

#7.1

MUNICIPAL MINUTES, CITY OF TUPELO

STATE OF MISSISSIPPI

JULY 7, 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, July 7, 2015, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, L. 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 Tyrone Catledge, a friend of Councilman Beard and a member of the staff of the Tupelo Public School District. Councilman Lynn Bryan then led the Pledge of Allegiance.

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: Memorandum of Understanding Between the City of Tupelo and
Philips-Daybrite, Inc.

ADD: Authorization for Mayor to Enter into Contract with Successful Bidder,
Prairie Construction, LLC, for No. Gloster and No. Green Street
Sidewalk Construction Project

ADD: Executive Session

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 city employees in recognition of their service to the citizens of Tupelo:

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Marilyn Vail	Development Services Department	25 years
Mike Bryan	City Councilman	10 years

Councilman Bryan was also presented a plaque by Mayor Shelton in recognition of his having served as President of the Tupelo City Council for the past year. Councilman Bryan's family was present with him as he accepted this award.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by Council Members:

Councilman Beard – Congratulated Alex Farned, Director of the Tupelo Parks and Recreation Department, and his staff for the 4th of July Celebration at Ballard Park last Saturday. Events were carried on even through some inclement weather, and a great fireworks display was enjoyed by many citizens. Councilman Beard thanked Dennis Waite, also, for being in charge of the BBQ contest held at this event.

Councilman Beard recognized Councilman Buddy Palmer upon his having received certification as a Certified Municipal Official (CMO) since he has completed all basic courses in this program. This certification was presented to Councilman Palmer at the annual Mississippi Municipal League Conference held in Biloxi recently.

Councilwoman Davis – Announced that the City of Tupelo was named the Best Overall Winner of the Municipal Excellence Award for 2015 presented by the Mississippi Municipal League at the recent annual conference in Biloxi.

IN THE MATTER OF MAYOR'S REPORT

Highlights of Mayor Shelton's report are as follows:

... Gave a "Thank you" to Alex Farned, Director of the Tupelo Parks and Recreation Department, for a wonderful event staged at Ballard Park on July 4, 2015.

... Asked for continued prayers for Lee County Administrator Sean Thompson as he continues to battle a serious illness.

... Again thanked Councilman Mike Bryan for his service as President of the Tupelo City Council during the past year.

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... Reiterated Councilwoman Davis' remarks regarding Tupelo having been named Best Overall Winner of the Municipal Excellence Award for 2015 at the recent Mississippi Municipal League annual conference.

... Announced that the "8 Days of Hope" organization and the Tupelo Police Athletic League (PAL) had joined together in helping rebuild the American Legion building which was totally destroyed during the tornado of April 2014.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A PUBLIC HEARING REGARDING LOT MOWINGS

James Babb, 1611 Joyner Avenue, appeared to address the City Council since he had received notice of the public hearing. However, he was informed by the Council that his name had been removed from the lot mowing list and he did not need to address the matter.

Thomas Grandin, 1328 Fletcher, next appeared to address the City Council. His name still appeared on the listing but he informed the council of some problems he had encountered in an attempt to clean up his property. He was informed to contact the Department of Development Services for their assistance in working out a solution.

5.1.B PUBLIC HEARING REGARDING DEMOLITION OF PROPERTIES

No one appeared to address this issue.

5.2 CITIZENS' HEARINGS

5.2.A AWARENESS OF "LIFE SAVER" ORGANIZATION

Sadarion Richards appeared before the City Council to inform them concerning the "Life Saver" organization which he serves as CEO/President. This organization is devoted to assisting in being positive figures and providing motivation to young men in the community to be the best they can be. Emphasis is placed on education, respect, and responsibility among other issues. The group is working with parents to make sure they are providing the best solution for their child's growth. A free community event is planned by this organization to be held on August 2, 2015, at Gum Tree Park.

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

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6. ACTION AGENDA

IN THE MATTER OF CONSIDERATION OF ELECTION OF CITY COUNCIL OFFICERS

Upon a motion by Councilwoman Davis, seconded by Councilman Whittington, the council voted as follows to elect Councilman Buddy Palmer as President of the Tupelo City Council for the next year:

VOTING AYE: Whittington, L. Bryan, Beard, Davis, M. Bryan, Jennings

ABSTAINING: Buddy Palmer

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted as follows to elect Councilman Lynn Bryan as Vice-President of the Tupelo City Council for the next year:

VOTING AYE: Whittington, Beard, Davis, Palmer, M. Bryan, Jennings

ABSTAINING: Lynn Bryan

Councilman Palmer then assumed the Chair as President of the City Council and continued with the regular session.

IN THE MATTER OF REVIEW/RATIFY LEASE WITH TUPELO AIRPORT AUTHORITY

This item was tabled on May 19, June 2 and June 16, 2015. Upon a motion by Councilman Beard, seconded by Councilman Jennings, the council voted unanimously to bring the matter off the table for consideration at this time. Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to remove this matter from the agenda.

7. ROUTINE AGENDA

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

Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, June 16, 2015.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Councilman Whittington and a second 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 Council Members L. Bryan, Beard, Palmer and Jennings:

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Check Nos. 316914 through 317430 (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 2015 BUDGET REVISION #9

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously to approve FY 2015 Budget Revision #9, a copy being attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/APPROVE C-SPIRE FIBER TO HOME AGREEMENT

This item was tabled June 1 and June 16, 2015. Upon a motion by Councilman M. Bryan, seconded by Councilman Beard, the council voted unanimously to bring the item off the table for consideration at this time.

Councilman L. Bryan moved to authorize the Mayor to execute the C-Spire non-disclosure agreement subject to inclusion of the Mandatory Addendum to the City of Tupelo Contracts, and to enter into discussions with the company regarding fiber to the home service. The motion was seconded by Councilman Beard and unanimously approved by a vote of the council. An executed copy of the Confidential Non-Disclosure Agreement is attached to these minutes and made a part hereof as **APPENDIX B.**

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

Councilwoman Davis moved to approve a listing of lot mowings dated July 7, 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. A public hearing had been held on this matter earlier in the council meeting. A copy of the listing is attached to these minutes and made a part hereof as **APPENDIX C.**

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IN THE MATTER OF REVIEW/APPROVE LISTING OF DEMOLITIONS

Councilman L. Bryan moved to approve a Demolition List of certain properties 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 structures and invoice the owners and place liens on the properties if the owners do not pay for the demolitions. The motion was seconded by Councilman Jennings.

By memorandum dated June 15, 2015, Debra Byrd, Code Enforcement Manager, had advised that due diligence has been done for each case. A Public Hearing had been held earlier in this meeting with no one appearing to address any of the properties. Copies of Public Hearing Notices and all case files are attached to these minutes and incorporated herein as **EXHIBIT D.**

Vote on the motion to approve the Demolition List was unanimous.

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDER No. 2 and SUMMARY FOR KINGS CREEK DRAINAGE PROJECT

Upon a motion by Councilman L. Bryan and seconded by Councilman M. Bryan, the council voted unanimously to approve Change Order No. 2 and Summary for the Kings Creek Drainage Project. The change order is in the amount of \$208,246.61 which covers overrun in quantities on the final estimate. Contract total now stands at \$1,504,349.61. A copy of Change Order No. 2 and Summary are attached hereto and made a part of these minutes as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE LIST OF VEHICLES TO BE ACCEPTED AS UNMARKED POLICE VEHICLES

Upon a motion by Councilman Beard, seconded by Councilman M. Bryan, the council voted unanimously to table this matter.

IN THE MATTER OF REVIEW/APPROVE MANDATORY ADDENDUM TO ALL CITY OF TUPELO CONTRACTS

Upon a motion by L. Bryan, seconded by Councilman M. Bryan, the council voted unanimously to approve a Mandatory Addendum to All City of Tupelo Contracts which had been prepared by City Attorney Ben Logan. Attorney Logan explained this is not a comprehensive listing of all contractual provisions that a municipality cannot agree to in any contract, but it is a list of approximately twenty-one (21) provisions. He stated he felt this would help the Department Heads when they have a contract to consider, and it would certainly aid him when he needs to review those and enable him to focus on action terms of the contract. Attorney Logan described it as a "best practice" item that will hopefully

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eliminate problems that often arise in negotiating a contract for the city. A copy of the listing is attached to these minutes and incorporated herein as **APPENDIX F.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS ITEMS FROM TUPELO AQUATIC CENTER

Alex Farned, Director of the Tupelo Parks and Recreation Department, had presented to Mayor Shelton and the City Council a list of items to be surplus from the Tupelo Aquatic Center. These items are beyond repair and need to be discarded:

- | | |
|--|---------------|
| 1 – Asset #4701 – Balance Beam (Blow Up) | Tag No. 16071 |
| 2 – Asset #4702 – High Jump (Blow Up) | Tag No. 16072 |
| 3 – Asset #4704 – Pond (Blow Up) | Tag No. 16074 |

Upon a motion by Councilman Jennings and a second by Councilman Beard, the council voted unanimously to grant this request and declare the above items as surplus and discard them.

IN THE MATTER OF REVIEW/APPROVE CHANGE ORDERS

Johnny Timmons, Manager of the Tupelo Water and Light Department, had submitted for approval two change orders for their review and approval.

TUPELO SRF FY13 WATER SYSTEM IMPROVEMENTS – AREA 3 – AUBURN – Change Order No. 1 – This change order will add 120 days to the contract completion date of this project with a revised completion date of October 31, 2015. This change order is requested due to the inclement weather that was experienced during the late winter and early spring and to avoid conflict with the sewer contractor. Upon a motion by Councilman M. Bryan and a second by Councilman Jennings, the council voted unanimously to approve this Change Order No. 1 for this project.

TUPELO WASTEWATER TREATMENT PLANT – NUTRIENT REMOVAL – Change Order No. 1 – This change order will:

- (1) Provide for a contract savings of \$13,670.00 due to modifying the drain lines at the chemical building to accommodate field condition;
- (2) Add 67 days to the contract performance period due to adverse weather. Therefore, this change order will result in a revised contract amount of \$2,868,330.00 and a revised contract completion date of December 7, 2015.

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Upon a motion by Councilman M. Bryan and a second by Councilwoman Davis, the council voted unanimously to approve these two change orders, copies of all back-up material being attached hereto and made a part of these minutes as **APPENDIX G.**

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

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

Bid No. 1379WL Source of Supply (Water/Sewer Minor Construction and Rehab)

to the low qualified bid submitted by Paul Smithey Construction

as shown on the attached bid tabulation.

A complete copy of the bid package is attached to these minutes and made a part hereof as **APPENDIX H.**

IN THE MATTER OF REVIEW/RATIFY MEMORANDUM OF AGREEMENT BETWEEN CITY OF TUPELO AND PHILIPS-DAYBRITE, INC.

Upon a motion by Councilman M. Bryan and a second by Councilman Whittington, the council voted unanimously to approve a Memorandum of Agreement between the City of Tupelo, Mississippi and Philips-Daybrite, Inc. to apply for a CDBG Economic Development Grant. An executed copy of this document is attached to these minutes and incorporated herein as **APPENDIX I.**

IN THE MATTER OF REVIEW/AUTHORIZE MAYOR TO EXECUTE CONTRACT IN REGARD TO AWARDED BIDDER ON THE NORTH GLOSTER SIDEWALK PROJECT

The bid for the North Gloster and North Green Street Sidewalk Construction Project was awarded by the City Council to Prairie Construction, LLC, at the regular City Council meeting of Tuesday, June 2, 2015.

Councilman M. Bryan moved to authorize Mayor Shelton to execute a contract with the awarded bidder, Prairie Construction, LLC, on this project with ratification by the City Council to follow at a later date. The motion was seconded by Councilwoman Davis and unanimously approved by a vote of the council.

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8. STUDY AGENDA

Upon the request of two council members, the following items will be moved to the next council meeting agenda:

- (A) Application for ad valorem tax exemption for BMW of New Albany, LLC
- (B) Application for ad valorem tax exemption for Cooper Tire & Rubber Company
- (C) Application for ad valorem tax exemption for Hawkeye Industries, Inc.
- (D) Application for ad valorem tax exemption for Leggett & Platt Components Company, Inc.
- (E) Application for ad valorem tax exemption for Precision Machine & Metal Fabrication, Inc.

9. EXECUTIVE SESSION

Upon a motion by Councilwoman Davis, 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 M. Bryan, seconded by Councilwoman Davis, the council voted unanimously to go into executive session to discuss pending litigation, upon advice of counsel.

Upon a motion by Councilman Jennings, seconded by Councilman L. Bryan, the council voted unanimously to come out of executive session with no action to be taken in regular 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 Councilwoman Davis, the council voted unanimously to adjourn the regular meeting at 7:00 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR