

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

SEPTEMBER 16, 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 16, 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 Tupelo Fire Chief Thomas Walker, 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 and a second by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

- ADD: #4.5 Proclamation in Recognition of "Constitution Week"
- ADD: #4.6 Proclamation in Recognition of "Alzheimer's Day"
- ADD: #7.13 Review/Approve FY 2014 Budget Revision #8
- ADD: #7.14 Review/Award/Reject bid for Eason Boulevard
Mill and Overlay

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

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

Councilman Palmer announced an upcoming event this weekend at Veterans Park beginning with a concert at the Summit Center on Friday night, September 19, 2014. On Saturday, activities will begin at Veterans Park with a run and performance by a musical

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group. These events are in recognition of “Weekend for Our Heroes” and at 6:00 p.m. “Petals for Patriots”, a very impressive ceremony, will be staged. Rose petals will be dropped from either an airplane or helicopter to commemorate those people who have lost their lives in military combat. Later at 7:30 p.m. a benefit dinner will be served at the Summit Center. He urged everyone to come out and take part in this event.

Councilwoman Nettie Davis announced the unveiling of the Boyce Grayson Memorial signs on Front Street on September 26, 2014, at 11:30 a.m. She, also, reminded everyone of the ground breaking ceremonies scheduled for the Tupelo Elvis Presley Birthplace Trail at Fairpark beginning at 10:00 a.m. on September 19, 2014.

IN THE MATTER OF PRESENTATION TO CITY COUNCIL MEMBERS

Mr. C. W. Jackson, long-time citizen of the City, presented the members of the City Council with ballpoint pens he had made from the wood of a magnolia tree which had been destroyed during the April 28, 2014, tornado. The tree was located on Clayton Street and Mr. Jackson said he thought these pens, engraved with the date of the tornado, would be a fitting reminder of this tragedy which struck the city.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF
“CONSTITUTION WEEK”**

Acting Mayor Buddy Palmer presented a proclamation in recognition of “Constitution Week” to Alice Jennings, Regent, Mary Stuart Chapter DAR, and Patricia Miller, Constitution Chairman. September 17, 2014, marks the 227th anniversary of the drafting of the Constitution of the United States of America and, according to the Proclamation, it is fitting and proper to accord official recognition to this magnificent document and its anniversary. September 17 – September 23, 2014, is proclaimed as “Constitution Week” in the City of Tupelo, Mississippi, and all citizens are encouraged to reaffirm the ideals of the Constitution by protecting the freedoms guaranteed to us.

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “2014
ALZHEIMER’S ASSOCIATION NORTHEAST MISSISSIPPI WALK TO END
ALZHEIMER’S DAY”**

Sherrie Wood accepted a proclamation from Acting Mayor Buddy Palmer in recognition of “2014 Alzheimer’s Association Northeast Mississippi Walk to End Alzheimer’s Day” scheduled for September 20, 2014. Alzheimer’s disease is the sixth leading cause of death in the United States and 51,000 Mississippians are living with Alzheimer’s disease. Currently, there is no cure but the Alzheimer’s Association offers help for families, friends and patients through educational programs, a 24-hour helpline,

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family care planning and support groups. Residents are encouraged to participate in the 2014 Walk to End Alzheimer's on Saturday, September 20, 2014, at Ballard Park.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LOT MOWING OF PROPERTIES

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 ORDINANCE ESTABLISHING
POLICY FOR REGULATION, LOCATION AND PERMITTING OF
MUNICIPAL RIGHT-OF-WAY USAGE BY PUBLIC UTILITIES**

This item was tabled August 5, 2014, and left on the table August 19, 2014 and September 2, 2014. President Bryan requested that it remain on the table at this time.

7. ROUTINE AGENDA

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

Upon a motion by Councilwoman Davis, seconded by Councilman L. Bryan, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, September 2, 2014.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Jennings and a second 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, Palmer and Jennings:

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Check Nos. 123764 through 124141 (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 PHILIP DAY-BRITE**

This item was tabled August 19, 2014, and left on the table September 2, 2014.
At the request of President Bryan, the item will remain on the table at this time.

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION OF THE CITY
COUNCIL OF THE CITY OF TUPELO AUTHORIZING AND DIRECTING
THERE BE A THREE PERCENT (3%) INCREASE IN THE BENEFITS FOR
ALL MEMBERS AND BENEFICIARIES RECEIVING RETIRED RELIEF OR
DISABILITY RELIEF BENEFITS FROM THE FIREMEN'S AND
POLICEMEN'S DISABILITY AND RELIEF FUND**

Upon a motion by Councilman Palmer, seconded by Councilman L. Bryan, the council voted unanimously to approve a Resolution Authorizing and Directing a Three Percent (3%) Increase in the Benefits for All Members and Beneficiaries Receiving Retired Relief or Disability Relief Benefits from the Firemen's and Policemen's Disability and Relief Fund. A copy of this executed Resolution is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE FY 2015 PETTY CASH ACCOUNTS

Kim Hanna, Chief Financial Officer, had submitted a list of petty cash accounts for FY 2015 for the City Council's approval. Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve this list as presented. The list includes the amount for each department together with the name of the person responsible for disbursing the funds. A copy of the listing is attached to these minutes as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE LIST OF SURPLUS FIXED ASSETS

Upon a motion by Councilman Whittington, seconded by Councilwoman Davis, the council voted unanimously to approve a list of fixed assets that should be declared surplus and removed from the City's fixed asset listing. Kim Hanna, Chief Financial

