

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

APRIL 21, 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, April 21, 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.

Councilman Jennings asked Fire Chief Thomas Walker to lead the invocation, and the Pledge of Allegiance was led by Girl Scout Lauren Atterberry.

**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**

Councilman Palmer moved to confirm the agenda and agenda as presented; the motion was seconded by Councilman Whittington and unanimously approved by a vote of the council.

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

IN THE MATTER OF RECOGNITION OF BOY/GIRL

SCOUTS

Councilwoman Davis introduced approximately fourteen Girl Scouts from Troop #20503 sponsored by Peoples Community Church, together with their Troop Leader Hazel Renea Triplett. Mayor Shelton introduced Boy Scout Bryson Franks, member of Troop #85 sponsored by All Saints Episcopal Church, who was present with his father, Ray Franks.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Shelton presented a Certificate of Appreciation to Captain Terry Sanford of the Tupelo Police Department for his 20 years of dedicated service to the citizens of Tupelo.

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IN THE MATTER OF PUBLIC RECOGNITIONS

Councilwoman Davis announced that a meeting of Revive Tupelo is scheduled for Sunday, April 26, 2015, at the King's Gate Worship Center. The dinner and fellowship will begin at 5:30 p.m. with worship services beginning at 6:30 p.m.

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF "EARTH DAY"

Sherrie Cochran, Environmental Planner, accepted a proclamation from Mayor Shelton declaring April 22, 2015, as “Earth Day” in the City of Tupelo. Extraordinary challenges such as global health issues, good water and water shortages, and economic struggles are facing the global community. A green economy can be achieved on an individual level through educational efforts, public policy, and consumer activism campaigns. “Earth Day” is the beginning of a new year for environmental stewardship commitments, to implement sustainability efforts and to commit to an “Earth Day” resolution. The proclamation urges all citizens, businesses and institutions to use this day to celebrate the earth and to commit to building a sustainable and green economy.

IN THE MATTER OF MAYOR’S REPORT

The Mayor’s report consisted primarily of both past and upcoming events scheduled in the city:

...Saturday, April 11, 2015, a fishing rodeo and Color Vibe Run were enjoyed by many attendants.

...Saturday, April 25, 2015, the John Servati Memorial Shockwave Invitational is scheduled at the Tupelo Aquatic Center, and the Noleput is set to kick off at the Ice House.

...April 28, 2015, the American Legion has scheduled groundbreaking ceremonies at 9:30 a.m. on Legion Lake Road behind the Reed’s Mansion. A Tornado Remembrance Ceremony will be held at Cedar Grove Pentecostal Church beginning at 11:30 a.m. An outstanding photographic display created by Pat Caldwell will be presented at 2:00 p.m. at Fairpark. The Joyner Neighborhood Association will hold a meeting beginning at 6:30 p.m. at Rob Leake Park.

Mayor Shelton reminded the citizens of the school bond issue to be voted on Tuesday, April 28, 2015.

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

5. PUBLIC AGENDA

5.1 APPEALS

Appeal of Planning Committee decision regarding application to rebuild a non-conforming building at 4015 North Gloster –
Mr. Howard Davenport

Mr. Howard Davenport, 2320 South Cla-Wood, appeared to appeal the decision of the Planning Committee at the April 6, 2015, meeting to deny his application for approval to rebuild a non-conforming building at 4015 North Gloster Street. This issue will be considered by the City Council later in this meeting.

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

6. ACTION AGENDA

(No items)

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF

REGULAR CITY COUNCIL MEETING

Upon a motion by Councilman Beard, seconded by Councilman Palmer, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, April 7, 2015.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilwoman Davis, 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 L. Bryan, Beard, Davis and Palmer:

Check Nos. 129149 through 129521 (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.

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IN THE MATTER OF REVIEW/APPROVE FY2015 BUDGET REVISION #6

Upon a motion by Councilwoman Davis, seconded by Councilman Whittington, the council voted unanimously to approve FY 2015 Budget Revision #6, a copy being attached hereto as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION

TO APPLY FOR LWCF (LAND & WATER CONSERVATION FUND) GRANT

Terri Blissard, Grant Administrator, had submitted a request to the Mayor and City Council to approve a resolution to apply for a Land and Water Conservation Fund grant in the amount of \$150,000 through the Mississippi Department of Wildlife, Fisheries and Parks. This funding is sought for the purpose of defraying costs of the splash pad planned for Theron Nichols Park. There is a one-to-one match requirement for this grant, but adequate funding has already been budgeted for the match, according to Ms. Blissard.

Upon a motion by Councilman Beard, seconded by Councilman L. Bryan, the council voted unanimously to approve a Resolution of Authorization to Submit Land and Water Conservation Fund Application and Commitment of Funds for the purpose of building a splash pad at Theron Nichols Park. An executed copy of the same is attached to these minutes as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTION TO APPLY FOR BULLETPROOF VEST PARTNERSHIP GRANT

According to memorandum dated April 16, 2015, from Terri Blissard, Grant Administrator, the U. S. Department of Justice has announced that funding is now available through its Bulletproof Vest Partnership Program. Under the terms of the program, 50% of the cost of each vest purchased is reimbursable through grant funds.

The police department has previously utilized this funding source for vest purchases and would like to do so again. This year the department wishes to apply for \$6,500 in federal funds, which

is approximately half the cost of twenty-three vests.

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 2015 Bulletproof Vest Partnership Grant Application requesting \$6,500 under the Bulletproof Vest Partnership Program for purchase of vests by the Tupelo Police Department. An executed copy of this resolution is attached to these minutes as APPENDIX C.

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IN THE MATTER OF REVIEW/APPROVE
MEMORANDUM OF AGREEMENT FOR DEVELOPMENT
INFRASTRUCTURE PROGRAM (DIP) GRANT

Upon a motion by Councilman Whittington and a second by Councilman L. Bryan, the council voted unanimously to approve a Memorandum of Agreement between the City of Tupelo, Mississippi, and Kellex Corporation to apply for a Mississippi Development Infrastructure Program (DIP) Grant. The City of Tupelo and Kellex are required to take this action specifying the terms and conditions of the relationship of the recipient of the grant (the City of Tupelo) and the Kellex Corporation. The city desires Kellex to increase employment opportunities by locating their operations here and is in the process of applying for the DIP grant to secure the location or expansion of the company, and for the purpose of upgrading the roof and building facilities.

An executed copy of this Memorandum of Agreement setting forth responsibilities of both the City of Tupelo and Kellex

Corporation in this matter is attached to these minutes and incorporated herein as **APPENDIX D.**

IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR JOYNER SPLASH PAD PROJECT AND AUTHORIZE MAYOR TO EXECUTE CONSTRUCTION CONTRACT FOR SAME

At the request of Council President Bryan, Councilman Palmer moved to table this item. The motion was seconded by Councilman Whittington and unanimously approved by a vote of the council.

IN THE MATTER OF REVIEW/RATIFY CONSTRUCTION CONTRACT BETWEEN CITY AND CIG CONTRACTORS FOR TUPELO AQUATIC CENTER STORAGE BUILDING

At the regular City Council meeting of April 7, 2015, the City Council had awarded the bid for the Tupelo Aquatic Center Storage Building to CIG Contractors, Corinth, Mississippi, as the lowest and best bid at \$122,800, as recommended by JBHM Architects, P.A., and Alex Farned, Director of the Tupelo Parks and Recreation Department.

A construction contract has now been presented to the City Council and upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously to ratify a construction contract between the City of Tupelo and CIG Contractors for the project, Tupelo Aquatic Center Storage Building. A copy of this contract is attached hereto as **APPENDIX E.**

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**IN THE MATTER OF REVIEW/ACCEPT/REJECT
PLANNING COMMITTEE'S DECISION REGARDING MR.
HOWARD DAVENPORT'S APPLICATION FOR
FLEXIBLE USE APPROVAL TO REBUILD A NON-
CONFORMING STRUCTURE**

The Planning Committee at their April 6, 2015, meeting had voted unanimously to deny Mr. Howard Davenport's application for approval to rebuild his building at 4015 North Gloster Street. The building had been heavily damaged by fire earlier this year. Mr. Davenport had appealed the matter to the City Council and had addressed the Council earlier in this meeting, requesting a reversal of the Planning Committee's decision. The Council had considered the matter at length at the agenda review on Monday, April 20, 2015.

Councilman Palmer moved to reject and reverse the Planning Committee decision denying flexible use approval and award the flexible use approval, rendering the following findings in support of the Council's decision to do so. The motion was seconded by Councilwoman Davis and unanimously passed by a vote of the Council.

Findings in support of the City Council's decision follow:

- (1) Adopt Planning Committee's Development Code 14.5
- (2)(a)(i)(ii)(iii)(vi) findings.
- (2) Find that the proposed landscaping plan will improve the general appearance of the site and minimize the negative impacts on adjoining properties and other properties in the neighborhood in accordance with Development Code 14.5
- (2)(a)(iv).
- (3) Find that in conjunction with the findings of

Development Code 14.5 (2)(a)(i) and (ii) that the building used as office space is likely to generate less traffic, and adequate parking and access is readily available for such use, the impact of the nonconformity will be minimal upon adjoining properties, other properties in the neighborhood and the purposes and the use of the district in which the property is located.

(4) Find that the possible detriment to the owner of the nonconformity is significant, leaving him with a vacant lot and no use for the property except for a sale of the property as a part of an overall sale of adjoining properties which he does not own, all in accordance with Development Code 14.5 (2)(b)(i).

(5) Find that the general public will have no more detriment than it had prior to the destruction of the building and the benefit to the public of adding a taxable building as opposed to a vacant lot is in the best interests of the general public in accordance with Development Code 14.5 (2)(b)(ii).

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

Upon a motion by Councilman Palmer, seconded by Councilman Beard, the council voted unanimously to accept the minutes of the Planning Committee meeting of April 6, 2015, as to Items 2 and 4, only. Item 1 was tabled at that meeting and Item 3 is listed as a separate item on this City Council agenda. A copy of the minutes of the Planning Committee meeting is attached to these minutes and made a part hereof as **APPENDIX F**.

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

Upon a motion by Councilwoman Davis, seconded by Councilman Jennings, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of March 9, 2015, a copy being attached hereto as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO ACCEPT UNMARKED POLICE VEHICLE

Tupelo Police Chief Bart Aguirre had submitted a request to the City Council to accept a vehicle as unmarked and tagged accordingly. The vehicle, a 2012 Ford F150 Gray, VIN 1FTFX1CT7CKD45102, operates within the SCU team which often needs to be discreet for investigation purposes. This unmarked vehicle will reduce the attention drawn toward it in these situations. As required by Mississippi state law, the City Council must authorize this action. Upon a motion by Councilman Whittington, seconded by Councilman Beard, the council voted unanimously to grant the request of Chief Aquirre in having the above described vehicle unmarked in its use by the Police Department.

IN THE MATTER OF REVIEW/APPROVE “SERVICE PRACTICE STANDARDS” FOR TUPELO WATER & LIGHT DEPARTMENT

Upon a motion by Councilman Whittington, seconded by Councilman Palmer, the council voted unanimously to approve a City of Tupelo Water & Light Department Service Practice Standards, Schedule of Rules, Regulations and Fees for Utility Service, as requested by Johnny Timmons, Manager. According to Mr. Timmons, these standards have been reviewed and approved by the Tennessee Valley Authority. A copy of the document is attached to these minutes and incorporated herein as **APPENDIX H.**

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8. STUDY AGENDA

No items on the Study Agenda.

9. EXECUTIVE SESSION

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

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to go into executive session to discuss the following issues upon advice of City Attorney Logan:

- (1) Pending Litigation
- (2) Prospective Purchase of Property
- (3) Update on Pending Lease

Upon a motion by Councilman Jennings, 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 business to come before the City Council, upon a motion by Councilman Beard, seconded by

Councilman Palmer, the council voted unanimously to adjourn the regular City Council meeting at 8:00 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR