

REGULAR CITY COUNCIL MEETING

MUNICIPAL MINUTES CITY OF TUPELO

STATE OF MISSISSIPPI

NOVEMBER 01, 2022

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 1, 2022, at 6:00 p.m. with the following in attendance: Council Members Chad Mims, Lynn Bryan, Travis Beard, Nettie Davis, Buddy Palmer and Rosie Jones; Ben Logan, City Attorney and Missy Shelton, Clerk of the Council. Council Member Janet Gaston was absent. Council Member Rosie Jones gave the invocation, and Council Member Chad Mims led the pledge of allegiance. Council President Lynn Bryan called the meeting to order at 6:00 p.m.

CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER

Council Member Beard moved, seconded by Council Member Palmer, to approve the agenda and agenda order, as presented. APPENDIX A

IN THE MATTER OF PROCLAMATION FOR NATIVE AMERICAN HERITAGE MONTH

Mayor Todd Jordan presented a proclamation to Ms. Sarah Bell Harris, Regent of the Mary Stuart Chapter of MSDAR, who then read the Proclamation to Declare November as Native American Heritage Month. APPENDIX B

EMPLOYEE RECOGNITION

The following employees were recognized for the service with the City of Tupelo:

Jan Pannell	CVB	10 years
Jennie Bradford Curlee	CVB	10 years

PUBLIC RECOGNITION

Council Member Nettie Davis told everyone about Mission Mississippi, who will be in Tupelo on November 9. She invited everyone to attend the Community Thanksgiving Service at the Link Centre on November 16 and reminded everyone to be sure to vote on November 8.

Council Member Travis Beard said that he took his grandchildren to Disney on Ice at the Cadence Bank Arena and everything was great. He commended Kevan Kirkpatrick and his staff on a job well done.

Council Member Chad Mims said that he attended the 'Dance with the King' event last weekend and it was a great time.

Council Member Rosie Jones thanked everyone who participated in the Haven Acres Trunk or Treat event. She said it was very well attended.

Council Member Buddy Palmer reminded everyone that Veterans Day is November 11 and that a program is scheduled at Veterans Park.

Council Member Lynn Bryan thanked all the neighborhoods for the great job of providing 'trick or treat' in a safe manner.

MAYOR'S REMARKS

Mayor Todd Jordan thanked all the neighborhoods for their involvement in the festivities held for Halloween and the Fall Festivals. He also thanked all those City employees who helped with the traffic, blocking of streets, etc. to keep everyone safe.

PUBLIC AGENDA

PUBLIC HEARINGS

IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING

No one appeared for the public hearing for lot mowings for the following properties:

<u>Parcel</u>	<u>Location</u>
077G2518803	1297 LEONARD DR
089F3030600	222 W BARNES ST
113B0602200	S GREEN ST
101H0115002	823 SHUMACOLA TRL
089P3124600	518 S BROADWAY ST

IN THE MATTER OF PUBLIC HEARING FOR APPEAL OF DEPARTMENT OF DEVELOPMENT SERVICES AND TUPELO PLANNING COMMITTEE'S DENIAL OF APPLICATION COMP22-12 (SOUTHERN HEIGHTS RV PARK)

The following spoke during the public hearing for the possible RV Park:

Mr. Kentrel Boyd	3804 S Green St
Ms. Victoria Ashby	1011 Evelyn Dr
Ms. Gwendolyn Ewing	1017 Terry Rd
Ms. Paula Patterson	1112 Evelyn Dr

APPENDIX C

APPEALS

IN THE MATTER OF APPEALS HEARING FOR JEREMIE RICHARDSON OF SOUTHERN HEIGHTS RV, LLC

An appeal was heard concerning the denial of the Department of Development Services and the Tupelo Planning Committee denial of application COMP22-12 (Southern Heights RV Park). The appellant, Jeremie Richardson, was given 10 minutes for his appeal. After a session of questions and answers from the City Council members, Tanner Newman, Director of DDS, stated the positions of both the Department of Development Services and the Planning Committee on their reasons for denial.

Council Member Jones made a motion to uphold the decision of DDS and the Planning Committee, which is to deny the application COMP22-12 (Southern Heights RV Park). Council Member Davis seconded the motion.

Council Member Palmer made a motion to table the decision of the Council until November 15, 2022, the next regular meeting of the City Council. Council Member Beard seconded the motion. When called for a vote, the vote was as follows:

Council Member Mims Nay
Council Member Bryan Nay
Council Member Beard Aye
Council Member Davis Aye
Council Member Palmer Aye
Council Member Gaston Absent
Council Member Jones Nay

The motion failed.

The motion of Council Member Jones to deny the application was then brought to a vote. The vote was, as follow:

Council Member Mims AYE
Council Member Bryan AYE
Council Member Beard AYE
Council Member Davis AYE
Council Member Palmer ABSTAIN
Council Member Gaston ABSENT
Council Member Jones AYE

The motion passed and the application COMP 2022-1212 was denied. APPENDIX D

ACTION AGENDA

IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING CERTAIN SUB-SECTIONS OF SECTION 5.1 BELLEDEER NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.25) (TABLED AT SEPTEMBER 20, 2022 MEETING)

This item will remain on the table.

ROUTINE AGENDA

IN THE MATTER OF MINUTES OF OCTOBER 18, 2022 REGULAR MEETING

Council Member Beard moved, seconded by Council Member Palmer, to approve the minutes of the Regular City Council meeting held on October 18, 2022. 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 Bryan, Beard, and Mims. Council Member Davis moved, seconded by Council Member Jones, to approve the payment of the checks, bills, claims and utility adjustments. The vote was unanimous in favor. APPENDIX E

IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS

Council Member Beard moved, seconded by Council Member Palmer, to approve the request for advertising and promotional items, as submitted. The vote was unanimous in favor. APPENDIX F

IN THE MATTER OF APPROVAL OF CHANGE ORDER NO. 1 FOR GUN CLUB ROAD IMPROVEMENTS

City Engineer Dennis Bonds requested the Council approve Change Order #1 for the Gun Club Road Improvement project. The increases in the contract were due to delays not attributable to contractor resulting in increased asphalt prices and due to the need for uniformity to define the course of the road with curb and gutter, all due to a boundary line dispute with an adjoining property owner. After a brief discussion, Council member Davis moved, seconded by Council Member Beard, to find the changes reasonable and necessary, not intended to circumvent the purchasing laws and to approve Change Order #1. The order will increase the original contracted price by \$119,046.19, but is still less than the original Engineers' estimate of the project. Of those present, the vote was unanimous in favor. APPENDIX G

IN THE MATTER OF APPROVAL OF LIEN RESOLUTION FOR UNPAID DEMOLITION INVOICE

Council Member Beard moved, seconded by Council Member Mims, to approve a Resolution Adjudicating Cost and Assessing Lien Against Real Property, under Miss. Code Ann. 21-19-11(1972 as amended) for:

3424 Walsh Rd - Parcel # 075S-16-001-02

Of those present, the vote was unanimous in favor.

IN THE MATTER OF APPROVAL OF PROPERTIES FOR LOT MOWING

Council Member Palmer moved, seconded by Council Member Jones, to adjudicate the following properties on the public hearing lot mowing list, which were in such a condition to be a menace to the public health, safety and welfare of the community and in need of mowing pursuant to Miss. Code Ann. 21-19-11 (1972) as amended. Of those present, the vote was unanimous in favor. APPENDIX I

IN THE MATTER OF ACCEPTANCE OF PLANNING COMMITTEE MINUTES OF OCTOBER, 3 2022

Council Member Beard moved, seconded by Council Member Jones, to accept the Planning Committee minutes of October 3, 2023. Of those present, the vote was unanimous in favor. APPENDIX J

IN THE MATTER OF ACCEPTANCE OF TUPELO LICENSE COMMISSION MINUTES OF OCTOBER, 6 2022

Council Member Palmer moved, seconded by Council Member Beard, to accept the License Committee minutes of October 5, 2022. Of those present, the vote was unanimous. APPENDIX K

IN THE MATTER OF APPROVAL OF BELLEDEER OVERLAY DESIGN REVIEW COMMITTEE MEMBERS FOR 2022-2023

Council Member Davis moved, seconded by Council Member Palmer, to approve the election results of the Belledeer Overlay Design Review Committee, as follows:

1. Amy Blossom
2. Edwin Crenshaw
3. Eric Gibens
4. Danielle Ratliff
5. Jessica Roy
6. Rebecca Van Horn
7. Rachel Pierce Waide

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

IN THE MATTER OF REQUEST TO SURPLUS VEHICLE FOR AUCTION

Council Member Beard moved, seconded by Council Member Jones, to approve the surplus of a 2009 Toyota Prius Hybrid VIN JTDKB20U993467396, no longer usable or needed by the City of Tupelo Development Services Department, and to sell at auction. Of those present, the vote was unanimous in favor. APPENDIX M

IN THE MATTER OF REQUEST TO SURPLUS AND TRADE IN ASSETS TOWARDS THE PURCHASE OF NEW OFFICE FURNITURE

Council Member Palmer moved, seconded by Council Member Beard, to surplus the following assets located in the Development Services Department, and accept a trade-in amount of \$600 towards the purchase of replacements:

9 Harter Steel Chairs - Metal and Leather - Green and Tan

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

IN THE MATTER OF SURPLUSING WEAPON FOR RETIREMENT – JOHN KNIGHT

Council Member Beard moved, seconded by Council Member Davis, to surplus the Glock model 45 9mm, SN BKLY673 and allow John Knight to purchase same in the amount of \$1.00 upon his retirement from the City of Tupelo Police Department, as permissible under Mississippi State Statute 45-9-131. Of those present, the vote was unanimous in favor. APPENDIX O

IN THE MATTER OF SOLE SOURCE AND AGREEMENT WITH FLOCK SAFETY

Council Member Beard moved, seconded by Council Member Palmer, to approve the Sole Source request from Police Chief John Quaka for the 2-year personal services agreement with Flock Safety Inc. for the use of 14 Flock Safety Falcon License Plate Reader (LPR) cameras and 2 Falcon Flex LPR cameras and the use of the company's software, database and operating system that could integrate with other digital law enforcement tools. Of those present, the vote was unanimous in favor. The supporting justification for this single source procurement is included in the appendix for this item. APPENDIX P

IN THE MATTER OF NORTH MISSISSIPPI NARCOTICS UNIT INTERLOCAL AGREEMENT

Council Member Davis moved, seconded by Council Member Beard, to approve the North Mississippi Narcotics Unit Interlocal Agreement for 2022-2023. Of those present, the vote was unanimous in favor. APPENDIX Q

IN THE MATTER OF AN ORDER RESCINDING COUNCIL ACTION OF SEPTEMBER 20, 2022 TO APPROVE BID # 2022-032PD – THE PURCHASE OF NINE FORD EXPLORER POLICE UNIT UPFIT PACKAGES

Council Member Palmer moved, seconded by Council Member Beard, to rescind Council action of September 20, 2022 to approve Bid # 2022-032PD - Purchase of nine Ford Explorer Police Unit Upfit packages. The vehicles on which the upfit packages were to be installed are no longer available, and it has been determined that a less expensive option is to take bids on the vehicles with the upfit packages included. Of those present, the vote was unanimous. APPENDIX R

IN THE MATTER OF REQUEST FOR APPROVAL TO REMOVE ITEMS FROM ASSETS AND SURPLUS AT AUCTION AND TO EXECUTE CONTRACT WITH JM WOOD AUCTION COMPANY, INC.

Council Member Beard moved, seconded by Council Member Palmer, to approve 'AN ORDER DECLARING PERSONAL PROPERTY SURPLUS, AUTHORIZING SALE BY AUCTION, SETTING AMOUNT OF SECURITY AND ALLOWING MAYOR AND CIT CLERK TO EXECUTE CONTRACT WITH JM WOOD AUCTION COMPANY, INC. Of those present, the vote was unanimous in favor. APPENDIX S

IN THE MATTER OF APPROVAL OF CONTRACT FOR THE LEE ACRES PICKLEBALL COMPLEX

Council Member Beard moved, seconded by Council Member Mims, to approve a contract with Sloan Landscape Architect, LLC, for professional services for the Lee Acres Pickleball Complex. Of those present, the vote was unanimous. APPENDIX T

IN THE MATTER OF APPROVAL OF BID 2022-042AQ - AQUATIC CENTER CHEMICALS

Sealed bids were received by the City for Bid # 2022-042AQ - Aquatic Center Chemicals. Council Member Palmer moved, seconded by Council Member Jones, to award the bid to both Adcock Pool & Spa and Memphis Pool Supply, Inc. for the lowest and best bids. Of those present, the vote was unanimous in favor. APPENDIX U

IN THE MATTER OF TUPELO SPORTS COUNCIL CONTRACT APPROVAL

Council Member Davis moved, seconded by Council Member Beard, to approve the following FY 2022-2023 contracts:

Friends of the Park Agreements
Tupelo Aquatic Group Agreements
Tupelo City Museum Association Agreements
Tupelo Disc Golf Association Agreements
Tupelo Fourth of July Celebration Agreements
Tupelo Softball Association Agreements
Tupelo Skate park Association Agreements
Tupelo Tennis Association Agreements
Tupelo Therapeutic Recreation Association Agreements
Tupelo Youth Baseball Association Agreements
Tupelo Youth Soccer Association Agreements
Veterans Council Agreements

Of those present, the vote was unanimous in favor and the contracts are attached as APPENDIX V.

IN THE MATTER OF APPROVAL OF CADENCE BANK ARENA MINUTES OF SEPTEMBER 26, 2022 AND SPECIAL CALLED MEETING OF SEPTEMBER 29, 2022

Council Member Mims moved, seconded by Council Member Jones, to accept the Cadence Bank Arena minutes of the September 26 and September 29, 2022, meetings. Of those present, the vote was unanimous. APPENDIX W

IN THE MATTER OF BID AWARD 2022-036WL - SALE OF SURPLUS PROPERTY

At the September 6, 2022, Council meeting, the Council approved the surplus of a 1995 Ditch Witch JT820 Boring Machine w/Trailer (S/N 2M810) and the sale of the same by sealed bid. TWL Director Johnny Timmons requested that the highest sealed bid in the amount of \$7,777.77 be accepted and the boring machine be sold for same. Council Member Beard moved, seconded by Council Member Palmer, to accept the sealed bid of \$7,777.77 from JJ Merchant for the sale of the boring machine. Of those present, the vote was unanimous in favor. APPENDIX X

IN THE MATTER OF REQUEST FOR REJECTION OF BID NO. 2022-039WL (CONCRETE POLES)

Council Member Palmer moved, seconded by Council Member Jones, to reject bid # 2022-39WL - Concrete Poles due to no bids being received. Of those present, the vote was unanimous. APPENDIX Y

IN THE MATTER OF BID AWARD 2022-040WL WATER MATERIALS (6 MONTH SUPPLY BID)

Sealed bids were received by the City for Bid 2022-040WL - Water Materials (6 month supply). Council Member Beard moved, seconded by Council Member Palmer, to award the lowest and best bids, as indicated. The vote was unanimous in favor. APPENDIX Z

IN THE MATTER OF BID AWARD 2022-037WL - SALE OF SURPLUS PROPERTY

At the September 6, 2022, Council meeting, the Council approved the surplus of a 2001 International Sewer Vactor Truck (VIN 1HTGCADT81H405223) and to receive bids on the sale of the machine. TWL Director Johnny Timmons requested that the highest sealed bid in the amount of \$25,000 be accepted and the truck be sold for same. Council Member Davis moved, seconded by Council Member Beard, to accept the sealed bid of \$25,000.00 from Paul Smithey Construction for the sale of the sewer truck. Of those present, the vote was unanimous in favor. APPENDIX AA

IN THE MATTER OF APPROVAL OF BID NO. 2022-038WL (SOURCES OF SUPPLY)

Council Member Beard moved, seconded by Council Member Palmer, to approve Bid # 2022-038WL Sources of Supply for Minor Water/Sewer Construction/Rehab - 12 month supply to the lowest and best bid of Paul Smithey Construction Company and M & M UG Video, as indicated on the bid tabulation. Of those present, the vote was unanimous in favor. APPENDIX BB

IN THE MATTER OF AWARD OF BID # 2022-041WL

Bids were received for bid # 2022-041WL - LED Luminaire 6-month Supply. TWL Director, Johnny Timmons recommended that the bid be awarded to the lowest and best bids of Stuart C. Irby and Arkansas Electric, as indicated in APPENDIX P. He explained that although Trastar, Inc. provided the lowest price on one of the items, their product does not meet the specifications in the bid. Council Member Palmer moved, seconded by Council Member Beard to approve the best bids. Of those present, the vote was unanimous in favor. APPENDIX CC

IN THE MATTER OF STATE APPROVED HOLIDAYS FOR CITY EMPLOYEES

Governor Tate Reeves issued a proclamation in accordance with Miss Code Anno. §3-3-7 (1972 as amended), authorizing cities, at their discretion, to close all offices on Friday, November 25, 2022, in further observance of the Thanksgiving holiday and on Friday, December 23, 2022, in further observance of Christmas. Council Member Davis moved, seconded by Council Member Palmer, to approve this proclamation. Of those present, the vote was, as follows:

Yea: Mims, Beard, Davis, Palmer, and Jones.

Nay: Bryan

Absent: Gaston

The Governor's proclamation is attached as APPENDIX DD.

IN THE MATTER OF PURCHASE CONTRACT RATIFICATION AND ACCEPTANCE OF DEEDS TO REAL PROPERTY FOR 216 N. SPRING, 218 N. SPRING, 405 CLAYTON AVENUE, 1112 CHAPMAN DRIVE, 3304 SOUTH GREEN STREET, AND 320 S. SPRING STREET

Council Member Davis moved, seconded by Council Member Palmer, to ratify the purchase contracts and accept the deeds to real property located at the following addresses:

216 N Spring St
218 N Spring St
405 Clayton Ave
1112 Chapman Dr
3304 S Green St
320 S Spring St

Of those present, the vote was unanimous in favor. The contracts and deeds are attached to these minutes as APPENDIX EE.

IN THE MATTER OF APPROVAL OF CONTRACT WITH JBHM ARCHITECTS, P.A. FOR REMODEL OF CITY COUNCIL CHAMBERS

Chief Operations Officer Don Lewis presented a contract for approval between the City of Tupelo and JBHM Architects, P.A. for architectural services for the remodel of Council Chambers. Council Member Beard moved, seconded by Council Member Jones, to approve the contract. Of those present, the vote was unanimous in favor. APPENDIX FF.

STUDY AGENDA

IN THE MATTER OF AN ORDINANCE AMENDING CH. 7 OF THE TUPELO CODE OF ORDINANCES PERTAINING TO BUILDINGS AND BUILDING REGULATIONS

Upon the unanimous agreement of the City Council, the MATTER OF AN ORDINANCE AMENDING CH. 7 OF THE TUPELO CODE OF ORDINANCES PERTAINING TO BUILDINGS AND BUILDING REGULATIONS was moved from the Study Agenda to the Active Agenda at the next Regular meeting of the City Council

IN THE MATTER OF AN ORDINANCE AMENDING CH. 10 OF THE TUPELO CODE OF ORDINANCES PERTAINING TO FIRE PREVENTION AND PROTECTION

Upon the unanimous agreement of the City Council, the MATTER OF AN ORDINANCE AMENDING CH. 10 OF THE TUPELO CODE OF ORDINANCES PERTAINING TO FIRE PREVENTION AND PROTECTION was moved from the Study Agenda to the Active Agenda at the next Regular meeting of the City Council.

EXECUTIVE SESSION

Council Member Palmer moved, seconded by Council Member Davis, to determine the need for an executive session. Attorney Ben Logan said the session will be for potential litigation and the purchase, sale or leasing of lands under Miss. Code Anno. 25-41-7 (b)(g) (1972 as amended). Of those present, the vote was unanimous in favor at 7:21 p.m.

Council Member Palmer moved, seconded by Council Member Davis, to close the regular session and enter executive session for discussion of potential litigation and the purchase, sale or leasing of lands under Miss. Code Anno. 25-41-7 (b)(g) (1972 as amended). Of those present, the vote was unanimous in favor.

After discussion in executive session, Council Member Palmer moved, seconded by Council Member Jones to return to the regular meeting at 7:38 p.m. Of those present, the vote was unanimous in favor.

ADJOURNMENT

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

This, the 1st day of November, 2022, at 7:39 p.m.

Lynn Bryan, President
City Council

ATTEST:

Missy Shelton, Clerk of the Council

Todd Jordan, Mayor

Date