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Officer, had submitted the list for City Council approval. Those items which are still useful will go to auction. A copy of the list is attached to these minutes as **APPENDIX C.**

It should be noted that three of the items listed are Glock Pistols which were previously declared surplus and sold to retiring Tupelo Police Department officers. The descriptions of these items are:

Asset #3111	Gun, Glock, Pistol 23LE RTF, 40SW	Donald Washington
Asset #GO3635	Glock Pistol	Cliff Hardy
Asset #GO3649	Glock Pistol	Marion Morrow

IN THE MATTER OF REVIEW/RATIFY CONTRACT BETWEEN CITY AND PRYOR AND MORROW FOR SPLASH PAD AT ROB LEAKE CITY PARK PROJECT

Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the council voted unanimously to ratify a contract between the City of Tupelo and Pryor and Morrow Architects and Engineers, P. A. for project described as “splash pad at Rob Leake City Park, improvements to the existing pavilion, and related projects as directed by the owner”. Excerpts from the contract are attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE LOT MOWING LIST

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 Palmer and unanimously approved by a vote of the Council. A copy of the listing is attached to these minutes as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER NO. 1 FOR SAFE ROUTES TO SCHOOL PROJECT

John Crawley, City Engineer, had submitted Change Order No. 1 for the Safe Routes to School Project, Tupelo Middle and Pierce Street Elementary School, for the City Council’s consideration. The change order in the amount of \$7,193.20 is for necessary additions to increase safety at the two main entrances to Pierce Street Elementary off Lincoln and Pierce Streets.

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Upon a motion by Councilwoman Davis, seconded by Councilman Jennings, the council voted unanimously to approve Change Order No. 1 for this project. A copy is attached to these minutes and incorporated herein as **APPENDIX F.**

**IN THE MATTER OF REVIEW/RATIFY CONTRACT AGREEMENT
BETWEEN CITY OF TUPELO AND J. M. DUNCAN, INC. FOR McCULLOUGH
BLVD. @ OLD BELDEN CIRCLE AND COLONIAL ESTATES PROJECT**

Upon a motion by Councilman Whittington and a second by Councilwoman Davis, the council voted unanimously to ratify a Contract Agreement between the City of Tupelo and J. M. Duncan, Inc. for the McCullough Boulevard @ Old Belden Circle and Colonial Estates Project. The City Council had awarded this bid at the regular City Council meeting of August 5, 2014. A copy of the Contract Agreement is attached to these minutes and made a part hereof as **APPENDIX G.**

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

Councilman Palmer moved to accept the minutes of the Planning Committee meeting of September 4, 2014, as to Item 1, only, and the motion was seconded by Councilman Whittington. However, after a discussion of the minutes, Councilman Palmer offered an amendment to his original motion to table Items 2 and 3. The amendment was seconded by Councilman Whittington and unanimously approved by a vote of the council. A copy of the Planning Committee minutes of the September 4, 2014, meeting is attached to these minutes as **APPENDIX H.**

**IN THE MATTER OF REVIEW/APPROVE PROPOSAL FOR PROFESSIONAL
SERVICES BY CIVIL-LINK, LLC, FOR STUDY/PLAN FOR SHARON HILLS
SUBDIVISION**

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve a Proposal for Professional Services between the City of Tupelo and Civil-Link, LLC of Tupelo, Mississippi. This Letter Agreement includes a drainage study and work plan for the Sharon Hills Subdivision. John Crawley, City Engineer, had submitted the proposal to the City Council for its consideration. Services are to be provided for a total fixed fee of \$15,500 with invoicing submitted each month based on the percentage of completion. A copy of the Letter Agreement is attached to these minutes and made a part hereof as **APPENDIX I.**

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IN THE MATTER OF REVIEW/APPROVE FY 2015 BUDGET REVISION #8

Upon a motion by Councilwoman Davis and a second by Councilman Whittington, the council voted unanimously to approve FY 2015 Budget Revision #8, a copy being attached to these minutes and incorporated herein as **APPENDIX J.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR EASON BOULEVARD MILL AND OVERLAY

John Crawley, City Engineer of the Department of Development Services, had presented a bid for Eason Boulevard Mill and Overlay for the council's consideration. Bids were opened on September 4, 2014, with the low bid being \$389,984.30 submitted by WB Construction, Inc. of Ripley, Mississippi. Mr. Crawley recommended the awarding of this bid for Project No. STP-0430-00(018), LPA 106678/701000, as did ESI Engineering Solutions, Inc. Upon a motion by Councilman L. Bryan and a second by Councilman Whittington, the council voted unanimously to award the bid for this project to WB Construction, Inc. in the amount of \$389,984.30. A copy of the bid package is attached to these minutes as **APPENDIX K.**

8. STUDY AGENDA

No items on the Study Agenda for consideration.

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Upon a motion by Councilman Whittington and a second by Councilman Palmer, the council voted unanimously to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman Whittington and a second by Councilman Palmer, the council voted unanimously to go into executive session to discuss (1) Memorandum of Understanding with Local Manufacturer; (2) Sale of Real Estate; and (3) Pending Litigation vs. City of Tupelo, Mississippi.

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

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IN THE MATTER OF EXECUTIVE SESSION DECISION

Councilman Whittington moved to approve a Memorandum of Understanding to authorize Mayor Jason L. Shelton to enter into an agreement with a local manufacturer. The motion was seconded by Councilman Jennings and unanimously approved by a vote of the council.

IN THE MATTER OF ADJOURNMENT

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

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR