRIAR RIDGE ROAD**

John Crawley, City Engineer, had submitted a proposed Construction Engineering & Inspection Services Contract for the City of Tupelo-Eason Boulevard Overlay Project, Project No. STP-0430-00(018)LPA/106678-701000, between the City of Tupelo and Engineering Solutions, Inc. for City Council action. This firm will oversee and supervise the milling and overlaying Eason Boulevard between East Main Street and Briar Ridge

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Road. The project is being completed with matching funds from Mississippi Department of Transportation who has reviewed and approved this contract according to Mr. Crawley.

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to ratify this CE&I Contract between the City and ESI, Inc. for the above referred to project. Excerpts from the contract are attached to these minutes and incorporated herein as **APPENDIX H.**

IN THE MATTER OF REVIEW/RATIFY CONTRACT BETWEEN CITY OF TUPELO AND KEY, LLC, FOR DOWNTOWN TUPELO MAIN STREET ENHANCEMENT PROJECT & ELVIS PRESLEY BIRTHPLACE TRAIL

On June 17, 2014, the City Council had awarded the bid for the Tupelo Downtown Transportation Enhancement Project & Elvis Presley Birthplace Trail, Project No. STP-0430-00(016)LPA, to Key, LLC, for \$11,528,115.04, as the low bidder.

Upon a motion by Councilman L. Bryan and a second by Councilman Palmer, the council voted unanimously to ratify a contract between Key, LLC, and the City of Tupelo in which the contractor agrees to accept the prices stated in the proposal in full compensation for the furnishing of all materials and equipment and the executing of all the work contemplated in this contract. A copy of the contract executed by both parties is attached to these minutes and incorporated herein as **APPENDIX I.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR HOT MIX FOR TUPELO PUBLIC WORKS DEPARTMENT

Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously to award the following bid as recommended by Chuck Williams, Department Head of the Tupelo Public Works Department:

1334 Supply of Hot Mix: One vendor responded with a price of \$70.00 per ton for surface mix; \$70.00 per for binder mix and \$6.00 per ton for delivery cost.

A copy of the bid package is attached to these minutes as **APPENDIX J.**

IN THE MATTER OF REVIEW/RATIFY CONTRACT FOR TUPELO CONVENTION AND VISITORS BUREAU NEW WEBSITE

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to ratify a Service Agreement between the Tupelo

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Convention and Visitors Bureau and Designsensory located in Knoxville, Tennessee. The project includes the design for the Tupelo CVB website with the initial term of the agreement to extend from the date of signing thereof for twelve (12) months. An executed copy of the Service Agreement including "Statement of Work" and all particulars of the agreement is attached to these minutes and incorporated herein as **APPENDIX K.**

IN THE MATTER OF REVIEW/ACCEPT RFP FOR CITY OF TUPELO 2014
AUDIT AND ELECTRIC AUDIT 2015 AND APPROVE ENGAGEMENT
LETTER FOR THE CITY OF TUPELO 2014 AUDIT

Two vendors responded to RFP's for the City of Tupelo 2014 Audit and Electric Audit 2015. A committee gave careful consideration of all criteria and has recommended the RFP of Franks, Franks, Jarrell and Wilemon be accepted for Auditing Services and that an engagement letter for the City of Tupelo 2014 audit be approved.

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to accept the RFP for City of Tupelo 2014 Audit and Electric Audit 2015 and approve an engagement letter between the City of Tupelo and Franks, Franks, Jarrell and Wilemon for the 2014 Audit.

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

Councilman L. Bryan 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 Whittington and unanimously passed by a vote of council members. A public hearing had been held earlier in this meeting with no one appearing to address any of the properties. A copy of same is attached to these minutes as **APPENDIX L.**

IN THE MATTER OF REVIEW/APPROVE APPOINTMENTS TO TUPELO
ELECTION COMMISSION

Due to two vacancies on the Tupelo Election Commission, Mayor Shelton recommended that Janice Trawick and Kathy McMurray be appointed to fill these positions. These two women had volunteered to serve in this capacity. Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously to approve the appointment of these two individuals to serve on the Tupelo Election Commission.

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8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS CONTRACT WITH THE
NEIGHBORHOOD DEVELOPMENT CORPORATION TO MANAGE THE
AZALEA GARDENS APARTMENTS

This item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS MISSISSIPPI TRANSPORTATION
COMMISSION PROJECT NO. AIP-3-28-0070-039-2014

This item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS FEDERAL AVIATION
ADMINISTRATION AIP GRANT AGREEMENT #3-28-0070-039-2014

This item will be moved to the next agenda.

9. ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman Jennings and a second by Councilman Whittington, the council voted unanimously to adjourn the regular meeting at 7:20 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR

