

7.1

MUNICIPAL MINUTES, CITY OF TUPELO

STATE OF MISSISSIPPI

AUGUST 4, 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, August 4, 2015, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Travis Beard, Nettie Y. Davis, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council. President Buddy Palmer was absent.

The invocation was led by U. S. Representative Trent Kelly, followed by the Pledge of Allegiance led by Councilman Travis Beard.

IN THE MATTER OF CALLING THE MEETING TO ORDER

Vice-President Lynn Bryan called the regular City Council meeting to order at 6:00 p.m. in the absence of President Palmer.

IN THE MATTER OF CONFIRMATION OR

AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Councilman Whittington, seconded by Councilman Mike Bryan, the council voted unanimously of those present to confirm the agenda and agenda order as presented.

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 citizens of the City of Tupelo:

Capt. Brian Benson Tupelo Fire Department 20 years

Capt. Remeco Traylor Tupelo Fire Department 20 years

IN THE MATTER OF PUBLIC RECOGNITIONS

No public recognitions were made by the City Council.

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IN THE MATTER OF REMARKS BY U. S REPRESENTATIVE TRENT KELLY

Councilwoman Nettie Davis had invited Representative Trent Kelly to attend the Council meeting tonight. He thanked her for the invitation and was glad to be present since Tupelo had been such a large part of his life. Congressman Kelly went to work for the City of Tupelo as Prosecutor in 1999. Today he had visited Camp Shelby with Governor Phil Bryant regarding the future of the U. S. Army. He said he went there as our Congressman because this matter is so important that we maintain the 155th Brigade headquartered here in Tupelo. The 155th is one that is on the "chopping block" according to him. He stated the Apache Unit and our fine aviation support facility are such a big economic driver in this area. What makes him love Tupelo, he said, is we truly are an "All America City". He had attended the National Association Water Conservation District conference recently and he had stated to them what a fine place this was and how happy we were to have them here in Tupelo.

IN THE MATTER OF MAYOR'S REPORT

Following are excerpts from Mayor Shelton's report for this meeting:

... The USA Swimming Southern Zone Swim Meeting is on-going at the Tupelo Aquatic Center, Tuesday through Saturday this week.

... Fan Appreciation Day is scheduled at the Elvis Presley Birthplace for August 8, 2015, beginning at 10:00 a.m.

... All kids are headed back to school this week and he wished all of them a great school year.

... On August 13, 2015, at 11:00 a.m. an Elvis Presley Stamp Presentation is scheduled at the Elvis Presley Birthplace.

(Vice-President Bryan then 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, 2015,

AND ENDING SEPTEMBER 30, 2016

The following individuals addressed the City Council in regard to this matter:

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Jeff Tomlinson, Director, Lee County Library

Richard Babb, Board Member, Regional Re-Habilitation Center

Donna Jarrel, Tupelo Lee Humane Society

5.1.B LOT MOWING OF PROPERTIES

Attorney for Wells Fargo appeared to address the City Council in regard to property located at 413 North Joann Street, stating that the property had been deeded to Housing and Urban Development (HUD).

5.2 CITIZENS' HEARINGS

**5.2.A DISCUSSION REGARDING HOMELESS POPULATION IN THE
CITY – BROOKE MAGERS**

No one appeared to address this matter.

5.2.B DISCUSSION REGARDING MISSISSIPPI STATE FLAG – JARROD BAKER

Mr. Baker was not present but it was announced that he would be allowed to speak at the next regular City Council meeting on Tuesday, August 18, 2015.

(Vice-President Bryan closed the Public Agenda and the City Council returned to the regular meeting.)

6. ACTION AGENDA

IN THE MATTER OF REVIEW/ADOPT DEVELOPMENT CODE TEXT AMENDMENTS

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously of those present to table this issue.

IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS FOR GRANTING AD VALOREM TAX EXEMPTIONS TO THE FOLLOWING COMPANIES

(A) LEGGETT & PLATT, INC., COMPONENT COMPANY #0011

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to approve a Resolution of the City Council of the City of Tupelo

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Granting Exemption from Ad Valorem Taxes to Leggett & Platt, Inc., Component Company #0011. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of nine (9) years beginning on January 1, 2016, due to the untimely request for 2014 and subsequent request in 2015, and 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 A.

(B) LEGGETT & PLATT, INC., COMPONENT COMPANY #0341

Upon a motion by Councilman M. Bryan and a second by Councilman Jennings, the council voted unanimously of those present to approve a Resolution of the City Council of the City of Tupelo Granting Exemption from Ad Valorem Taxes to Leggett & Platt, Inc., Component Company #0341. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of nine (9) years beginning on January 1, 2016, due to the untimely request for 2014 and subsequent request in 2015, and 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.

7. ROUTINE AGENDA

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

Upon a motion by Councilman M. Bryan, seconded by Councilman Beard, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, July 21, 2015.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously of those present to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan and Beard:

Check Nos. 317793 through 318176 (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 FY 2015 BUDGET REVISION #10

Upon a motion by Councilman M. Bryan and a second by Councilman Jennings, the council voted unanimously of those present to approve FY 2015 Budget Revision #10, a copy being attached to these minutes and incorporated herein as APPENDIX C.

IN THE MATTER OF REVIEW/APPROVE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FOR DAYBRITE PROJECT

Terri Blissard, Grant Administrator, had submitted by memorandum dated July 28, 2015, to the Mayor and City Council a grant contract from the Mississippi Development Authority for a Community Development Block Grant (CDBG) for funding in the amount of \$906,103 for roof repairs at Daybrite. The grant requires a one-to-one match, which will be provided by Daybrite.

Upon a motion by Councilwoman Davis, seconded by Councilman Jennings, the council voted unanimously of those present to ratify this grant contract between the City of Tupelo and the Mississippi Development Authority for this funding. A copy of said contract is attached to these minutes and made a part hereof as APPENDIX D.

IN THE MATTER OF REVIEW/APPROVE SELECTION OF ENGINEERING REQUEST FOR PROPOSAL (RFP) FOR DAYBRITE CDBG PROJECT

By memorandum dated July 28, 2015, to the Mayor and City Council, Terri Blissard, Grant Administrator, advised that the City of Tupelo had recently advertised for proposals from engineers interested in managing the Daybrite roofing project which will be partially funded with a Community Development Grant. (See preceding minute entry.) As a result of the advertising, three companies submitted timely RFP's. A three-member committee reviewed the proposals and selected Cook Coggin Engineers, Inc. as the company best suited for the project.

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve the committee's recommendation of Cook Coggin Engineers, Inc. for engineering services for this project. A copy of this company's RFP is attached to these minutes and made a part hereof as APPENDIX E.

IN THE MATTER OF REVIEW/APPROVE ENGINEERING CONTRACT WITH COOK COGGIN ENGINEERS, INC. FOR DAYBRITE CDBG PROJECT

Terri Blissard, Grant Administrator, had submitted an Agreement for Engineering Services with Cook Coggin Engineers, Inc. for engineering services for the Daybrite roofing project. The City Council

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had approved this company's Request for Proposal for this project in the preceding minute entry. The project is partially funded through a Community Development Block Grant (CDBG), and the remainder of the cost will be borne by Daybrite. Upon a motion by Councilman Jennings, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve the Agreement for Engineering Services between the City of Tupelo, Mississippi, and Cook Coggin Engineers, Inc. for this project, a copy being attached to these minutes and made a part hereof as APPENDIX F.

IN THE MATTER OF REVIEW/APPROVE THREE RIVERS ADMINISTRATION CONTRACT FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

Terri Blissard, Grant Administrator, had presented a contract from Three Rivers Planning & Development District for administration services for the Daybrite CDBG project. CDBG projects are managed by local planning and development districts for a standard fee determined by Mississippi Development Authority guidelines. This fee is paid with grant funds and will not be a cost for the City of Tupelo, but because the City is considered the grantee for the Daybrite CDBG grant, Three Rivers administration contract must be approved by the Tupelo City Council.

Upon a motion by Councilman Beard and a second by Councilwoman Davis, the council voted unanimously of those present to approve the contract between the City of Tupelo, Mississippi, and the Three Rivers Planning & Development District for this CDBG grant project. An executed copy of same is attached to these minutes as APPENDIX G.

IN THE MATTER OF REVIEW/APPROVE DAYBRITE COMMUNITY DEVELOPMENT BLOCK GRANT PROCEDURAL RESOLUTIONS

Terri Blissard, Grant Administrator, had submitted four (4) procedural resolutions required by the Mississippi Development Authority as a condition of acceptance of Community Development Block Grant funding from the MDA for the Daybrite project.

Upon a motion by Councilman M. Bryan and a second by Councilman Beard, the council voted unanimously of those present to approve the four resolutions listed below:

- (A) Code of Standards of Conduct Resolution
- (B) Section 3 – Plan Resolution
- (C) Minority/Women Business Enterprises Policy Resolution
- (D) Fair Housing Resolution

Executed copies of above four resolutions are attached to these minutes as APPENDIX H:

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

Councilwoman Davis moved to approve a listing of lot mowings dated August 4, 2015, which had been 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 Beard and unanimously passed by a vote of the council members present. A public hearing had been held on this matter earlier in the council meeting with no one appearing to address the properties listed. A copy of the same is attached to these minutes and made a part here of as APPENDIX I.

