

7.1

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI
FEBRUARY 16, 2016

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, February 16, 2016, 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 Councilman Travis Beard, followed by the Pledge of Allegiance led by Councilman Lynn Bryan.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Palmer 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 L. Bryan and a second by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, as amended:

MOVE: #7.8 Demolition of Property Located at 854 N. Gloster St.
For Consideration after Study Agenda

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

Mayor Shelton introduced Boy Scouts J. T. Grist and Jimmy Grist who are working on their Community Service badges. They are members of Boy Scout Troop #85.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

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

Judy Swords	BancorpSouth Arena	10 years
Martha Swinney	BancorpSouth Arena	10 years
Lt. Timothy Bell	Tupelo Police Department	20 years

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IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by City Council members:

... Councilwoman Davis – Announced that Chris Gillard, a graduate of Tupelo High School, had recently been named Director of the Mississippi Highway Patrol. She stated he was a native of Tupelo and felt this to be a great honor to have been selected.

... Councilwoman Davis – Ms. Davis had attended an excellent program at Tupelo High School in commemorating “Black History Month” during February. She said the program was well received and well attended by both students and citizens. She expressed her thanks to Tupelo High School for this presentation.

... Councilman Beard – Councilman Beard announced that at the Friday night Tupelo High School basketball game, Mr. Russell Copeland, former football player at Tupelo High, was recognized. As a result of Super Bowl “50” being played this year, every high school who had a student athlete who had played in a Super Bowl received a gold football in honor of the 50th Super Bowl. Russell was responsible for Tupelo High School having been presented one of these mementoes.

IN THE MATTER OF PROCLAMATION IN RECOGNITION OF “SALVATION ARMY EMPTY BOWLS DAY”

Since 1990 when an art teacher in Michigan helped students solve a problem to support a food drive, a project emerged which has become an event held throughout the world as “Salvation Army Empty Bowls Day”. Millions of dollars have been raised to combat hunger. This event shares the goals of The U. S. Committee of the World Food Day to build public will and increase awareness in the fight against hunger. The proclamation read and presented by Mayor Shelton proclaims Wednesday, March 2, 2016, as “Salvation Army Empty Bowls Day” in the City of Tupelo and urges all citizens to attend this important event. Several members of the Salvation Army Auxiliary were on hand to accept the Proclamation from Mayor Shelton and presented him with an apron so he can assist with serving on that date.

IN THE MATTER OF MAYOR’S REPORT

Mayor Shelton stated that he, too, had attended the Black History Program at Tupelo High School together with Councilwoman Nettie Davis this week.

The remainder of his remarks centered on the robust economy the city is enjoying at present with over \$200 million in new construction over the last couple of years. He, also, stated we are on the cusp of a residential boon as well as many millions of dollars

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going into commercial endeavors. The sales tax receipts for the month of February set a record as the largest single month of sales tax collection in the history of the City of Tupelo. Seven consecutive months of sales tax increases puts the city on track to break last year's record number. Receipts are up 2.76% through the first five months of FY 2016. He gave Kim Hanna, Chief Financial Officer, credit for the great financial shape the city finds itself. Since the present City Council and Administration took office and adopted the excess revenue transfer policy, 5.6 million dollars has been transferred to the city's capital fund. The creation of the State's first municipal reserve system allows the city to protect the "rainy day" fund while continuing to meet the needs of Tupelo. He commended the City Council for their action in creating this reserve system with no increase in taxes and leaving the "rainy day" fund untouched.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

**5.1.A PUBLIC HEARING ON PRIORITIES FOR
PHASE VI – TUPELO MAJOR THOROUGHFARE
PROGRAM**

(NO ONE APPEARED TO ADDRESS THIS ISSUE.)

**5.1.B PUBLIC HEARING ON DEMOLITION OF
PROPERTY LOCATED AT 1155 WEST
JACKSON STREET**

(A REPRESENTATIVE OF WELLS FARGO APPEARED AND SPOKE TO THE COUNCIL REGARDING THIS MATTER. THE ISSUE APPEARS LATER ON THIS AGENDA FOR THE COUNCIL'S CONSIDERATION.)

5.2 CITIZEN'S HEARING

**5.2.A SUNTANNA FLEMMINGS – LIFE SAVER
EMPOWERMENT GROUP**

(MS. FLEMMINGS APPEARED BEFORE THE COUNCIL TO ADVISE THAT THIS GROUP HAS SCHEDULED A "STOP THE VIOLENCE" PARADE IN FAIRPARK IN MAY.)

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(President Palmer then closed the Public Agenda and the City 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 Jennings, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, February 2, 2016.

IN THE MATTER OF REVIEW/PAY BILLS

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

Check Nos. 322848 through 323234 (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 FY 2016 BUDGET REVISION #3

Upon a motion by Councilman L. Bryan, seconded by Councilman M. Bryan, the council voted unanimously to approve FY 2016 Budget Revision #3, a copy being attached hereto as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE RESOLUTIONS FOR WEST TUPELO CDBG SEWER PROJECT

Upon a motion by Councilman M. Bryan and a second by Councilman Beard, the council voted unanimously to approve the following document in connection with the West Tupelo CDBG Sewer Project:

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- (A) **CODE OF STANDARDS OF CONDUCT FOR LOCAL UNITS OF GOVERNMENT**

A copy is attached to these minutes and made a part hereof as **APPENDIX B.**

Upon a motion by Councilwoman Davis, seconded by Councilman Whittington, the council voted unanimously to approve the following document in connection with the West Tupelo CDBG Sewer Project:

- (B) **RESOLUTION ESTABLISHING GOALS FOR MINORITY-AND WOMEN-OWNED BUSINESS PARTICIPATION IN CDBG PROJECTS**

A copy of this resolution is attached hereto and incorporated into these minutes as **APPENDIX C.**

Terri Blissard, Grant Administrator, advised the Mayor and City Council by memorandum dated February 11, 2016, that the City Council has passed similar resolutions at the initiation of previous CDBG projects, and the above resolutions are simply updated versions of those documents, which must be approved prior to the release of CDBG funds.

IN THE MATTER OF REVIEW/APPROVE DEMOLITION OF PROPERTY LOCATED AT 1155 WEST JACKSON STREET

Councilman L. Bryan moved to approve a request for demolition of certain property located at 1155 West Jackson Street which had been submitted by the Department of Development Services as being in such a state of uncleanness and disrepair as to be a menace and hazard to public health, safety and welfare of the community. By this action the Tupelo Public Works Department is authorized to demolish the structure and invoice the owner and place a lien on the property if the owner does not pay for the demolition. The motion was seconded by Councilman M. Bryan.

By memorandum dated January 22, 2016, Debra Byrd, Code Enforcement Manager, had advised that due diligence has been done in this case. A Public Hearing had been held earlier in this meeting with a representative of Wells Fargo appearing to address the matter. A copy of Public Hearing Notice and the entire case file is attached to these minutes and incorporated herein as **APPENDIX D.**

Vote on the motion to approve demolition of this property was unanimous.

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IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR WEST JACKSON STREET DEVELOPMENT AREA 1 PROJECT

After receipt and opening of bids on the West Jackson Street Redevelopment Area 1, Cook Coggin Engineers, Inc. checked and tabulated the bids. The low base bid was submitted by Eubank Construction Co., Inc. of Booneville, Mississippi, in the amount of \$334,464.00. The bid for Additive Alternate 1 was \$13,250.00. The bid for Additive Alternate 2 was \$10,000.00. CCE recommended that the base bid with Additive Alternates 1 & 2 be awarded as set out above.

Upon a motion by Councilman M. Bryan, seconded by Councilwoman Davis, the council voted unanimously to award the base bid as well as Additive Alternates 1 & 2 for the West Jackson Street Development Area 1 Project to Eubank Construction Co., Inc., as recommended by CCE.

A copy of the bid package is attached hereto as **APPENDIX E.**

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

Upon a motion by Councilman L. Bryan, seconded by Councilman Beard, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of January 2, 2016, a copy being attached hereto as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE INCREASE IN FEE TO RECONNECT SERVICE AFTER REGULAR HOURS BY TUPELO WATER AND LIGHT DEPARTMENT

Johnny Timmons, Manager of the Tupelo Water and Light Department, had submitted a letter to the Mayor and City Council asking approval for the Tupelo Water and Light Department to increase its fee to reconnect service after regular hours from \$40.00 to \$75.00. This increase is necessary due to labor and equipment costs. After approval, this fee change will take effect on March 17, 2016.

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the request to raise this fee from \$40.00 to \$75.00 for after-hours service.

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

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

Bid No. 1398WL – Water System Improvements – Area 5(A) West Tupelo (Main Street to Hwy. 78) to the low qualified bid submitted by AMG Construction, Inc. in the amount of \$1,615,824.67. This bid was, also, recommended by Cook Coggin Engineers.

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

Bid No. 1399WL – Water System Improvements – Area 5(B) Purnell Road Elevated Water Storage Tank to the low qualified bid submitted by Caldwell Tanks, Inc. in the amount of \$1,192,000. This bid was, also, recommended by Cook Coggin Engineers.

A copy of the bid packages for above awarded bids is attached to these minutes and made a part hereof as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE TRANSFER OF TUPELO WATER AND LIGHT BILLS TO BAD DEBT FILE

Upon a motion by Councilman L. Bryan, 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 \$44,580.08, representing a percentage of loss of .00120% for the period of July 2014 through December 2014. Efforts will continue to be made to collect these accounts even though they have been transferred.

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

Upon a motion by Councilman Beard, seconded by Councilwoman Davis, the council voted unanimously to award the following bid as recommended by the Tupelo Public Works Department:

Bid 1408PW Supplier of Hot Bituminous Pavement Surface Mix and Binder Mix

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Recommendation: APAC-Mississippi (The only bidder responding to request for bids.)

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

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS REQUEST FOR PERMISSION TO REPLACE SIGN IN RIGHT-OF-WAY

Upon a motion by Councilman M. Bryan, seconded by Councilman L. Bryan, the council voted unanimously to suspend the rules and take action on this item at this meeting.

Pat Falkner, City Planner, had advised the Mayor and City Council by memorandum dated February 4, 2016, that Nail McKinney Professional Association had applied for a permit to replace their existing sign. Staff members of the Development Services Department determined that the sign location is actually in the right-of-way of Main Street, the right-of-way at this point being 100 feet wide. The proposed location would be consistent with the location of other signs on the same block. The replacement of the sign does not appear to involve any visibility problem or otherwise affect public health and safety, according to Mr. Falkner.

Upon a motion by Councilman Beard, seconded by Councilman M. Bryan, the council voted unanimously to grant the request of this company to replace the sign in the city's right-of-way.

IN THE MATTER OF REVIEW/ADOPT ORDINANCE ESTABLISHING PRIORITIES FOR PHASE VI – TUPELO MAJOR THOROUGHFARE PROGRAM

At the request of the council, this item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS ABANDONMENT OF BEECH SPRINGS ROAD AT TUPELO CROSSROADS DEVELOPMENT

At the request of the council, this item will be moved to the next agenda.

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ITEM #7.8 – ROUTINE AGENDA

This item had been moved to this point on the agenda at confirmation or amendment of agenda.

**IN THE MATTER OF REVIEW/APPROVE DEMOLITION OF PROPERTY
LOCATED AT 854 NORTH GLOSTER STREET**

This item had been tabled at the January 5, January 19, and February 2, 2016 council meetings.

Upon a motion by Councilman L. Bryan, seconded by Councilman Jennings, the council voted unanimously to close the regular meeting to determine the need for an executive session.

Upon a motion by Councilman L. Bryan, seconded by Councilman M. Bryan, the council voted unanimously to go into executive session upon advice of City Attorney Ben Logan, citing Miss. Code Sec. 25-41-7(4)(b) that the issuance of an appealable order when in open meeting would have a detrimental effect on the litigating position of the City.

Upon a motion by Councilman Jennings, seconded by Councilwoman Davis, the council voted unanimously to come of executive session and return to the regularly-scheduled meeting.

Councilman Whittington moved to bring the item off the table; the motion was seconded by Councilman L. Bryan and unanimously approved by a vote of the council.

Councilman L. Bryan moved to approve demolition of the property located at 854 North Gloster Street, and the motion was seconded by Councilman M. Bryan.

Councilman L. Bryan then offered an amendment to his original motion that the property be adjudicated as a menace to the public health, safety and welfare of the community, with the adjudication becoming effective no later than forty-five (45) days or upon approval by the Small Business Association (SBA) of the sale of the property, whichever occurs first and allowing current lienholder (Coamerica) or new owner to demolish the property no later than ninety (90) days from today's date (February 16, 2016), and conditioned upon reimbursement by the lienholder or new owner to the City of Tupelo of any costs incurred in preparing the property for demolition. This amendment to the original motion was seconded by Councilman M. Bryan, and a discussion followed.

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Councilwoman Davis stated this property had become a menace to adjacent property owners and said she would like to see it demolished as soon as possible. She said it was not only a health issue but was providing some undesirable trafficking through the property and on over into the surrounding neighborhoods.

In support of debate on finding this property a menace to public health, safety and welfare in the community, Development Services Director Shane Hooper listed a number of factors, as follows:

- (1) All photographs, notes, files or other documents are maintained by the Development Services Department.
- (2) All reports, photographs or documents were presented to the City Council on January 5, January 19, February 2 and February 16, 2016.
- (3) The building is over 50% destroyed.
- (4) Unsightly negative image to the neighborhood
- (5) Access to top floors has not been secured.
- (6) Deleterious effect on adjacent and adjoining landowners
- (7) Exposed interior of rooms during late winter and early spring will lead to the breeding of vectors, mold and other pathogens
- (8) Although boarded and secured, the entry onto the premises can still be achieved with some effort by individuals, including children.
- (9) Handrails have been removed on the upper level causing a serious safety hazard.

Vote was then taken on the amended motion, which vote was unanimous.

IN THE MATTER OF ADJOURNMENT

There being no further business to come before the City Council, upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to adjourn the regular meeting at 7:00 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR