

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

NOVEMBER 18, 2014

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, November 18, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Travis Beard, 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 Lee County Sheriff Jim Johnson, followed by the Pledge of Allegiance led by Fire Chief Thomas Walker.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Mike Bryan called the 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 follow:

ADD: #4.4.A Proclamation in Recognition of "American Indian Heritage Month"

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 the following City of Tupelo employees Certificates of Appreciation for their loyal and dedicated service to the citizens of the city:

John Belk	Tupelo Fire Department	5 years
Tremaine C. Frison	Tupelo Police Department	10 years

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IN THE MATTER OF PUBLIC RECOGNITIONS

Following are announcements made by City Council members:

- (1) Councilman Whittington – Lighting at Oren Dunn Museum on December 1, 2014, beginning at 6:00 p.m.
- (2) Councilwoman Davis – Community Thanksgiving Service scheduled for November 20, 12:00 noon, at The Orchard
- (3) “Tupelo Revive”, a group who plan to be in Tupelo for one year assisting the needy, will have a special service on November 23, 2014, beginning at 6:00 p.m. at the Temple of Compassion and Deliverance.
- (4) “Mission Mississippi” will meet on Thursday, November 20, 2014, at 7:00 a.m. at People’s Community Church
- (5) Tupelo High School seniors will conduct a Tupelo Public Forum on November 20, 2014, beginning at 4:00 p.m. in Council Chambers at City Hall Building.

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “SMALL BUSINESS SATURDAY”

Ms. Kathy Roberts, representing small business owners in the city, accepted a proclamation from Mayor Jason Shelton in recognition of “Small Business Saturday” to be observed November 29, 2014. The proclamation stated that 71 per cent of Americans surveyed said they were aware of this event and that consumers spent a total of \$5.7 billion with independent merchants. Small business owners contribute a great deal to the economic development and growth in Tupelo and the city proudly supports small businesses located here and urges all citizens to shop local and support this “Small Business Saturday”.

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “AMERICAN INDIAN HERITAGE MONTH”

Ms. Alice Jennings and Ms. Susie Dent, members of the Mary Stuart Chapter of the National Society Daughters of the American Revolution, accepted a proclamation from Mayor Shelton proclaiming the month of November 2014, as “American Indian Heritage Month” in the city. The Chickasaw Nation has been closely connected to the Mary Stuart Chapter, by way of living in the Tupelo area in various settlements, with the largest being in Olde Towne. Mary Stuart was the first teacher in Tupelo to teach Chickasaw Native American young ladies in her home. The Mary Stuart Chapter is working along with the City of Tupelo in various historical, cultural and preservation projects.

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IN THE MATTER OF MAYOR'S REPORT

Following are highlights of Mayor Shelton's report for this meeting:

...Thanked everyone who helped organize the city-wide prayer service to commemorate the six-month anniversary of the April 28 tornado.

...A special thanks to CSpire, Renasant Bank and Downtown Tupelo Main Street Association for making Pigskins in the Park such a huge success.

...Expressed appreciation to Taylor Neal for organizing the first Oktoberfest in the city. She did a tremendous amount of work and put together a great event. News of the festival was very well received in Germany according to Mayor Shelton.

...Mayor Shelton had traveled early in November to Germany at the request of CDF to visit with representatives of Grammer. He described it as a very successful trip, and the city hopes to continue building relationships there in an effort to bring more jobs to our area.

...Reminded everyone of the Community Thanksgiving Service scheduled at The Orchard on Coley Road on Thursday, November 20, beginning at noon.

...The Mayor had attended "Hob Nob" Mississippi in Jackson earlier this month.

...Mayor Shelton had attended the Japan-America Society of Mississippi event in Starkville last week. The city is currently working on plans for a Cherry Blossom Festival to enhance our relationship with the Japanese businesses who have invested in our area. Japan now represents the largest international investor in Mississippi.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARING

5.1.A LOT MOWING OF PROPERTIES

No one appeared to address this issue.

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(President Bryan closed the Public Agenda and the 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 COUNCIL MEETING

Upon a motion by Councilman Palmer, seconded by Councilman Beard, the council voted unanimously to approve the minutes of the City Council meeting of Tuesday, November 4, 2014.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman L. Bryan, 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 Palmer:

Check Nos. 125513 through 125869 (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 "NO PROTEST" RESOLUTION IN REGARD TO THE ISSUE OF GENERAL OBLIGATION BOND IN AMOUNT NOT TO EXCEED \$10,000,000

At the regular meeting of October 21, 2014, the City Council had approved a Resolution Declaring the Intention of the City Council of the City of Tupelo, Mississippi, to Issue a General Obligation Bond, Series 2015 of the City of Tupelo, Mississippi, for Purchase by the Mississippi Development Bank, in the Principal Amount of Not to Exceed Ten Million Dollars (\$10,000,000). As required by law, this Resolution was published four (4) times in the Northeast Mississippi Daily Journal.

Since no sufficient protest against the issuance of the City bond described in said Resolution has been filed by the qualified electors, Councilman Whittington moved to

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to approve a RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI (THE "CITY"), TO ISSUE A GENERAL OBLIGATION BOND, SERIES 2015 OF SAID CITY FOR THE PURCHASE BY THE MISSISSIPPI DEVELOPMENT BANK IN THE MAXIMUM PRINCIPAL AMOUNT OF NOT TO EXCEED TEN MILLION DOLLARS (\$10,000,000)(THE "CITY BOND"), ADOPTED ON THE 21ST DAY OF OCTOBER, 2014, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO SUFFICIENT PROTEST AGAINST THE ISSUANCE OF THE CITY BOND DESCRIBED IN SAID RESOLUTION HAS BEEN FILED BY THE QUALIFIED ELECTORS; AND AUTHORIZING THE ISSUANCE OF SAID CITY BOND.

The motion was seconded by Councilman Palmer and passed unanimously by a vote of the Council. An executed copy of the same is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS FIXED ASSETS

Upon a motion by Councilwoman Davis, seconded by Councilman L. Bryan, the council voted unanimously to approve a request from Alex Farned, Director of the Tupelo Parks and Recreation Department, to declare two vehicles as surplus and sell at public auction. The vehicles are described below:

1995 Ford F250 VIN# 1FTHF25HXSNA85611
International Dump Truck, Tag #10755, VIN# HTSCCFN7LH215565

IN THE MATTER OF REVIEW/APPROVE CONTRACTS BETWEEN TUPELO SPORTS COUNCIL AND CITY OF TUPELO FOR 2014/15

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to approve the following agreements between the City of Tupelo and the Tupelo Sports Council and its member associations for the period October 1, 2014 to September 30, 2014. Copies of each are attached to these minutes and incorporated herein as **APPENDIX B:**

Northeast Mississippi Umpire Association
Tupelo Youth Baseball Association Agreement
Tupelo Youth Baseball Association Agreement
Tupelo Aquatic Club Agreement
Tupelo Skate Park Association Agreement

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Tupelo Basketball Association Agreement
Tupelo Football Association Agreement
Friends of the Park Agreement
Tupelo Fourth of July Celebration Association Agreement
Tupelo Softball Association Agreement
Tupelo Therapeutic Recreation Association Agreement
Tupelo Youth Soccer Association Agreement
Veterans Council Agreement
Tupelo Disc Golf Association Agreement

IN THE MATTER OF REVIEW/RATIFY CONTRACT BETWEEN CITY OF TUPELO AND WG CONSTRUCTION, INC. FOR EASON BLVD. MILL & OVERLAY PROJECT

Upon a motion by Councilwoman Davis, seconded by Councilman Whittington, the council voted unanimously to ratify a construction contract between the City of Tupelo, Mississippi, and WG Construction, Inc. for the Eason Boulevard Mill & Overlay Project. The bid was awarded to this company at the September 16, 2014, City Council meeting. An executed copy of this contract is attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR THOROUGHFARE PROGRAM MEETING

Upon a motion by Councilman Jennings and a second by Councilman Palmer, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of September 8, 2014, a copy being attached hereto as **APPENDIX D.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR THOROUGHFARE PROGRAM MEETING

Upon a motion by Councilman Jennings, seconded by Councilman Palmer, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of October 13, 2014, a copy being attached hereto as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE REQUEST FOR NAMING OF NEW BRIDGE ON WEST BARNES CROSSING ROAD

By memorandum dated October 27, 2014, Greg Pirkle, Chairman of the Tupelo Major Thoroughfare Program, advised the City Council that the Committee members had voted unanimously to recommend that the new bridge on West Barnes Crossing Road,

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which crosses over U. S. Highway 78, be named the “Clyde Whitaker Memorial Bridge”. The matter had been sent to the Tupelo City Council for their consideration and approval. Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to accept the recommendation of the Tupelo Major Thoroughfare Program Committee and approve naming the bridge the “Clyde Whitaker Memorial Bridge.”

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 L. Bryan and unanimously approved by a vote of the council. A Public Hearing had been conducted earlier in this meeting with no one appearing to address any of the listed properties. A copy of the revised listing is attached to these minutes as **APPENDIX F.**

IN THE MATTER OF REVIEW/RATIFY CONTRACT FOR WASTEWATER TREATMENT PLANT NUTRIENT REMOVAL WITH J & P CONSTRUCTION COMPANY

On October 21, 2014, the City Council had awarded the bid of J & P Construction Company for the Wastewater Treatment Facilities Improvements – Chemical Additions Project in the amount of \$2,882,000 as recommended by Johnny Timmons, Director of the Tupelo Water & Light Department, and Cook Coggin Engineers, Inc.

Upon a motion by Councilman Palmer, seconded by Councilman L. Bryan, the council voted unanimously to ratify a contract between the City of Tupelo and J & P Construction Company for the construction of this project. Excerpts from the executed contract are attached to these minutes and incorporated herein as **APPENDIX G.**

IN THE MATTER OF REVIEW/RATIFY CONTRACT FOR WATER SYSTEM IMPROVEMENTS PROJECT – AREA 2 SOUTH DEER PARK

On October 7, 2014, the City of Tupelo had awarded the bid of Paul Smithey Construction Company, Inc. for the Area 2 South – Deer Park Project in the amount of \$1,901,473.20 as recommended by Johnny Timmons, Director of Tupelo Water & Light Department, and Cook Coggins, Engineers, Inc.

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Upon a motion by Councilman L. Bryan, seconded by Councilman Beard, the council voted unanimously to ratify a contract between the City of Tupelo and Paul Smithey Construction Company, Inc. for the construction of this project. Excerpts from the executed contract are attached to these minutes and incorporated herein as

APPENDIX H.

IN THE MATTER OF REVIEW/RATIFY CONTRACT FOR WATER SYSTEM IMPROVEMENTS PROJECT – AREA 3 – AUBURN

On October 7, 2014, the City Council had awarded the bid of Paul Smithey Construction Company, Inc. for the Area 3 – Auburn Project in the amount of \$763,775.20, as recommended by Johnny Timmons, Director, Tupelo Water & Light Department, and Cook Coggins Engineers, Inc.

Upon a motion by Councilman Whittington and a second by Councilman L. Bryan, the council voted unanimously to ratify a contract between the City of Tupelo and Paul Smithey Construction Company, Inc. for the construction of this project. Excerpts from the executed contract are attached to these minutes and incorporated herein as

APPENDIX I.

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

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to take the following action on two bids submitted and recommended by Johnny Timmons, Manager, Tupelo Water & Light Department:

- | | |
|----------------|---|
| Bid No. 1348WL | Award Bid for 2014/2015 Digger Derrick to the low qualified bid submitted by Terex South Dakota, Inc. in the amount of \$139,656.00. |
| Bid No, 1349WL | Reject bid for 2015 Cab & Chassis. This bid was opened on October 30, 2014, with no bids received from vendors. Mr. Timmons recommended this bid be rejected and rebid as soon as possible. |

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

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8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS DEVELOPMENT CODE AMENDMENTS

At the request of Council Members Jennings and Palmer, this item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS APPEAL OF PLANNING COMMITTEE DENIAL OF REZONING REQUEST

At the request of Council Members Whittington and Palmer, this item will be moved to the next agenda

9. EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION

Councilman Whittington moved to close the regular meeting to determine the need for an executive session. The motion was seconded by Councilman L. Bryan and unanimously approved by a vote of the council.

Upon a motion by Councilman Palmer, seconded by Councilman Whittington, the council voted unanimously to go into executive session to discuss the following issues:

- (1) Discussion of Memorandum of Agreement with Local Manufacturer/Expansion of job creation
- (2) Acquisition of Property
- (3) Sale of Property

Upon a motion by Councilman L. Bryan, seconded by Councilman Palmer, the Council voted unanimously to come out of executive session and return to the regular meeting with no action to be taken in open session.

IN THE MATTER OF ADJOURNMENT

There being no further action to come before the council, upon a motion by Councilman L. Bryan and a second by Councilman Beard, the council voted

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to adjourn the regular meeting at 7:45 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR