

MUNICIPAL MINUTES CITY OF TUPELO
STATE OF MISSISSIPPI
NOVEMBER 19, 2019

Be it remembered that a regular meeting of the Tupelo City Council was held in the Council Chambers in the City Hall building on Tuesday, November 19, 2019 at 6:00 p.m. with the following in attendance: Markel Whittington, Lynn Bryan, Travis Beard, Buddy Palmer, Nettie Davis, Mike Bryan, City Attorney Ben Logan; Missy Shelton, Clerk of the Council.

Councilman Buddy Palmer asked Mr. Robert Cook to give the invocation, followed by the Pledge of Allegiance led by Councilman Mike Bryan.

IN THE MATTER OF CALLING THE MEETING TO ORDER

Acting President Mike Bryan called the meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER

Councilman Buddy Palmer moved, seconded by Councilman Markel Whittington, to confirm the agenda and agenda order. Of those present, the vote was unanimous in favor.

PROCLAMATIONS, RECOGNITIONS, AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY AND GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

The following employee was present for recognition of reaching a milestone in his tenure of service:

John Belk – Fire Department 10 Years

IN THE MATTER OF PROCLAMATIONS FOR EXTRA MILE HEROES

The Mayor presented a proclamation to Ms. Hanna Maharrey, Ms. Catherine Rhea and Dr. Richard Price as recipients of the Extra Mile Hero recognition.

IN THE MATTER OF PROCLAMATION FOR NO COMPLAINT WEDNESDAY

The Mayor welcomed Mrs. Cecelia Palmer, Mrs. Suzanne Michaels and Mrs. Peggy Buse and presented a proclamation declaring Wednesday, November 27, 2019 to be No Complaint Wednesday.

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IN THE MATTER OF RECOGNITION OF FIRST RESPONDERS AFTER TROPICAL STORM OLGA

The Mayor welcomed several employees with the Tupelo Fire Department, as well as First Responders from NMMC, who were involved in the rescue from his home during Tropical Storm Olga. He presented each with a Mayor's Commendation.

IN THE MATTER OF PUBLIC RECOGNITIONS

Councilwoman Nettie Davis thanked everyone for their thoughts and prayers while she has been recuperating from health issues.

IN THE MATTER OF THE MAYOR'S REPORT

Mayor Shelton discussed several items, including: the Salvation Army Thanksgiving Service, Councilman Jennings is in San Antonio Texas attending the National League of Cities Event, City of Tupelo offices will be closed for Thanksgiving November 28 and 29, Park and Recreation Department is working on the Lighting of Ballard Park and the Christmas Parade preparations are winding down.

He then recognized and presented the Mayor's Commendation to others who helped with his rescue after Tropical Storm Olga. This included members of his family and those who stopped by during the efforts.

(CLOSE REGULAR MEETING OPEN PUBLIC AGENDA)

PUBLIC AGENDA

PUBLIC HEARINGS

IN THE MATTER OF A PUBLIC HEARING REGARDING LOT MOWING LIST

No one appeared to discuss this matter.

(CLOSE PUBLIC AGENDA AND OPEN REGULAR SESSION)

ACTION AGENDA

There were no items discussed.

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ROUTINE AGENDA

IN THE MATTER OF REVIEW, APPROVE, REJECT MINUTES OF THE NOVEMBER 5, 2019 REGULAR CITY COUNCIL MEETING

Councilman Travis Beard moved, seconded by Councilman Buddy Palmer, to approve the Minutes of the Regular Council Meeting held on November 5, 2019. Of those present, the vote was unanimous in favor.

IN THE MATTER OF REVIEW, APPROVE, REJECT ADVERTISING AND PROMOTIONAL EXPENSE LIST

Chief Financial Officer, Kim Hanna, submitted a request to the City Council to approve a list of expenditures for advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Tupelo. Councilman Markel Whittington moved, seconded by Councilman Travis Beard, to approve the advertising and promotional list as submitted. The vote was unanimous in favor. A copy of the list is attached to these minutes as **APPENDIX A.**

IN THE MATTER OF REVIEW, PAY BILLS AND APPROVE UTILITY ADJUSTMENTS

Bills were reviewed at 4:30 p.m. by council members: Markel Whittington, Travis Beard and Nettie Davis; Traci Dillard, Accounts Payable; and Johnny Timmons, Tupelo Water and Light Department.

Councilman Buddy Palmer moved, seconded by Councilwoman Nettie Davis, to approve the payment of the checks, bills and claims. The vote was unanimous in favor. A copy is attached as **APPENDIX B.**

IN THE MATTER OF REVIEW, ACCEPT, REJECT MINUTES OF THE SEPTEMBER 10, 2019 PARKS ADVISORY BOARD AND SPORTS COUNCIL MEETING

Upon a motion made by Councilman Buddy Palmer, seconded by Councilman Lynn Bryan, the council voted unanimously to accept these minutes as submitted, a copy being attached as **APPENDIX C.**

IN THE MATTER OF REVIEW, ACCEPT, REJECT MINUTES OF THE NOVEMBER 4, 2019 PLANNING COMMITTEE MEETING

Councilwoman Nettie Davis moved, seconded by Councilman Markel Whittington, the council voted unanimously to accept these minutes as submitted, a copy being attached as **APPENDIX D.**

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IN THE MATTER OF REVIEW, APPROVE, REJECT RESOLUTION AUTHORIZING AND DIRECTING THE PREPAYMENT OF CERTAIN OUTSTANDING MATURITIES OF ITS \$5,820,000 TAXABLE GENERAL OBLIGATION FAIRGROUNDS PROJECT REFUNDING BONDS, SERIES 2011B DATED JUNE 21, 2011

Councilman Lynn Bryan moved, seconded by Councilman Travis Beard that the Resolution Authorizing and Directing the Prepayment of Certain Outstanding Maturities of its \$5,820,000 (Original Principal Amount) Taxable General Obligation Fairgrounds Project Refunding Bonds, Series 2011B, Dated June 21, 2011, as Described Herein; and for Related Purposes be approved. Of those present, the vote was unanimous in favor. A copy of the Resolution is attached to these minutes as **APPENDIX E.**

IN THE MATTER OF REVIEW, APPROVE, REJECT RESOLUTION TO INCREASE SANITATION RATE

Councilman Markel Whittington moved, seconded by Councilman Lynn Bryan that the Resolution Adopting Increase in Sanitation Rate Fees and Charges for Residential Customers be approved. Of those present, the vote was unanimous in favor. A copy of the Resolution is attached as **APPENDIX F.**

IN THE MATTER OF REVIEW, ACCEPT REJECT FORM ADS-78: ASSURANCES RELATED TO REAL PROPERTY ACQUISITION

Councilman Markel Whittington moved, seconded by Buddy Palmer that the Form ADS-78: Assurances Related to Real Property Acquisition be approved. Of those present, the vote was unanimous in favor. A copy is attached to these minutes as **APPENDIX G.**

IN THE MATTER OF REVIEW, REJECT, APPROVE A MEMORANDUM OF AGREEMENT FOR MULTI-CITY EPA BROWNFIELDS ASSESSMENT GRANT PROJECT

Councilman Buddy Palmer moved and Councilman Lynn Bryan seconded that the Memorandum of Agreement for Multi-City EPA Brownfields Assessment Grant Project be approved. The vote was unanimous in favor by those present. **APPENDIX H**

IN THE MATTER OF REVIEW, ACCEPT, REJECT THE HIVE – WATER LINE CHANGE ORDER NO. 1

Councilman Lynn Bryan moved, seconded by Councilman Travis Beard to accept The Hive – Water Line Change Order No 1 for a final construction cost of \$1,087,921.10. Of those present,

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the vote was unanimous in favor. A copy of the change order is attached to these Minutes as **APPENDIX I.**

IN THE MATTER OF REVIEW, ACCEPT, REJECT REQUEST FOR FINAL LOAN AGREEMENT FOR SRF FY 14 SEWER SYSTEM IMPROVEMENTS

Councilman Markel Whittington moved, seconded by Councilman Buddy Palmer to accept the Final Loan Agreement for SRF FY 14 Sewer System Improvements in the amount of \$10,045,076.87. Of those present, the vote was unanimous in favor. A copy of the Final Water Pollution Control Revolving Loan Fund Loan Agreement is attached as **APPENDIX J.**

IN THE MATTER OF REVIEW, ACCEPT, REJECT TUPELO SPORTS COUNCIL CONTRACTS FOR FISCAL YEAR 2019-2020

Councilwoman Nettie Davis moved, seconded by Councilman Travis Beard to approve the following FY2019-2020 contracts:

- Tupelo City Museum Association Agreement
- Tupelo Disc Golf Association Agreement
- Contract for Northeast MS Umpire Association
- Tupelo Skate Park Association Agreement
- Tupelo Friends of the Park Agreement
- Tupelo Youth Soccer Association Agreement
- Tupelo Aquatic Group Agreement
- Tupelo Fourth of July Celebration Association Agreement
- Tupelo Softball Association Agreement
- Tupelo Tennis Association Agreement
- Tupelo Therapeutic Recreation Association Agreement
- Tupelo Youth Baseball Association
- Veterans Council Agreement

Of those present, the vote was unanimous in favor. An executed copy of the contracts are attached to these minutes as **APPENDIX K.**

IN THE MATTER OF REVIEW, APPROVE, REJECT THE FINAL DEMOLITION LIST

After a discussion, Councilman Markel Whittington moved, seconded by Councilman Buddy Palmer, to remove and table action on 539 Magazine Street and 1606 Eckford until the January 7, 2020. Of those present, the vote was unanimous in favor.

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Councilman Markel Whittington also moved, seconded by Councilman Buddy Palmer that the remainder of the demolition list be approved as submitted by the Department of Development Services as being in such a state of uncleanliness and disrepair as to be a menace and hazard to public health, safety, and welfare of the community. By this action, the City of Tupelo was authorized to demolish: 215 South Green Street, 656 Melinda Alley and 1204 Hilda all in the City of Tupelo, invoice the owners, and place liens on the property if the owners do not pay for the demolition. Of those present, the vote was unanimous in favor. **APPENDIX L.**

IN THE MATTER OF REVIEW, ADOPT, REJECT RESOLUTIONS
ADJUDICATING COST AND ASSESSING LIEN AGAINST REAL PROPERTY
UNDER MISS. CODE ANNO. 21-19-11 (1972) AS AMENDED

Councilman Travis Beard moved, seconded by Councilman Willie Jennings to adopt the resolutions adjudicating the costs and assessing liens for enrollment against private properties upon which work had been done by the city pursuant to 21-19-11. After a discussion, Councilman Lynn Bryan moved, seconded by Councilman Travis Beard with the exception of 318 Lumpkin. Of those present, the vote was unanimous in favor. **APPENDIX M**

IN THE MATTER OF REVIEW, APPROVE, REJECT BOUNDARY AGREEMENT
WITH KIM WADDLE PROPERTIES LLC REGARDING LEGGETT AND PLATT
LEASEHOLD PROPERTY AND AUTHORIZING MAYOR TO EXECUTE IN FINAL
FORM FOR SUBSEQUENT RATIFICATION

Councilwoman Nettie Davis moved, seconded by Councilman Buddy Palmer to approve boundary agreement with Kim Waddle Properties and authorize Mayor to execute in final form subject to later ratification. Of those present, the vote was unanimous in favor. **APPENDIX N**

IN THE MATTER OF REVIEW, APPROVE, REJECT LEASE WITH HYPERION AND
AUTHORIZING MAYOR TO EXECUTE IN FINAL FORM FOR SUBSEQUENT
RATIFICATION

Councilman Markel Whittington moved, seconded by Councilman Travis Beard to approve lease with Hyperion and authorize Mayor to execute in final form subject to later ratification. Of those present, the vote was unanimous in favor. An executed copy of the lease is attached to these minutes and incorporated herein as **APPENDIX O.**

IN THE MATTER OF REVIEW, APPROVE, REJECT OBTAINING CAP LOAN IN
THE AMOUNT OF \$1,500,000 AND AUTHORIZING PAYMENT OF \$50,000 FROM
CAPITAL FUND FOR THE PURCHASE OF 545 COMMERCE STREET FROM
BELLERIVE PROPERTIES AND AUTHORIZING MAYOR AND CITY CLERK TO
EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO OBTAIN THE LOAN AND
CLOSE ON THE PROPERTY, ALL REQUIRED, WRITTEN DOCUMENTS SUBJECT
TO SUBSEQUENT RATIFICATION

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Councilman Markel Whittington moved, seconded by Councilman Lynn Bryan to approve CAP loan in the amount of one million five hundred thousand dollars (\$1,500,000); authorize payment of up to one million five hundred ten thousand dollars (\$1,510,000) for the purchase of land and buildings located at 545 Commerce St from Bellerive Properties/Evan Athanas/Adam S. Mitchell; authorize the Mayor and City Clerk to execute any and all documents necessary to obtain the loan and close on the property; and allow the City Clerk to draw down the CAP loan to repay expenditures. Of those present, the vote was unanimous in favor. **APPENDIX P**

IN THE MATTER OF REVIEW, APPROVE, REJECT AMENDMENT TO ORDINANCE PRESCRIBING AND FIXING RATES AND CHARGES FOR WATER FURNISHED TO CONSUMERS, AND FOR USE OF THE PUBLIC SANITARY SEWER SYSTEM OF THE CITY OF TUPELO, MISSISSIPPI; AND REQUIRING PAYMENT OF SUCH RATES AND CHARGES

Councilman Markel Whittington moved, seconded by Councilman Buddy Palmer to approve the amendment to ordinance prescribing and fixing rates and charges for water furnished to consumers, and for use of the public sanitary sewer system of the City of Tupelo, Mississippi; and requiring payment of such rates and charges. Of those present, the vote was unanimous in favor. **APPENDIX Q**

IN THE MATTER OF REVIEW, APPROVE, REJECT AMENDMENT TO ORDINANCE ESTABLISHING SCHEDULE OF RULES AND FEES FOR UTILITY SERVICES FURNISHED TO CONSUMERS OF THE CITY OF TUPELO

Councilwoman Nettie Davis moved, seconded by Councilman Markel Whittington to approve the amendment to Ordinance establishing schedule of rules and fees for utility services furnished to consumers of the City of Tupelo. Of those present, the vote was unanimous in favor. **APPENDIX R**

IN THE MATTER OF REVIEW, APPROVE, REJECT BID 2019-043DT FOR GROUND MAINTENANCE AND HOUSEKEEPING OF THE FAIRPARK DISTRICT CAMPUS; DOWNTOWN TUPELO CORE GENERAL GROUNDS MAINTENANCE

Councilman Buddy Palmer moved, seconded by Councilman Travis Beard to approve Bid 2019-043DT for ground maintenance and housekeeping of the Fairpark District campus and downtown Tupelo core general grounds maintenance. Of those present, the vote was unanimous in favor. **APPENDIX S**

IN THE MATTER OF REVIEW, APPROVE, REJECT BID 2019-044WL FOR SOUTH TO SOUTHWEST SUBSTATION 46KV POLE REPLACEMENT

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Councilwoman Nettie Davis moved, seconded by Councilman Markel Whittington to approve Bid 2019-044WL for South to Southwest Substation 46kV Pole Replacement and authorize the Mayor to enter into the contract, subject to later ratification. Of those present, the vote was unanimous in favor. **APPENDIX T**

STUDY AGENDA

It was determined that the two items on the Study Agenda: Speed Table Policy and Speed Limit Range, should stay on the Study Agenda until further notice.

EXECUTIVE SESSION

No Items

IN THE MATTER OF ADJOURNMENT

With no further business to come before the City Council, Councilman Markel Whittington moved, seconded by Councilman Travis Beard to adjourn the meeting at 7:05 p.m. Of those present the vote was unanimous in favor.

ATTEST:

Mike Bryan, Acting President
City Council

Missy Shelton, Clerk of the Council

Jason Shelton, Mayor

Date