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

Upon a motion by Councilman Jennings and a second by Councilman Whittington, the council voted unanimously of those present 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: William P. III & Mollie J. Brannigan; Kevin Boutin (5 properties); Steven Mayhorn; Beatrice Cunningham Estate; Carlene Lowe; Alfred T. Eichler, Jr.; Matthew L. Queen; Arlie Mae Sims; Diarra Giddens; Megan Richardson; Charley Witherspoon; James W. Simmons, Jr., and Ashley D. Tutor; Roberta and Bennie Moore; WEA Investments, LLC.

IN THE MATTER OF REVIEW/APPROVE GRANT AGREEMENT FOR TUPELO AIRPORT AUTHORITY

Upon a motion by Councilman M. Bryan and a second by Councilman Beard, the council voted unanimously of those present to approve a Grant Agreement between the City of Tupelo, Mississippi, and the Tupelo Airport Authority and the United States Federal Aviation Administration. The Tupelo Airport Authority submitted to the Federal Aviation Administration (FAA) a project application on July 1, 2015, for a grant of Federal funds for a project at the Airport (AIP Grant Number 3-28-0070-040-2015). The FAA has approved the project consisting of Runway 18/36 Sealcoat and Remarketing Project; Airport Perimeter Fence Erosion Stabilization Project.

The amount of the grant funding is \$440,390 with the local share being .025% which the Tupelo Airport will fund and with no City of Tupelo funding provided. An executed copy of the Grant Agreement is attached to these minutes and incorporated herein as APPENDIX J.

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

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously of those present to award the following bid for the Tupelo Water and Light Department as recommended by Manager Johnny Timmons:

Bid No. 1380WL – 15 kV, 500 MCM Copper Primary URD Cable (min. 5,475') to the low qualified bid submitted by Utility Power in the amount of \$10.95 per foot. The total price amounts to \$59,951.25. A copy of the bid package is attached to these minutes as APPENDIX K.

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDERS FOR THE FOLLOWING:

(A) TUPELO SRF FY13 SEWER SYSTEM IMPROVEMENTS – AREA 1 – BEECH SPRINGS – CHANGE ORDER NO. 2

Upon a motion by Councilman M. Bryan and a second by Councilman Jennings, the council voted unanimously of those present to approve Tupelo SRF FY 13 Sewer System Improvements – Area 1 – Beech Springs – Change Order No. 2. This change order will add 52 days to the contract completion date of this project with a revised completion date of November 19, 2015.

(B) TUPELO SRF FY13 SEWER SYSTEM IMPROVEMENTS – AREA 2 NORTH – INDIAN HILLS – CHANGE ORDER NO. 1

Upon a motion by Councilwoman Davis and a second by Councilman Beard, the council voted unanimously of those present to approve Tupelo SRF FY13 Sewer System Improvements – Area 2 North – Indian Hills – Change Order No. 1. This change order will add 45 days to the contract completion date of this project with a revised completion date of October 20, 2015.

(C) TUPELO SRF FY13 SEWER SYSTEM IMPROVEMENTS – AREA 2 – AUBURN – CHANGE ORDER NO. 1

Upon a motion by Councilman Jennings, seconded by Councilman M. Bryan, the council voted unanimously of those present to approve Tupelo SRF FY13 Sewer System Improvements – Area 2 – Auburn – Change Order No. 1. This change order will add 52 days to the contract completion date of this project with a revised completion date of October 22, 2015.

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According to Mr. Timmons, these change orders are necessary due to inclement weather and lost work days. He has reviewed the same and recommends their approval. Copies are attached hereto as APPENDIX L.

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

Upon a motion by Councilman M. Bryan, seconded by Councilman Beard, the council voted unanimously of those present to award the following bid as submitted by the Tupelo Public Works Department. Only one bidder responded and Chuck Williams, Director of the Department, recommends that the bid be awarded:

Bid 1382PW Supplier of Hot Bituminous Pavement Surface Mix and Binder Mix

Recommendation: APAC-Mississippi

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

IN THE MATTER OF REVIEW/APPROVE AGREEMENT BETWEEN CITY OF TUPELO AND BLUE SOMBRERO FOR USE OF SOFTWARE BY TUPELO PARKS AND RECREATION DEPARTMENT

Alex Farned, Director of the Tupelo Parks and Recreation Department, had submitted a request to the Mayor and City Council that his Department be allowed to enter into an agreement to use Blue Sombrero as a software service for all athletic registrations. Blue Sombrero will collect registration fees for all sports and deposit these every two weeks into the general fund bank account, minus the credit card fees. Credit card fees are: 2.8% for VISA/MC and 3.4% for American Express. According to Mr. Farned, this service can be terminated at any time.

