

REGULAR CITY COUNCIL MEETING

MUNICIPAL MINUTES CITY OF TUPELO

STATE OF MISSISSIPPI

NOVEMBER 7, 2023

Be it remembered that a regular meeting of the Tupelo City Council was held in the Church Street School auditorium on Tuesday, November 7, 2023, at 6:00 p.m. with the following in attendance: Council Members Chad Mims, Lynn Bryan, Travis Beard, Nettie Davis, Buddy Palmer, and Janet Gaston.; Ben Logan, City Attorney, and Missy Shelton, Clerk of the Council. Council Member Rosie Jones was absent. Council Member Palmer led the invocation. Council Member Gaston led the pledge of allegiance.

Council President Travis Beard called the meeting to order at 6:00 p.m.

CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER

Council Member Davis moved, seconded by Council Member Palmer, to confirm the agenda and agenda order with the following changes:

ADD #25 In the Matter of Change Order #1 for Bid 2023-017PR - Pickleball Complex

DELETE #S1 In the Matter of the Villages Streets and Alleyways (Left on Study Agenda October 17, 2023)

Of those present, the vote was unanimous in favor.

PUBLIC RECOGNITION

Council Member Nettie Davis thanked the City, CVB and the community in their support of the recent AKA meetings held in Tupelo.

Council Member Lynn Bryan thanked Chuck Williams and Dennis Bonds for the recent work done concerning the Bristow Acres drainage issues.

Council Member Janet Gaston extended congratulations to Chris Stratton, a Tupelo native, and the Texas Rangers for their 2023 World Series win.

Council Member Chad Mims congratulated the Tupelo High School cross country team on their state championship. He also congratulated the Tupelo Middle School who won the state championship for their age division a couple of weeks ago.

IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING

No one appeared to address the property on the final lot mowing list.

Parcel Location
101B0213000 418 Lakeview Drive

IN THE MATTER OF PUBLIC HEARING FOR PROPOSED COMPREHENSIVE AMENDMENTS TO CHAPTER 2, CHAPTER 4, CHAPTER 8, CHAPTER 10, CHAPTER 11, AND CHAPTER 12 OF THE CITY OF TUPELO DEVELOPMENT CODE

No one appeared to address the property on the final demolition lien list.

PARCEL ADDRESS
089B-30-065-00 1203 North Green Street

CITIZEN HEARING

Dr. Matt Wesson addressed the Council regarding his concerns of the pay rate of the Tupelo Police Department and officers leaving to work for other law enforcement agencies for higher salaries.

IN THE MATTER OF DEVELOPMENT CODE AMENDMENT – SIGNS (MOVED TO ACTION AGENDA AT OCTOBER 17, 2023 MEETING)

Council Member Lynn Bryan moved, seconded by Council Member Palmer, to table this item. Of those present, the vote was unanimous in favor. APPENDIX A

IN THE MATTER OF DEVELOPMENT CODE AMENDMENT – MULTIFAMILY (MOVED TO ACTION AGENDA AT OCTOBER 17, 2023 MEETING)

Council Member Lynn Bryan moved, seconded by Council Member Palmer, to table this item. Of those present, the vote was unanimous in favor. APPENDIX B

IN THE MATTER OF DEVELOPMENT CODE AMENDMENT – CONGREGATE LIVING (MOVED TO ACTION AGENDA AT OCTOBER 17, 2023 MEETING)

Council Member Lynn Bryan moved, seconded by Council Member Palmer, to table this item. Of those present, the vote was unanimous in favor. APPENDIX C

IN THE MATTER OF DEVELOPMENT CODE AMENDMENT – MAJOR SUBDIVISIONS (MOVED TO ACTION AGENDA AT OCTOBER 17, 2023 MEETING)

Council Member Lynn Bryan moved, seconded by Council Member Palmer, to table this item. Of those present, the vote was unanimous in favor. APPENDIX D

IN THE MATTER OF MINUTES OF OCTOBER 17, 2023 REGULAR COUNCIL MEETING

Council Member Davis moved, seconded by Council Member Gaston, to approve the minutes of the October 17, 2023 regular Council meeting. Of those present, the vote was unanimous in favor.

IN THE MATTER OF BILL PAY

Bills were reviewed at 4:30 p.m. by Council Members Beard, Gaston, and Palmer. Council Member Gaston moved, seconded by Council Member Palmer, to approve the payment of the checks, bills, claims and utility adjustments. Of those present, the vote was unanimous in favor. APPENDIX E

IN THE MATTER OF APPROVAL OF A MOU AND INTEREST SURVEY FORM BETWEEN THE MS DEPARTMENT OF HOMELAND SECURITY AND THE CITY OF TUPELO FOR THE STATE AND LOCAL CYBERSECURITY GRANT PROGRAM

Council Member Davis moved, seconded by Council Member Bryan, to approve a Memorandum of Understanding (MOU) and Interest Survey between the MS Department of Homeland Security and the City of Tupelo for the state and local Cybersecurity Grant Program. Of those present, the vote was unanimous in favor. APPENDIX F

IN THE MATTER OF CONSULTANT SELECTION VIA SMALL PURCHASE PROCEDURE FOR STP-0430-00(046) LPA/109150 WARD 7 LAWDALE ELEMENTARY SCHOOL SIDEWALK AND TO AUTHORIZE THE MAYOR TO SIGN SAID AGREEMENT

Council Member Davis moved, seconded by Council Member Palmer, to approve the consultant selection of Dabbs Corporation via small purchase procedure for STP-0430-00(046) LPA/109150 Ward 7 Lawndale Elementary School sidewalk and to authorize the Mayor to sign said agreement. Dabbs Corporation will be Professional Services Consultant for construction engineering & inspection. Of those present, the vote was unanimous in favor. APPENDIX G

IN THE MATTER OF CONSULTANT SELECTION VIA SMALL PURCHASE PROCEDURE FOR STP-0430-00(047) LPA/109149 WARD 4 BARNES CROSSING SIDEWALK AND TO AUTHORIZE THE MAYOR TO SIGN SAID AGREEMENT

Council Member Gaston moved, seconded by Council Member Bryan, to approve the consultant selection of Dabbs Corporation via small purchase procedure for STP-0430-00(047) LPA/109149 Ward 4 Barnes Crossing sidewalk and to authorize the Mayor to sign said agreement. Dabbs Corporation will be the Professional Services Consultant for construction engineering & inspection. Of those present, the vote was unanimous in favor. APPENDIX H

IN THE MATTER OF PROPERTIES FOR LOT MOWING

Council Member Bryan moved, seconded by Council Member Mims, to adjudicate the properties on the final lot mowing list as menaces to the public health, safety and welfare of the community and in need of cleaning and to approve their cleaning in accordance with Mississippi Code Annotated Sec. 21-19-11. Of those present, the vote was unanimous in favor. APPENDIX I

IN THE MATTER OF LIEN RESOLUTIONS FOR UNPAID DEMOLITION AND PROPERTY CLEANING COSTS

Council Member Bryan moved, seconded by Council Member Gaston, to approve Resolutions Assessing Judgment Liens Against Real Property for the Costs Associated with Demolition and Property Cleanup in Accordance with Miss. Code Annotated § 21-19-11 and to remove 2625 Hampton Avenue from the list.

<u>Parcel</u>	<u>Location</u>
089B-30-065-00	1203 North Green Street

Of those present, the vote was unanimous in favor. APPENDIX J

IN THE MATTER OF UPDATED AXON AGREEMENT WITH TPD

Council Member Palmer moved, seconded by Council Member Mims, to approve a revised agreement with Axon Enterprises, Inc. originally approved on June 6, 2023. Of those present, the vote was unanimous in favor. APPENDIX K

IN THE MATTER OF SURPLUS OF K9 - NITRO

Council Member Davis moved, seconded by Council Member Gaston, to approve the surplus and removal from assets of police canine Nitro. Of those present, the vote was unanimous in favor. APPENDIX L

IN THE MATTER OF PROPOSED CHANGE ORDER 1 FOR CITY PARK DRAINAGE IMPROVMENTS ARPA 2023-028PW

Council Member Bryan moved, seconded by Council Member Mims, finding that the change order is commercially reasonable, within the scope of the project as dictated by conditions encountered in the field and not to circumvent the purchasing laws; and to approve change order #1 for ARPA bid 2023-028PW - City Park Drainage Improvements. This change order will increase the original contract price with James A. Hodges Construction by \$21,500 for a total price of \$339,193.75. Of those present, the vote was unanimous in favor. APPENDIX M

IN THE MATTER OF ACCEPTING DONATION OF FUNDS FROM THE TUPELO SPORTS COUNCIL TO THE CITY OF TUPELO

Council Member Palmer moved, seconded by Council Member Gaston, to accept a donation of \$10,500 from the Tupelo Sports Council for the purchase of a golf cart. Of those present, the vote was unanimous in favor.

IN THE MATTER OF CADENCE BANK ARENA MINUTES OF AUGUST 21, 2023, SEPTEMBER 18, 2023 AND SPECIAL CALLED MEETING OF SEPTEMBER 25, 2023

Council Member Palmer moved, seconded by Council Member Gaston, to accept the Cadence Bank Arena minutes of August 21, September 18 and September 25, 2023. Of those present, the vote was unanimous in favor. APPENDIX N

IN THE MATTER OF BID # 2023-047PR - 3 PLEX PARKING LOT IMPROVEMENT

Bids were received for Bid # 2023-047PR - 3-Plex Parking Improvements with four bids received. Council Member Davis moved, seconded by Council Member Palmer, to approve the lowest and best bid of Falcon Contracting Company, LLC, in the amount of \$198,705.00. Of those present, the vote was unanimous in favor. APPENDIX O

IN THE MATTER OF CONTRACT APPROVAL WITH FALCON CONTRACTING FOR BID # 2023-047PR - 3 PLEX PARKING LOT IMPROVEMENT

Council Member Gaston moved, seconded by Council Member Mims, to approve a contract with Falcon Contracting Company, LLC, in the amount of \$198,705, for bid # 2023-047PR and to authorize the Mayor and City Clerk to execute. Of those present, the vote was unanimous in favor. APPENDIX P

IN THE MATTER OF SURPLUS OF FIXED ASSETS TO DESTROY

Council Member Bryan moved, seconded by Council Member Palmer, to approve the surplus of an ice machine asset #5448, as submitted by the Administration Office at City Hall. This item is no longer needed by the City of Tupelo and should be scrapped. The vote was unanimous in favor. APPENDIX Q

IN THE MATTER OF AN ORDER ACCEPTING A CONVEYANCE OF REAL PROPERTY LOCATED AT 1226 BOGGAN DRIVE AND DECLARING AS SURPLUS THE STRUCTURE(S) LOCATED AT SAID PROPERTY AND TO AUTHORIZE THE DEMOLITION OF THE SURPLUSSED STRUCTURE(S)

Council Member Gaston moved, seconded by Council Member Mims, to approve an Order Accepting a Conveyance of Real Property Located at 1226 Boggan Drive, Declaring as Surplus the Structure(s) located at Said Property and to Authorize the Demolition of the Surplused Structure(s). Of those present, the vote was unanimous in favor. APPENDIX R

IN THE MATTER OF CHANGE ORDER #1 FOR BID # 2023-017PR 0 PICKLEBALL COMPLEX

Council Member Bryan moved, seconded by Council Member Davis, finding that the change order is commercially reasonable, within the scope of the project as identified in the field and not to circumvent the purchasing laws; and to approve change order #1 for bid # 2023-017PR - Pickleball Complex to run electrical conduit to the islands. This change order will increase the contract with M & N Construction with a net change of \$4,318.42. Of those present, the vote was unanimous in favor. APPENDIX S

IN THE MATTER OF THE VILLAGES STREETS AND ALLEYWAYS (LEFT ON STUDY AGENDA OCT 17, 2023)

Council Member Palmer moved, seconded by Council Member Bryan, to approve the deletion of Item # S1 from the Study Agenda. Of those present, the vote was unanimous in favor.

EXECUTIVE SESSION

Council Member Davis moved, seconded by Council Member Mims, to determine the need for an executive session. City Attorney Ben Logan said the session will be for the acquisition and disposal of real property under Miss. Code Anno. 25-41-7(g) (1972 as amended), particularly real property to construct new Fire Station #5 and review of previous acceptance of alleyways in the Villages subdivision. Of those present, the vote was unanimous in favor.

Council Member Palmer moved, seconded by Council Member Bryan, to close the regular session and enter executive session for discussion of possible acquisition of real property under Miss. Code Anno. 25-41-7(g) (1972 as amended). Of those present, the vote was unanimous in favor at 6:23 PM.

After discussion in executive session, Council Member Mims moved, seconded by Council Member Gaston to return to the regular meeting at 7:14 PM. Of those present, the vote was unanimous in favor.

IN THE MATTER OF THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED AT 2667 SOUTH GREEN STREET OWNED BY MELINDA KIRK

Council Member Mims moved, seconded by Council Member Gaston, to:

- 1) find that reasonable efforts to negotiate an agreement at the appraised amount (\$185,000) of value have failed, and the administrative settlement of \$15,000 more is reasonable, prudent and in the best interests of the public in order to construct on contiguous properties a new fire station and other public appurtenances;
- 2) approve the administrative settlement and purchase of real property located at 2667 South Green Street owned by Melinda Kirk at a cost of \$200,000.

Of those present, the vote was unanimous in favor. APPENDIX T

IN THE MATTER OF THE PURCHASE OF CERTAIN REAL PROPERTY LOCATED NEAR 2667 SOUTH GREEN STREET OWNED BY KIRK USED CARS, LLC

Council Member Bryan moved, seconded by Council Member Davis, to approve the purchase of real property located near 2667 South Green Street owned by Kirk Used Cars, LLC, at a cost of \$145,000, being the best negotiated price and at the fair market value as determined by a Mississippi licensed real estate appraiser. The purpose of the purchase of this property is for the future location of a Fire Department. Of those present, the vote was unanimous in favor. APPENDIX U

ADJOURNMENT

There being no further business to come before the Council at this time, Council Member Bryan moved, seconded by Council Member Palmer, to adjourn the meeting at 7:15 PM. Of those present, the vote was unanimous in favor.

This the 7th day of November, 2023.

Travis Beard, Council President

ATTEST:

Missy Shelton, Council Clerk

APPROVED

Todd Jordan, Mayor

Date