

AN ORDINANCE TEMPORARILY AMENDING THE GEOGRAPHIC AREA AND BOUNDARIES OF THE LEISURE AND RECREATION DISTRICT WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF TUPELO, MISSISSIPPI; AND FOR RELATED PURPOSES

WHEREAS, the City of Tupelo, Mississippi, (“the city”) is a duly organized and incorporated municipality pursuant to Section 21-8-1, et seq., of the Mississippi Code of 1972 (as amended); and

WHEREAS, pursuant to Miss. Code Anno. § 67-1-101 (1972 as amended), the city established by ordinance a Leisure and Recreation District on March 3, 2018, said ordinance set forth in Chapter 5, Article III, Sections 5-35 through 5-44, also with amendments to other sections of Chapter 5, Articles II and III; and

WHEREAS, Miss. Code Anno. § 67-1-101 (1972 as amended) authorizes the expansion of existing districts and the creation of additional districts; and

WHEREAS, the restaurants in the city are vibrant and diverse providing unique dining experiences for the citizens of the city and the surrounding region; and

WHEREAS, the restaurants in the city are vital contributors to the city’s economic and financial success, generating sales and tourism taxes; and

WHEREAS, the Coronavirus outbreak and the necessary measures taken by local and state government to curb the spread of the virus have shuttered the dining rooms of all restaurants, crippling all and closing many; and

WHEREAS, the Alcoholic Beverage Commission (“ABC”) has relaxed its regulations on both package retailer permittees (liquor stores) and on premise retail alcoholic beverage permittees (restaurants) in order to maintain sustainability in these business sectors during the Coronavirus outbreak, including phone-in transactions, curbside delivery and “doggie bag” unopened bottles of wine at restaurants (as opposed to the previously allowed re-corked dine-in option) with the carry out/drive-through/curbside pick-up of a meal; and

WHEREAS, the ABC now allows mixed drink liquor and wine to be sold with carry out/curbside/drive-through pick up of meals in established Leisure and Recreation Districts of this State; and

WHEREAS, the city’s restaurants holding an on premise retail alcoholic beverage permits are located throughout the city, not just in the existing Downtown Tupelo Leisure and Recreation District; and

WHEREAS, the expansion of the existing leisure and recreation district constitutes an emergency measure and is reasonable and necessary for the sustainability and future viability of the restaurant business sector, and the expansion of same is in the best interest of the public peace, health and safety of the city’s citizens; and

WHEREAS, nothing herein is intended to confer any rights or entitlement since the sale of alcohol within an area designated as a "Leisure and Recreation District" is a privilege and not a right and is subject at all times to reasonable regulation, modification or repeal; and

WHEREAS, subject to the terms and limitations of Miss. Code Anno. Sec. 67-1-101 (1972 as amended), current ABC practice and this Ordinance, the City of Tupelo hereby amends its "Leisure and Recreation District" as more fully set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, AS FOLLOWS:

SECTION 1. The prefatory clauses are incorporated herein.

SECTION 2. That the Code of Ordinances of the City of Tupelo be, and the same is hereby, amended by amending Chapter 5, Article III to read as follows:

CHAPTER 5

ARTICLE III. LEISURE AND RECREATION *DISTRICTS*

SECTION 5-35. CREATION AND ESTABLISHMENT OF *DISTRICTS*

(A) *Downtown Tupelo Leisure and Recreation District.* Under the authority granted in Miss. Code Anno. Sec. 67-1-101 (1972 as amended), there is hereby established a "Leisure and Recreation District" in the downtown area of the City of Tupelo within the geographic area and within such boundaries as are set forth and designated herein and as represented on the georeferenced Map which is attached hereto as "Exhibit A" and fully incorporated herein.

(B) *City-Wide Leisure and Recreation District.* Under the authority granted in Miss. Code Anno. Sec. 67-1-101 (1972 as amended), there is hereby established a "Leisure and Recreation District" for all restaurants holding an on premise retail alcoholic beverage permit throughout the City of Tupelo, within the geographic area and within such boundaries as are set forth, and designated herein and as represented on the georeferenced Map which is attached hereto as "Exhibit B" and fully incorporated herein.

SECTION 5-36. NAME AND BOUNDARIES OF *DISTRICTS*.

(A) The "Leisure and Recreation District" established herein shall be known as the "Downtown Tupelo Leisure and Recreation District" (hereinafter "the *Downtown District*") and shall have the following as its boundaries:

Point of Beginning being the Northeast corner of Parcel Number 089T-29-022-00, point being on the West right-of-way of U.S. Highway 45; thence from the Point of Beginning South along the East property line to the Southeast corner of

said parcel; thence passing through Parcel Number 089T-29-022-02 to the Northeast corner of Parcel Number 089T-29-026-00 continuing to the Southeast corner of Parcel Number 089L-32-002-00; thence running West along the South property line of said parcel to the East right-of-way of North Commerce Street; thence crossing North Commerce Street to the intersection of Parcel Numbers 089L-32-001-00 and 089L-32-010-00; thence South along the West right-of-way of North Commerce Street to the Northwest corner of the intersection with East Franklin Street; thence West along the North right-of-way of East Franklin Street to the Northeast corner of the intersection with North Front Street; thence crossing North Front Street to the Northwest corner of the intersection of West Franklin Street continuing along the North right-of-way of West Franklin Street and crossing North Spring Street to the Northeast corner of the intersection with North Spring Street; thence South along the West right-of-way of North Spring Street to the Northwest corner of the intersection with Jefferson Street; thence West along the North right-of-way of Jefferson Street to the Northwest corner of the intersection with North Green Street; thence South along the West right-of-way of North Green Street to the Northwest corner of the intersection of West Main Street; thence crossing West Main Street to the Southwest corner of the intersection with South Green Street and continuing South along the West right-of-way of South Green Street to the Southwest corner of the intersection with Elliott Street; thence East along the South right-of-way of Elliott Street to the intersection with the West right-of-way of South Broadway Street; thence South along the West right-of-way of South Broadway Street to the Southeast corner of Parcel Number 089P-31-248-00; thence crossing South Broadway to the Southeast corner of the intersection with Elliott Street; thence along the South right-of-way of Elliott Street to the Southeast corner of the intersection with South Spring Street; thence North along the East right-of-way of South Spring Street to the intersection of the centerline of the BNSF Railway; thence South along the centerline of the BNSF Railway to the intersection with the West right-of-way of U.S. Highway 45, thence North along the West right-of-way of U.S. Highway 45 to the Point of Beginning.

(B) The Leisure and Recreation District established herein shall be known as the "City-Wide Leisure and Recreation District" (hereinafter "the City-Wide District") and shall have the following as its boundaries:

**SEE ATTACHED "EXHIBIT C" UNTIL REFORMATTED AND INSERTED
HEREIN**

SECTION 3. Section 5-38 - Specific days and times of the Leisure and Recreation District Ordinance; Special Events, subsection (A) shall be amended to read:

A. Regular hours for the Downtown Tupelo Leisure and Recreation District shall be every Thursday and Friday from 5:00 p.m. until midnight, and Saturday from 10:00 a.m. to midnight.

SECTION 4. Section 5-38 - Specific days and times of the Leisure and Recreation District Ordinance shall also be amended to add:

D. Regular hours for the City-Wide Leisure and Recreation District shall be every Monday from 10:00 a.m. until Saturday at midnight or as otherwise specified by Executive or Emergency Orders dealing with Coronavirus.

SECTION 5. Chapter 5, Article III, subsections 5-35 (B), 5-36 (B) and 5-38 (D) shall be reviewed by the City Council in ninety (90) days.

SECTION 6. All other provisions of Chapter 5, Article III remain applicable.

SECTION 7. Pursuant to Miss. Code § 21-13-11 (1972 as amended) this ordinance is an emergency ordinance necessary for the immediate and temporary preservation of the public peace, health and safety and for the sustainability and future viability of the restaurant business sector. Publication shall be made pursuant to statute.

After a full discussion of this matter, Council Member _____ moved that the foregoing Resolution to adopted and said motion was seconded by Council Member _____ and the vote thereupon was as follows:

Council Member Markel Whittington	_____
Council Member Lynn Bryan	_____
Council Member Travis Beard	_____
Council Member Nettie Davis	_____
Council Member Buddy Palmer	_____
Council Member Mike Bryan	_____
Council Member Willie Jennings	_____

The motion having received the foregoing vote of the City Council, the president declared the motion carried and the Ordinance adopted on this, the ____ day of _____, 2020.

CITY OF TUPELO, MISSISSIPPI

By: _____
NETTIE Y, DAVIS
Council President

ATTEST

MISSY SHELTON, Council Clerk

APPROVED:

JASON SHELTON, MAYOR

DATE