Upon a motion by Councilman Beard and a second by Councilman Whittington, the council voted unanimously of those present to approve the agreement between the City of Tupelo and Blue Sombrero to use its software service for the Tupelo Parks and Recreation Department.

8. STUDY AGENDA

No items on the Study Agenda.

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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 Jennings, the council voted unanimously of those present to adjourn the regular meeting at 6:45 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR

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AUGUST 11, 2015

Be it remembered that a special called meeting of the Mayor and City Council was held in the Council Chambers at the City Hall Building on Tuesday, August 11, 2015, at 4:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Travis Beard, Nettie Y. Davis, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council. President Buddy Palmer was absent.

NOTICE: CALL FOR A SPECIAL MEETING
OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF TUPELO, MISSISSIPPI

STATE OF MISSISSIPPI

COUNTY OF LEE

CITY OF TUPELO

TO: MARKEL WHITTINGTON, LYNN BRYAN, TRAVIS BEARD, NETTIE Y. DAVIS, BUDDY PALMER, MIKE BRYAN, WILLIE JENNINGS, CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI

You are hereby notified that a special meeting of the Mayor and City Council of the City of Tupelo, Mississippi, is hereby called to meet in the City Hall Council Chambers, 2nd Floor, 71 East Troy Street, in the City of Tupelo, Mississippi, on Tuesday, August 11, 2015.

TIME: 4:00 P.M.

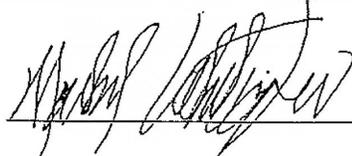
The object of said meeting, being called pursuant to Miss. Code Section 21-8-11, is to discuss and act upon the following matter(s) of business:

EXECUTIVE SESSION – PURCHASE PROPERTY

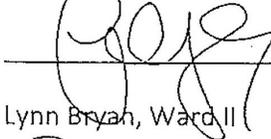
This call issued on this, the 10th day of August, 2015, at 2:00 p.m.

/s/ Jason L. Shelton, Mayor

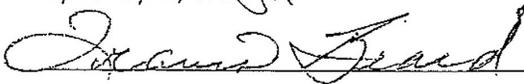
We, the undersigned Council Members of the City of Tupelo, Mississippi, hereby acknowledge personal service of the call for a Special Meeting on Tuesday, August 11, 2015, at 4:00 p.m. and a copy of said call at least three (3) hours before the time specified for said meeting:



Markel Whittington, Ward I



Lynn Bryan, Ward II



Travis Beard, Ward III



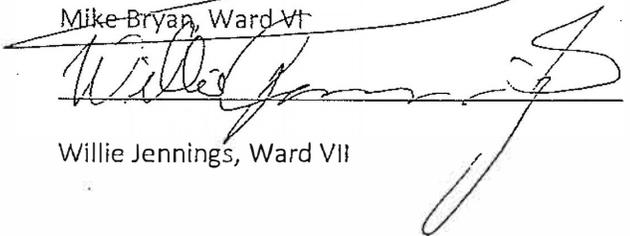
Nettie Y. Davis, Ward IV



Buddy Palmer, Ward V



Mike Bryan, Ward VI



Willie Jennings, Ward VII

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IN THE MATTER OF CALLING THE MEETING TO ORDER

Vice-President Lynn Bryan called the special called meeting to order at 4:00 p.m. in the absence of President Buddy Palmer.

IN THE MATTER OF DETERMINATION OF NEED FOR EXECUTIVE SESSION

Upon a motion by Councilman Whittington, seconded by Councilman Mike Bryan, the council voted unanimously of those present to close the meeting to determine the need for an executive session.

Upon a motion by Councilman Jennings, seconded by Councilwoman Davis, the council voted unanimously of those present to go into executive session to discuss the matter of final negotiations for purchase by City of Tupelo of the North Lee Water Association as advised by legal counsel.

Upon a motion by Councilman Jennings and a second by Councilman Whittington, the council voted unanimously of those present to come out of executive session and return to the open session with no action to be taken.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, Councilwoman Davis moved that the special called meeting be adjourned; the motion was seconded by Councilman M. Bryan and unanimously approved by a vote of the council members present.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR