

# **REGULAR CITY COUNCIL MEETING**

## **MUNICIPAL MINUTES CITY OF TUPELO**

### **STATE OF MISSISSIPPI**

**JANUARY 05, 2021**

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, January 5, 2021, at 6:00 p.m. with the following in attendance: Council members Markel Whittington, Lynn Bryan, Travis Beard, Nettie Davis, Buddy Palmer, and Mike Bryan; Attorney Ben Logan and Missy Shelton, Clerk of the Council. Councilman Willie Jennings attended by ZOOM.

Councilman Buddy Palmer invited Police Officer, Robert Cook to give the invocation. Councilman Mike Bryan led the pledge of allegiance.

President Mike Bryan called the meeting to order at 6:00 PM.

### **CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER**

Councilman Palmer moved, seconded by Councilman Whittington, to confirm the agenda and agenda order as presented. The vote was unanimous in favor.

### **PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

Councilwoman Nettie Davis, wished everyone a Happy New Year and extended her hope for blessings and strength to all. She congratulated Reverend Richard Price and his wife on the birth of their baby girl.

Councilman Willie Jennings offered his thanks for 2021 and asked all to continue to stay safe, as the pandemic seems to be getting worse.

### **MAYOR'S REMARKS**

Mayor Shelton said it seems that we are beginning to see the light at the end of the tunnel concerning COVID-19 as the vaccinations have begun. The National Guard and others are distributing and assisting with the vaccinations, as needed. He feels that we are in the worst of the worst part of the pandemic, with the emergency rooms being used for patients who can't get a room. He asks for everyone to continue to wear masks, social distance, and follow the safety protocols set by the CDC guidelines, and both the State and Local mandates.

He wished everyone a Happy New Year. The celebration of 2021 is nothing like 2020's celebration, and asked that the Council continue to support the New Year's celebrations in 2022 and beyond.

The Dr. Martin Luther King celebration will be different this year, but is still considered the largest in Mississippi. He asked that all support and participate in the celebration, if possible. January 18-19 will be the National Day of Service.

**IN THE MATTER OF PUBLIC HEARING FOR REZONING**

No one appeared to speak at this Public Hearing.

**IN THE MATTER OF DEMOLITION**

1204 Hilda Avenue

Andy Portillo spoke to the Council concerning the possible demolition of the structure located at 1204 Hilda Avenue.

1410 Forrest Street

No one appeared to speak.

571 N Church Street

No one appeared to speak.

**IN THE MATTER OF ORDINANCE REZONING PROPERTY AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF TUPELO, MISSISSIPPI**

This item was tabled at the December 1, 2020 Council meeting and a Public Hearing was held earlier in tonight's meeting. Councilman L Bryan moved, seconded by Councilman Whittington, to approve the Ordinance Rezoning Property and Amending the Official Zoning Map of the City of Tupelo, Mississippi. Pat Falkner, Director of Development Services, addressed the Council with a request to rezone the property located at 2030 South Veterans Memorial Drive from industrial to mixed use residential. The Planning Committee unanimously approved the request at a prior meeting. Red Oak Church purchased this property, located across the street from their current location, and wishes to expand their after school program to this location. The vote was unanimous in favor of the Resolution. **APPENDIX A**

**IN THE MATTER OF MINUTES OF REGULAR CITY COUNCIL MEETING ON DECEMBER 15, 2020**

Councilman Beard moved, seconded by Councilwoman Davis, to approve the minutes of the regular Council meeting dated December 15, 2020. The vote was unanimous in favor.

**IN THE MATTER OF BILL PAY**

Bills were reviewed at 4:00 p.m. by Council members: Travis Beard, Markel Whittington, and Buddy Palmer; and Accounts Payable Clerk Traci Dillard. Councilman Whittington moved, seconded by Councilman Palmer, to approve the payment of the checks, bills, claims and utility adjustments. The vote was unanimous in favor. **APPENDIX B**

**IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS**

Councilwoman Davis moved, seconded by Councilman Palmer, to approve the advertising and promotional expense list, as submitted. The vote was unanimous in favor. **APPENDIX C**

**IN THE MATTER OF ELECTION PAY FOR DEPUTY CLERK**

City Clerk/CFO, Kim Hanna addressed the Council with the request to pass a Resolution Providing for the Deputy City Clerk to Act as the Election Registrar and to Provide Compensation for Such Duties. Councilman Beard moved, seconded by Councilman Whittington, to approve the Resolution. The vote was unanimous in favor. **APPENDIX D**

**IN THE MATTER OF RESOLUTION FOR POLL WORKER COMP**

City Clerk/CFO Kim Hanna asked that the Council approve A Resolution Establishing Compensation for Election Commissioners, Poll Workers, Poll Managers, Resolution Board Members and Other Election Workers in the 2021 Municipal, Special, Primary and General Elections. Councilman Beard moved, seconded by Councilman Palmer, to approve the Resolution. The vote was unanimous in favor. **APPENDIX E**

**IN THE MATTER OF REAPPOINTMENT OF GEORGE TAYLOR TO TUPELO HOUSING AUTHORITY BOARD OF COMMISSIONERS**

Councilman Whittington moved, seconded by Councilman Palmer, to reappoint George Taylor to the Tupelo Housing Authority Board of Commissioners. After a brief discussion, the vote was unanimous in favor. **APPENDIX F**

**IN THE MATTER OF APPOINTMENT OF ORLANDO IVY TO POLICE ADVISORY BOARD**

Councilman Palmer moved, seconded by Councilman Jennings, to appoint Orlando Ivy to the Police Advisory Board in the at-large position. The vote was as follows:

Markel Whittington	AYE
Lynn Bryan	AYE
Travis Beard	AYE
Nettie Davis	AYE
Buddy Palmer	AYE
Mike Bryan	NAY
Willie Jennings	AYE

**APPENDIX G**

**IN THE MATTER OF APPOINTMENT OF STEVE MCALILLY TO THE TUPELO AIRPORT AUTHORITY BOARD**

Councilwoman Davis moved, seconded by Councilman Beard, to appoint Steve McAlilly to the Tupelo Airport Authority Board. The vote was unanimous in favor. **APPENDIX H**

**IN THE MATTER OF SURPLUS K9 APPOLLO FOR RETIREMENT**

Police Chief Aguirre submitted a request to the City Council to retire K9 Appollo. Councilman Palmer moved, seconded by Councilman Whittington, to approve the request and retire K9 Appollo from the Tupelo Police Department, with all further care and cost belonging to his Handler. The vote was unanimous in favor. **APPENDIX I**

#### **IN THE MATTER OF SURPLUS K9 EDGE FOR RETIREMENT**

Police Chief Aguirre submitted a request to the City Council to retire K9 Edge. Councilman Bryan moved, seconded by Councilman Whittington, to approve the request and retire K9 Edge from the Tupelo Police Department, with all further care and cost belonging to his Handler. The vote was unanimous in favor. **APPENDIX J**

#### **IN THE MATTER OF PLANNING COMMITTEE MINUTES FOR DECEMBER 21, 2020**

Councilman Palmer moved, seconded by Councilwoman Davis, to approve the December 21, 2020, Minutes of the Planning Committee. The vote was unanimous in favor. **APPENDIX K**

#### **IN THE MATTER OF DEMOLITION**

Donna Jarrell, Development Services, presented a list of structures that should be considered for demolition. After a brief explanation of each property, Councilman Jennings moved, seconded by Councilman Whittington, to approve the list for demolition, as presented. The vote was unanimous in favor. **APPENDIX L**

#### **IN THE MATTER OF CHANGE ORDER #3 FAIRPARK PHASE IV BID 2020-14FP**

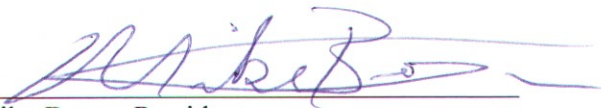
Debbie Brangenberg, DTMSA Director, requested that Change Order #3 for the Fairpark Phase IV Bid 2020-014FP be approved. The change order request is for a time extension due to the delay of delivery for the street lamps. There is no monetary change. Councilman Whittington moved, seconded by Councilman Jennings to approve the change order. The vote was unanimous in favor. **APPENDIX M**

#### **IN THE MATTER OF MOA MISSISSIPPI MAIN STREET**

Councilman Whittington moved, seconded by Councilman L Bryan to approve a 2021 Memorandum of Agreement for continuation in the Mississippi Main Street Association Main Street Program. This agreement is entered into and executed by the Mississippi Main Street Association, the City of Tupelo and sponsoring organization, Downtown Tupelo Main Street, for the purpose of continued participation in the Mississippi Main Street Program. The vote was unanimous in favor. A copy of the Agreement is attached to these minutes as **APPENDIX N**.


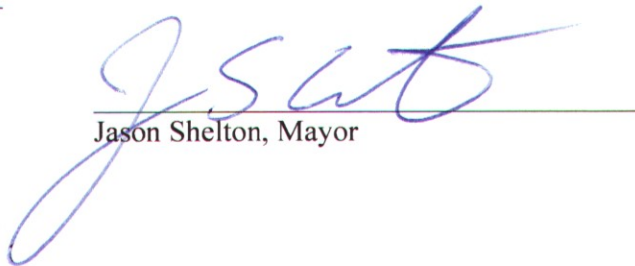
#### **ADJOURNMENT**

With no further business to come before the City Council at this time, Councilman Whittington moved, seconded by Councilman Palmer, to adjourn the meeting at 6:34 p.m. The vote was unanimous in favor. This the 5th day of January 2021.



Mike Bryan, President  
City Council

ATTEST:

  
Missy Shelton, Clerk of the Council

Jason Shelton, Mayor



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Pat Falkner, Director, Development Services

**DATE:** December 18, 2020

**SUBJECT:** IN THE MATTER OF REVIEW//APPROVE/DENY ORDINANCE AMENDING THE OFFICIAL ZONING MAP

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**Request:**

The Planning Committee recommended approval of a request to rezone 2030 South Veterans Memorial Drive from Industrial to Mixed Use Residential. The ordinance amending the zoning map is attached. This item was tabled at the December 1, 2020 Council meeting.

**ORDINANCE REZONING PROPERTY AND AMENDING THE OFFICIAL ZONING  
MAP OF THE CITY OF TUPELO, MISSISSIPPI**

Case No. RZ 20-01  
Parcel #: 113M-08-009-00

**WHEREAS**, a request was filed with the Department of Planning and Community Development to change the zoning on certain pieces of property; and,

**WHEREAS**, the request was reviewed by the Tupelo Planning Committee which reviewed and considered information regarding the rezoning and conducted a public hearing with notice sent to the surrounding property owners, at the Planning Committee's regularly scheduled meeting on Monday, November 2, 2020. The Planning Committee recommended approval of the proposed zoning change; and,

**WHEREAS**, the Tupelo City Council conducted a public hearing, with notice published in the Northeast Mississippi Daily Journal, at its regularly scheduled meeting on Tuesday, January 5, 2021, to review and consider recommendations proposed by the Tupelo Planning Committee concerning the proposed zoning change at which time no sufficient protest was received; and,

**WHEREAS**, the City Council finds and determines that pursuant to the authority granted under Miss. Code Anno. Sec. 17-1-3 (1972 as amended), it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code, and the provisions below are enacted pursuant to the procedures set forth in the Development Code of the City of Tupelo, and are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED** by the Tupelo City Council as follows:

1. The prefatory sentences, as findings of the City Council are hereby incorporated herein.
2. The portions of the following described property which are currently zoned Industrial, are hereby amended to be zoned Mixed Use Residential:

Commencing at the Northeast Corner of the Northeast Quarter of Section 8, Township 10 South, Range 6 East, Lee County Mississippi; thence South 00 degrees 42 minutes West 6.28 feet to the South right of way of Eason Boulevard; thence South 00 degrees 42 minutes West 1963.40 feet to the South line of a railroad spur and Northeast corner of the Mississippi National Guard property; thence South along Canal Street 349.60 feet to the Southeast corner of said property, for a point of beginning. Thence South along South Canal Street 237.00 feet to an iron pin at the Northeast corner of the Deviney Construction Company lot; thence North 89 degrees 39 minutes 53 seconds West along a chain link fence 486.60 feet to the East right of way of the Burlington-Northern Railroad; thence North 28 degrees 55 minutes 39 seconds West along said East line 267.53 feet to an iron pin; thence East along a chain link fence on the South line of the Mississippi National Guard property 616.00 feet to the Point of Beginning, and containing 2.98 acres.

Lying and being in the Northeast Quarter of Section 8, Township 10 South, Range 6 East, City of Tupelo, Lee County, Mississippi.


3. The official Zoning Map shall be amended to reflect this change. The City Clerk shall cause this amendatory ordinance to be published according to law.

The foregoing Ordinance was proposed in a motion by Councilman L Bryan, seconded by Councilman Whittington, and was brought to a vote as follows:

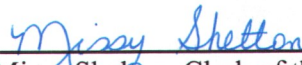
Councilman Markel Whittington	<u>Aye</u>
Councilman Lynn Bryan	<u>Aye</u>
Councilman Travis Beard	<u>Aye</u>
Councilman Nettie Davis	<u>Aye</u>
Councilman Buddy Palmer	<u>Aye</u>
Councilman Mike Bryan	<u>Aye</u>
Councilman Willie Jennings	<u>Aye</u>

Whereupon, the ordinance having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 5th day of January, 2021.


CITY OF TUPELO, MISSISSIPPI

BY:   
Mike Bryan, President

ATTEST:

  
Missy Shelton, Clerk of the Council

APPROVED:

  
Jason L. Shelton, Mayor

January 6, 2021  
Date



**CHECK INFORMATION FOR COUNCIL MEETING  
January 5, 2021**

<b>FUND</b>	<b>CHECK NUMBERS</b>
<b>POOL CASH EFT TWL ADJUSTMENTS</b>	<b>398905-399176 50000903-50000916</b>

**ELECTRONIC TRANSFERS AS SHOWN ON THE FACE OF DOCKET**

**INVOICES AS SHOWN ON FACE OF DOCKET**



# AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Kim Hanna, CFO

**DATE** January 5, 2021

**SUBJECT:** IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS **KH**

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**Request:**

The proposed item for approval is for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Tupelo.

**ITEMS:**

Lee County Courier	\$255	Christmas ad
Committee For the King	\$2,000	MLK Event Sponsorship

**RESOLUTION**

**RESOLUTION PROVIDING FOR THE DESIGNATION OF DEPUTY CITY CLERK TO ACT AS THE ELECTION REGISTRAR AND TO PROVIDE COMPENSATION FOR SUCH DUTIES**

**WHEREAS**, the City of Tupelo will be conducting its municipal primary, general, and Major Thoroughfare elections in the year 2021 and is responsible for the designation and compensation of certain officials necessary to conduct such elections; and

**WHEREAS**, in contemplation of Miss. Code Ann. § 23-15-225 (6), the registration of mail-in ballots shall be conducted by the City Clerk or Deputy City Clerk, and such person may receive a reasonable amount of additional compensation for the performance of duties associated with the registration of mail-in ballots; and

**WHEREAS**, the registration of mail-in ballots is not a typical job function in which the City Clerk or Deputy City Clerk is normally compensated for;

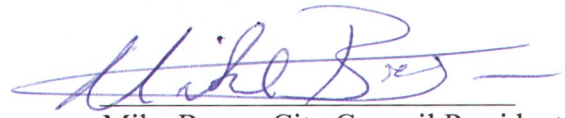
**NOW THEREFOR**, incorporating these prefatory findings herein, Deputy City Clerk Traci Carlock is hereby designated to act as registrar for the City of Tupelo Municipal Elections for the year 2021, and she shall be compensated at an additional rate of \$500 per month for a time period not to exceed 4-months.

After a full discussion of this matter, Council Member Beard moved that the forgoing Resolution be adopted, and said motion was seconded by Council Member Whittington and the question being put to a vote, the results were as follows:

Councilmember Whittington voted	<u>Aye</u>
Councilmember L. Bryan voted	<u>Aye</u>
Councilmember Beard voted	<u>Aye</u>
Councilmember Davis voted	<u>Aye</u>
Councilmember Palmer voted	<u>Aye</u>
Councilmember M. Bryan voted	<u>Aye</u>
Councilmember Jennings voted	<u>Aye</u>

The motion having received the affirmative votes of a majority of the members present, the President declared the motion carried and the Resolution adopted.

**WHEREUPON**, the forgoing Resolution was adopted at a regular meeting of the Council on this the 5th day of January, 2021.

CITY OF TUPELO, MISSISSIPPI  
  
Mike Bryan, City Council President

ATTEST:

Missy Shelton  
Missy Shelton, City Council Clerk

APPROVED:

Jason L. Shelton  
Jason L. Shelton, Mayor

January 6, 2021  
DATE

## RESOLUTION

### A RESOLUTION ESTABLISHING COMPENSATION FOR ELECTION COMMISSIONERS, POLL WORKERS, POLL MANAGERS, RESOLUTION BOARD MEMBERS AND OTHER ELECTION WORKERS IN THE 2021 MUNICIPAL SPECIAL, PRIMARY AND GENERAL ELECTIONS

**WHEREAS**, the City of Tupelo, Mississippi, will hold the special election for Phase VII of the Major Thoroughfare Program in February of 2021 and, thereafter, hold the municipal primaries and general election, along with any runoff elections occasioned thereby, in April, May and June, 2021; and

**WHEREAS**, the Mississippi Election Code provides for the appointment and compensation of the election commissioners, poll workers, poll managers, resolution board members and other election workers who conduct these elections; and

**WHEREAS**, the office of the Attorney General of the State of Mississippi has long recognized that the compensation of election commissioners is fixed by the municipal governing authority by ordinance; and

**WHEREAS**, Miss. Code Anno. § 23-15-153 (2) provides, subject to annual limitations, that county election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars (\$100.00) for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election; and

**WHEREAS**, Miss. Code Anno. §23-15-229 establishes the compensation for poll managers and other workers in the polling places of a municipality as the same as the compensation paid by the county for those services; provided, however, that the governing authorities of a municipality shall not be required to pay any additional compensation authorized by the board of supervisors under Miss. Code Anno. §23-15-227; and

**WHEREAS**, the governing authorities of a municipality may, however, in their discretion, pay clerks and poll managers in the polling places of the municipality an additional amount of compensation not to exceed Fifty Dollars (\$50.00) per election; and

**WHEREAS**, Miss. Code Anno. §23-15-227 (2) allows additional compensation to the poll manager who shall carry to the place of voting, away from the courthouse, the official ballots, ballot boxes, poll books and other necessities, shall be allowed Ten Dollars (\$10.00) for each voting precinct for so doing, and the poll manager who acts as returning officer shall be allowed Ten Dollars (\$10.00) for each voting precinct for that service; and

**WHEREAS**, a poll manager who performs the duties described above and uses a privately owned motor vehicle to perform them shall receive for each mile actually and necessarily traveled in excess of ten (10) miles, the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel; and

**WHEREAS**, Miss. Code Anno. § 23-15-239 (3) requires mandatory training for election workers and the municipal governing authority, in their discretion, may compensate election workers who attend these training sessions at a rate of not less than the federal hourly minimum wage nor more than Twelve Dollars (\$12.00) per hour, not to exceed more than sixteen (16)

hours of attendance at the training sessions regardless of the actual amount of time that they attended the training sessions; and

**WHEREAS**, House Bill 824, 2020 Legislative Session, authorized additional compensation to pay elections commissioners, clerks, poll managers, resolution board members in the polling places of the municipality an additional amount of compensation not to exceed Fifty Dollars (\$50.00) per any election which occurs from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay from the municipal general fund, from federal funds available for such purpose, or a combination of both funding sources; and

**WHEREAS**, this provision has expired, but may be renewed in the upcoming 2021 legislative session; and

**WHEREAS**, the City of Tupelo desires to compensate election commissioners, poll workers, poll managers, resolution board members and other election workers for their civic service at the maximum amount allowed under Mississippi law.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Tupelo as follows:

1. Subject to annual limitations, municipal election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars (\$100.00) for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election.
2. As provided in the above-referenced statutes, each poll worker, poll manager, resolution board member and other election worker offering his/her services in the polling places of the City of Tupelo shall be compensated in the amount of One Hundred Twenty Five Dollars (\$125.00) for each election, and in the case of resolution board members an additional One Hundred Twenty Five Dollars (\$125.00) for the day of final processing of absentee mail-in ballots post-marked before the election but arriving thereafter.
3. The poll manager or other person who shall carry to the place of voting, away from the courthouse, the official ballots, ballot boxes, poll books and other necessities, shall receive Ten Dollars (\$10.00) and mileage for that service in addition to the compensation provided above.
4. The poll manager or other person who acts as returning officer shall receive Ten Dollars (\$10.00) and mileage for that service in addition to the compensation provided above.
5. Poll workers, poll managers, resolution board members and other election workers who must attend mandatory training sessions shall receive Ten Dollars (\$10.00) per hour, not to exceed sixteen (16) hours; and
6. Pandemic pay in an amount to be determined by the Mississippi Legislature and Governor shall be paid to election commissioners, poll workers, poll managers, resolution board members and other election workers if authorized.

The foregoing Resolution was proposed in a motion by Council Member Beard, seconded by Council Member Palmer, and was brought to a vote as follows:

Councilman Markel Whittington	<u>Aye</u>
Councilman Lynn Bryan	<u>Aye</u>
Councilman Travis Beard	<u>Aye</u>
Councilwoman Nettie Davis	<u>Aye</u>
Councilman Buddy Palmer	<u>Aye</u>
Councilman Mike Bryan	<u>Aye</u>
Councilman Willie Jennings	<u>Aye</u>

Whereupon the motion, having received a majority of affirmative votes, the President of the Council declared that the Resolution had been passed and adopted on this, the 5th of January, 2021.

CITY OF TUPELO, MISSISSIPPI

Mike Bryan  
~~MIKE BRYAN, President~~

ATTEST:

Missy Shelton  
MISSY SHELTON, Council Clerk

APPROVED

JLS  
JASON L. SHELTON, Mayor

January 6, 2021  
DATE



## TUPELO HOUSING AUTHORITY

P.O. BOX 3 • 701 SOUTH CANAL STREET  
TUPELO, MISSISSIPPI 38802-0003  
(662) 842-5122 • FAX (662) 680-9730  
www.tupha.org

COMMISSIONERS  
GEORGE TAYLOR, CHAIRPERSON  
TILLMON CALVERT, VICE-CHAIRPERSON  
LISA HAWKINS, COMMISSIONER  
WESLEY WELLS, COMMISSIONER  
KRISTY LUSE, COMMISSIONER

EXECUTIVE DIRECTOR  
TABITHA SMITH

November 5, 2020

Mayor Jason L. Shelton  
City of Tupelo  
P. O. Box 1485  
Tupelo, Mississippi 38802-1485

Dear Mayor Shelton:

Mr. George Taylor's term as Commissioner of the Tupelo Housing Authority expires on January 1, 2021. Mr. Taylor has done an outstanding job representing the interest of low-income families in our public housing communities. Mr. Taylor participates in training events and has a keen interest in housing low income people. Through his stewardship, the Housing Authority has grown and progressed in a manner that has improved the living conditions of low-income people in the City of Tupelo.

We would like to recommend reappointing Mr. Taylor to the Board of Commissioners. I am also enclosing a reappointment resolution should you decide to reappoint Mr. Taylor.

Please contact me should you have any questions.

Sincerely,

Tabitha Smith  
Executive Director

Enclosure



**RESOLUTION REAPPOINTING  
GEORGE TAYLOR  
TO SERVE A FIVE-YEAR TERM  
AS COMMISSIONER OF THE  
TUPELO HOUSING AUTHORITY**

WHEREAS, George Taylor's current term of office expires on January 1, 2021; and

WHEREAS, Commissioner Taylor is currently serving as Chairperson of the Authority's Board of Commissioners and has done an outstanding job in serving the City of Tupelo as a representative on the Tupelo Housing Authority Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tupelo, Mississippi, assembled on this the \_\_\_\_\_ day of \_\_\_\_\_, as follows:

That George Taylor is hereby reappointed to serve a five-year term on the Board of Commissioners of the Tupelo Housing Authority, and/or until his successor succeeds him in office, and that the term of this appointment shall begin on January 1, 2021, and shall expire on January 1, 2026.

DONE BY ORDER OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CLERK'S CERTIFICATE**

I, \_\_\_\_\_, Clerk for the City Council of the City of Tupelo, Mississippi, do hereby certify that the foregoing resolution is a true and correct copy of a resolution which was approved by the City Council of the City of Tupelo, Mississippi, in a meeting held on \_\_\_\_\_, 2020, and that a copy of the resolution appears in the recorded minutes of that meeting.

\_\_\_\_\_  
Clerk of the City Council

**Orlando Ivy**  
1117 Terry Road  
Tupelo, MS 38801  
Home: 662-566-7685  
Cell: 662-401-5831

## **OBJECTIVE:**

A challenging and rewarding opportunity in management/public service utilizing proven abilities and experience with an organization offering opportunity and growth.

## **QUALIFICATIONS:**

- Extensive experience as parts supervisor
- Retail Management experience
- Financial Management and Profitability Course( through John Deere Company)
- Proven supervisory abilities
- Extensive experience in Inventory Control and Customer Service
- Computer Experience
- Ability to motivate co-workers
- Get along well with people at all levels
- Self-motivated; results-oriented
- Will travel and relocate to enhance career

## **Professional Background**

August 2006 until present, Ashley's Furniture Store, Assistant Warehouse Manager. Duties include inventory control, shipping, computer data, and supervise 15 employees.

From April, 1988 until October, 1993, worked as Parts Manager for John Deere. Responsible for inventory control, customer service, various administrative duties, hiring, taking phone orders, checking stock on computer, pricing stock orders on computer, and data processing.

From October, 1993 until August 2006 worked as Service Administrator for John Deere. Responsible for computer data entry, open and close repair orders, took service troubleshooting phone calls, total and check technicians payroll, file warranty claims, and various administrative duties.

August 1984 to April 1988: Dixie Bearing, Tupelo, Mississippi, Parts Supervisor. Responsible for checking all incoming stock, shipping orders out, taking orders over the telephone, and checking in distribution centers via computer.

November 1979 to July 1984, Baddour, Inc. (Fred's Discount Store), Manager. Responsible for all management/supervision functions as well as merchandising, sales, customer service, record keeping, and various administrative duties.

## **Achievements**

- ~Was named employee of the Month for Barton, Inc.
- ~Received John Deere Parts Sales Award

## **Education**

Rust College, Holly Springs, Mississippi  
 B.S. Degree in Public Administration- 1979  
 (Dean's List, Baseball Scholarship)

## **Professional Training & Education**

- ~Management Training, Baddour, Inc., Memphis, Tennessee
- ~Financial Management and Profitability Course through John Deere Company
- ~Industry's Most Advanced Sales and Service Training Program through John Deere Company
- ~Introduction to Windows 95 through Itawamba Community College



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Jason L. Shelton, Mayor

**DATE** January 5, 2021

**SUBJECT:** IN THE MATTER OF APPOINTMENT OF STEVE MCALILLY TO THE  
TUPELO AIRPORT AUTHORITY BOARD **JS**

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**NOTE:**

Bio attached...

## **STEVE McALILLY**

### **President & Chief Executive Officer Mississippi Methodist Senior Services, Inc.**

Steve McAlilly is the President and Chief Executive Officer of Mississippi Methodist Senior Services, Inc., whose corporate headquarters is Tupelo, MS. Established in 1966, it owns and operates twelve retirement communities in eleven locations in Mississippi, serving over 1,500 residents in its senior living facilities, with 1,000 employees and an annual income of about \$65 million. Under his leadership in 2003 Senior Services developed and opened the nation's first Green House model for long-term care. Steve was selected by the United Methodist Association as its "Administrator of the Year in 2004." In 2005 he received Otterbein Homes' "Distinguished Service to Aging Award" for "bringing the Green House model of long term care to the world." Steve was presented LeadingAge's "Award of Honor" in 2012. In 2015 he was named Millsaps College's Distinguished Alumnus of the Year. He also serves as a Director for Caring Communities Insurance Company.

Steve was born in Tupelo and has lived in West Point, Fulton, New Albany, and Meridian. A graduate of Millsaps College and the University of Mississippi School of Law he practiced law in Meridian before moving back to Tupelo in 1994 to assume the leadership of MMSS.

In addition to serving as the CEO of Mississippi Methodist Senior Services, he serves as the Chair of the Board of Directors of the Center for Innovation, which is the national organization that provides resources and support for organizations developing the Green House Model of long-term care.

Steve received his B.S. in History at Millsaps College in 1977 and his Juris Doctor from the University of Mississippi School of Law in 1980.

He is an instrument rated private pilot with 3,600 plus hours of flight time. He flies his Cessna Turbo Skylane RG, which is based at Tupelo, for pleasure and business, flying regularly to Mississippi airports, but also to other major airports within 500 miles of Tupelo, such as Dallas, Chicago, Orlando, Washington, D.C., Nashville, New Orleans, Memphis, Birmingham and Atlanta.



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Bart Aguirre, Chief  
**DATE** December 9, 2020  
**SUBJECT:** IN THE MATTER OF SURPLUS K9 FOR RETIREMENT **BA**

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### **Request:**

Please accept this letter of request to surplus for Retirement, K9 Appollo. Appollo will be with his handler.

Gretchen Ganas, DVM  
 All Animal Hospital  
 1411 Coley Rd  
 Tupelo, MS 38801  
 662-844-4955  
 June 3, 2020

To Whom It May Concern:

K9 Apollo was noted to have rear leg pain by his handler in February of 2020. An exam and radiographs were performed on February 12, 2020. Most notable on radiograph was a shallow acetabulum on his right side. This is often seen in patients with developing hip dysplasia. Apollo was prescribed anti-inflammatory and pain medication and his handler was advised to restrict his activity for a short time.

Apollo did improve with medical treatment but was again seen on March 3, 2020 for right rear leg pain. Treatment was continued and another pain medication added to his regimen. On May 6, 2020, Apollo's handler brought him to be seen again, as his pain returned even with restrictions and limited duty. His radiographs from February were reviewed and were shared with Dr. George Edwards, who has special training in orthopedics. His diagnosis was hip dysplasia with remodeling of the femoral head. Dr. Edwards and I discussed treatment options for Apollo's developing arthritis and agreed that he would likely do best with pain management until the time he was no longer able to perform his duties fully. Surgical correction was also discussed, but would limit his job performance immediately and forever.

Apollo's condition is very common in high performance athletic dogs. Unfortunately, the condition will progress despite medical treatment and his ability to work effectively will be significantly affected. According to Apollo's handler, jumping in and out of his work vehicle causes an almost immediate limp. It is my opinion that Apollo has reached the stage in his arthritis that he is unable to work at the level expected of him and that he should be medically retired.

Respectfully,  
 Gretchen Ganas, DVM





## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Bart Aguirre, Chief  
**DATE** December 9, 2020  
**SUBJECT:** IN THE MATTER OF SURPLUS K9 FOR RETIREMENT BA

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**Request:**

Please accept this letter of request to surplus for Retirement, K9 Edge. Edge will be with his handler.

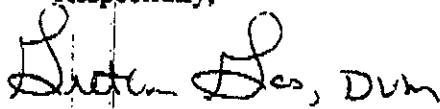


Gretchen Ganas, DVM  
All Animal Hospital  
1411 Coley Rd  
Tupelo, MS 38801

To Whom It May Concern:

Tupelo Police K9 Edge will be turning ten years old in September of this year. Although in relatively good health currently, I expect Edge to begin slowing and having joint issues due to his age. Due to this, I recommend Edge's retirement from the TPD K9 division.

Respectfully,



Gretchen Ganas, DVM

**MINUTES OF THE  
TUPELO PLANNING COMMITTEE  
December 21, 2020**

**CALL TO ORDER**

Chairperson Ms. Leslie Mart called the meeting to order. She asked Ms. Pam Hadley to open with a prayer and Mr. Lindsay Leake to lead the pledge of allegiance. Ms. Patti Thompson, Mr. Scott Davis and Development Services staff members Pat Falkner and Marilyn Vail were in person. Ms. Mart, Mr. Jimmy Swann, Ms. Pam Hadley, and Mr. Lindsey Leake were present using Zoom.

**REVIEW OF DECEMBER 7, 2020 MINUTES**

Chairperson Mart asked the group if they had reviewed the minutes of the last meeting. Mr. Davis made a motion to approve the minutes as written and Ms. Thompson seconded. The motion carried and the minutes were approved.

**REPORT ON COUNCIL ACTIONS**

Mr. Falkner reported that the rezoning approved in November will have its final public hearing and vote before the Council on January 5, 2020. The actions from December 7 will be submitted for that date as well.

**NEW BUSINESS**

- **FLEXVAR20-09: Application from Adelina Mateo Juan to allow on premises consumption of beer at 2307-B West Main Street, less than the required 100 foot separation from a protected building.**

Ms. Mateo appeared and stated that she was opening a new restaurant in the space where a restaurant had been operating previously, and that she needed to be able to serve beer in order for the business to be financially viable.

Mr. Falkner explained that the separation distance had been measured from the back wall of the restaurant space to the wall of the residence at 110 South Foster. He noted that there had not been any comments from the public on the application, only one person with a question.

Ms. Mart asked if there would be any outdoor dining or music. Ms. Mateo answered that there would not be due to the limited parking area available. Ms. Mart asked about the number of people the restaurant could hold. Ms. Mateo said that there would be three employees.

Mrs. Thompson said that she would be willing to approve the request if it could be reviewed in a year. Mr. Davis made a motion to that effect, with the condition stated that if there were no complaints or objections within the year, the approval would become permanent without further review. Mrs. Thompson seconded the motion which was passed unanimously.

- **RZ 20-02: Application from Ms. JoAnn Box to extend the Mixed Use Commercial Zoning onto two adjacent lots, Parcels 077R-36-126-00 and 077R-36-126-01, formally recognized as 109 and 113 South Lawndale.**

Ms. Margaret Ann Kennedy represented the application on behalf of her mother Ms. Box, the owner of the property. Participation by Zoom, Ms. Kennedy explained that her mother owned the adjoining property at the corner of West Main Street and Lawndale, which is already zoned MUCC. She has a contract for sale of the property contingent on rezoning the additional lots on Lawndale. The potential purchaser has plans to develop a convenience store on the site, for which the property currently zoned MUCC is not large enough.

Mr. Falkner explained that the applicant had submitted a preliminary site plan which showed a landscape buffer designed to meet the city's requirement for commercial projects adjoining residential property. He noted that civil plans were not available yet, and the design of the buffer would need to take into account the likelihood of a retaining wall along the south and east sides of the property.

Committee members asked about the dimensions of the buffer, the height and placement of the fence, and the materials to be used for the fence.

Mr. Swann stated that he was familiar with the area which has been dormant and would benefit from new development.

Ms. Thompson asked if conditions could be placed on the action. Ms. Mart noted for the record that the project would have to meet code requirements for the landscape buffer, with the stipulation that landscaping be provided outside the retaining wall that would be above the height of the wall.

Ms. Thompson made a motion to approve the application with that condition. Ms. Hadley seconded the motion which passed unanimously.

- **FLEXVAR20-08: Application from Michael Carter / CLRS, LLC to allow construction of a building addition with a five-foot setback rather than the required ten-foot setback.**

This item remained on the table.

Ms. Mart asked if there were any applications pending for January. Mr. Falkner replied that there were not.

The Committee adjourned the meeting.



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Pat Falkner, Department of Development Services Director (DJ)  
**DATE:** December 29, 2020  
**SUBJECT:** IN THE MATTER OF DEMOLITION

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Request that the following properties be considered for demolition:

**1204 Hilda Ave.**

**1410 Forrest St.**

**571 N. Church St.**

**Demolition List for 1/5/21 City Council Meeting**

**1204 HILDA AVE.**

**1410 FORREST ST.**

**571 N. CHURCH ST.**



**1204 Hilda Ave.**





**1204 Hilda Ave.**



1204 Hilda Ave.



**1204 Hilda Ave.**





**1410 Forrest St.**





**1410 Forrest St.**



**1410 Forrest St.**





**1410 Forrest St.**



**571 N. Church St.****BASIC INFORMATION**

- ▶ PARCEL: 089F-30-125-00
- ▶ CASE: 32590
- ▶ WARD: 4
- ▶ TAX VALUE: \$16,660
- ▶ VACANT: YES
- ▶ REPAIRABLE: POSSIBLY

**NEARBY PROPERTIES/ TAXES**

- ▶ Right side      n/a
- ▶ Left side        n/a
- ▶ Rear             n/a
- ▶ Across street   570 N. Church St.                      \$29,070

**TAXES/LIENS -**

Taxes – Current

No city liens

**VISUAL INDICATORS OF BLIGHT**

- ▶ STRUCTURAL DAMAGE OR FAILURE- YES
- ▶ EXTERIOR MATERIALS IN NEED OF REPLACEMENT OR REPAIR – YES
- ▶ BROKEN WINDOWS\DAMAGED DOORS – NO
- ▶ YARD OR GROUNDS POORLY MAINTAINED – NO
- ▶ ACCUMULATION OF JUNK - YES

**CODE ENFORCEMENT HISTORY**

- ▶ 5 PRIOR VIOLATIONS
- ▶ CURRENT STATUS – 2 OPEN CASES - CHAPTER 34 & RENTAL
- ▶ ESTATE OWNED PROPERTY THAT HAS NOT BEEN MAINTAINED FOR SEVERAL YEARS

**571 N. Church St.**



571 N. Church St.





## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Debbie Brangenberg, TRA Project Manager

**DATE** December 28, 2020

**SUBJECT:** IN THE MATTER OF CHANGE ORDER #3 FAIRPARK PHASE IV

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**Request:**

Change Order #3 - Cook and Son Fairpark Phase IV time extension.

3-09633

**COOK COGGIN ENGINEERS, INC.**

December 22, 2020

Mrs. Debbie Brangenberg  
Tupelo Redevelopment Agency  
City of Tupelo  
71 E Troy St  
Tupelo, MS 38804

**CITY OF TUPELO  
TUPELO FAIRPARK REDEVELOPMENT PHASE 4  
BID 2020-14FP**

Please find attached four (4) copies of Change Order No. 3 for further processing. This change is a request for time extension and does not result in a change in the contract amount. Also attached is the Contractor's justification letter for the requested time extension. In summary, the street lamps delivery has been delayed multiple times at no fault to the Contractor. The current anticipated ship date is January 4, 2020.

If you have any questions or need further assistance, please call.

David M. Long, P.E.  
davidlong@cookcoggin.com

Copy to:

Mr. Kenneth Cook, Cook & Son, LLC, 60146 Seminole Rd, Smithville, MS 38870 (email)

**CHANGE ORDER**

CCE NO. 3-09633 CHANGE ORDER NO.: 3  
 OWNER: City of Tupelo PROJECT: Fairpark Redevelopment Phase 4  
 OWNER #: Bid 2020-14FP CONTRACTOR: Cook & Son, LLC

Item No.	Item Description	Quantity	Unit	Unit Price	Amount
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**This Change Order is for Time Extension Only. No Change in Contract Amount will Result from this Change Order. Reference is made to the Contractor's Request Letter for Justification. In Summary, the Street Lamps delivery has been delayed multiple times at no fault to the Contractor. The Current Anticipated Ship Date is January 4, 2020.**

It is further understood and agreed that this modification constitutes compensation in full on behalf of the contractor and its subcontractors and suppliers for all costs and markups directly or indirectly attributable to the change order herein, of all delays related thereto, and for performance of the changes within the time frame stated.

Estimated Cost - Per Contract Dated: July 9, 2020

Original Contract Amount \$ 1,647,394.34  
 Previously Approved C.O.'s Add (Deduct): \$ (2,554.00)  
 PREVIOUSLY REVISED CONTRACT TOTAL: \$ 1,644,840.34  
 Estimated Amount - This C.O. Add (Deduct): \$ -  
 REVISED CONTRACT TOTAL: \$ 1,644,840.34  
 NOTICE TO PROCEED DATE: 8/24/2020  
 ORIGINAL CONTRACT TIME (Calendar Days): 90  
 ORIGINAL COMPLETION DATE: 11/21/2020  
 DAYS ADDED (DEDUCTED) PREVIOUS C.O.: 30  
 DAYS ADDED (DEDUCTED) THIS C.O.: 41  
 REVISED CONTRACT DAYS: 161  
 REVISED COMPLETION DATE THIS C.O.: 01/31/21

DATE: 12/22, 2020

David M. Long  
 For Engineer (Cook Coggin Engineers, Inc.)

APPROVED: 1-5-2021, 2020

J. S. W.  
 For Owner (City of Tupelo, Mississippi)

ACCEPTED: 12/22, 2020

Kent  
 For Contractor (Cook & Son, LLC)

Jim Spearman, PLS  
Cook and Son, LLC  
60146 Seminole Road  
Smithville, MS 38870  
662-401-9447  
[jspearman@cookandson.net](mailto:jspearman@cookandson.net)

December 22, 2020

David Long  
Cook Coggin Engineers, Inc  
703 Crossover Road  
Tupelo, MS 38801  
662-842-7381  
[davidlong@cookcoggin.com](mailto:davidlong@cookcoggin.com)

**Tupelo Fairpark Phase 4 Request for Additional Time**

Mr. Long,

I am writing this letter to request additional time for the Tupelo Fairpark Phase 4 Project. We would like to request 41 additional days to be added to the original deadline of December 21, 2020. The additional days would make the new deadline to be January 31, 2021.

The reason for the request for additional time is because of a delay in receiving the streetlights. The lights were ordered on September 17, 2020, and the projected ship date has been pushed back each time we have spoken with the manufacturer. Currently the projected shipment date is January 4, 2021. The manufacturer is experiencing delays and problems due to Covid 19.

We will have the wire pulled in the conduit so that the installation of the streetlight will go as speedy as possible. Thank you for your consideration on this additional time.

Sincerely,



Jim Spearman, PLS





# MISSISSIPPI MAIN STREET ASSOCIATION

## 2021 MEMORANDUM OF AGREEMENT FOR CONTINUATION AS A MISSISSIPPI MAIN STREET ASSOCIATION DESIGNATED COMMUNITY

THIS AGREEMENT is entered into and executed by the Mississippi Main Street Association (“MMSA”) and Downtown Tupelo Main Street Association, hereinafter referred to as the “local program.”

THIS AGREEMENT is for the purpose of implementing the local Main Street program through continued participation as a Mississippi Main Street Designated Community. In consideration of the executed agreement, the parties agree to the following terms and conditions:

### SECTION I. MMSA AGREES TO:

1. Designate a MMSA team member to be the point of contact for the local program director. The team member will be available to answer questions and provide advice and information via email or telephone. The team member will review and approve quarterly reports, participate in the selection of new local directors, and respond to other program requests as mutually agreed upon.
2. Provide at least one annual Main Street Approach™ training opportunity available to all local program directors, board members, committee members, and government representatives from the Main Street communities. MMSA will provide all materials related to training.
3. Conduct one on-site Main Street 101 training for local program directors, board members, and government representatives affiliated with new Designated Communities.
4. Conduct quarterly trainings, workshops, meetings, and/or conferences to further develop and enhance the skills of local directors and board members.
5. Host an annual Main Street Directors’ Retreat, which is required to be attended by the local program director (or other representative).
6. Provide an annual calendar with the dates and locations of MMSA-approved trainings,

workshops, meetings, retreats, and conferences, if possible, at the beginning of the calendar year.

7. Provide one on-site work session, as requested by the local program director, for the development of a vision, goals, and objectives, as part of the local program's annual work plan.
8. Provide one annual on-site visit for community services as requested by the local program director. A community assistance form must be filled out and sent to the Director of Community Development, at which point a meeting will be scheduled for a mutually agreed upon time. Additional requests for community visits may be subject to a nominal fee to cover administrative and travel expenses.
9. Provide annual grant opportunities for community development services. Community development services may include, but are not limited to design and planning services, local market analysis, communication and marketing consultation, retail and small business training, festival and event development, volunteer training, budget development, economic development assistance, and business recruitment, retention and expansion assistance.
10. Provide *The Point for Mississippi*, an online community forum in partnership with the National Main Street Center, as a resource for local programs. MMSA staff, along with National Main Street Center staff, will monitor and provide technical assistance to members on *The Point*.
11. Facilitate and promote ongoing media coverage of MMSA and its individual local programs.
12. Provide and grant each Designated Community use of the official MMSA Designated Community logo and other promotional materials with MMSA branding.
13. Conduct periodic on-site evaluations of each local program's progress as needed or requested by the local program director.
14. Provide all local programs with regular updates on industry news, grant opportunities, and information from our partner organizations.
15. Provide legislative education and advocacy for Main Street at the state and national level.
16. Collect economic development data from local programs and publish statewide economic development statistics in an annual report to members and investors.
17. Provide an Annual Awards application where the local program may submit nominations and be judged by an impartial jury of professionals with the opportunity of winning and being recognized at the Annual Awards Luncheon in June.
18. Perform annual assessments to evaluate the local program's progress and assist with the local

program's state compliance and accreditation as outlined by the National Main Street Center.

**SECTION II. THE LOCAL PROGRAM AGREES TO:**

1. Be in good standing with MMSA, having fully paid all dues and fees, submitted all reports and information, and participated in the required number of trainings for the previous calendar year.
2. Pay all MMSA Designated Community annual dues and fees in a timely manner.
3. Maintain the focus of the local program within the boundaries of the Main Street district as designated in the local program's application for membership, or subsequent amendments.
4. Maintain broad-based community support for the local program by the public and private sectors through financial contributions and in-kind or volunteer support.
5. Promote and encourage a historic preservation ethic for the local program, including advocacy for good design, encouragement of building rehabilitation and adaptive reuse, promotion of financial incentives, and advancement of planning policies appropriate for preservation.
6. Implement the Main Street Approach™ recommended by MMSA and the National Main Street Center, including the development of an annual work plan for the local program that includes projects centered around the community's transformation strategies.
7. Maintain a strong, broad-based organizational system that includes an active board of directors that holds monthly or bi-monthly meetings throughout the year and committees or task teams with designated board members as chairpersons.
8. Employ a local program director who spends at least 20 hours per week implementing the Main Street program in the community. In the event the local program director position becomes vacant, the local program shall notify MMSA within thirty (30) days and the position shall be filled within four (4) months of the vacancy.
9. Maintain a separate Main Street budget with adequate funding for daily office operations and travel commitments for the local director to attend trainings, workshops, meetings, retreats, and conferences as required by this agreement.
10. Provide information for monitoring the progress of the local program, submit all quarterly reports using the online report generator provided by MMSA, and provide any and all other information requested by MMSA on or before the identified deadlines. Quarterly reports shall be submitted by the 15<sup>th</sup> day of the month following the end of each quarter.
11. Send the local program director (or other representative) to the annual Directors' Retreat.
12. In addition to the Directors' Retreat, the local program director shall participate in at least three

MMSA-approved training events per year. The community shall be responsible for the director's travel costs and expenses associated with these meetings. A list of required and approved trainings is attached to this agreement as Exhibit A.

13. Fill out the MMSA community assistance form when requesting a community service. The Director of Community Development will take into consideration: if the local program is certified and in good standing with MMSA, if requested funds are available, whether a match from the local program is available, and previous requests from the local program.
14. Include the MMSA Designated Community logo on all print, web-based, and electronic marketing materials according to the brand guidelines established and provided by MMSA.
15. Be an Accredited or Affiliate Member in good standing with the National Main Street Center.
16. Be an active participant in *The Point*, an online community forum, in partnership with the National Main Street Center. Every Designated Program should have at least one active member account on *The Point*.
17. Provide the MMSA Director of Communication and Marketing news of your local program's projects, accomplishments, and events, so that MMSA may promote them.
18. Include MMSA staff in the hiring and selection process of new local program directors.
19. File all applicable IRS forms in accordance with state and federal tax laws. Local programs may be required to register as a Mississippi charitable organization with the Mississippi Secretary of State's office.
20. Complete the annual Director's Survey (online) sent via email no later than November 30, 2020.
21. Submit the following to MMSA by the January 31, 2021 deadline:
  - Payment of 2021 MMSA dues. The invoice was mailed to the local program director on record in October 2020. The local program director is responsible for ensuring that the invoice is paid by January 31, 2021.
  - A copy of the local program's current bylaws.
  - A copy of the local program's approved budget for the 2021 fiscal year.
  - A copy of the local program's annual work plan for 2021.
  - A complete list of local board members and officers, including names and email addresses.
  - A copy of the Main Street district's current boundary map (if changes have been made to the district's boundaries since the previous year).
  - A copy of the local program's most recent IRS filing, if applicable.

**SECTION III. MMSA AND THE LOCAL PROGRAM JOINTLY AGREE THAT:**

1. This agreement may be modified only by written amendment executed by all parties and approved by the MMSA State Coordinator.
2. The term of this agreement shall be for one calendar year, beginning on January 1, 2021 and expiring on December 31, 2021. This agreement shall not be binding upon the parties until it contains all signatures and is approved by the MMSA State Coordinator.
3. Either party may terminate this agreement without penalty by giving written notice to the other party at least sixty (60) days before the effective date of such termination.
4. This agreement shall be interpreted under the laws of the State of Mississippi. Any litigation under this agreement shall be resolved exclusively in a federal or state court of competent jurisdiction located in Mississippi.
5. If any provision of this agreement is held unenforceable, then such provision will be modified to reflect the parties' intention. Any and all remaining provisions of this agreement shall remain in full force and effect.
6. The failure by one party to require performance of any provision shall not affect that party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this agreement constitute a waiver of any subsequent breach or default or of the provision itself.
7. Except as expressly set forth in this agreement, the services to be provided under this agreement are furnished as is, where is, with all faults and without warranty of any kind, express or implied, including any warranty of merchantability or fitness for any particular purpose.
8. If a local program fails to comply with the provisions of this Memorandum of Agreement (MOA) by April 30, 2021, MMSA may choose to send the local program a written initial notice that summarizes the non-compliance issues and provides guidance on how to resolve them. At that point, the local program shall be placed on probationary status and shall be ineligible for any services or grant funds from MMSA until the local program is compliant. MMSA will re-evaluate the local program 90 days following the initial notice. If the local program has failed to correct the issues listed in the first notice, MMSA will issue a final notice. If the local program fails to comply with the provisions of this MOA within 90 days of the final notice, the local program will be de-certified with an official letter from MMSA. At that point, the community will have to start a new application process if they wish to rejoin the association.

IN WITNESS WHEREOF, the following parties have executed this agreement:

By: DocuSigned by:  
*Debbie Brangenberg* \_\_\_\_\_ 1/4/2021  
 126D72F675F0488...  
 Debbie Brangenberg Date  
 Main Street Director

DocuSigned by:  
*Bobby Geno* \_\_\_\_\_ 1/4/2021  
 4F3AECA8EA9F4DC...  
 Bobby Geno Date  
 Local Board President or Chief Elected Official

DocuSigned by:  
*Thomas Gregory* \_\_\_\_\_ 1/5/2021  
 7B787148574B4E4...  
 Thomas Gregory, State Coordinator Date  
 Mississippi Main Street Association

IN WITNESS WHEREOF, the following parties have executed this agreement:

By: DocuSigned by:  
*Debbie Brangenberg*  
126D72F675F0488...  
 \_\_\_\_\_  
 Debbie Brangenberg  
 Main Street Director

1/4/2021  
 \_\_\_\_\_  
 Date

*J. S. Webb*  
 \_\_\_\_\_  
 Local Board President or Chief Elected Official

1-6-2021  
 \_\_\_\_\_  
 Date

\_\_\_\_\_  
 Thomas Gregory, State Coordinator  
 Mississippi Main Street Association

\_\_\_\_\_  
 Date