

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

**JANUARY 6, 2015**

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, January 6, 2015, 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 Police Chief Bart Aguirre, followed by the Pledge of Allegiance led by Councilman Buddy Palmer.

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

President Mike Bryan called the regular City Council 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: Proclamation in recognition of “National Law Enforcement Appreciation Day”

DELETE: Item #7.10 Ratification of Contract between City and Schneider Electric Company

DELETE: Item #7.3.C Resolution Committing Resources to Maintain CDBG Funded Infrastructure Improvements to Publicly-Owned Property Leased by Genlyte Thomas Group, LLC, d/b/a Day-Brite/Capri/Omega

ADD: Executive Session

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

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

No scouts were present for recognition.

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

Mayor Shelton presented Certificates of Appreciation to the following City employees for dedicated service to the community:

Leigh Ann Maddox	Parks & Recreation Department	10 years
Charlie W. Hardin	Tupelo Fire Department	10 years

**IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “NATIONAL LAW ENFORCEMENT APPRECIATION DAY”**

Tupelo Police Chief Aguirre and Lee County Sheriff Jim Johnson accepted a proclamation from Mayor Shelton in recognition of “National Law Enforcement Appreciation Day” to be celebrated on January 9, 2015. This day was established to recognize the law enforcement officers that have chosen a career path in public service to all. Each day 780,000 law enforcement officers across the country put a badge on and go to work knowing they may face extremely dangerous situations. On average, between 105 and 203 officers die in the line of duty each year. The proclamation encourages all citizens to support our law enforcement officers.

**IN THE MATTER OF PUBLIC RECOGNITIONS**

The following public recognitions were made;

Councilwoman Davis – Thanked everyone for making her 50<sup>th</sup> wedding anniversary such a great event. She, also, outlined the various activities that will take place on Friday, January 16 through Monday, January 19, 2015, in remembrance and celebration of the birthday of Dr. Martin Luther King, Jr. on January 19, 2015.

**IN THE MATTER OF MAYOR’S REPORT**

Following are highlights of Mayor Shelton’s report to the City Council:

...Happy and Healthy Holiday Wishes to all.

...TUPELO FIT continues to be a success.

...Congratulations to Councilwoman Nettie Davis and husband Fred on 50 years of marriage. Their recommitment ceremony was the “event of the century” according to Mayor Shelton.

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...On December 23, city employees and friends will gather to recognize Sgt. Gale Stauffer and to honor his memory with a memorial proclamation. December 23 will always be remembered as “Gale Stauffer Day” in Tupelo.

...January 9 is National Law Enforcement Appreciation Day and a Proclamation had previously been presented to Police Chief Bart Aguirre and Lee County Sheriff Jim Johnson in recognition of this day.

...The Convention & Visitors Bureau and the Elvis Presley Birthplace are hosting a number of events around the 80<sup>th</sup> birthday of Elvis Presley. A flyer with a full list of events is available on the City’s website and facebook page. A cake will be cut and served on Thursday, January 8, at 1:00 p.m.

...A groundbreaking at the Birthplace was held this day to kick off the expansion project at the Elvis Presley Birthplace. Among many other features, the expansion will include the installation of two new statues. The Birthplace is Tupelo’s largest tourist attraction.

...The Northern Loop made a big improvement to holiday traffic around the Barnes Crossing area during the recent holiday season. This indicates why it is so important that the connector roads associated with this project be completed. According to Mayor Shelton, it is vital to the financial stability and continued growth of our community.

Mayor Shelton closed his remarks by reminding everyone that he truly does have an open door policy at City Hall. He said he would be happy to schedule regular monthly meetings with Council Members as well as Department Heads.

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

**5. PUBLIC AGENDA**

**5.1 CITIZENS’ HEARINGS**

**5.1.A REGARDING NON-PROFIT EMPOWERMENT  
GROUP FOR GIRLS**

Suntanna Flemmings appeared before the City Council to inform them of the establishment of a non-profit group for girls in the City of Tupelo and to solicit their help in advancing her cause. Handouts included the Mission Statement of “Life Saver” which

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was established for adolescent/teen girls to become model citizens, great mothers, successful entrepreneurs, better friends and dream achievers.

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

**6. ACTION AGENDA**

**IN THE MATTER OF REVIEW/ADOPT RESOLUTION ESTABLISHING PERSONNEL POLICY TO CONTINUE PAY OF LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS, WHO PROTECT THE PUBLIC INTEREST AND ARE INJURED IN THE LINE OF DUTY WHILE ACTIVELY ENGAGED IN PROTECTING THE LIVES AND PROPERTY OF THE CITIZENS OF THE CITY OF TUPELO, MISSISSIPPI**

This item had been tabled at the December 16, 2014, regular City Council meeting. Upon a motion by Councilman Whittington and a second by Councilman Jennings, the council voted unanimously to bring the matter off the table for consideration at this time.

As the result of the death of a police officer and the critically wounding of another officer on December 23, 2014, while actively engaged in protecting the lives and property of the citizens of the City, questions of constitutional and statutory authority arose as to whether municipalities could pay the difference between full compensation of the wounded officer during the pendency of his recovery and return to work.

The 2014 Mississippi State Legislature enacted, and the Governor of the State of Mississippi, signed into law, Senate Bill 2597, an act to create the “Gale Stauffer, Jr. and Joseph Maher Law Enforcement Appreciation Act of 2014. The City of Tupelo desires to enact a policy within the scope of the authority granted by this legislation and, therefore, this Resolution is presented to the Tupelo City Council for their consideration and action.

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to adopt a “Resolution Establishing Personnel Policy to Continue Pay of Law Enforcement Officers and Firefighters, Who Protect the Public Interest and Are Injured in the Line of Duty While Actively Engaged in Protecting the Lives and Property of the Citizens of the City of Tupelo, Mississippi.” An executed copy of the same, setting forth all provisions of the legislation, is attached to these minutes and incorporated herein as **APPENDIX A.**

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The City of Tupelo Personnel Handbook shall be amended to add Section 325 titled "Additional Compensation Benefits for Law Enforcement Officers and Firefighters Who Are Injured in the Line of Duty."

**7. ROUTINE AGENDA**

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

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, December 16, 2014.

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

Upon a motion by Councilman L. Bryan 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, Beard, Palmer and Jennings:

Check Nos. 126544 through 126941 (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 DOCUMENTS IN CONNECTION WITH CDBG GRANT FROM MISSISSIPPI DEVELOPMENT AUTHORITY ON BEHALF OF GENLYTE THOMAS GROUP, LLC, d/b/a DAY-BRITE/CAPRI/OMEGA**

By memorandum dated November 18, 2014, Terri Blissard, Grant Administrator, advised the Mayor and City Council that Three Rivers Planning & Development District, in partnership with the City of Tupelo and the Community Development Foundation, plans to submit a Community Development Block Grant application to the Mississippi Development Authority on behalf of Genlyte Thomas Group, LLC, d/b/a Day-Brite/Capri/Omega. Economic development CDBG applications must pass through a government entity, which in this case is the City of Tupelo. Ms. Blissard provided the Council a Memorandum of Agreement outlining the terms of the City of Tupelo's partnership in this grant and a Resolution prepared by Three Rivers in accordance with the Mississippi Development Authority's guidelines applying for the grant.

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Summary Points of the application include:

- ...Project funding will be used for roof improvements
- ...The project scope and total cost is still being determined. However, the grant amount will not exceed \$1,000,000
- ...There is a one-to-one match ratio, but Day-Brite is responsible for the match as well as the required job creation.

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve a Resolution to Apply for a Mississippi Community Development Block Grant for Public Building Improvements Leased by Genlyte Thomas Group, LLC, d/b/a Day-Brite/Capri/Omega. An executed copy is attached hereto and incorporated into these minutes as **APPENDIX B.**

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously to approve a Memorandum of Agreement between the City of Tupelo, Mississippi, and Genlyte Thomas Group, LLC, d/b/a Day-Brite/Capri/Omega to apply for CDBG Economic Development Grant. An executed copy is attached hereto and incorporated into these minutes as **APPENDIX C.**

**IN THE MATTER OF REVIEW/APPROVE ACCEPTANCE OF FEMA AND MEMA FUNDS FOR CONSTRUCTION OF TWO SAFE ROOMS IN CITY OF TUPELO, MISSISSIPPI**

The City of Tupelo, Mississippi, has been awarded funding through FEMA and MEMA for two large-scale safe rooms. Each safe room will measure more than 6,000 square feet and will have the capacity to shelter more than 1,100 people. The monolithic dome design of the safe rooms will provide protection from wind speeds up to 250 miles per hour. The total cost for both safe rooms is just over \$2.5 million dollars, with ninety percent of that cost paid by FEMA and MEMA. The City of Tupelo is responsible for the remaining ten percent. Funds have been released for Phase 1 of the project, which involves architectural design and engineering. Additional funds for construction will be released after FEMA grants final design approval for the projects. At that time, the City will move forward with bids and construction.

Upon a motion by Councilman Jennings, seconded by Councilwoman Davis, the council voted unanimously to accept this grant funding from FEMA and MEMA for the construction of these two safe rooms. Particulars on each safe room, including location, are as follows:

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Theron Nichols safe room

Location: Theron Nichols Park  
Size: 6,370 sq. ft.  
Capacity: 1102 occupants  
Cost: \$1,226,225 (City pays 10% of that.)

Lee Acres safe room

Location: Dot Cooper Kelly Park  
Size: 6,813 sq. ft.  
Capacity: 1179 occupants  
Cost: \$1,311,503 (City pays 10% of that.)

Copies of Hazard Mitigation Grant Program Agreements for Grant 1604-516 and Grant 1604-515 between the Mississippi Emergency Management Agency and City of Tupelo, Mississippi, are attached hereto as **APPENDIX D.**

**IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS ADJUDICATING  
COST AND ASSESSING LIENS AGAINST REAL PROPERTY (LOT  
MOWINGS)**

Upon a motion by Councilman Whittington and a second by Councilman Beard, the council voted unanimously to approve a Resolution of Assessment Liens against the following listed properties. Hearings had been held previously before the City Council in which the properties were adjudicated to be a menace to public health and safety. The City of Tupelo has cleaned and mowed the properties and adjudicated costs and penalties according to law.

Properties against which these Resolutions of Assessment Liens are enrolled include: Russell Anderson; Brenda J. Hamilton; Antoinetta Johnson; Thomas Payne; Alice Roberta Matthews; Richard and Jennifer Moore; Taquesha Lockridge; Michal O. and Debra J. Bogan; Sam and Rosie Jefferson; Fred D. and Annie L. Morris; Beatrice Cunningham; Sheila Sanders; Alma Halfacre; Ronnie Walker, et al; Claudia A. and Dennis W. Smith; Ruby J. Baker; Kevin Boutin, d/b/a Boutin Properties (4 properties); Plumbing Services, Inc.; Theresa R. Mosby; Gary Norman; Roberta and Bennie Moore; Branch Banking & Trust Company; Cliff Gookin Properties, LLC (3 properties)

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

By memorandum dated December 30, 2014, Fire Chief Thomas Walker had advised the Mayor and City Council that Captain Brad Robinson of the Tupelo Fire Department had undergone back surgery on December 12, 2014. Captain Robinson's vacation time will be used up approximately the first of February and he only has 99.2 hours of sick leave time left due to a previous surgery last year. Chief Walker is requesting that other Fire Department employees be allowed to donate sick leave time to Captain Robinson to assist him through his release to return to work.

Upon a motion by Councilman Palmer and a second by Councilman Jennings, the council voted unanimously to approve this request to allow employees of the Tupelo Fire Department to donate sick leave time to Captain Brad Robinson until he is able to return to his job.

**IN THE MATTER OF REVIEW/APPROVE TRANSFER OF WATER AND LIGHT COLLECTIONS TO BAD DEBT FILE**

Upon a motion by Councilman Beard, seconded by Councilman Whittington, the council voted unanimously to approve the write-off of a listing of Tupelo Water and Light Collections accounts to the bad debt file. The total amount of bad debt is \$65,857.37, representing a percentage of loss of .00179% for the period of July 2013 through December 2013. Efforts will continue to be made to collect these accounts even though they have been transferred.

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

Upon a motion by Councilman Palmer and a second by Councilman Jennings, the council voted unanimously to accept the minutes of the Traffic Committee meeting of December 16, 2014, a copy being attached hereto as **APPENDIX E.**

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

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

Sanitary Sewer System Improvements – Area 1 (Beech Springs)  
Low Qualified Bid Submitted by Prairie Construction, LLC,  
in the amount of \$1,391,745.49

Upon a motion by Councilman Beard, seconded by Councilman Palmer, the council voted unanimously to award the following bid as recommended by Johnny Timmons, Manager, Tupelo Water and Light Department, and Cook Coggin Engineers:

Sanitary Sewer System Improvements – Area 2 North (Indian Hills)  
Low Qualified Bid Submitted by Plaxico Dozer Services in the  
amount of \$574,571.57

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

**8. STUDY AGENDA**

(NO ITEMS)

**9. EXECUTIVE SESSION**

**IN THE MATTER OF EXECUTIVE SESSION**

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

Upon a motion by Councilwoman Davis, seconded by Councilman Palmer, the council voted unanimously to go into executive session to discuss “Acquisition of Property”.

Upon a motion by Councilman Jennings 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 DECISIONS**

Upon a motion by Councilman L. Bryan and a second by Councilman Whittington, the council voted unanimously to reconsider City Council action of September 2, 2014, authorizing the Mayor to request acquisition of right-of-way from Mississippi Department of Transportation of East Main Street (MS Highway 6/MS Highway 178) from U. S. Highway 45 to Hillsdale Drive.

Upon a motion by Councilman L. Bryan and a second by Councilman Whittington, the council voted unanimously to amend the City Council action of September 2, 2014, regarding this issue and authorize the Mayor to request acquisition of right-of-way from the Mississippi Department of Transportation of East Main Street (MS Hwy. 6/178) from Briar Ridge Road to Hillsdale Drive and accept the turn back of this section of SR 178 (East Main Street) described as 0.73 miles from the intersection of Briar Ridge Road east to Hillsdale Drive and as more particularly depicted in the plan and profile of SR 178 attached to Mississippi Department of Transportation correspondence of November 11, 2014.

**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 to adjourn the regular meeting at 7:00 p.m.

\_\_\_\_\_  
PRESIDENT

ATTEST:

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

APPROVED:

\_\_\_\_\_  
MAYOR

