

# **REGULAR CITY COUNCIL MEETING**

## **MUNICIPAL MINUTES CITY OF TUPELO**

### **STATE OF MISSISSIPPI**

**OCTOBER 04, 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, October 4, 2022, at 6:00 p.m. with the following in attendance: Council Members Chad Mims, Lynn Bryan, Travis Beard, Nettie Davis, Buddy Palmer, Janet Gaston and Rosie Jones; Ben Logan, City Attorney and Missy Shelton, Clerk of the Council. Council Member Lynn Bryan gave the invocation, and Council Member Nettie Davis introduced Lee Green, who then 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, with the following addition:

ADD: Item 30

IN THE MATTER OF APPROVAL OF CHANGE ORDER #2 FOR COURT STREET PARKING LOT IMPROVEMENTS BID NO 2022-012PW

The vote was unanimous in favor.

### **IN THE MATTER OF PROCLAMATION FOR PIOMINKO DAY**

Mayor Todd Jordan recognized Brady Davis, who read a Proclamation for Piominko Day, Monday, October 10, 2022. APPENDIX A

### **IN THE MATTER OF PROCLAMATION FOR FIRE PREVENTION WEEK**

Mayor Todd Jordan recognized Fire Chief Kelly Elliott. Chief Elliott read a Proclamation for 2022 Fire Prevention Week - October 10-16, 2022. APPENDIX B

### **EMPLOYEE RECOGNITION**

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

Craig Helmuth	DTMSA	5 years
Major Rudy Young	PW	20 years
Adam Merrill	PD	10 years

Robert Paul Hendrix	PD	15 years
Tyler Cook	PD	10 years
Missy Shelton	Council	15 years

### **PUBLIC RECOGNITION**

Council Member Janet Gaston thanked all those who are involved with and who volunteer to help with Habitat for Humanity. There have been 766 volunteers this year.

Council Member Rosie Jones thanked the City of Tupelo and all others who had a part in the 1st annual ‘Savin’ Our Youth’ held in Haven Acres last weekend. She specifically thanked Fire Chief Kelly Elliott, Police Chief John Quaka and their employees who helped with the event. She also mentioned Tombigbee Electric Power Association, Joe Metcalf and Joe Green for all their help. S.A.F.E. held its annual festival in front of City Hall on Monday of this week. Ms. Jones thanked them for all they do in stopping and bringing attention to domestic violence.

Council Member Nettie Davis reminded everyone that there are several activities coming up in the next few days. Faith in Blue, NAACP banquet and Fall Into Tupelo will all be held this weekend. She encouraged everyone to attend.

### **MAYOR'S REMARKS**

Mayor Todd Jordan mentioned the S.A.F.E. festival held on Monday, stating that there was good attendance. He commended Council Member Rosie Jones for all her hard work on the 1st annual ‘Savin’ Our Youth’ festival held in Haven Acres. He also thanked the Council and all the City employees who helped with the festival.

### **PUBLIC AGENDA**

#### **IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING**

No one appeared to speak at the public hearing for the following properties on the final lot mowing list:

<u>Parcel</u>	<u>Location</u>
077P3506700	107 LAKEVIEW DR
113T0501500	PAYNE ST
088N3304700	335 CANAL ST
079V3210000	5437 TURNING LEAF CV
084U1900705	NATION HILL DR
089N3107500	627 CARNATION
089N3107400	642 CARNATION
113E0614400	813 SHUMACOLA TRL
101H0100900	1100 CLEVELAND ST

101H0115000 819 SHUMACOLA TRL

**IN THE MATTER OF PUBLIC HEARING FOR DEMOLITION OF 5661 BUTLER ROAD**

No one appeared concerning the proposed demolition of 5661 Butler Road.

**IN THE MATTER OF PUBLIC HEARING FOR REZONING OF PARCELS FRONTING EAST MAIN ST FROM HWY 45 TO VETERANS BLVD (RZ22-03)**

Mr. Matt Bogue, representing the owners of Victory Property, LLC, the East Main Shell Station and the Sprint Mart located at the corner of East Main and Veterans, spoke to the Council stating his concerns on how the rezoning of the properties might affect the resale value of these properties.

**IN THE MATTER OF PUBLIC HEARING FOR REZONING OF PARCELS FRONTING WEST MAIN ST FROM MADISON ST TO GLOSTER ST (RZ22-04)**

No one appeared for the public hearing concerning the rezoning of parcels fronting West Main from Madison St to Gloster St.

**IN THE MATTER OF PUBLIC HEARING FOR ORDINANCES AMENDING DEVELOPMENT CODE (TA22-03.01 - TA22-03.26)**

No one appeared concerning the public hearing for Ordinances Amending Development Code (TA22-13.01 - TA22-03.26).

**ACTION AGENDA**

**IN THE MATTER OF COMPREHENSIVE DEVELOPMENT CODE UPDATE APPLICATION TA22-03(TABLED AT MEETING OF SEPTEMBER 20, 2022) AND REZONING APPLICATION RZ22-03(TABLED AT MEETING OF SEPTEMBER 20, 2022)**

Council Member Palmer moved, seconded by Council Member Jones, to take the items off the table, as represented on this agenda as Items # 7-32. Items #33-34 will stay on the table. The vote was unanimous in favor.

**IN THE MATTER OF AN ORDINANCE REZONING OF PARCELS FRONTING EAST MAIN ST FROM HWY 45 TO VETERANS BLVD (RZ22-03) THE OFFICIAL ZONING MAP OF THE CITY OF TUPELO, MISSISSIPPI (RZ22-03) - TABLED AT THE SEPTEMBER 20, 2022, REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Davis, to approve the ‘ORDINANCE REZONING OF PARCELS FRONTING EAST MAIN ST FROM HWY 45 TO VETERANS BLVD (RZ22-03) THE OFFICIAL ZONING MAP OF THE CITY OF TUPELO, MISSISSIPPI’. The vote was unanimous in favor. APPENDIX C

**IN THE MATTER OF AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF TUPELO, MISSISSIPPI TO REZONE PARCELS BETWEEN CHURCH STREET AND GLOSTER STREET (RZ22-04) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Beard, to approve the ‘ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF TUPELO, MISSISSIPPI TO REZONE PARCELS BETWEEN CHURCH STREET AND GLOSTER STREET (RZ22-04). The vote was unanimous in favor. APPENDIX D

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION, AND OTHER CODE SUB-SECTIONS AFFECTED BY DEFINITION CHANGES (TA22-03.01)) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Gaston moved, seconded by Council Member Palmer, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION, AND OTHER CODE SUB-SECTIONS AFFECTED BY DEFINITION CHANGES (TA22-03.01)’. The vote was unanimous in favor. APPENDIX E

**IN THE MATTER OF AN ORDINANCE AMENDING CERTAIN SUB-SECTIONS OF SECTION 5.1 PURPOSE AND APPLICABILITY, AND CERTAIN SUB-SECTIONS OF SECTION 5.2 PRIMARY USE, DEVELOPMENT CODE CHAPTER 5 OVERLAY DISTRICTS (TA22-03.02) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Jones moved, seconded by Council Member Beard, to approve the ‘ORDINANCE AMENDING CERTAIN SUB-SECTIONS OF SECTION 5.1 PURPOSE AND APPLICABILITY, AND CERTAIN SUB-SECTIONS OF SECTION 5.2 PRIMARY USE, DEVELOPMENT CODE CHAPTER 5 OVERLAY DISTRICTS (TA22-03.02)’. The vote was unanimous in favor. APPENDIX F

**ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SUB-SECTION 5.3.3 DESIGNATING SUB-DISTRICTS (TA22-03.03) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Mims, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SUB-SECTION 5.3.3

DESIGNATING SUB-DISTRICTS (TA22-03.03)’. The vote was unanimous in favor.  
APPENDIX G

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING COMPOSITE FIGURE 5.3.3 SUB-DISTRICT OVERLAY MAP CHANGES (TA22-03.04) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Gaston, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING DEVELOPMENT CODE BY AMENDING COMPOSITE FIGURE 5.3.3 SUB-DISTRICT OVERLAY MAP CHANGES (TA22-03.04)’. The vote was unanimous in favor. APPENDIX H

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SECTION 5.3, MIXED USE DOWNTOWN OVERLAY DISTRICT, SUB-SECTIONS 5.3.4.1 AND 5.3.4.2 INCLUDING FIGURE 5.3.4 (TA22-03.05) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Beard moved, seconded by Council Member Gaston, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SECTION 5.3, MIXED USE DOWNTOWN OVERLAY DISTRICT, SUB-SECTIONS 5.3.4.1 AND 5.3.4.2 INCLUDING FIGURE 5.3.4 (TA22-03.05)’. The vote was unanimous in favor. APPENDIX I

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.1 MAP FOR JUDICIAL SUB-DISTRICT (TA22-03.06) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Jones, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.1 MAP FOR JUDICIAL SUB-DISTRICT (TA22-03.06)’. The vote was unanimous in favor. APPENDIX J

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.2 MAP FOR CITY CENTER RETAIL SUB-DISTRICT (TA22-03.07) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Jones, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.2 MAP FOR CITY CENTER RETAIL SUB-DISTRICT (TA22-03.07)’. The vote was unanimous in favor. APPENDIX K

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.3 MAP FOR FINANCIAL SUB-DISTRICT (TA22-03.08) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Jones, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.3 MAP FOR FINANCIAL SUB-DISTRICT (TA22-03.08)’. The vote was unanimous in favor. APPENDIX L

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.4 MAP FOR COLISEUM SUB-DISTRICT (TA22-03.09) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Gaston, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.4 MAP FOR COLISEUM SUB-DISTRICT (TA22-03.09)’. The vote was unanimous in favor. APPENDIX M

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.5 MAP FOR GATEWAY EAST SUB-DISTRICT (TA22-03.10) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Palmer, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.5 MAP FOR GATEWAY EAST SUB-DISTRICT (TA22-03.10)’. The vote was unanimous in favor. APPENDIX N

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.6 MAP FOR GATEWAY WEST SUB-DISTRICT (TA22-03.11) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Beard moved, seconded by Council Member Davis, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.6 MAP FOR GATEWAY WEST SUB-DISTRICT (TA22-03.11)’. The vote was unanimous in favor. APPENDIX O

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.7 MAP FOR FAIRGROUNDS SUB-DISTRICT (TA22-03.12) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Gaston moved, seconded by Council Member Palmer, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.7 MAP FOR FAIRGROUNDS SUB-DISTRICT (TA22-03.12)’. The vote was unanimous in favor. APPENDIX P

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.8 MAP FOR MAJOR DEVELOPMENT SUB-DISTRICT (TA22-03.13) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Beard, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3 BY ADDING FIGURE 5.3.3.8 MAP FOR MAJOR DEVELOPMENT SUB-DISTRICT (TA22-03.13)’. The vote was unanimous in favor. APPENDIX Q

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE TO AMEND SUB-SECTION 5.3.4 BY REPLACING CURRENT UN-NUMBERED TABLE WITH ALLOWED USES TABLE 5.3.4.3 (1) RESIDENTIAL USES (TA22-03.14) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Gaston, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE TO AMEND SUB-SECTION 5.3.4 BY REPLACING CURRENT UN-NUMBERED TABLE WITH ALLOWED USES TABLE 5.3.4.3 (1) RESIDENTIAL USES (TA22-03.14)’. The vote was unanimous in favor. APPENDIX R

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE TO AMEND SUB-SECTION 5.3.4 BY REPLACING CURRENT UN-NUMBERED TABLE WITH ALLOWED NON-RESIDENTIAL USES TABLE 5.3.4.3 (2) NON-RESIDENTIAL USES (TA22-03.15) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Beard moved, seconded by Council Member Davis, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE TO AMEND SUB-SECTION 5.3.4 BY REPLACING CURRENT UN-NUMBERED TABLE WITH ALLOWED NON-RESIDENTIAL USES TABLE 5.3.4.3 (2) NON-RESIDENTIAL USES (TA22-03.15)’. The vote was unanimous in favor. APPENDIX S

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SUB-SECTIONS 5.3.4.4 COMPATIBILITY STANDARDS, 5.3.6 DESIGN STANDARDS AND 5.3.7 REVIEW PROCESS (TA22-03.16) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Jones, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SUB-SECTIONS 5.3.4.4 COMPATIBILITY STANDARDS, 5.3.6 DESIGN STANDARDS AND 5.3.7 REVIEW PROCESS (TA22-03.16)’. The vote was unanimous in favor. APPENDIX T

**IN THE MATTER OF ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SUB-SECTION 5.3.5 HEIGHT AND AREA TABLES 5.3.5A AND 5.3.5B (TA22-03.17) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Beard, to approve the ‘ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SUB-SECTION 5.3.5 HEIGHT AND AREA TABLES 5.3.5A AND 5.3.5B (TA22-03.17)’. The vote was unanimous in favor. APPENDIX U

**IN THE MATTER OF AN ORDINANCE AMENDING CERTAIN SUB-SECTIONS OF SECTION 5.5 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE JOYNER NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.18) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Gaston, to approve the ‘ORDINANCE AMENDING CERTAIN SUB-SECTIONS OF SECTION 5.5 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE JOYNER NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.18)’. The vote was unanimous in favor. APPENDIX V

**IN THE MATTER OF AN ORDINANCE TO REPEAL SECTION 5.6 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE SHARON HILLS NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.19) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Beard, to approve the ‘ORDINANCE TO REPEAL SECTION 5.6 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE SHARON HILLS NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.19)’. The vote was unanimous in favor. APPENDIX W

**IN THE MATTER OF AN ORDINANCE TO REPLACE THE PREVIOUSLY REPEALED SECTION 5.6 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI WITH THE ESTABLISHMENT OF THE PARK HILL BUSINESS DISTRICT OVERLAY DISTRICT (TA22-03.20) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Beard, to approve the ‘ORDINANCE TO REPLACE THE PREVIOUSLY REPEALED SECTION 5.6 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI WITH THE ESTABLISHMENT OF THE **PARK HILL** BUSINESS DISTRICT OVERLAY DISTRICT (TA22-03.20)’. The vote was unanimous in favor. APPENDIX X

**IN THE MATTER OF AN ORDINANCE TO REPEAL SECTION 5.7 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE BEL AIR NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.21) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**



Council Member Beard moved, seconded by Council Member Gaston, to approve 'ORDINANCE TO REPEAL SECTION 5.7 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE BEL AIR NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.21)'. The vote was unanimous in favor. APPENDIX Y

**IN THE MATTER OF AN ORDINANCE TO REPLACE THE PREVIOUSLY REPEALED SECTION 5.7 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI WITH THE ESTABLISHMENT OF THE MILL VILLAGE HISTORIC PRESERVATION OVERLAY DISTRICT (TA22-03.22) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Beard moved, seconded by Council Member Palmer, to approve 'ORDINANCE TO REPLACE THE PREVIOUSLY REPEALED SECTION 5.7 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI WITH THE ESTABLISHMENT OF THE MILL VILLAGE HISTORIC PRESERVATION OVERLAY DISTRICT (TA22-03.22)'. The vote was unanimous in favor. APPENDIX Z

**IN THE MATTER OF AN ORDINANCE TO SECTION 5.8 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI BY CHANGING THE NAME AND AMENDING CERTAIN SUB-SECTIONS CONCERNING THE WEST JACKSON NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT (TA22-03.23) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Davis moved, seconded by Council Member Beard, to approve the 'ORDINANCE TO SECTION 5.8 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI BY CHANGING THE NAME AND AMENDING CERTAIN SUB-SECTIONS CONCERNING THE WEST JACKSON NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT (TA22-03.23)'. The vote was unanimous in favor. APPENDIX AA

**IN THE MATTER OF AN ORDINANCE TO AMEND SECTION 5.9 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE WINFIELD NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.24) - TABLED AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

Council Member Palmer moved, seconded by Council Member Beard, to approve the 'ORDINANCE TO AMEND SECTION 5.9 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE WINFIELD NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT (TA22-03.24)'. The vote was unanimous in favor. APPENDIX BB

**IN THE MATTER OF AN ORDINANCE TO AMEND SECTION 5.1 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING**

**THE BELLEDEER NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT  
(TA22-03.25) - Tabled AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

This item was left on the table.

**IN THE MATTER OF AN ORDINANCE AMENDING DEVELOPMENT CODE BY  
ADDING APPENDIX “A” CONTAINING VARIOUS DESIGN STANDARDS,  
GUIDELINES AND SPECIFICATIONS REFERENCED THEREIN (TA22-03.26)  
- Tabled AT THE SEPTEMBER 20, 2022 REGULAR MEETING**

This item was left on the table.

**IN THE MATTER OF APPROVAL OF MINUTES OF REGULAR MEETING ON  
SEPTEMBER 20, 2022**

Council Member Palmer moved, seconded by Council Member Gaston, to approve the minutes of the Regular City Council meeting held on September 20, 2022. 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, Davis and Palmer. Council Member Beard 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 CC

**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 DD

**IN THE MATTER OF MUNICIPAL COMPLIANCE QUESTIONNAIRE**

Council Member Davis moved, seconded by Council Member Mims, to approve the Municipal Compliance Questionnaire as submitted by City Clerk Kim Hanna. The period covered by this questionnaire is October 1, 2021, to September 30, 2022. A copy is attached to these minutes as APPENDIX EE

**IN THE MATTER OF ACCEPTANCE OF GRANT AWARD FOR HOMELAND  
SECURITY GRANT 22LE366**

Council Member Palmer moved, seconded by Council Member Beard, to approve the grant award and contract for Homeland Security Grant 22LE366 in the amount of \$37,000. This grant is administered through the MS Department of Homeland Security and there is no match for the City. The vote was unanimous in favor. APPENDIX FF

**IN THE MATTER OF ACCEPTANCE OF GRANT AWARD FOR HOMELAND SECURITY GRANT 22LE366B**

Council Member Gaston moved, seconded by Council Member Jones, to approve the grant award and contract for Homeland Security Grant 22LE366B in the amount of \$100,000. This grant is administered through the MS Department of Homeland Security and there is no match for the City. The vote was unanimous in favor. APPENDIX GG

**IN THE MATTER OF APPOINTMENT OF AMY TATE TO TUPELO PUBLIC SCHOOL BOARD FOR A FIVE YEAR TERM**

Council Member Beard moved, seconded by Council Member Mims, to approve the appointment of Amy Tate for a five-year term to the Tupelo Public School District. The vote was unanimous in favor. APPENDIX HH

**IN THE MATTER OF APPROVAL OF PROPERTIES FOR LOT MOWING**

Council Member Beard 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. The vote was unanimous in favor. APPENDIX II

**IN THE MATTER OF OPPOVAL OF LIEN RESOLUTION FOR UNPAID PROPERTY CLEANING AND DEBRIS REMOVAL**

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

1015 Chickasaw Trail (Parcel # 113J-07-017-00)

The vote was unanimous in favor. APPENDIX JJ

**IN THE MATTER OF APPROVAL OF PROPERTY FOR DEMOLITION**

DDS Director Tanner Newman asked the Council to approve the structures located on 5881 Butler Road to be demolished. He stated that the property was checked today and it appears that the owner has begun to remove the structure. However, he asked the Council to proceed with the demolition process to insure that the property will be completely cleaned. Council Member Palmer moved, seconded by Council Member Beard, to approve the requested demolition of the property located at 5881 Butler Road (Parcel 079T-29-007-01). The vote was unanimous in favor. APPENDIX KK

**IN THE MATTER OF REVIEW/ACCEPT PLANNING COMMITTEE MINUTES OF SEPTEMBER 12, 2022**

Council Member Palmer moved, seconded by Council Member Jones, to accept the planning committee minutes of September 12, 2022. The vote was unanimous in favor. APPENDIX LL

**IN THE MATTER OF MEMORANDUM OF UNDERSTANDING WITH CITY OF TUPELO AND FBI**

Council Member Beard moved, seconded by Council Member Gaston, to approve the Memorandum of Understanding (MOU) between the Federal Bureau of Investigation (FBI) and the City of Tupelo. This MOU will allow the Safe Streets Task Force to work with the City of Tupelo Police Department. The vote was unanimous in favor. APPENDIX MM

**IN THE MATTER OF APPROVAL OF BANCORPSOUTH ARENA MINUTES OF AUGUST 15, 2022**

Council Member Palmer moved, seconded by Council Member Gaston, to approve the Bancorpsouth Arena Minutes of August 15, 2022. The vote was unanimous in favor. APPENDIX NN

**IN THE MATTER OF APPROVAL OF CHANGE ORDER #2 FOR COURT STREET PARKING LOT IMPROVEMENTS BID NO 2022-012PW**

Council Member Beard moved, seconded by Council Member Davis, to approve change order #2 for Bid # 2022-012PW - Court Street Parking Lot Improvements. This change order will be an increase of \$27,678.71 to the original bid for a total of \$406,519.71. The vote was unanimous in favor. APPENDIX OO

**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 the prospective purchase, sale or leasing of lands under Miss. Code Anno. 25-41-7 (g) (1972 as amended). The vote was unanimous in favor at 6:55 p.m.

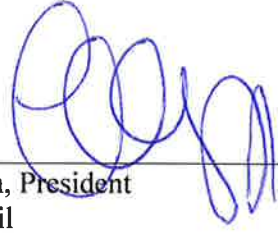
Council Member Beard moved, seconded by Council Member Gaston, to close the regular session and enter executive session for discussion of the purchase, sale or leasing of lands under Miss. Code Anno. 25-41-7 (g) (1972 as amended). The vote was unanimous in favor.

After discussion in executive session, Council Member Palmer moved, seconded by Council Member Beard to return to the regular meeting at 7:14 p.m. The vote was unanimous in favor.

**ADJOURNMENT**

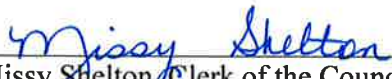
There being no further business to come before the Council at this time, Council Member Beard moved, seconded by Council Member Mims, to adjourn the meeting.

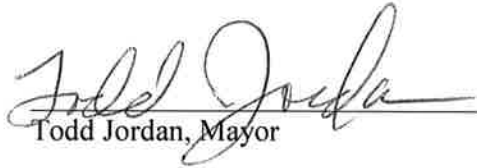
This, the 4th day of October, 2022 at 7:15 p.m.



\_\_\_\_\_  
Lynn Bryan, President  
City Council

ATTEST:

  
\_\_\_\_\_  
Missy Shelton, Clerk of the Council



\_\_\_\_\_  
Todd Jordan, Mayor

10-19-2022  
\_\_\_\_\_  
Date



**OFFICE OF THE MAYOR**  
**PIOMINKO DAY**  
**PROCLAMATION**

**WHEREAS**, Revered Chickasaw leader, Piominko, also known as “Mountain Leader,” was born and resided in the heart of the historic Chickasaw Homeland, located in what is now present day Tupelo, Mississippi, from approximately 1750 to 1798; and

**WHEREAS**, Piominko was the most influential and important Chickasaw ally of the United States during the early formation of the new American republic, and his leadership was critical both for the United States and the Chickasaw Nation.

**WHEREAS**, During the American Revolutionary War, Piominko was given a commission as an officer by President George Washington, and in 1794 he was presented with a peace medal by President Washington both for his service in the Revolution and his invaluable efforts in formalizing peaceful relations between the two nations; and

**WHEREAS**, Piominko and President Washington signed the Treaty between the Chickasaw and United States of 1786, also known as the Treaty of Hopewell which formalized the Chickasaw Nation’s alliance with the fledgling United States government and formally defined the tribal boundaries, and Piominko acted as a Chickasaw diplomat in meetings with southeastern tribes, state governors and President Washington; and

**WHEREAS**, in 2005 the Rotary Club of Tupelo was instrumental in the commissioning and dedication of a 6-foot-tall Piominko statue which now stands prominently in front of City Hall at Fairpark in downtown Tupelo, and to this day, Rotary continues to work to increase public awareness of Piominko’s legacy and historical significance in Tupelo and North Mississippi, and

**WHEREAS**, in 2008 the Chickasaw Nation proclaimed the second Monday in October as Piominko Day which is to be celebrated annually in perpetuity, and Piominko is recognized as a seminal figure in the history of Tupelo and Northeast Mississippi; and

**WHEREAS**, The Chickasaw Inkana Foundation along with the Daughters of the American Revolution and the City of Tupelo will continue to work with the Chickasaw Nation and other regional partners to increase awareness of the importance of Chickasaw culture and history and preserve, protect and interpret Chickasaw culture and history in the historic Chickasaw Homeland;

**NOW THEREFORE**, Todd Jordan, Mayor of Tupelo, Mississippi, does hereby proclaim October 10, 2022, as

**PIOMINKO DAY**

In Tupelo, Mississippi, and encourage all citizens to recognize Piominko for his extraordinary leadership of the Chickasaw people and his dedicated efforts to secure peace between the United States and the Chickasaw Nation.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Tupelo to be affixed this the 10<sup>th</sup> day of October, the year of our Lord two thousand and twenty two.

**ATTEST:**

\_\_\_\_\_  
 Todd Jordan, Mayor

\_\_\_\_\_  
 Kim Hanna, City Clerk



**OFFICE OF THE MAYOR**  
**FIRE PREVENTION WEEK**  
**PROCLAMATION**

**WHEREAS**, the City of Tupelo is committed to ensuring the safety and security of all those living in and visiting Tupelo; and

**WHEREAS**, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

**WHEREAS**, home fires killed 2,580 people in the United States in 2020, according to the National Fire Protection Association (NFPA), and fire departments in the United States responded to 356,500 home fires; and

**WHEREAS**, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as two minutes to escape safely; and

**WHEREAS**, working smoke alarms cut the risk of dying in reported home fires in half; and

**WHEREAS**, Tupelo's residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, Tupelo residents should be sure everyone in the home understands the sounds of the smoke alarms and know how to respond; and

**WHEREAS**, Tupelo residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

**WHEREAS**, Tupelo residents will make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

**WHEREAS**, Tupelo first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

**WHEREAS**, Tupelo residents that are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

**WHEREAS**, the 2022 Fire Prevention Week theme, "Fire won't wait. Plan your escape." effectively serves to remind Tupelo residents it is important to have a home fire escape plan.

**NOW, THEREFORE**, I, Todd Jordan, Mayor of the City of Tupelo, do hereby proclaim October 9-15, 2022, as Fire Prevention Week throughout this city, and I urge all the people of Tupelo to plan and practice a home fire escape for Fire Prevention Week 2022 and to support the many public safety activities and efforts of Tupelo's fire and emergency services.

**ATTEST:**

\_\_\_\_\_  
Todd Jordan, Mayor

\_\_\_\_\_  
Kim Hanna, City Clerk

**ORDINANCE REZONING OF PARCELS FRONTING EAST MAIN ST FROM HWY 45  
TO VETERANS BLVD (RZ22-03) THE OFFICIAL ZONING  
MAP OF THE CITY OF TUPELO, MISSISSIPPI**

*Case No. RZ22-03*

**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 (Exhibit A), at the Planning Committee's regularly scheduled meeting on September 12, 2022. 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 (Exhibit B), at its regularly scheduled meeting on Tuesday, October 4, 2020, 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 rezoning is necessary to incorporate within the zoning map an expansion of the Mixed-Use Downtown zone which reflects an expanded historic downtown entertainment district to include the Elvis Presley Birthplace and Museum and the City Center and having been integrated with prior street and pedestrian right of way improvements; 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 Official Zoning Map and Development Code, and the provisions below are to reflect that the character of the



neighborhood has changed to such an extent as to justify rezoning and that public need exists for rezoning, are consistent with the Comprehensive Plan of the City of Tupelo, 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 City Council finds clear and convincing proof that the character of the neighborhood has changed to such an extent as to justify rezoning and that public need exists for rezoning, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

2. The portions of the following described property which are currently zoned Mixed Use Commercial Corridor (MUCC) and Mixed-Use Activity Center (MUAC) are changed to Mixed Use Downtown (MUD), Sub-district Gateway East:

COMMENCING AT A POINT WHERE THE CENTER RIGHT OF WAY LINE OF US HIGHWAY 45 INTERSECTS WITH THE CENTER RIGHT OF WAY LINE OF HIGHWAY 178 (MAIN STREET); RUN THENCE EAST ALONG THE CENTER LINE OF HIGHWAY 178 FOR A DISTANCE OF 894 FT. (MORE OR LESS) FOR A POINT OF BEGINNING; THENCE SOUTH 395 FT. (MORE OF LESS) TO THE NORTHERNMOST BOUNDARY LINE OF LEE COUNTY TAX PARCEL NUMBER 089V-32-018-00; THENCE EAST 2,135 FT. (MORE OR LESS) TO THE WESTERN RIGHT OF WAY LINE OF VETERANS MEMORIAL BOULEVARD; THENCE NORTH ALONG THE WESTERN RIGHT OF WAY LINE OF VETERANS MEMORIAL BOULEVARD FOR A DISTANCE OF 728 FT (MORE OR LESS) TO THE NORTHEAST CORNER OF LEE COUNTY TAX PARCEL NUMBER 088J-33-007-00; THENCE WEST 2,300 FT (MORE OR LESS); THENCE SOUTH 320 FT (MORE OR LESS) TO THE CENTERLINE OF HIGHWAY

178 FOR THE POINT OF BEGINNING. IT IS INTENDED BY THIS DESCRIPTION TO INCLUDE A SWATH OF PROPERTY CONTAINING ALL OR A PORTION OF THE FOLLOWING LEE COUNTY TAX PARCELS: 089V-32-012-00; 089V-32-016-00; 980V-32-013-00; THE FRONT PORTION OF 089V-32-015-00; 089V-32-014-00; THE FRONT PORTION OF 089V-32-022-00; 089V-32-023-00; 089V-32-024-00; 089V-32-025-00; 089V-32-026-00; 088N-33-001-00; 088N-33-002-00; 088N-33-004-00; 088J-33-007-00; 088J-33-005-00; 089V-32-008-00; 089V-32-007-02; 089V-32-007-01; 089V-32-006-00; 089V-32-002-00; 089V-32-005-00; 089V-32-004-00; AND THE FRONT PORTION OF 089V-32-003-00. ALL LYING AND BEING IN SECTION 32 AND 33, TOWNSHIP 9 SOUTH, RANGE 6 EAST, CITY OF TUPELO, LEE COUTNY, MISSISSIPPI.

3. The official Zoning Map shall be amended to reflect this change (Exhibit

C). The City Clerk shall cause this amendatory ordinance to be published according to law.

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

Council Member Mims voted	AYE
Council Member Bryan voted	AYE
Council Member Beard voted	AYE
Council Member Davis voted	AYE
Council Member Palmer voted	AYE
Council Member Gaston voted	AYE
Council Member Jones voted	AYE

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 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:  \_\_\_\_\_  
LYNN BRYAN, President

ATTEST:

*Missy Shelton*  
MISSY SHELTON, Clerk of the Council

APPROVED:

*Todd Jordan*  
TODD JORDAN, Mayor

10-5-2022  
DATE

**ORDINANCE TO AMEND THE OFFICIAL ZONING  
MAP OF THE CITY OF TUPELO, MISSISSIPPI TO REZONE PARCELS BETWEEN  
CHURCH STREET AND GLOSTER STREET (RZ22-04)**

*Case No. RZ22-04*

**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 (Exhibit A), at the Planning Committee's regularly scheduled meeting on September 12, 2022. 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 (Exhibit B), at its regularly scheduled meeting on Tuesday, October 4, 2020, 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 rezoning is necessary to incorporate within the zoning map an expansion of the Mixed-Use Downtown zone which reflects an expanded historic downtown entertainment district to include the Elvis Presley Birthplace and Museum and the City Center and having been integrated with prior street and pedestrian right of way improvements; 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 Official Zoning Map and Development Code, and the provisions below are to reflect that the character of the

neighborhood has changed to such an extent as to justify rezoning and that public need exists for rezoning, are consistent with the Comprehensive Plan of the City of Tupelo, 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 City Council finds clear and convincing proof that the character of the neighborhood has changed to such an extent as to justify rezoning and that public need exists for rezoning, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix D attached to the minutes of this meeting.

2. The following listed Lee County tax parcels which are currently zoned Mixed Use Commercial Corridor (MUCC) and Mixed-Use Activity Center (MUAC) are changed to Mixed Use Downtown (MUD), Sub-district Gateway West:

089J-31-272-00; 089J-31-273-00; 089J-31-275-00; 089J-31-274-00; 089J-31-276-00;  
 089J-31-280-00; 089J-31-281-00; 089J-31-283-00; 089J-31-284-00; 089J-31-285-00;  
 089J-31-298-00; 089J-31-296-00; 089J-31-285-01; 089N-31-078-00; 089N-31-084-00;  
 089N-31-083-00; 089J-31-083-00; 089N31-082-00; 089N-31-081-00; 089N-31-080-00;  
 089N-31-079-00; 089N-31-077-00; 089N-31-065-00; 089N-31-044-00; 089N-31-045-00;  
 089N-31-045-01; 089N-31-046-00; 089N-31-047-00; 089N-31-089-00; 089N-31-083-02;  
 089N-31-081-01; 089N-31-088-00; 089N-31-087-00; 089N-31-086-00; 089K-31-292-00;

089K-31-293-00; 089K-31-272-00; 089N-31-273-00; 089K-31-274-00; 089K-31-275-00;  
089K-31-276-00; 089K-31-291-00; 089K-31-289-00; 089K-31-288-00; 089K-31-286-00;  
089K-31-284-00; 089K-31-285-00; 089P-31-005-00; 089P-31-004-00; 089P-31-003-00;  
089P-31-002-00; 089P-31-001-00; 089P-31-063-00; 089P-31-064-00; 089P-31-067-00;  
089P-31-066-00; 089P-31-065-00; 089P-31-062-00; 089P-31-061-00; 089P-31-059-00.

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

The foregoing Ordinance was proposed in a motion by Councilmember Davis seconded by Councilmember Beard, and was brought to a vote as follows:

Council Member Mims voted	AYE
Council Member Bryan voted	AYE
Council Member Beard voted	AYE
Council Member Davis voted	AYE
Council Member Palmer voted	AYE
Council Member Gaston voted	AYE
Council Member Jones voted	AYE

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 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

*Missy Shelton*  
MISSY SHELTON, Clerk of the Council

APPROVED:

*Todd Jordan*  
TODD JORDAN, Mayor

10-5-2022  
DATE

**ORDINANCE AMENDING DEVELOPMENT CODE CHAPTER 2:  
DEFINITIONS AND RULES OF CONSTRUCTION, AND OTHER CODE  
SUB-SECTIONS AFFECTED BY DEFINITION CHANGES (TA22-03.01)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code warrant certain definitions need to be deleted since those definitions are more adequately defined as separate definitions of the general use; and



**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code warrant amendment of portions of those definitions; and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, new uses that need to be defined or which were omitted need to be defined; and

**WHEREAS**, these text amendments are based on substantial evidence; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 3.** The definitions contained in CHAPTER 2: DEFINITIONS AND RULES OF CONSTRUCTION, “*MULTIPLE TENANT BUILDING*” and “*PLACE OF ASSEMBLY AND/OR WORSHIP*” are hereby deleted. These definitions are either no longer needed or covered by separate definitions of their principal uses and subject to the

standards and limitations applicable to such uses. These deleted uses appear elsewhere in the code and where they do appear will also be deleted.

**SECTION 4:** The following definitions will be amended to read:

***APARTMENT:*** Dwelling unit in a multi-family development, **upper story residential unit, multi-tenant unit, or other dwelling in which one portion of the building or structure, which may or may not be rented or leased, is occupied for dwelling by a tenant while another portion of the building or structure is occupied by another tenant for other residential or non-residential use.**

***DWELLING, MULTI-FAMILY, 9+ UNITS:*** A structure **containing nine or more individual dwelling units**, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. This definition shall include apartment developments, condominiums, **and other multi-unit dwellings**. It shall not include duplexes, semi-attached houses **with no more than two units**, townhouses, patio homes, or zero-lot-line houses. **Does not include congregate living, dependent living units, life care communities, nursing homes, upper story residential as part of a mixed use development**

***DRIVE-THROUGH SERVICE:*** A facility which is designed or intended to enable a customer, without exiting a motor vehicle parked on or moving through the premises, to transact business **with an attendant or a window or an automated machine** outside the motor vehicle.

***HOTEL:*** A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a boarding/rooming house. **Ingress and egress to each guestroom is made through the interior of the building.**

***INOPERABLE OR JUNK VEHICLE:*** Any motor vehicle, trailer, camper, or boat that is **physically incapable of operation, stripped, substantially damaged, lacking of a current license plate, discarded, unable to be safely and legally operated, or has one or more flat tires.**

***MULTI-OCCUPANT NON-RESIDENTIAL DEVELOPMENT:*** A building or group of buildings under unified ownership or management that contains more than one non-residential establishment or occupant. **Includes multiple tenant buildings that contain two or more distinct occupants internally separated by firewalls or demising walls.**

***PARKING FACILITY, OFF-SITE:*** An off-street parking area provided on a different parcel than the use it is intended to serve, **including parking garages.**

***PUBLIC FACILITY*** - A building or area owned or used by any department or branch of the City of Tupelo, Lee County, the State of Mississippi, or the Federal Government. **Includes public safety stations, public parks, and other government facilities.**

***UPPER-STORY RESIDENTIAL UNIT***: A dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level, **including garage apartments.**

**SECTION 5:** The following definitions will be added alphabetically to the current list:

***BALCONY***: An unenclosed area either recessed or projected from a wall of a building and may meet one or more of the following criteria: attached to and supported primarily by the exterior wall of the building; accessible from the building's interior; unenclosed on one (1) or more sides except for a railing or parapet that is not greater than sixty (60) inches high. A balcony is not an accessory structure.

***CARPOR***: An unenclosed, covered accessory building or portion of the principal structure used primarily for the storage of motor vehicles belonging to and registered in the name(s) of the occupant(s) of the principal building with no facilities for mechanical service or repair of a commercial or public nature. The term does not include a garage.

***DONATION BOXES*** - any unattended container, bin, box or similar receptacle that is located on any lot within the City and that is used for soliciting and collecting donations of clothing or other salvageable personal property. This term does not include recycle bins for the collection of recyclable material governed or regulated by the zoning code or any unattended donation box located within a building. Permitted as an accessory use only on the property of the entity to whom donations are provided.

***DWELLING, MULTI-FAMILY, 3-8 UNITS***: A structure containing between three and eight individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. This definition shall include apartment developments, condominiums, triplexes, quadplexes, and other multi-unit dwellings. It shall not include duplexes, semi-attached houses with no more than two units, townhouses, patio homes, or zero-lot-line houses. Does not include congregate living, dependent living units, life care communities, nursing homes, or upper story residential as part of a mixed use development.

***EVENT CENTER***: Premises which are frequently rented out for public or private activities that are not repeated on a weekly basis, and which are not open to the public on a daily basis at times other than when an event is scheduled, Includes cultural activities, entertainment, and/or meetings.

***FLAGPOLE:*** a pole or staff on which a flag is displayed, permitted as an accessory use.

***GARAGE:*** An enclosed accessory building or portion of a principal building used primarily for the storage of motor vehicles belonging to and registered in the name(s) of the occupant(s) of the principal building with no facilities for mechanical service or repair of a commercial or public nature. The term does not include a carport.

***GARAGE APARTMENT:*** A dwelling unit erected above or to the rear of a private detached garage and includes permanent provisions for living, sleeping, eating, cooking, and sanitation; use defined as upper story residential.

***MOTEL:*** A building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or a boarding/rooming house. Ingress and egress to each guestroom is on the outside of the building.

***MURAL*** – a work of visual art which is tiled, painted, or drawn up on, or affixed directly to a fence, wall or an exterior wall of a building that may or may not contain commercial or promotional advertising; does not include graffiti or other writing or drawings illicitly defacing a wall or surface. Permitted as an accessory use only.

***PARKING GARAGE:*** A building or structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building; includes free-standing parking structures, deck parking, and parking pedestals under buildings;

***PORTABLE SHIPPING CONTAINER*** - a portable, weather-resistant, commercially leased or rented receptacle designed and used for the storage or shipment of personal property, building materials or merchandise. The term shall not include yard waste containers, construction debris containers, or containers having a storage capacity of less than two hundred (200) cubic feet and will include like units such as storage boxes or storage units. Permitted for temporary use only

***SHORT-TERM VACATION RENTAL*** – rental of any residential unit, structure, or accessory building for a period of time up to thirty (30) days; includes entire home, accessory dwelling, and room rentals

***SOCIAL AND/OR COMMUNITY SERVICE FACILITY:*** A space that can be used for purposes to improve quality of life through the occurrence of community-based programs (including, but not limited to, (including, but not limited to, health care, childcare, educational, cultural, and/or social services), provided such services are appropriate and helpful to low-income individuals, area residents, or the broader community.

***SINGLE FAMILY RESIDENTIAL UNIT:*** A structure maintained and used as a single dwelling unit. Notwithstanding that a dwelling unit shares one or more walls with another dwelling unit, it is a single family residence if it has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment nor any other essential facility or service with any other dwelling unit.

***TINY HOME:*** a pre-manufactured dwelling that has a 400 square foot floor area or less, excluding lofts with not less than 6 foot, 8 inch ceiling height and is subject to all mobile and manufactured home standards.

**SECTION 6.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

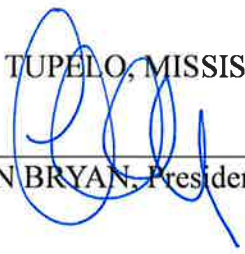
**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Gaston, seconded by Council Member Palmer, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

10-5-2022  
DATE

**ORDINANCE AMENDING CERTAIN SUB-SECTIONS OF SECTION 5.1  
PURPOSE AND APPLICABILITY, AND CERTAIN SUB-SECTIONS OF  
SECTION 5.2 PRIMARY USE, DEVELOPMENT CODE CHAPTER 5  
OVERLAY DISTRICTS (TA22-03.02)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that additional guidance is needed regarding the formation, design committee, design standards and guidelines, and use regulations in all overlay districts; and

**WHEREAS**, these text amendments are based on substantial evidence; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds substantial evidence to justify these code amendments, and that public need exists for these changes, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix “C” attached to the minutes of this meeting.

**SECTION 3.** 5.1.2. Designation of districts shall be amended to read as follows:

Districts may be adopted by the City Council under procedures for development code amendments, Section 12.7, based on recommendations of the Director of Development Services and Planning Committee **and adherence to the following standards for establishment:**

**SECTION 4.** The following subsection will be added to 5.1.2:

**5.1.2.1 Establishment of an Overlay District.**

**(1) A Neighborhood Association or, other current property owners/and or residents may, on behalf of a neighborhood or other geographically designated area submit the following to the Department of Development Services for initial review and subsequent Planning Committee and City Council consideration for recognition as an Overlay District with all the benefits and privileges therein:**

- a. Written request for establishment of Overlay District.**



- b. **Geographical boundary map designating street boundaries of proposed Overlay District for which the area internal to such boundaries would be subject to design review and approval by the Overlay District's Design Review Committee and the Overlay District's standards of approved design guidelines**
- c. **Design Review Guidelines and Standards for Development**
- d. **Design Review Committee Bylaws of proposed Overlay District.**

**SECTION 5:** Sub-Section 5.1.4 shall read as follows:

**5.1.4 Design Review Committee.**

**A Design Review Committee, and associated Bylaws, shall be presented to the Department of Development Services to govern the oversight of alternative land development requirements of the approved Overlay District according to procedures and standards set forth as follows:**

**5.1.4.1. Design Review Committee Bylaws**

**The Design Review Committee shall be governed by Bylaws submitted to the Department of Development Services that include the following as set forth in this Section: Guidelines governing the performance and procedures of the Design Review Committee will include**

**(1) Elections and Membership of Electors - Election procedures for leadership roles internal to the Design Review Committee**

- a. **Committee shall include a minimum of 5 voting members, maximum 11 voting members. Membership may include residents, property owners, or design professionals.**
- b. **The proposed appointment of Design Review Committee members may occur in one or more of the following ways, as established by Overlay District's Design Review Committee Bylaws, and shall require subsequent confirmation by the Mayor and City Council:**
  - i. **Election by impacted Neighborhood Association's membership;**
  - ii. **Appointment by City Councilperson for Ward in which the Overlay District resides;**
  - iii. **Mayoral appointment.**
- c. **Termination of Member**  
**A committee member shall be removed from membership in the Design Review Committee in the case of**
  - i. **Death, resignation or incapacity;**

- ii. Failure to respond within one (1) week of receiving review plans for committee vote three (3) consecutive times;
- iii. In the case of findings of impropriety or criminal behavior, the Design Review Committee may request termination of a member by submitting written request to the Department of Development Services for subsequent review and decision by the Planning Committee;
- iv. Termination of a Design Review Committee member, as determined by this Code, in an Overlay District including election by a Neighborhood Association must be approved by the voting membership of the Neighborhood Association prior to Planning Committee consideration.

**d. Design Review Committee Leadership Roles**

Leadership roles shall be determined by internal committee vote as established in Design Review Committee Bylaws. Internal voting of Design Review Committee leadership roles must be conducted on an annual basis within the month of October. Updated membership shall be returned to the Department of Development Services by November 1<sup>st</sup> of each year.

The following leadership roles must be filled by voting members of a Design Review Committee:

- i. Chairperson – Responsible for communication with the Department of Development Services and, when necessary, communication with the applicant and is responsible for the Committee’s adherence to established bylaws and Overlay Design Review Committee procedures as determined by this Code;
- ii. Vice Chairperson – Serves in lieu of and in collaboration with the Chairperson when necessary;
- iii. Secretary – Documents committee review processes related to each permit application for Design Committee Review

**(2) Methods governing amendment to Overlay District Bylaws and Design Review Standards and Guidelines**

**5.1.4.2 Design Review Standards and Guidelines for Development**

Design Review Standards and Guidelines for Development shall include, in detail, measureable and precise standards, in addition to base zoning standards, for determining approval or disapproval of all proposed

development in the proposed Overlay District subject to permitting by the City of Tupelo and governed by the following procedures:

- a. Each approved Overlay District shall have established and publically available design standards and guidelines establishing clear and measureable review processes for land development standards in addition to those of the base zoning district which are approved according to Section 12.7 of this Code. Base zoning district standards shall apply where additional requirements as set forth in this Chapter are not specified.
- b. Procedures for voting on approval of permit applications, whether by digital, in person, or other means, shall be conducted according to procedures established within the Design Review Committee's Bylaws.
- c. The Department of Development Services shall submit the permit application packet and Overlay Permit request to the Chairperson of the Design Review Committee within three (3) days of receiving a completed permit application packet, including a description of characteristics of the neighborhood in the immediate vicinity of the subject property
- d. Response from the Design Review Committee shall be submitted to the Department of Development Services via Overlay Permit completion by the Chairperson within ten (10) days of receiving the application from the Department of Development Services. Lack of response will result in a permitting decision by the Department of Development Services.

**Appeals.** Decisions of the design review committee may be appealed to the Planning Committee. Decisions of the Planning Committee may be appealed to the City Council.

**SECTION 5:** Former Section 5.1.4 "Standards conflict." shall be retained but renumbered **5.1.5**.

**SECTION 6:** Former Section 5.1.5 "Relationship to subdivision regulations" shall be retained but renumbered **5.1.6**.

**SECTION 7.** "5.2.1. Primary use." Shall be amended to add:

**(2) No permit for new construction or external renovation shall be issued for any residential property within a Overlay District without approval of the design review committee. See Section 5.1.4.2(d)**

**(3) Applications for construction or renovation within an Overlay District shall be accompanied by complete drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list.**

**SECTION 8. 5.2.3. Tree Protection shall be added to read:**

**No protected tree, shall be removed from any Overlay District without tree protection and mitigation procedures adherent to Section 9.11, exempting the following “Each removed tree shall be replaced with a new tree(s) having a total tree caliper equivalent to that of the removed tree” from Section 9.11.7(1) and replacing with “Each removed tree shall be replaced with a new tree(s) in the same species and number of a removed tree”.**

**SECTION 9.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

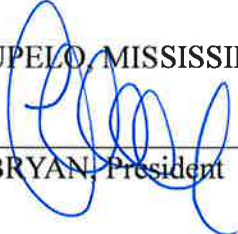
**SECTION 11.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Jones, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:  
  
TODD JORDAN, Mayor

10-5-2022  
DATE

**ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING  
SUB-SECTION 5.3.3 DESIGNATING SUB-DISTRICTS (TA22-03.03)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the purposes of and intents of the sub-districts of the Mixed Use Downtown Overlay District were both omitted and have evolved, and there is a need for both codification and restatement; and

**WHEREAS**, these text amendments are based on substantial evidence; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds substantial evidence supporting these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 3. 5.3.3.1 Purpose and Intent** shall be amended to read:

The Mixed Use Downtown Overlay District includes the following Sub-districts:

- (1) Judicial Sub-district – **Concentrated development of government facilities, professional offices, and housing facilities with growth oriented toward continued professional service operations and lodging establishments with a limited degree of retail services;**
- (2) City Center Retail Sub-district – **Major daytime and evening pedestrian circulation route intended to draw retail, restaurant, and entertainment clustering and upper story residential development to gain additional pedestrian activity alongside artistically and historically significant structures and communities;**
- (3) Financial Sub-district – **Concentrated financial and professional services**
- (4) Coliseum Sub-district – **Development around the coliseum complex to support pedestrian connection to tourism resources, event spaces, and unique professional services, convenience, lodging, educational establishments;**
- (5) Gateway East Sub-district – **Pedestrian oriented gateway following the Birthplace Trail from the Elvis Presley Birthplace and Veterans Park through**

**vibrant outdoor recreational resources, professional services, retail, and dining to the downtown center;**

**(6) Gateway West Sub-district – Entry corridor from historic Crosstown to the downtown center supporting diverse social experiences, support services, and retail establishments;**

**(7) Fairground Redevelopment Sub-district – redevelopment district providing unique single family and upper story residential opportunities alongside government, professional, retail, restaurant, and pedestrian centric services;**

**(8) Major Development Sub-district – transitional buffer area around public works utilities, existing light manufacturing, and flood prone areas for agricultural and passive recreational use**

**\*Location of each Sub-district is delineated in Figure 5.3.3, MUD Overlay and Sub-district Map.**

**SECTION 4.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Mims, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE



Council Member Janet Gaston  
Council Member Rosie Jones

AYE  
AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:  
  
TODD JORDAN, Mayor

10-5-2022  
DATE:

**ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING  
DEVELOPMENT CODE BY AMENDING COMPOSITE FIGURE 5.3.3  
SUB-DISTRICT OVERLAY MAP CHANGES (TA22-03.04)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the sub-districts are based on the findings below that the character of the neighborhood has changed to such an extent as to justify rezoning and a public need exists for rezoning; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood with its sub-district structure has changed to such an extent as to justify these code text and boundary amendments, and that public need exists for boundary expansion and sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its sub-districts:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

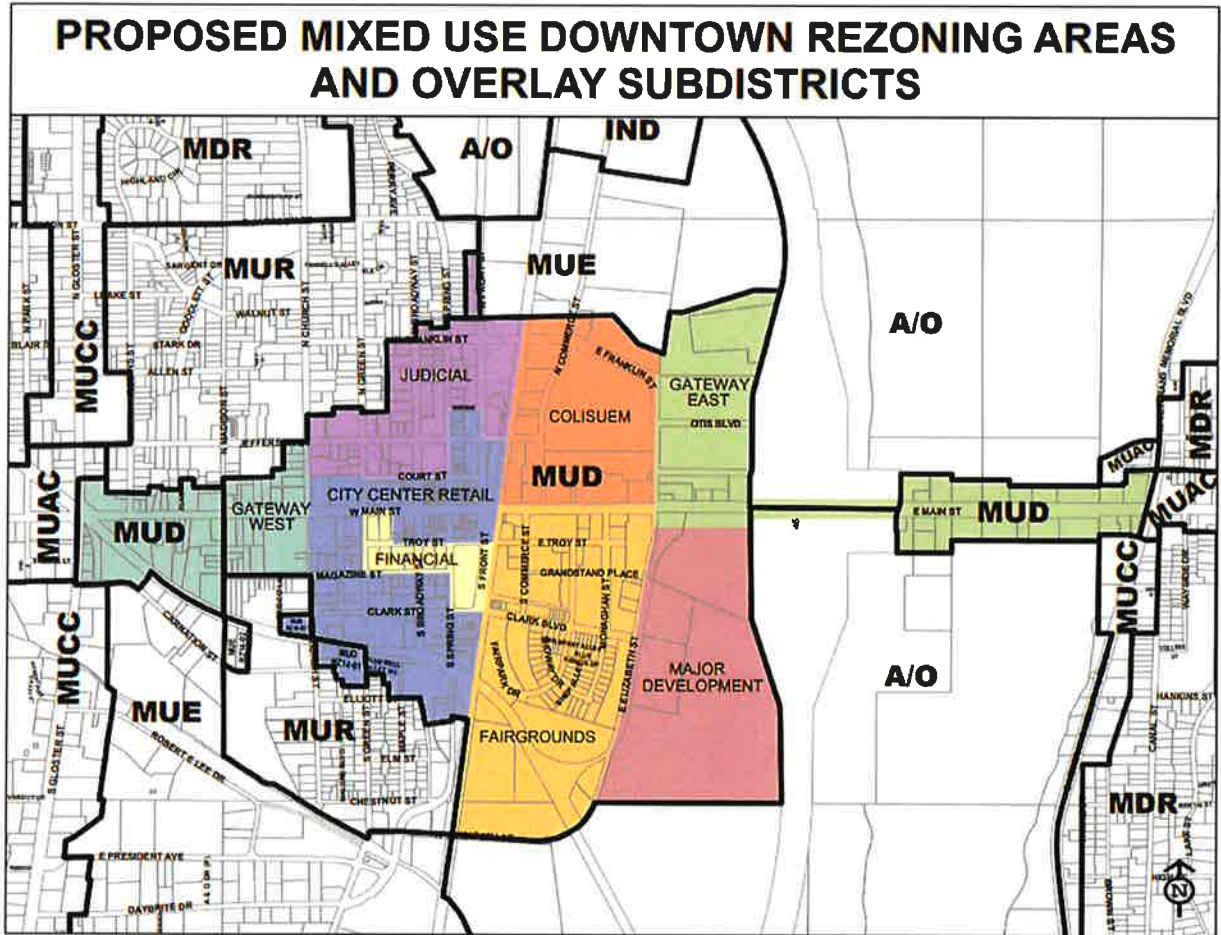
- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings and map corrections of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
  - A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
  - B.B. Re-location of the Tupelo Water and Light collection office within the district.
  - CC. Traffic planning, safety and signalization projects on Main Street.
  - DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
  - EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for these code text and boundary amendments in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above finding and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The current Figure 5.3.3 shall be replaced by Proposed Figure 5.3.3 MUD Overlay and Sub-district Map, and same is hereby adopted.



**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of

this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Palmer, seconded by Council Member Gaston, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

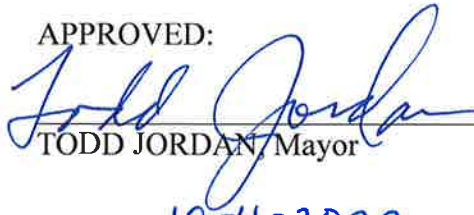
CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

10-4-2022

DATE



**ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING SECTION 5.3, MIXED USE DOWNTOWN OVERLAY DISTRICT, SUB-SECTIONS 5.3.4.1 AND 5.3.4.2 INCLUDING FIGURE 5.3.4 (TA22-03.05)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the text amendments and use standards amendments in sub-districts and along certain streets have evolved and need clarification and restatement to encourage land use conforming to the current intents and purposes of the overlay; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to use standards amendments in sub-districts and along certain streets are based on the findings below that the character of the neighborhood has changed to such an extent as to justify rezoning and a public need exists for rezoning; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood has changed to such an extent as to justify these text amendments and use standards amendments in sub-districts and along certain streets, and that public need exists for such amendments.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its sub-districts:

- A. Walkability improvements throughout the area.
- B. Beautification through urban treescape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.

- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.
- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.

- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.
- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for these text amendments and use standards amendments in sub-districts and along certain streets in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above finding and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the

Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** 5.3.4 shall be amended to read:

**5.3.4.1 Allowed Use Standards, Mixed Use Downtown Zoning District**

- (1) *Primary Use:* Within the Mixed Use Downtown Overlay District, no buildings, structure, land or premises shall be used and no buildings or structure shall be hereafter erected, constructed, reconstructed or moved, except for one or more of the uses in Table 5.3.4.
- (2) *Use Types:* Three types of uses are provided for in Chapters 4 and 12 of the Development Code: Uses by right may be approved by Development Services staff. Compatible uses as identified in Table 5.3.4. may be approved by the Director of Development Services Department or designee in accordance with the terms of Chapter 12, Section 12. Flexible uses as identified on Table 5.3.4 may be approved by the City Council after recommendation by the Planning Committee in accordance with the terms of Chapter 12, Section 12.
- (3) *Accessory Use:* Accessory uses pursuant to Chapter 7 are permitted in the Mixed Use Downtown Overlay District subject to compliance with the Height and Area Regulations and the Design Standards of the Chapter and other applicable requirements of the Development Code.
- (4) **Structures fronting the following streets in which the proposed use includes an establishment closing at or before 5:00pm shall be Use by Compatibility. See Figure 5.3.4 below.**
  - a. **Main Street, bounded by Veterans Boulevard on the East and Gloster Street on the West**
  - b. **Spring Street, bounded by Troy Street on the South and Sherwood Avenue on the North**
  - c. **North Broadway Street, bounded by Troy Street on the South and Court Street on the North Green Street, bounded by Court Street on the North and Troy Street on the South.**
- (5) **Parking Garages shall require first floor retail, restaurant, office, or other non-parking uses. Uses not conforming to this standard shall be use by flexibility**

**(6) Off-street parking shall be located in the rear throughout the Mixed Use Downtown Overlay District. Uses not conforming to this standard shall be determined by Compatible Use.**

**SECTION 7.** Section 5.3.4.2 shall be added to read:

**5.3.4.2 Allowed Use Standards, Sub-Districts**

**(1) Allowed Uses in the City Center Retail Sub-district shall conform to the following standards:**

**a. Approved infill development shall be permitted only for the following allowed uses: event center, park and/or open space,**

**b. Revenue producing establishments, with preference for establishments open after 5:00pm, are required on the first floor of all City Center Retail Sub-district structures.**

**c. Landscaping shall make up 25% of square feet between the front point of the structure and the Right of Way or public easement.**

**(2) Allowed Uses in the Coliseum Sub-district shall conform to the following standards:**

**a. Revenue producing establishments, with preference for establishments open after 5:00pm, are required on the first floor of all approved uses along Commerce Street.**

**b. Allowed uses North of Franklin Street shall be by Compatibility if proposed use remains open after 5:00pm.**

**c. Off street parking requirements shall not be exempt in the Coliseum Sub-district except where shared parking and operating hours coincide to provide for required parking as evidenced by a development plan and shared parking plan with an adjacent property not divided by a street.**

**(3) Allowed Uses in the Gateway East Sub-district shall act as a transition from the Mixed Use Downtown core to the Elvis Presley Birthplace through the use of Mid-Century Modern design architectural elements.**

**SECTION 8.** Figure 5.3.4 shall be added as follows:



The foregoing ordinance was proposed in a motion by Council Member Beard, seconded by Council Member Gaston, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:  \_\_\_\_\_  
LYNN BRYAN, President

ATTEST:

 \_\_\_\_\_  
MISSY SHELTON, Clerk of the Council

APPROVED:  \_\_\_\_\_  
TODD JORDAN, Mayor

DATE 10-4-2022



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.1 MAP FOR JUDICIAL SUB-DISTRICT  
(TA22-03.06)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the Judicial Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Judicial sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for Judicial sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its Judicial sub-districts:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district.
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the Judicial Sub-District shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Jones, and after discussion, no council member having called for a reading, was brought to a vote as follows:


Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

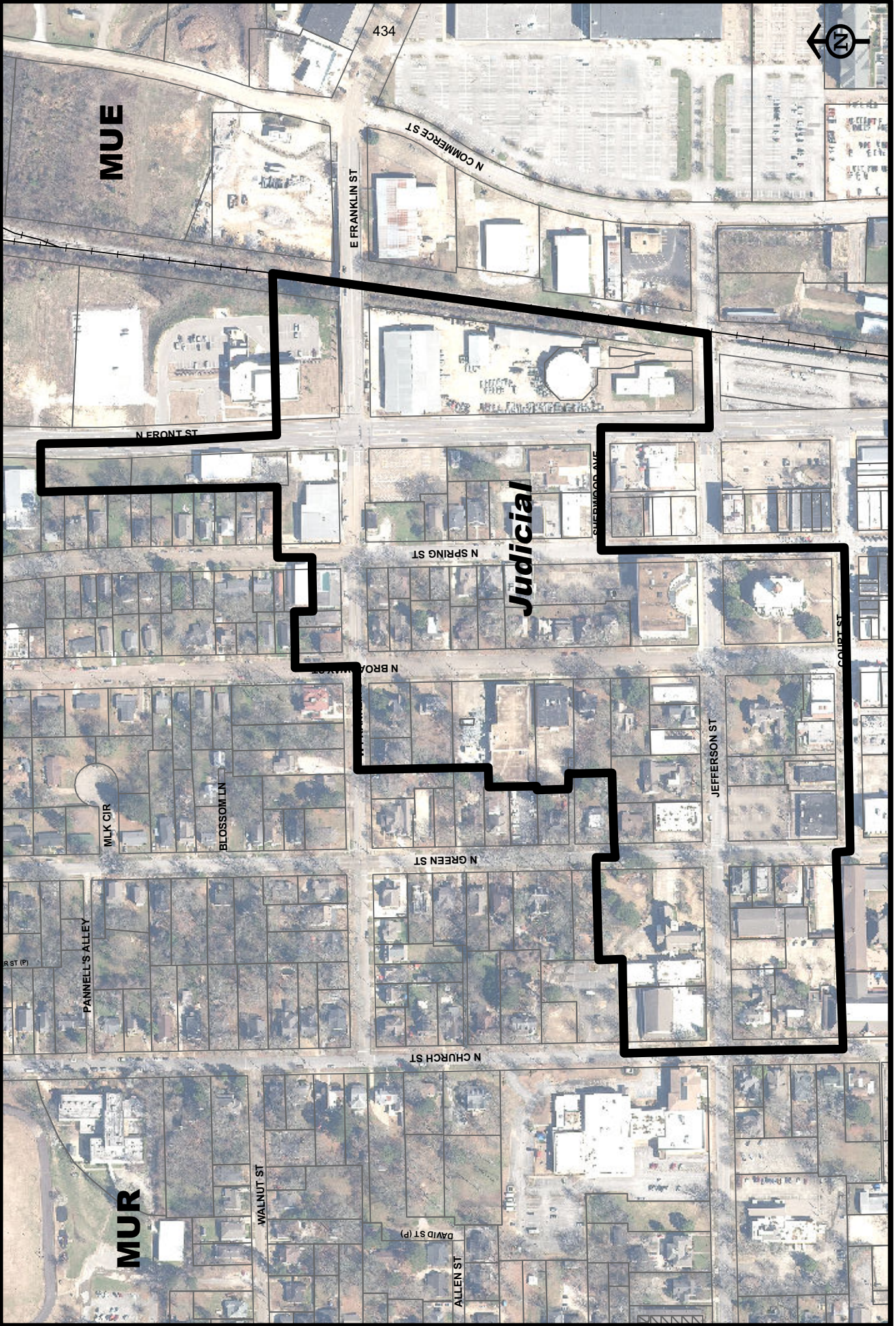
  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

10-5-2022  
DATE

# JUDICIAL PROPOSED MIXED USE DOWNTOWN SUBDISTRICT



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.2 MAP FOR CITY CENTER RETAIL SUB-  
DISTRICT (TA22-03.07)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and



**WHEREAS**, the changes to map boundaries of the City Center Retail Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's City Center Retail sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for City Center Retail sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its City Center Retail sub-district:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the City Center Retail Sub-District shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Palmer, seconded by Council Member Jones, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

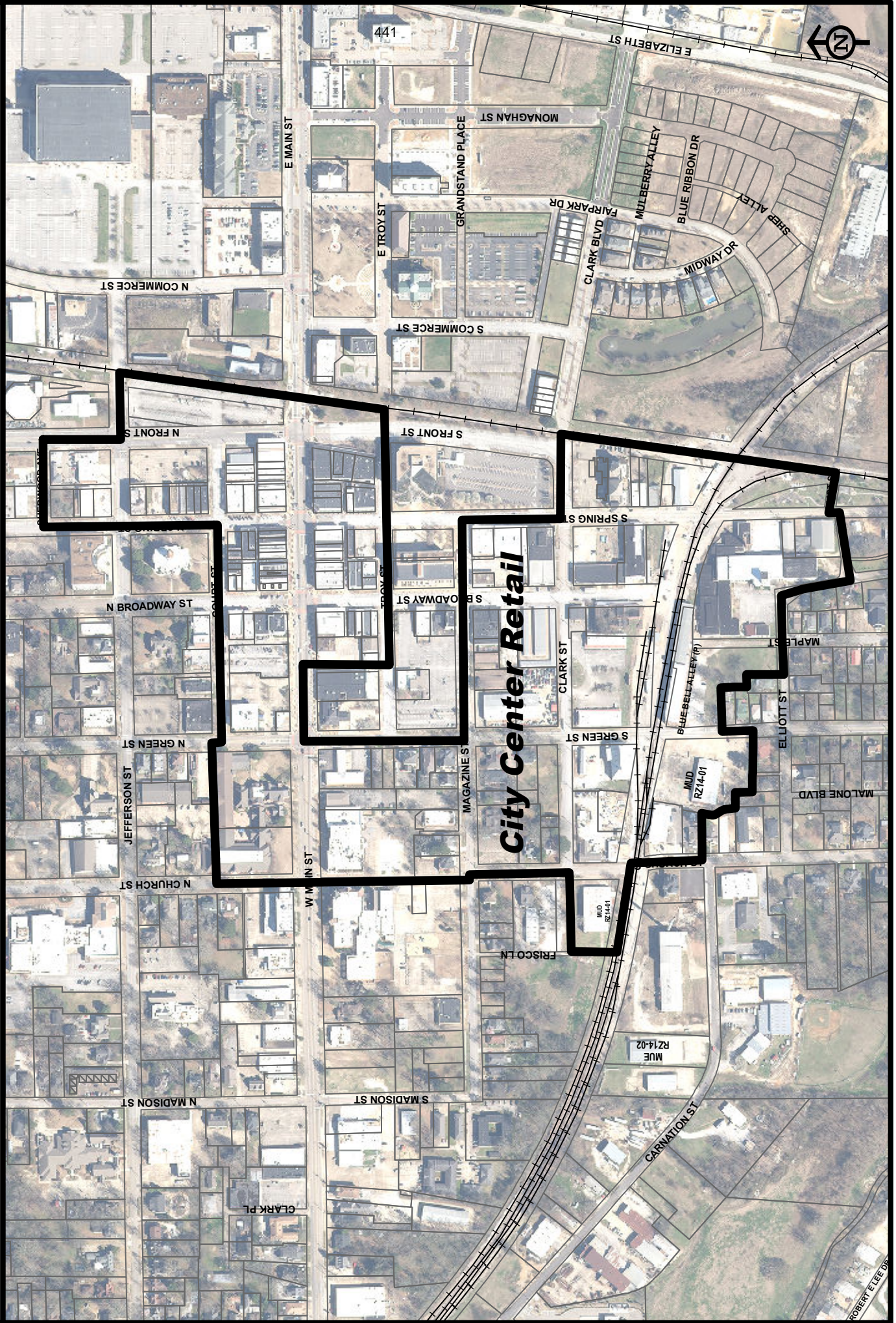
  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

10-5-22  
DATE

# CITY CENTER RETAIL PROPOSED MIXED USE DOWNTOWN SUBDISTRICT



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.3 MAP FOR FINANCIAL SUB-DISTRICT  
(TA22-03.08)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the Financial Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Financial sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for Financial sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its Financial sub-district:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.



- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the Financial Sub-District shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Jones, and after discussion, no council member having called for a reading, was brought to a vote as follows:

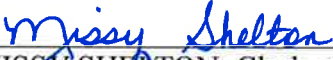
Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

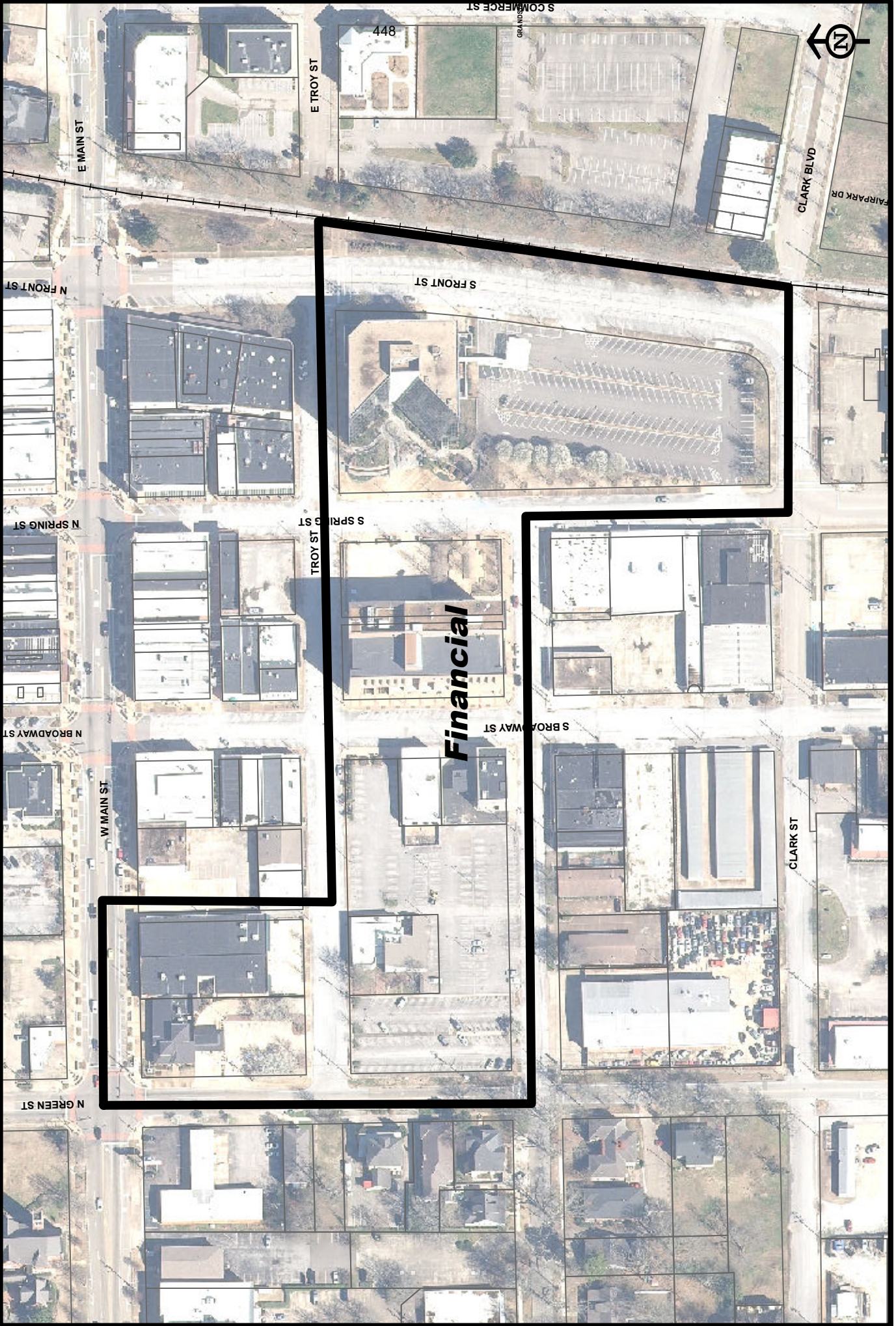
  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

DATE 10-5-2022

# FINANCIAL PROPOSED MIXED USE DOWNTOWN SUBDISTRICT



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.4 MAP FOR COLISEUM SUB-DISTRICT  
(TA22-03.09)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the Coliseum Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Coliseum sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for Coliseum sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its Coliseum sub-district:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.



- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the Coliseum Sub-District shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Palmer, seconded by Council Member Gaston , and after discussion, no council member having called for a reading, was brought to a vote as follows:

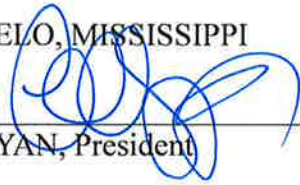
Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY: \_\_\_\_\_

LYNN BRYAN, President



ATTEST:

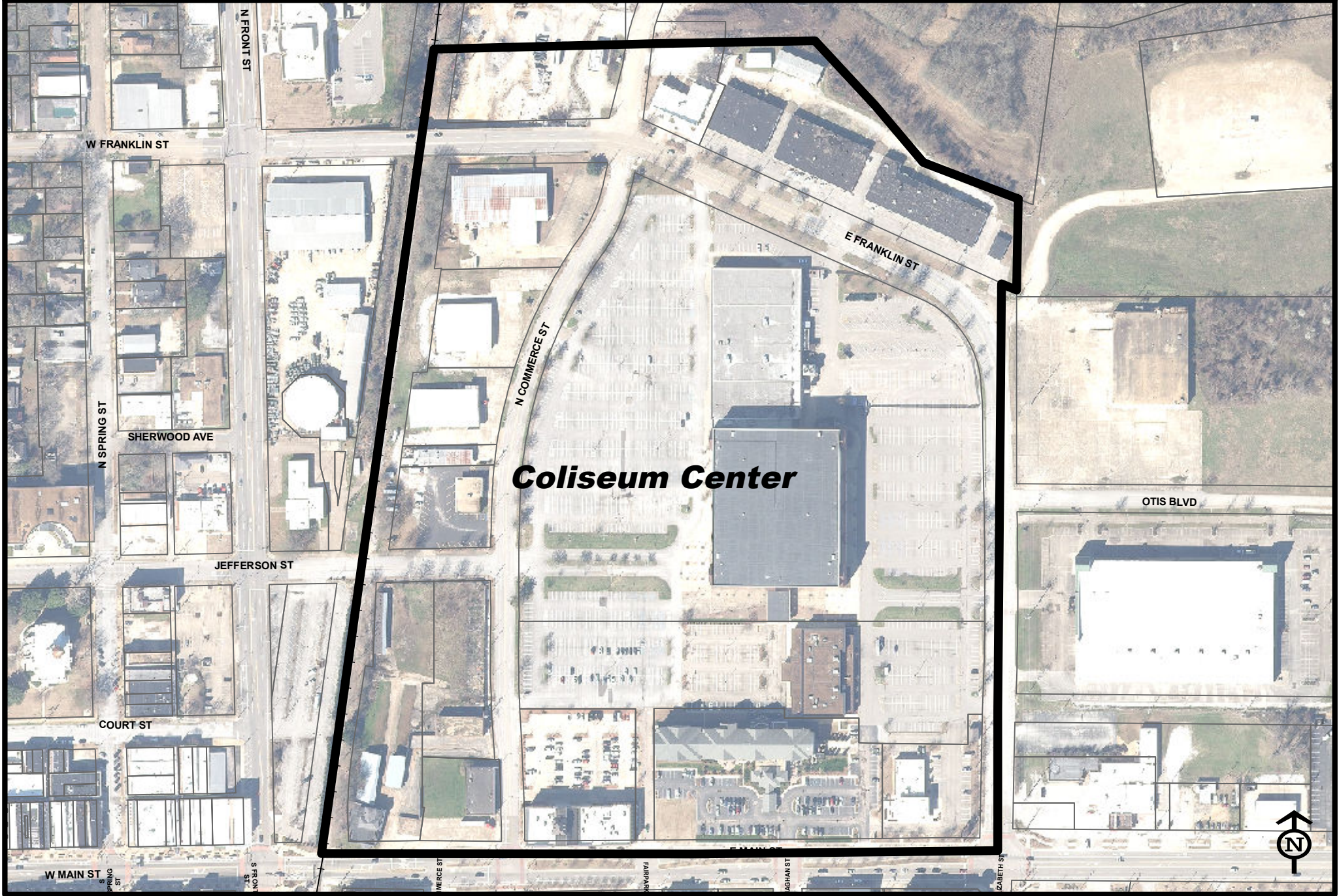
Missy Shelton  
MISSY SHELTON, Clerk of the Council

APPROVED:

Todd Jordan  
TODD JORDAN, Mayor

10-5-2022  
DATE

# COLISEUM CENTER PROPOSED MIXED USE DOWNTOWN SUBDISTRICT



**Coliseum Center**



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.5 MAP FOR GATEWAY EAST SUB-  
DISTRICT (TA22-03.10)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the Gateway East Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Gateway East sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for Gateway East sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its Gateway East sub-district:

- A. Walkability improvements throughout the area.
- B. Beautification through urban treescape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,



discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the Gateway East Sub-District shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Palmer, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

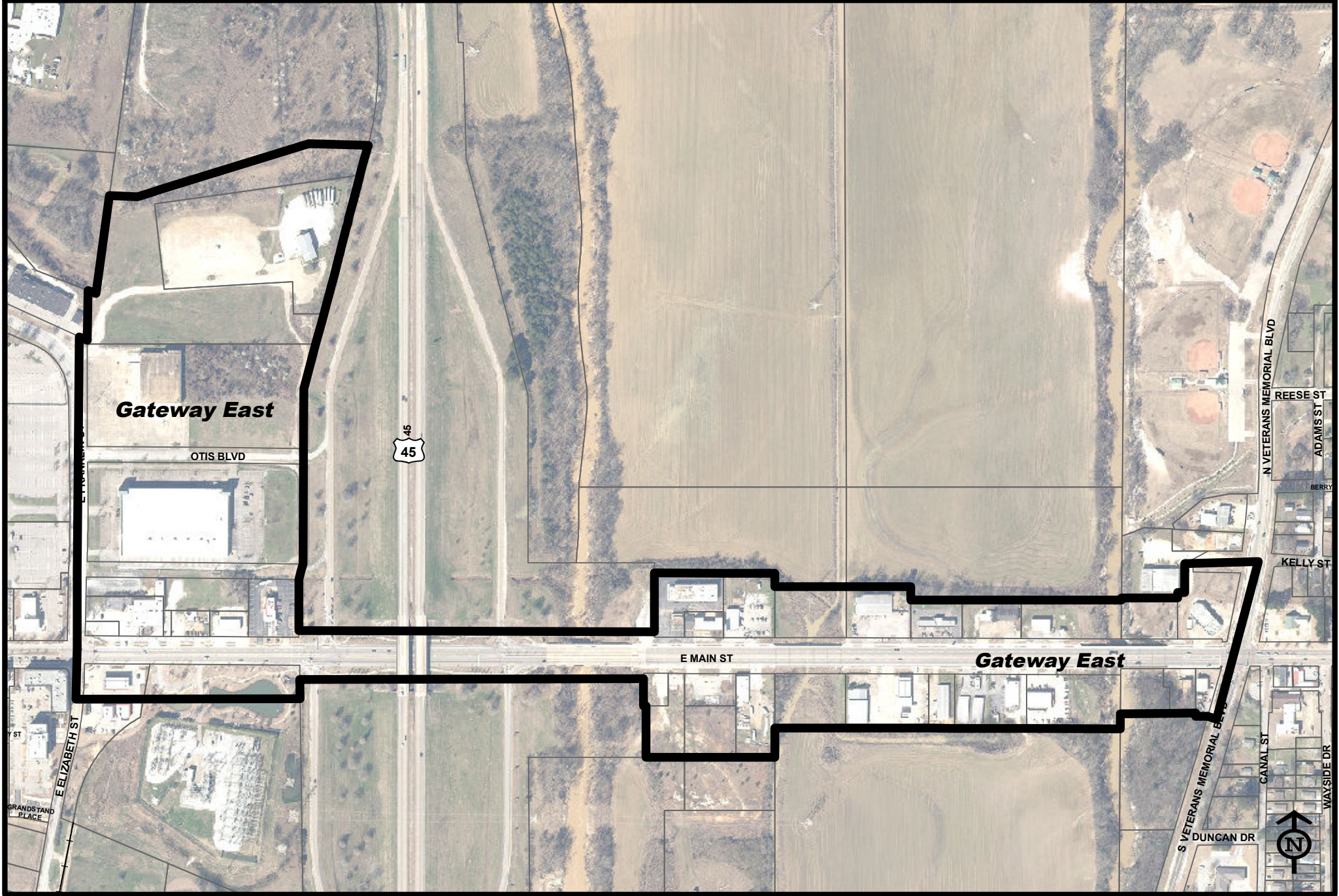
  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

10-5-2022  
DATE:

# GATEWAY EAST PROPOSED MIXED USE DOWNTOWN SUBDISTRICT



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.6 MAP FOR GATEWAY WEST SUB-  
DISTRICT (TA22-03.11)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the Gateway West Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Gateway West sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for Gateway West sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its Gateway West sub-district:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the Gateway West Sub-District shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Beard, seconded by Council Member Davis , and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.



CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

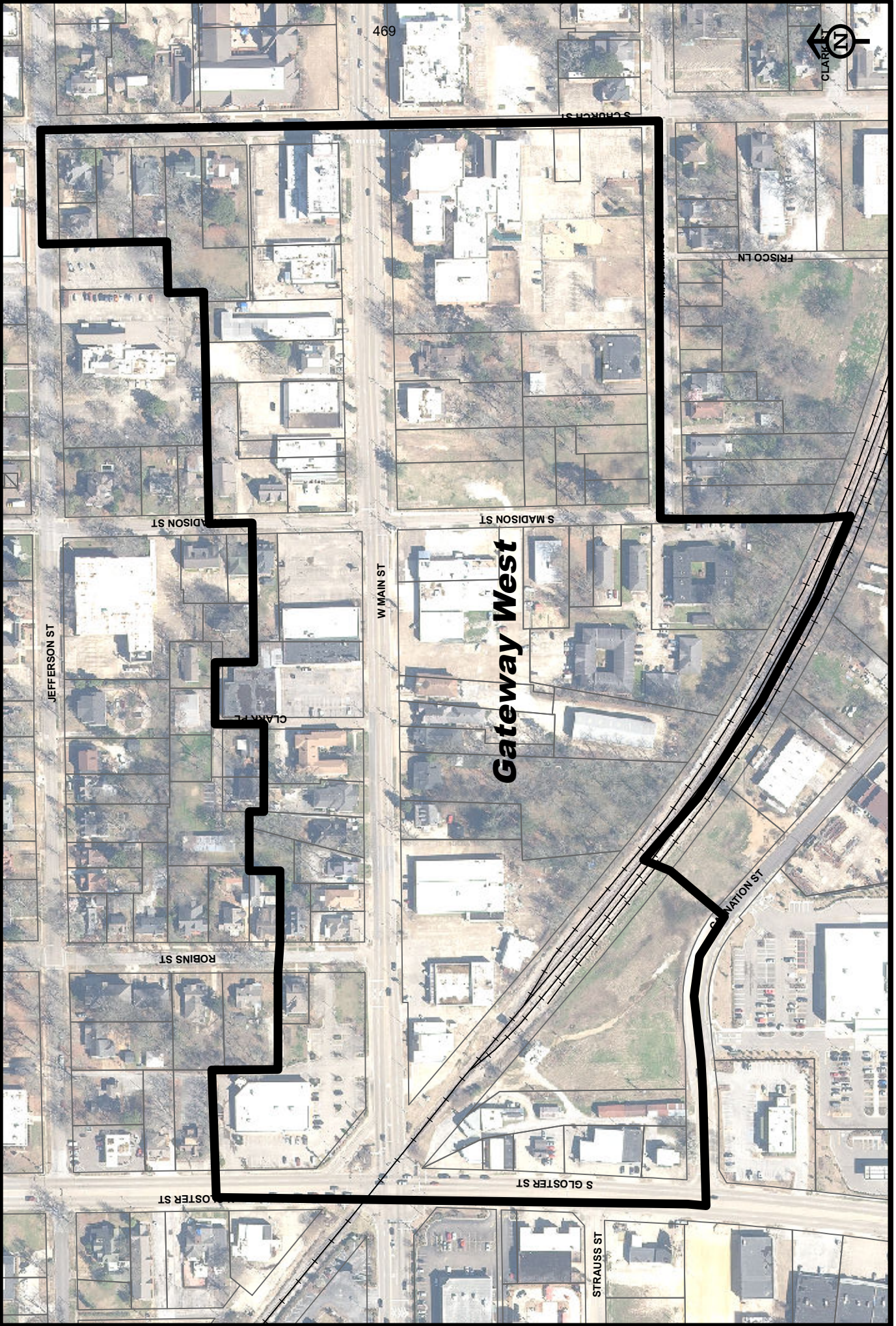
ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:  
  
TODD JORDAN, Mayor

10-5-2022  
DATE

# GATEWAY WEST PROPOSED MIXED USE DOWNTOWN SUBDISTRICT



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.7 MAP FOR FAIRGROUNDS SUB-DISTRICT  
(TA22-03.12)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the Fairgrounds Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Fairgrounds sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for Fairgrounds sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its Fairgrounds sub-district:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the Gateway Fairgrounds shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Gaston, seconded by Council Member Palmer, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

DATE:

10-5-2022



# FAIRGROUNDS REDEVELOPMENT PROPOSED MIXED USE DOWNTOWN SUBDISTRICT



**ORDINANCE AMENDING DEVELOPMENT CODE SUB-SECTION 5.3.3  
BY ADDING FIGURE 5.3.3.8 MAP FOR MAJOR DEVELOPMENT SUB-  
DISTRICT (TA22-03.13)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the boundaries of the sub-districts of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to map boundaries of the Major Development Sub-district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify a map change, and a public need exists for such map change; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Major Development sub-district has changed to such an extent as to justify these text and boundary amendments, and that public need exists for Major Development sub-district map changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood and its Major Development sub-district:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.
- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.

- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.
- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.

- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this code text and boundary amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council,

discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The map of the Major Development shall be established and added to the Development Code as Figure 5.3.3.1 attached hereto as Exhibit A.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Palmer, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:  \_\_\_\_\_  
LYNN BRYAN, President

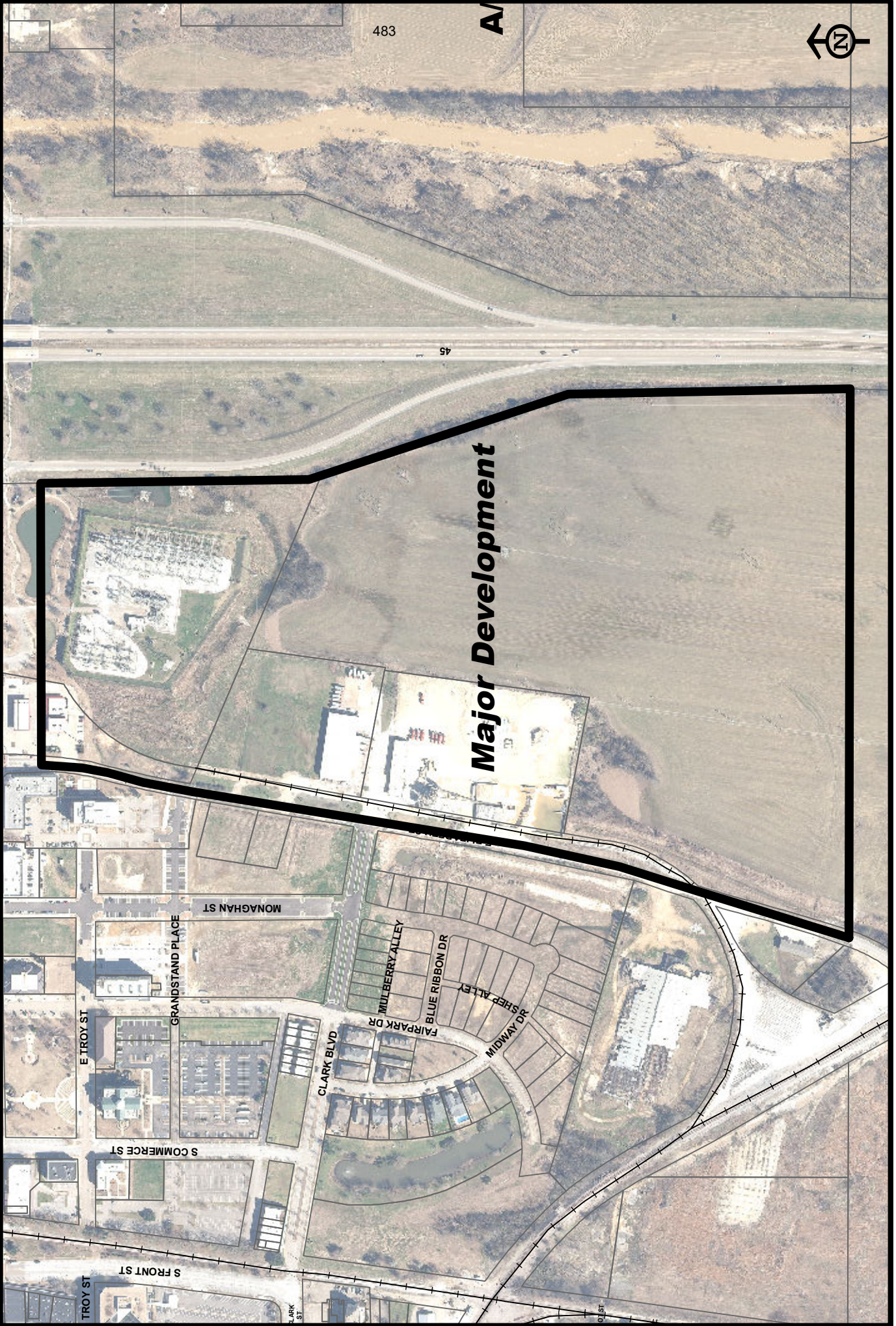
ATTEST:

 \_\_\_\_\_  
MISSY SHELTON, Clerk of the Council

APPROVED:  
 \_\_\_\_\_  
TODD JORDAN, Mayor

10-5-2022  
DATE \_\_\_\_\_

# MAJOR DEVELOPMENT PROPOSED MIXED USE DOWNTOWN SUBDISTRICT





**ORDINANCE AMENDING DEVELOPMENT CODE TO AMEND SUB-SECTION 5.3.4  
BY REPLACING CURRENT UN-NUMBERED TABLE WITH ALLOWED USES TABLE  
5.3.4.3 (1) RESIDENTIAL USES  
(TA22-03.14)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the residential use tables of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and

**WHEREAS**, the changes to Residential Use Tables of the Mixed Use Downtown (MUD) overlay district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify residential use table changes, and a public need exists for such residential use table changes; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Residential Use Table has changed to such an extent as to justify these text and Residential Use Table amendments, and that public need exists for Residential Use Table changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood Residential Use Table:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.

- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.
- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.

- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.
- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this residential use table amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo

Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The combined, un-numbered use tables under Section 5.3.4 Use Regulations shall be separated, replaced and amended as to residential uses as follows:

**5.3.4.3 Allowed Uses**

**a. Table 5.3.4.3(1) – Residential Uses**

**Table 5.3.4.3(1) – Residential Uses**

**Table 5.3.4.3(1) ALLOWED USES, RESIDENTIAL USES IN THE MIXED USE DOWNTOWN DISTRICT**

Subdistrict:	Judicial	City Center Retail	Financial	Coliseum	Gateway East	Gateway West	Major Development	Fairgrounds
Accessory Dwelling Unit	F				F	F		
Duplex	C							
Dwelling, Multi-Family, 3-8 units	F	F	F	F	C	C		C
Dwelling, Multi-Family, 9+ units	F		F	F	F	F		F
Dwelling, Patio Home	F							F
Dwelling, Zero-Lot Line	F			F				F
Single Family Residential	R							R
Townhouse	C			F	F	F		C
Upper Story Residential	R	R	R	R	R	R		R

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Gaston, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:  \_\_\_\_\_  
LYNN BRYAN, President

ATTEST:

 \_\_\_\_\_  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
\_\_\_\_\_  
TODD JORDAN, Mayor

10-5-2022  
\_\_\_\_\_  
DATE

**ORDINANCE AMENDING DEVELOPMENT CODE TO AMEND SUB-SECTION 5.3.4  
BY REPLACING CURRENT UN-NUMBERED TABLE WITH ALLOWED NON-  
RESIDENTIAL USES TABLE 5.3.4.3 (2) NON-RESIDENTIAL USES  
(TA22-03.15)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that the non-residential use tables of the Mixed Use Downtown Overlay District have evolved and need amendment; and

**WHEREAS**, the text-only provisions of this amendment are based on substantial evidence; and



**WHEREAS**, the changes to Non-Residential Use Tables of the Mixed Use Downtown (MUD) overlay district are based on the findings below that the character of the neighborhood has changed to such an extent as to justify residential use table changes, and a public need exists for such residential use table changes; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds clear and convincing proof that the character of the Mixed Use Downtown (MUD) neighborhood's Non-Residential Use Table has changed to such an extent as to justify these text and Non-Residential Use Table amendments, and that public need exists for Non-Residential Use Table changes.

**SECTION 3.** The City Council specifically finds the following changes, but not limited to, as clear and convincing proof of the extent of growth, evolution and change to the Mixed Use Downtown (MUD) neighborhood Non-Residential Use Table:

- A. Walkability improvements throughout the area.
- B. Beautification through urban tree scape and landscaping.
- C. Gateway improvements on Main Street from Crosstown to Veterans Boulevard and the Elvis Presley Birthplace.
- D. Wayfinding signage throughout the MUD.

- E. Increased destination tourism to the MUD to historic sites, lodging, shopping, dining and events through efforts of Convention and Visitors Bureau.
- F. Coliseum and Conference Center upgrades and expansion.
- G. Public-Private partnership construction of boutique hotel, Hotel Tupelo.
- H. Public-Private partnership construction of four-story, mixed use building, Fairpark Tower.
- I. Public-Private partnership construction of four-story, mixed use building, The Grandstands.
- J. Construction of Bank of New Albany, FNB Bank, Bankplus, Dynasty Furniture and Barberology buildings and offices.
- K. Fairpark Phase IV Residential infrastructure investment, sale of lots and homes being built.
- L. Relocation of CREATE Foundation within the MUD.
- M. Construction of Police Administrative Building.
- N. City purchase of Jenkins Building for redevelopment.
- O. City purchase of Gravlee Lumber and Ice Plant buildings for redevelopment.
- P. City sale of property on West Main Street for first floor retail and upper story residential development.
- R. Court Street parking lot improvements.
- S. Continued private improvements to The Mill, an event center.
- T. City sale of property for dermatology clinic.
- V. Improvements and repurposing downtown alleys.

- W. Railroad Quiet Zone project which will require relocation of Farmer's Market within the MUD.
- X. Code enforcement and demolition of blighted residential and commercial properties within the MUD.
- Y. Closure of the Tupelo Automobile Museum and lack of development east of Cadence Bank Coliseum and Conference Center.
- Z. Previous re-zonings of properties into the MUD without designation of sub-districts (11-1-2013, 6-03-2014, 9-29-2015).
- A.A. Re-zoning RZ-03 and RZ-04, October 4, 2022.
- B.B. Re-location of the Tupelo Water and Light collection office within the district .
- CC. Traffic planning, safety and signalization projects on Main Street.
- DD. Brisk and vibrant downtown atmosphere of retail, office, dining and night life facilitated by the Downtown Main Street Association.
- EE. Continued leadership and efforts of Tupelo Redevelopment Agency (TRA) to complete Fairpark development.

**SECTION 4.** The City Council also specifically finds that these millions of dollars of continued public, public-private and private investments in the MUD clearly and convincingly demonstrate the need for this use table amendment in order to sustain the growth of downtown Tupelo.

**SECTION 5.** The City Council additionally bases the above findings and this amendment on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo

Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 6.** The combined, un-numbered use tables under Section 5.3.4 Use

Regulations shall be separated, replaced and amended as to non-residential uses as

follows:

### 5.3.4.3 Allowed Uses

(b) Table 5.3.4.3(2) – Non-residential Uses

Table 5.3.4.3(2) – Non-Residential Uses

**Table 5.3.4.3(2) - ALLOWED USES, NON-RESIDENTIAL USES IN THE (MUD) MIXED USE DOWNTOWN OVERLAY**

Use Categories	Judicial	City Center Retail	Financial	Coliseum	Gateway East	Gateway West	Major Development	Fairgrounds
Agricultural Use							R	
Automobile Services/VEHICLE SERVICES			F	F	F	F		
Bed and Breakfast	R	C		R	R	R		
Broadcasting Facility	C	C	C	C	C	C	C	
Cannabis Cultivation and Processing Facility								
Cannabis Cultivation Facility								
Cannabis Disposal Entity								
Cannabis Micro-cultivation Facility							R	
Cannabis Micro-processing Facility							R	
Cannabis Processing Facility								
Cannabis Research Facility	F	F	R	R			R	
Cannabis Testing Facility	F	F	R	R			R	
Cannabis Transportation Entity								
Church	C	C	C	C	F	C		
Conference Center				C	F	F		
Convenience Store	C	R*	C	R	R	R		C
Convenience Store w/ fuel sales					F	F		

Day Care Center				F	F	F		
Drive-Through Service			C		F	F		
Educational facility (VOCATIONAL TRAINING)	C	C	C	C	C	C	C	C
Educational Facility, University or College	C	C	C	C	C	C	C	C
Event Center		R*	C	R	C	C	C	C
Farmers Market		C						C
Financial institutions	C	R*	R	C	C+	C+		C+
Use Categories	Judicial	City Center Retail	Financial	Coliseum	Gateway East	Gateway West	Major Development	Fairgrounds
Government/social services / PUBLIC FACILITY	R	R	R	R	C	C	C	C
Home Occupation	R	R	R	R	R	R	R	R
Hotel	C	C	C	R	R	R		
Library	C	C	C	R				
Light manufacturing								
Medical Cannabis Dispensary	F	F	R	R			R	
Motel					F		C	
Multi-Occupant Non Residential	C	C	F	C	R	R		C
Museum		R*		R	R	R		C+
Office	C	R*	R	C	C+	C+	R	R+
Office with storage							C	
Office, Medical	C	R*	F	C	C+	C+		C+
Outdoor Dining	C	R	C	C	R	R		R
Park and/or Open Space	R	R	R	R	R	R	R	R
Parking facility, OFF-SITE		C	F	F	F	F		F
Postal service		R						
Recreation, Indoor				R	R	R		
Recreation, Outdoor				R	R	R		
Resource Conservation Facility								C
Restaurant	R	R*	C	C	R	R		R+
Retail sales	C	R*	C		C	C		R+
Social and/or Community Service Facility	C	C	C	C	C	C		
Utility, Major							F	
Vehicle Sales and/or Rental				C	C	C		
Warehouse/distribution							F	

\* Allowed by Right if establishment closes after 5pm and is located on the first floor, OR is located on the first floor of a development, AND is not located in a parcel where use is by Compatibility per Section 5.3.4  
 +Allowed if part of a Multi-Occupant Non-residential development, allowed by flexibility if standard not met.

**SECTION 7.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution

and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 8.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Beard, seconded by Council Member Davis, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

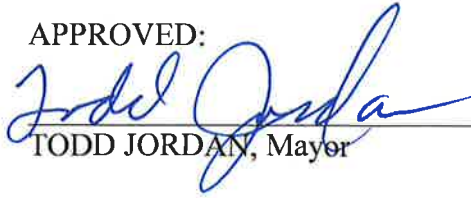
CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:

  
TODD JORDAN, Mayor

DATE

10-5-2022

**ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING  
SUB-SECTIONS 5.3.4.4 COMPATIBILITY STANDARDS, 5.3.6 DESIGN  
STANDARDS AND 5.3.7 REVIEW PROCESS (TA22-03.16)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that additional guidance is needed regarding the compatibility standards, design standards and review process in Mixed Use Downtown (MUD) overlay district; and

**WHEREAS**, these text amendments are based on substantial evidence; and



**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds substantial evidence to justify these code amendments, and that public need exists for these changes, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 3.** Compatible use standards shall be established by adding the following to the Development Code:

**5.3.4.4 Compatible Uses**

**(1) Compatibility shall be determined by adherence to six of the eight following standards, as demonstrated by the applicant.**

- a. Demonstrated cost prohibition of changing an existing use that is not disallowed by Section 5.3.4**
- b. Demonstrated revenue potential**
- c. At least 75% of adjacent property is like use or comparable**
- d. Demonstrated draw to tourism and/or pedestrian traffic**
- e. Servicing of customers for family oriented activities or services**
- f. Design compatibility as defined by Chapter 2 of this Code**
- g. Amenity contribution by the applicant to the walkability, aesthetic, or other quality of life measures, with approval of the Downtown Tupelo Design Review Committee.**

- h. Evidence that the use will not have adverse impact on the revenue, tourism opportunities, pedestrian access, or aesthetic of adjacent properties or uses.**

**SECTION 4.** 5.3.6. Design standards shall be amended by adding the following:

- (4) Pedestrian crosswalks within the Mixed Use Downtown Overlay District shall consist of brick pavers or brick-style stamped asphalt.**

**SECTION 5.** 5.3.7 (1). Review process shall be amended to read as follows:

- (1) Within the Mixed Use Downtown Overlay District, the Director of Development Services shall not issue any building permit for construction, alteration, repair, demolition or relocation of a building or structure without first submitting the application of such permit, together with all plans, elevations, and other information as may be required to determine the appropriateness of the design, per Section 5.3.6.(1) of this code, to the **Downtown Tupelo Main Street Association Design Review Committee** for approval. Review by the Committee shall be based on the Mixed Use Downtown Overlay District Design Guidelines, and, for projects located in the Fairgrounds Redevelopment Sub-district, on the Fairpark Design Guidelines. **Overlay and Design Guidelines in addition to and in expansion of those standards set forth in Chapter 5 of this Code may be found in Appendix A of this Code.**

**SECTION 6.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 7.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Palmer, seconded by Council Member Jones, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:   
TODD JORDAN, Mayor

DATE 10-5-2022

**ORDINANCE AMENDING DEVELOPMENT CODE BY AMENDING  
SUB-SECTION 5.3.5 HEIGHT AND AREA TABLES 5.3.5A AND 5.3.5B  
(TA22-03.17)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the Development Code governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, since the enactment of the City of Tupelo Development Code, based on experience, actual applications of the code have shown that additional guidance is needed regarding the compatibility standards, design standards and review process in Mixed Use Downtown (MUD) overlay district; and

**WHEREAS**, these text amendments are based on substantial evidence; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The City Council finds substantial evidence to justify these code amendments, and that public need exists for these changes, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting.

**SECTION 3.** Table 5.35 A shall be amended and replaced as follows:

TABLE 5.3.5 A  
HEIGHT AND AREA REGULATIONS FOR NON-RESIDENTIAL USES  
MIXED USE DOWNTOWN DISTRICT

SUBDISTRICT	Min. Parcel Area (SF)	Min.Parcel Dimensions		Min. Yard Dimensions			Min. Landscape Buffer		Max. Bldg. Height (FT) <sup>1</sup>	Max. Bldg. Coverage (% <sup>2</sup> )
		Width (FT)	Depth (FT)	Front/ Street (FT)	Side (FT)	Rear (FT)	Side (FT)	Rear (FT)		
Judicial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None

City Center Retail Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None
Financial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	45	None
Coliseum Center Subdistrict	None	None	None	0/10 <sup>4</sup>	None	20	None	None	75	None
Gateway West Subdistrict	15,000	75	100	10/40 <sup>5</sup>	None	20	None	None	55	None
Gateway East Subdistrict	15,000	75	100	10/40 <sup>5</sup>	None	20	None	None	55	None
Major development Subdistrict	43,560	200	100	25	None	20	10	5	55	None
Fairgrounds Redevelopment	None	None	None	0	None	0	None	None	None	None

1. Measured from the average finish grade elevation of the building line to the top of the fascia or coping of the primary building roof or parapet wall; mechanical penthouses are not included in this dimension, but should be enclosed or screened in a manner that blends with the exterior material and color of the primary structure.
2. Percentage of the total Parcel Area coverage by the cumulative "footprint" floor areas of all primary and accessory buildings located on parcel.
3. New construction will be set back to equal the existing building line of adjoining properties. If there are no buildings within 50 feet of the side property line of the property to be developed, the required front setback is zero.
4. New construction along Main Street will have a setback of zero feet. In other parts of the subdistrict, the front setback shall be ten feet except where buildings within 50 feet of the side property line of the property to be developed are built to a different setback. In this case, the required front setback is determined by averaging the setback of the adjoining buildings as provided in Section 10.1.3(4).
5. Front setback is 10 feet between the railroad tracks and Franklin Street, and 40 feet between Franklin and Martin Luther King, Jr. Drive.

**SECTION 4.** TABLE 5.3.5 B shall be amended and replaced as follows:

TABLE 5.3.5 B  
HEIGHT AND AREA REGULATIONS FOR RESIDENTIAL USES  
MIXED USE DOWNTOWN DISTRICT

Subdistrict	Residential Type	Min. Parcel Area <sup>1</sup> (SF)	Max. Density U/AC	Min. Parcel Width	Landscaping Buffer at	Minimum Yard Requirements <sup>2</sup>	Max Bldg	Max Bldg Cvr
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				h (FT)	Perimeter (FT)					Ht. (FT)	g (%) <sup>8</sup>
						Front (FT)	Rear (FT)	Side (FT)	Street (FT)		
Judicial Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	50	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
City Center Retail Subdistrict											
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Financial Subdistrict											
	Multi-Family	43,560	30	100	10	25	25	10	25	45	50
Gateway West Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Gateway East Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Coliseum Center Subdistrict	Townhouse	2,500	-	25	10	25	25	10	15	35	50
	Multi-Family	43,560	35	100	10	25	25	10	15	45	60
Major Development Subdistrict											
<b>Residential Not Permitted</b>											
Fairgrounds Redevelopment Subdistrict	Single Family Detached	3000	-	30	5	10-20 <sup>4</sup>	20 <sup>6</sup>	5 <sup>3</sup>	15	35	70
	Single Family Attached	2000	-	19	5	0-10 <sup>4</sup>	20 <sup>6</sup>	5 <sup>5</sup>	15	35	50
	Multi-Family	none	25	none	5	0-10 <sup>4</sup>	20 <sup>6</sup>	10	15	50	60

1. Minimum parcel area denotes minimum for any development under single ownership as defined for zoning purposes.
2. Minimum yard dimensions for single-family attached and multi-family apply to groups of units that involve one structure. Minimum distance between structures is 20 feet. Zero lot lines at side yards may be permitted when each unit of a townhouse or single-floor apartment complex is sold to separate individual owners.
3. Percentage of total Parcel Area covered by the cumulative "footprint" floor areas of all primary and accessory buildings located on the parcel.
4. Front yard ranges are to the minimum permitted but the required range. Commercial buildings must adhere to a "built-to-line" consistent with the front property line. Exceptions will be made for facade setbacks to accommodate outside dining or similar use so long as the street wall is reflected through some architectural treatment.
5. In order to accommodate driveways the average of a lot's two side yards shall be five feet, but the side yard featuring a driveway may be as shallow as three feet.
6. Garages or accessory structures may extend to within five feet of rear alley in the Fairgrounds subdistrict

**SECTION 5.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 6.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY: \_\_\_\_\_  
LYNN BRYAN, President



ATTEST:

*Missy Shelton*  
MISSY SHELTON, Clerk of the Council

APPROVED:  
*Todd Jordan*  
TODD JORDAN, Mayor

10-5-2022  
DATE

**AN ORDINANCE AMENDING CERTAIN SUB-SECTIONS OF SECTION  
5.5 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO,  
MISSISSIPPI CONCERNING THE JOYNER NEIGHBORHOOD  
CONSERVATION OVERLAY DISTRICT (TA03.18)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, the City Council finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City

Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** Chapter 5, subsection 5.5.1 of the Development Code of the City of Tupelo shall be amended to state the following subsection:

5.5.1. Purpose and Applicability

(1) Purpose: It is the purpose and intent of the Joyner Neighborhood Conservation Overlay District to protect the value of property, to enhance the attractiveness of neighborhoods, to prevent development which would be incompatible with the established characteristics of the neighborhood, and to support improvement and investment in the neighborhood housing stock by:

- (a) Ensuring the architectural compatibility of new and existing buildings and structures;
- (b) Prohibit land uses that could through their incompatibility result in adverse impacts on the Joyner Neighborhood Conservation Overlay District.

(2) Applicability: The requirements of this section shall apply to all property within the Joyner Neighborhood Conservation Overlay District as shown in Figure 5.5.1.

**SECTION 3:** Figure 5.5.1 of Subsection 5.5.1 of the Development Code of the City of Tupelo shall be replaced with the following:



**SECTION 4:** Chapter 5, subsection 5.5.3 of the Development Code of the City of

Tupelo shall be amended to state the following:

5.5.3. Review procedures

(1) A design review committee shall be established consisting of five members. Three members shall be residents of the Joyner Neighborhood Conservation Overlay District, designated by vote of the Joyner Neighborhood Association. One member shall be designated by the Mayor. One member shall be designated by the City Council representative(s) for the majority of the Joyner Neighborhood Conservation Overlay District. Committee members shall be residents or property owners within the Joyner Neighborhood Conservation Overlay District. The members shall be confirmed by the City Council. The committee positions will be for a period of twelve months from the date of confirmation.

(2) Within the Joyner Neighborhood Conservation Overlay District, the Director of Development Services shall not issue any new construction or external building permit for construction, alteration, repair, demolition or relocation of a building or structure without first submitting the application of such permit, together with all plans, elevations, and other information as may be required to determine the appropriateness of the design, per Section 5.3.6., of this code, to the Joyner Neighborhood Design Review Committee for approval. Review by the Committee shall be based on the Joyner Neighborhood Conservation Overlay District Design Guidelines.

(3) Within the Joyner Neighborhood Conservation Overlay District, all new permitted, compatible and flexible uses and all external expansions and changes in use shall comply with the standards of the Joyner Neighborhood Conservation Overlay District Design Guidelines.

(4) The design review committee shall meet to consider permit applications no later than seven (7) days after the complete application is received by Joyner Neighborhood Design Review Committee from the Department of Development Services Department.

**SECTION 5:** Chapter 5, subsection 5.5.4 of the Development Code of the City of Tupelo

shall be amended to state the following:

5.5.4 Design Standards

(1) The design review committee shall be guided by the standards for traditional housing construction (Section 6.4.3) as modified below, by the standards for infill construction (Section 6.10), and by reference to existing architectural features of the immediate vicinity and of the Joyner neighborhood generally. The design review committee may apply more

or less restrictive standards as appropriate for the context area. The design review committee may prepare and propose written standards for adoption through amendments of this section.

(2) Traditional housing standards modifications

(a) Roofs.

Architectural features: The roof of a principal structure shall include at least one

(1) of the following

architectural details:

(i) A gable end, or gabled end of a roof projection, facing the street; or (ii)

An offset section either set back from the front façade or with a lower roof line than the main section of the structure.

Roof Materials:

(i) Roofs of principle structure shall be asphalt shingle and may not be metal.

(ii) Roofs for dormers, porches and porticos maybe of decorative metal with approval

(b) Exterior finish materials: Vinyl siding must meet the following specifications:

Minimum 40 mil thickness Color throughout, UV rated coating with lifetime fade protection Wood grain pattern on clapboard or shiplap siding, smooth surface on beaded board siding Meet ASTM 5206 wind load testing 50 year warranty from time of installation to new buyer

(c) Windows and entryways: At least twenty-five (25) percent of the area of a street facing façade must include

windows or main entryways.

(d) Porches. Porch columns shall be a minimum of six inches wide, and may not be wrought iron or other

material that is not solidly opaque. Other standards for porches are not modified.

(e) Garages.

i. Garages may be permitted if attached to side or rear of house.

ii. If visible from the street, carport columns must be of similar size and material to porch columns.

iii. Front, side or rear of house is permitted.

iv. If visible from the street, carport columns must be of similar size and material to porch columns. Other standards for garages are not modified.

v. If front facing, cannot be more than 30% of the front-facing linear dimension.

vi. Roofs shall be the same material of the principal structure.

(f) Driveways and parking areas are limited to 25 % front of lot, rock/gravel as landscape

may not be used to cover more than 1/3 of front yard.

(g) Fences. Chain link fences are not allowed. Fencing for front yards are limited to 3 ft and must be see-through in design. Picket, split rail, wrought iron or other like designed fences may be considered.

**SECTION 8.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 9.** All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

**SECTION 10.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Gaston, and after discussion, no council member having called for a reading, was brought to a vote as follows:

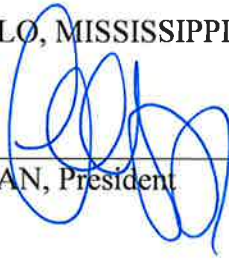
Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY: \_\_\_\_\_

LYNN BRYAN, President



ATTEST:

Missy Shelton  
MISSY SHELTON, Clerk of the Council

APPROVED:

Todd Jordan  
TODD JORDAN, Mayor

10-5-2022  
DATE

**AN ORDINANCE TO REPEAL SECTION 5.6 OF THE DEVELOPMENT  
CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE  
SHARON HILLS NEIGHBORHOOD CONSERVATION OVERLAY  
DISTRICT (TA-03.19)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, the City Council finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public



hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** Chapter 5, Subsection 5.6 of the Development Code of the City of Tupelo concerning the Sharon Hills Neighborhood Conservation Overlay District is hereby **repealed**.

**SECTION 3.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 4.** All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Palmer, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
 LYNN BRYAN, President

ATTEST:

  
 MISSY SHELTON, Clerk of the Council

APPROVED:  
  
 TODD JORDAN, Mayor

10-5-2022  
 DATE

**AN ORDINANCE TO REPLACE THE PREVIOUSLY REPEALED SECTION 5.6 OF THE DEVELOPMENT CODE OF THE CITY OF TUPELO, MISSISSIPPI WITH THE ESTABLISHMENT OF THE PARK HILL BUSINESS DISTRICT OVERLAY DISTRICT (TA-03.20)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, Subsection 5.6 of the Development Code of the City of Tupelo concerning the Sharon Hills Neighborhood Conservation Overlay District was repealed by the City Council on October 4, 2022 and the forgoing establishment of the Park Hill Business Overlay District shall replace the previously repealed subsection 5.6; and

**WHEREAS**, the City Council finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs

incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

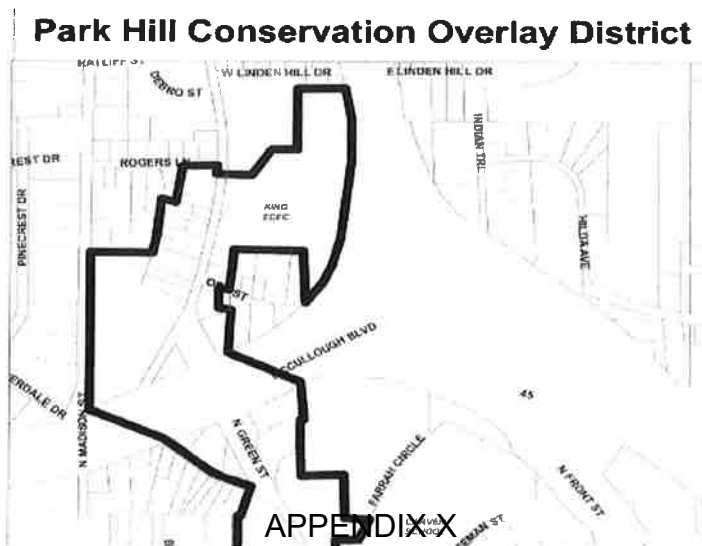
**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** Chapter 5, Subsection 5.6 of the Development Code of the City of Tupelo shall state the following:

5.6 Park Hill Business Overlay District

5.6.1 Purpose and Applicability

- (1) Purpose: To reestablish the business corridor of the Park Hill Neighborhood by providing strategic planning for the uses of the Overlay District to provide non-residential services along Tolbert Street and Green Street.
- (2) Applicability: The requirements of this section shall apply to all property within the Park Hill Business Redevelopment Overlay District as shown in Figure 5.8.1 below.



### 5.6.2 Use Regulations

Medium Density Residential (MDR) and Mixed Use Residential (MUR) Zoning District standards shall apply, per Sections 4.8 and 4.9 of this Code, respectively by in accordance with the existing zones with the exception of:

- (1) Residential uses, except than upper story residential, shall be allowed by  
Compatibility only

### 5.6.3 Design Standards

The design review committee shall be guided by the infill standards in Section 6.10 of this Code, and by reference to existing architectural features of the immediate vicinity and of the Park Hill neighborhood generally.

### 5.6.4 Review Procedures

- (1) A design review committee shall be established consisting of five members. Three members shall be residents of the Park Hill Neighborhood, designated by vote of the Park Hill Neighborhood Association. One member shall be designated by the Mayor. One member shall be designated by the City Council representative(s) for the Park Hill Neighborhood. Associate members may be nominated by either the Park Hill Neighborhood, the Mayor, or the City Council representative to serve in the absence of a member. The members shall be confirmed by the City Council. The committee positions will be for a period of 12 months from the date of confirmation.
- (2) No permit for new construction or external renovation shall be issued for any commercial property within the Park Hill Business Overlay District without approval of the design review committee. Residential construction and renovation are exempt from this review requirement.
- (3) Applications for construction or renovation within the Park Hill Business Overlay District shall be accompanied by complete drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list.

**SECTION 3.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 4.** All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:  
  
TODD JORDAN, Mayor

10-5-2022  
DATE

**AN ORDINANCE TO REPEAL SECTION 5.7 OF THE DEVELOPMENT  
CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE  
BEL AIR NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT  
TA-03.21**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, the City Council finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City

Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** Chapter 5, Subsection 5.7 of the Development Code of the City of Tupelo concerning the Bel Air Conservation Overlay District is hereby **repealed**.

**SECTION 3.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 4.** All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Beard, seconded by Council Member Gaston, and after discussion, no council member having called for a reading, was brought to a vote as follows:



Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
 LYNN BRYAN, President

ATTEST:

  
 MISSY SHELTON, Clerk of the Council

APPROVED:  
  
 TODD JORDAN, Mayor

10-5-2022  
 DATE

**AN ORDINANCE TO REPLACE THE PREVIOUSLY REPEALED  
SECTION 5.7 OF THE DEVELOPMENT CODE OF THE CITY OF  
TUPELO, MISSISSIPPI WITH THE ESTABLISHMENT OF THE MILL  
VILLAGE HISTORIC PRESERVATION OVERLAY DISTRICT (TA-  
03.22)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, Subsection 5.7 of the Development Code of the City of Tupelo concerning the Bel Air Neighborhood Conservation Overlay District was repealed by the City Council on October 4, 2022 and the forgoing establishment of the Mill Village Historic Preservation Overlay District shall replace the previously repealed subsection 5.6; and

**WHEREAS**, the City Council finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** The previously repealed Chapter 5, Subsection 5.7 of the Development Code of the City of Tupelo shall be replaced with the following:

5.7 Mill Village Historic Preservation Conservation

5.7.1. Purpose and Applicability

- (1) Purpose: To acknowledge the historic significance of local resources and to protect, enhance and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity; Insure the harmonious, orderly, and efficient growth and development of the City; Strengthen civic pride and cultural stability through neighborhood conservation; Stabilize the economy of the City through the continued use, preservation, and revitalization of its resources; Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; Promote the use of resources for the education, pleasure and welfare of the people of the City of Tupelo; Provide a review process for the preservation and appropriate development of City resources.

- (1) Applicability: A certified local district designation has been assigned to the Mill Village Historic District, as pictured in Figure 5.7.1 below,



#### 5.7.2. Use regulations.

Section 4.9.5, Uses in Mixed Use Residential districts, shall apply

#### 5.7.3 Design Standards

The design review committee shall be guided by the infill standards in Section 6.10 of this Code and design criteria and guidelines represented in the Tupelo Historic Preservation Commission Design Guidelines for Local Historic Districts, as represented in Appendix A of this Code.

#### 5.7.4 Review Procedures

The Tupelo Historic Preservation Commission, as defined in Chapter 2 of this Code, is designated as the Overlay authority regulating design review decisions for Mill Village. A Certificate of Appropriateness must be granted by the City prior to the conveyance of a permit for construction or renovation within the District.

**SECTION 3.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 4.** All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

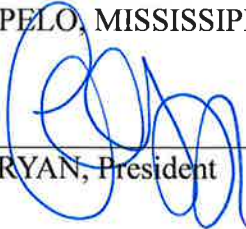
**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Beard, seconded by Council Member Palmer, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:  
  
TODD JORDAN, Mayor

10-5-2022  
DATE

**AN ORDINANCE TO SECTION 5.8 OF THE DEVELOPMENT CODE OF  
THE CITY OF TUPELO, MISSISSIPPI BY CHANGING THE NAME AND  
AMENDING CERTAIN SUB-SECTIONS CONCERNING THE WEST  
JACKSON NEIGHBORHOOD REDEVELOPMENT OVERLAY  
DISTRICT (TA-03.23)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, the City Council finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City

Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** Chapter 5, Subsection 5.8 of the Development Code of the City of Tupelo shall be amended to state the following:

5.8 Jackson West Neighborhood Redevelopment Overlay District

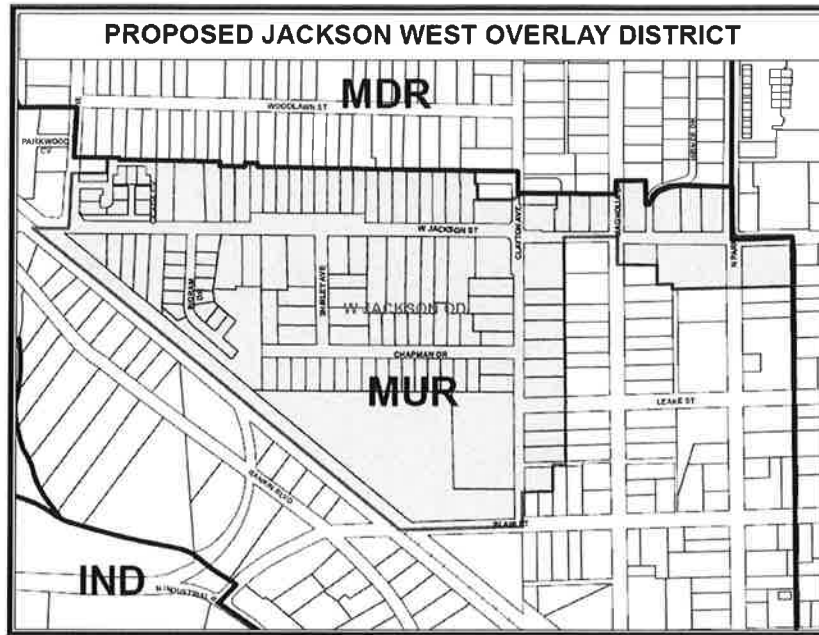
5.8.1. Purpose and Applicability

(1) Purpose

It is the purpose and intent of the Jackson **West** Neighborhood Redevelopment Overlay District to protect the value of property, to enhance the attractiveness of neighborhoods, to prevent development which would be incompatible with the established characteristics of the neighborhood, and to support improvement and investment in the neighborhood housing stock.

(2) Applicability

**The requirements of this section shall apply to all property within the Jackson West Neighborhood Redevelopment Overlay District as shown in Figure 5.8.1.**



### 5.8.2 Membership

- (1) A Design Review Committee shall be established consisting of five (5) members. Three (3) members shall be representatives of the Neighborhood Development Corporation (NDC), designated by vote of NDC. One (1) member shall be a resident of the Jackson West Neighborhood as designated by vote of the Jackson West Neighborhood Association. One (1) member shall be a resident of the Joyner Neighborhood as designated by vote of the Joyner Neighborhood Association. If any Neighborhood Association becomes inactive, this member shall be determined by selection by the mayor. All committee members are subject to Mayor and City Council approval.
  
- (2) The designated electing/appointing entities shall submit their committee recommendations to the Department of Development Services in September of each year and the City Council shall consider their confirmation at the first meeting in October.
  
- (3) Termination of Member  
 A committee member shall be removed from membership in the Design Review Committee in the case of:
  - a. Death, resignation or incapacity;
  - b. Failure to respond within one (1) week of receiving review plans for committee vote three (3) consecutive times;
  - c. In the case of findings of impropriety or criminal behavior, the Overlay Design Review Committee may request



- termination of a member by submitting written request to the Department of Development Services for subsequent review and decision by the Planning Committee;
- d. Termination of an Overlay a Design Review Committee member, as determined by this Code, in an Overlay District impacting the elected by a Neighborhood Association must be approved by the voting membership of the Neighborhood Association prior to Planning Committee consideration.

### 5.8.3 Review Procedures

- (1) No permit for new construction or external renovation shall be issued for any property within the Jackson West Neighborhood Redevelopment Overlay District without approval of the design review committee.
- (2) Applications for construction, exterior renovation, fences, accessory structures, or other exterior changes within the West Jackson Neighborhood Redevelopment Overlay District shall be accompanied by complete Permit package including scaled drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list, as applicable.
- (3) The design review committee shall receive the Application for Construction or Permit with all permit documents either electronically or by hardcopy. The committee shall meet, in person or electronically, to consider and review the documents, returning the review comments to Development Services Department within 7 days of receiving documents. If additional document/s are requested the 7-day review period resets to the date the additional documents are received by the committee.
- (4) The Development Services Department shall provide a report to the design review committee relative to the application for review of the permit application.

### 5.8.4 Appeals

Decisions of the design review committee may be appealed to the Planning Committee.

### 5.8.5 Design standards

- (1) The design review committee shall be guided by the standards for traditional housing construction (Section 6.4.3) as modified below, by the standards for infill construction (Section 6.10), by the compatibility checklist procedure (Section 12.4.5), and by reference to existing architectural features of the immediate vicinity and of the overlay district generally.
- (2) Traditional housing standards modifications

- (a) Size limitations. Minimum square foot requirements for each residence shall be at a minimum 1,000 sq. ft. heated and cooled living area.
- (b) Main entrance. This standard is not modified.
- (c) Porches. A porch shall be provided for each dwelling unit of at least 7' 6" in depth and 12 feet in length. Variances may be approved if the overall square footage exceeds 90sf. Porch columns shall be a minimum of six inches wide, shall be square or rectangular in section, and may not be wrought iron or other material that is not solidly opaque. Other standards for porches are not modified.
- (d) Covered balconies. This standard is not modified. Alternative roof materials may be considered.
- (e) Garages and Carports:
  - a. Front, side or rear of house is permitted.
  - b. If visible from the street, carport columns must be of similar size and material to porch columns. Other standards for garages are not modified.
  - c. If front facing, cannot be more than 30% of the front-facing linear dimension.
  - d. Roofs shall be the same material of the principal structure.
- (f) Roofs
  - a. Slope: Principal structures must have a roof that is sloped, with at least 4 units of vertical rise to 12 units of horizontal run, and not exceeding 12 units of vertical rise to 12 units of vertical run.
  - b. Architectural features: The roof of a principal structure shall include at least one (1) of the following architectural details:
    - i. A gable end, or gabled end of a roof projection, facing the street; or
    - ii. An offset section either set back from the front façade or with a lower roof line than the main section of the structure.
    - iii. Roof eaves must project from the building wall on at least the front and side elevations, and such projections may not exceed 12 inches.
    - iv. No hip roof on front or sides.
  - c. Materials: roofs shall be asphalt shingle. NO metal roofs are permitted for the principal structure.
  - d. Decorative metal covers may be permitted as awnings, over porches or decks. These must be submitted for approval by Design Review Committee.
  - e. Other standards for roofs are not modified.
- (g) Foundation:
  - a. Height: Finished floor height, or ground level of the first floor, shall be elevated a minimum of fourteen (14) inches and a maximum of

eighteen (18) inches above finished grade, or pad height, to allow for a minimum of two steps front entry onto the first floor. Finished floor height requirements do not apply to elevations at the structures side or rear.

- b. Fill to achieve pad height should not be utilized without drainage review and should not exceed more than 12" above center line or the point of storm water discharge from the lot.
  - c. Finish material must be brick, stone or other finished surface material.
  - d. Other standards for foundation are not modified.
- (h) Exterior finish materials:
- a. Allowable materials are stone, brick, plaster, EIFS, cedar shakes, wood siding such as Hardie board 6" or less ship lap or equivalent,
  - b. Other standards for Exterior Finish Materials are not modified.
- (i) Windows and entryways: At least twenty-five (25) percent of the area of a street-facing façade must include windows or main entryways. Each window must be square or vertical and muntins must be in a vertical proportion. A horizontal window opening may be created by grouping two or more vertical windows. Other standards for windows and entryways are not modified.
- a. Garage, Storage Building, Pool House, or Accessory Structure of any type: Must have the same roofing and outside wall materials as those used in the principal structure.
  - b. Fences: All fences and/or screen walls are to be made of wood, masonry, stucco or ornamental metal material or landscape material. No chain link fences visible from the street or adjacent properties shall be permitted.
    - i. Fences located in the front yard shall be no more than 36" high and must be able to see thru 50% of the height.
    - ii. Location:
      - 1. No fences shall be erected nearer to a street than ten feet (10'). Variances may be considered.
- (3) All properties and the dwellings constructed thereon shall be used for single-family residential purposes.
- (4) No lot can be subdivided and sold in part except as located on the plat of said subdivision previously filed in the Office of Lee County Chancery Clerk. Any combination of platted lots must be approved by the Designed Review Committee.
- (5) The design review committee may prepare and propose additional written standards for adoption through amendment of this section.

#### 5.8.6 Use Regulations:

- (1) Congregate Living Facility 1 and Congregate Living Facility 2 are allowed by Compatibility only in the Jackson West Neighborhood Redevelopment Overlay

District and are disallowed on any property with deed restrictions preventing rental occupancy.

**SECTION 3.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 4.** All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Davis, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

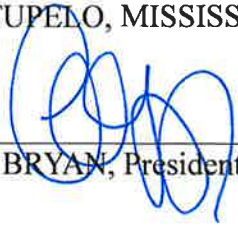
Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE
Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY: \_\_\_\_\_

LYNN BRYAN, President



ATTEST:

Missy Shelton  
MISSY SHELTON, Clerk of the Council

APPROVED:

Todd Jordan  
TODD JORDAN, Mayor

10-5-2022  
DATE

**AN ORDINANCE TO AMEND SECTION 5.9 OF THE DEVELOPMENT  
CODE OF THE CITY OF TUPELO, MISSISSIPPI CONCERNING THE  
WINFIELD NEIGHBORHOOD CONSERVATION OVERLAY DISTRICT  
(TA-03.24)**

**WHEREAS**, the City of Tupelo adopted an ordinance known as the Development Code on October 1, 2013; and

**WHEREAS**, the ordinance governs all zoning and development and applies to all land, buildings, structures and uses located within the corporate limits of the City of Tupelo; and

**WHEREAS**, the ordinance is adopted, pursuant to authority granted to the City of Tupelo by Section 17-1-1, et seq. of the Mississippi Code Annotated (1972); and

**WHEREAS**, the Department of Development Services and the Planning Committee have reviewed and considered information regarding the need to revise certain provisions of the Development Code and have conducted a public hearing with notice published in the Northeast Mississippi Daily Journal, at the Planning Committee's regularly scheduled meeting on September 12, 2022, on the proposed amendments; 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 October 4, 2022, to review and consider recommendations proposed by the Tupelo Department of Planning and Community Development and the Tupelo Planning Committee concerning amendments to the Development Code, and

**WHEREAS**, the City Council Finds and determines substantial evidence supports these code amendments, and that public need exists for same, all based on the prefatory paragraphs incorporated herein, staff recommendations, minutes of the Tupelo Planning Committee, comments and discussions before the Tupelo Planning Committee, public hearings and comments before the Tupelo Planning Committee, a work session conducted by the City

Council, a public hearing before the City Council, discussions at this meeting and supporting information provided in Appendix C attached to the minutes of this meeting; and

**WHEREAS**, the City Council finds and determines that it is necessary to protect the public health, safety, morals and general welfare to amend the current Development Code and that the provisions below are necessary, fair and reasonable.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI**, as follows:

**SECTION 1.** The prefatory statements are hereby incorporated herein.

**SECTION 2.** Chapter 5, Subsection 5.9 of the Development Code of the City of Tupelo shall be amended to state the following:

5.9 Winfield Neighborhood Conservation Overlay District

5.9.1. Purpose and applicability.

- (1) Purpose. It is the purpose and intent of the Winfield Neighborhood Conservation Overlay District to protect the value of property, to enhance the attractiveness of the neighborhood, to prevent development which would be incompatible with the established characteristics of the neighborhood, and to support improvement and investment in the neighborhood housing stock.
- (2) Applicability. The requirements of this section shall apply to all property within the Winfield Neighborhood conservation Overlay District as shown in Figure 5.9.1 below



### 5.9.2. Use regulations.

5.9.2.1. Section 4.8.5, Uses in Medium Density Residential districts, shall apply with the following modification:

- (1) Park and/or open space are allowed by right.
- (2) Patio homes/zero lot line homes are disallowed.
- (3) Townhouse dwellings are disallowed.
- (4) No accessory dwellings will be allowed
- (5) No agricultural uses, including the keeping of livestock, will be permitted.
- (6) No subdivision of lots will be permitted.
- (7) No well, privy, cesspool, septic tank field or other disposal area shall be erected or maintained.

### 5.9.3. Standards.

#### 5.9.3.1. Infill Standards:

Section 6.10, Infill standards, shall apply with the following changes:

- (1) To Section 6.10.5 (1), add: The width of new construction shall not be less than the average width for existing structures in the context area.
- (2) Add Section 6.10.5 (3). Exterior Materials.



a. New or renovated dwellings shall provide masonry on building sides facing the street that is equivalent to the highest percentage of masonry on building sides facing the street in the context area. Exterior facade must be comprised of a minimum of  $\frac{3}{4}$  masonry on the street facing side of any residential structure.

b. All new residential structures shall be no less than 1700 square feet total, or, if two story, the first floor shall be no less than 1300 square feet and second floor no less than 400 square feet.

#### 5.9.3.2 Design Standards:

- (1) The design review committee shall be guided by the standards for infill construction (Section 6.10, as modified above), and by reference to existing architectural features of the immediate vicinity and of the Winfield neighborhood generally.
- (2) The design review committee may prepare and propose written standards for adoption through amendment of this section.
- (3) Metal roofs may not be placed on residential buildings.
- (4) Chain link fences are not allowed.
- (5) No garage or accessory structure shall be erected with exterior materials not substantially similar to that of the principal structure.
- (6) Landscaping shall be completed by the lot owner within 12 months after said land owner moves into the residence, and shall meet minimum growth standards as follows: Understory trees: 7  $\frac{1}{2}$  ft at time of planting, shrubs: 30 in. height in 5 years
- (7) Setbacks standards shall be as follows: Front setback – 30 ft; rear setback – 25 ft; Side setback – 12 ft; Side Street setback (distance from the corner of the structure closes to a street located on the side of the house) – 30 ft
- (8) Only one single family residence shall be constructed or permitted on each lot and it shall be used for residential purposes only at a rate of 1 dwelling per lot maximum.
- (9) Accessory structures shall be no more than 180 square feet and shall be located in the side or back yard of the principal structure.
- (10) Exterior color of new construction and renovations should remain neutral and consistent with the character of the Overlay Design Review District.
- (11) Fence height requirements are as follows: Front yard: 3  $\frac{1}{2}$  ft maximum height, Side and back yard: 6  $\frac{1}{2}$  ft maximum height.
- (12) No window units will be permitted.
- (13) No solar panels may be visible from the street face or visible from adjacent properties.
- (14) All land development and related drainage treatments must be approved by a Licensed Engineer and within compliance of the existing City maintained drainage treatments present within the Overlay Design Review District.

#### 5.9.4. Review procedures.

- (1) A design review committee shall be established consisting of five members. Three members shall be residents of the Winfield Neighborhood Conservation Overlay District, designated by vote of the Winfield Neighborhood Association. One

member shall be designated by the Mayor. One member shall be designated by the City Council representative(s) for the Winfield Neighborhood Conservation Overlay District. The members shall be confirmed by the City Council. The committee positions will be for a period of 12 months from the date of confirmation.

- (2) No permit for new construction or external renovation shall be issued for any property within the Winfield Neighborhood Conservation Overlay District without approval of the design review committee.
- (3) Applications for construction or renovation within the Winfield Neighborhood Conservation Overlay District shall be accompanied by complete drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list.

**SECTION 3.** This amendatory ordinance has been articulated to be consistent with the constitution and laws of the State of Mississippi. The City Council finds that this amendatory ordinance does not violate any provision of the United States Constitution and laws. In the event that any court of competent jurisdiction finds that any provision of this amendatory ordinance is unconstitutional or invalid, the remainder shall stay in full force and effect.

**SECTION 4.** All ordinances, resolutions or orders in conflict herewith are repealed, effective thirty (30) days after passage of this amendment.

**SECTION 5.** This ordinance shall become effective on the thirtieth (30th) day following the adoption hereof. The City Council Clerk shall cause the ordinance to be published one (1) time in a local newspaper with a general circulation.

The foregoing ordinance was proposed in a motion by Council Member Palmer, seconded by Council Member Beard, and after discussion, no council member having called for a reading, was brought to a vote as follows:

Council Member Chad Mims	AYE
Council Member Lynn Bryan	AYE
Council Member Travis Beard	AYE
Council Member Nettie Davis	AYE

Council Member Buddy Palmer	AYE
Council Member Janet Gaston	AYE
Council Member Rosie Jones	AYE

Whereupon, the motion having received a majority of affirmative votes, the President of the Council declared that the Ordinance had been passed and adopted on this the 4th day of October, 2022.

CITY OF TUPELO, MISSISSIPPI

BY:  \_\_\_\_\_  
 LYNN BRYAN, President

ATTEST:

 \_\_\_\_\_  
 MISSY SHELTON, Clerk of the Council

APPROVED:  \_\_\_\_\_  
 TODD JORDAN, Mayor

10-5-2022 \_\_\_\_\_  
 DATE

**CHECK INFORMATION FOR COUNCIL MEETING  
October 4, 2022**

<b>FUND</b>	<b>CHECK NUMBERS</b>
<b>POOL CASH EFT TWL ADJUSTMENTS</b>	<b>ID-412932-412940;412941-413270 50001823-50001845</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:** October 4, 2022  
**SUBJECT:** IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS **KH**

---

**Request:**

Proposed items for approval are for the purpose of advertising and bringing into favorable notice the opportunities, possibilities and resources of the City of Tupelo.

**ITEMS:**

Alvin Hatch	\$500.00	Haven Acres Festival – Music(Appeal Band)
Gabron Wilson	\$150.00	Haven Acres Festival – Bouncy House
Kejuan Shumpert	\$200.00	Haven Acres Festival – Sound man
Jamarqueus Green	\$425.00	Haven Acres Festival – Musical Artist

### MUNICIPAL COMPLIANCE QUESTIONNAIRE

#### INFORMATION

Note: Due to the size of some municipalities, some of the question may not be applicable. If so, mark N/A in answer blanks. Answers to other questions may require more than "yes" or "no," and, as a result, more information on this questionnaire may be required and/or separate workpapers may be needed.

1. Name and address of municipality: City of Tupelo

P.O. Box 1485                      Tupelo, MS 38802-1485

2. List the date and population of the latest official U.S. Census or most recent official census:

2010                      37,923

3. Names, addresses and telephone numbers of the officials (include elected officials, chief administrative officer, and attorney).

ATTACHED LIST INCLUDED

4. Period of time covered by this questionnaire:

From: 10/1/2021

To: 9/30/2022

5. Expiration date of current elected officials' term: 6/30/2025

(CITY OF TUPELO)  
(MUNICIPALITY)

**Certification to Municipal Compliance Questionnaire**

Year Ended September 30, 2022

We have reviewed all questions and responses as contained in this Municipal Compliance Questionnaire for the Municipality of TUPELO, and, to the best of our knowledge and belief, all responses are accurate.

*Feni Jeanne*  
(City Clerk's Signature)

10.10.2022  
(Date)

*Todd Jordan*  
(Mayor's Signature)

10/7/2022  
(Date)

Minute Book References:

Book Number: \_\_\_\_\_

Page: \_\_\_\_\_

(Clerk is to enter minute book references when questionnaire is accepted by board.)

## MUNICIPAL COMPLIANCE QUESTIONNAIRE

ANSWER ALL QUESTIONS: Y – YES, N – NO, N/A – NOT APPLICABLE

### PART I – GENERAL

- |  |          |
|--|----------|
| 1. Have all ordinances been entered into the ordinance book and included in the minutes? (Section 21-13-13)  | <u>Y</u> |
| 2. Do all municipal vehicles have public license plates and proper markings? (Sections 25-1-87 and 27-19-27)   | <u>Y</u> |
| 3. Are municipal records open to the public? (Section 25-61-5)   | <u>Y</u> |
| 4. Are meetings of the board open to the public? (Section 25-41-5)   | <u>Y</u> |
| 5. Are notices of special or recess meetings posted? (Section 25-41-13)  | <u>Y</u> |
| 6. Are all required personnel covered by appropriate surety bonds?   |          |
| • Appointed officers and those handling money, see statutes governing the form of government (i.e., Section 21-3-5 for Code Charter)   | <u>Y</u> |
| • Municipal clerk (Section 21-15-38)   | <u>Y</u> |
| • Deputy clerk (Section 21-15-23)  | <u>Y</u> |
| • Chief of police (Section 21-21-1)  | <u>Y</u> |
| • Deputy police (Section 45-5-9) (if hired under this law)   | <u>Y</u> |
| 7. Are minutes of board meetings prepared to properly reflect the actions of the board? (Section 21-15-17 and 21-15-19)  | <u>Y</u> |
| 8. Are minutes of board meetings signed by the mayor or majority of the board within 22 days of the meeting? (Section 21-15-33)  | <u>Y</u> |
| 9. Has the municipality complied with the nepotism law in its employment practices? (Section 25-1-53)  | <u>Y</u> |
| 10. Did all officers, employees of the municipality, or their relative avoid any personal interest in any contracts with the municipality during their term or within one year after their terms of office or employment? (Section 25-4-105) | <u>Y</u> |



## MUNICIPAL COMPLIANCE QUESTIONNAIRE

11. Does the municipality contract with a Certified Public Accountant or an auditor approved by the State Auditor for its annual audit within twelve months of the end of each fiscal year? (Section 21-35-31) Y
12. Has the municipality published a synopsis or notice of the annual audit within 30 days of acceptance? (Section 21-35-31 or 21-17-19) Y

### PART II – CASH AND RELATED RECORDS

1. Where required, is a claims docket maintained? (Section 21-39-7) Y
2. Are all claims paid in the order of their entry in the claims docket? (Section 21-39-9) Y
3. Does the claims docket identify the claimant, claim number, amount and fund from which each warrant will be issued? (Section 21-39-7) Y
4. Are all warrants approved by the board, signed by the Mayor or majority of the board, attested to by the clerk, and bearing the municipal seal? (Section 21-39-13) Y
5. Are warrants for approved claims held until sufficient cash is available in the fund from which it is drawn? (Section 21-39-13) Y
6. Has the municipality adopted and entered on its minutes a budget in the format prescribed by the Office of the State Auditor? (Section 21-35-5, 21-35-7 and 21-35-9) Y
7. Does the municipality operate on a cash basis budget, except for expenditures paid within 30 days of fiscal year end or for construction in progress? (Section 21-35-23) Y
8. Has the municipality held a public hearing and published its adopted budget? (Section 21-35-5) Y
9. Has the municipality complied with legal publication requirements when budgetary changes of 10% or more are made to a department's budget? (Section 21-35-25) Y
10. If revenues are less than estimated and a deficit is anticipated, did the board revise the budget by its regular July meeting? (Section 21-35-25) Y

## MUNICIPAL COMPLIANCE QUESTIONNAIRE

- |  |          |
|--|----------|
| 11. Have financial records been maintained in accordance with the chart of accounts prescribed by the State Auditor? (Section 21-35-11)  | <u>Y</u> |
| 12. Does the municipal clerk submit to the board a monthly report of expenditures against each budget item for the preceding month and fiscal year to date and the unexpended balances of each budget item? (Section 21-35-13) | <u>Y</u> |
| 13. Does the board avoid approving claims and the city clerk not issue any warrants which would be in excess of budgeted amounts, except for court-ordered or emergency expenditures? (Section 21-35-17)                       | <u>Y</u> |
| 14. Has the municipality commissioned municipal depositories? (Section 27-105-353 and 27-105-363)  | <u>Y</u> |
| 15. Have investments of funds been restricted to those instruments authorized by law? (Section 21-33-323)  | <u>Y</u> |
| 16. Are donations restricted to those specifically authorized by law? [Section 21-17-5 (Section 66, Miss. Constitution) – Section 21-19-45 through 21-19-59, etc.]   | <u>Y</u> |
| 17. Are fixed assets property tagged and accounted for? (Section 7-7-211 – Municipal Audit and Accounting Guide)   | <u>Y</u> |
| 18. Is all travel authorized in advance and reimbursements made in accordance with Section 25-3-41?  | <u>Y</u> |
| 19. Are all travel advances made in accordance with State Auditor's regulations? (Section 25-3-41)   | <u>Y</u> |

### PART III – PURCHASING AND RECEIVING

- |  |          |
|--|----------|
| 1. Are bids solicited for purchases, when required by law (written bids and advertising)? [Section 31-7-13(b) and (c)] | <u>Y</u> |
| 2. Are all lowest and best bid decisions properly documented? [Section 31-7-13(d)]                                     | <u>Y</u> |

## MUNICIPAL COMPLIANCE QUESTIONNAIRE

3. Are all one-source item and emergency purchases documented on the board's minutes? [Section 31-7-13(m) and(k)] Y
4. Do all officers and employees understand and refrain from accepting gifts or kickbacks from suppliers? (Section 31-7-23) Y

### PART IV – BONDS AND OTHER DEBT

1. Has the municipality complied with the percentage of taxable property limitation on bonds and other debt issued during the year? (Section 21-33-303) Y
2. Has the municipality levied and collected taxes, in sufficient amount for the retirement of general obligation debt principal and interest? (Section 21-33-87) Y
3. Have the required trust funds been established for utility revenue bonds? (Section 21-27-65) Y
4. Have expenditures of bond proceeds been strictly limited to the purpose for which the bonds were issued? (Section 21-33-317) Y
5. Has the municipality refrained from borrowing, except where it had specific authority? (Section 21-17-5) Y

### PART V – TAXES AND OTHER RECEIPTS

1. Has the municipality adopted the county ad valorem tax rolls? (Section 27-35-167) Y
2. Are interest and penalties being collected on delinquent ad valorem taxes? (Section 21-33-53) Y
3. Has the municipality conducted an annual land sale for delinquent ad valorem taxes? (Section 21-33-63) Y
4. Have the various ad valorem tax collections been deposited into the appropriate funds? (Separate Funds for Each Tax Levy) (Section 21-33-53) Y

## MUNICIPAL COMPLIANCE QUESTIONNAIRE

- |   |          |
|---|----------|
| 5. Has the increase in ad valorem taxes, if any, been limited to amounts allowed by law? (Section 27-39-320 and 27-39-321)  | <u>Y</u> |
| 6. Are local privilege taxes collected from all businesses located within the municipality, except those exempted? (Section 27-17-5)  | <u>Y</u> |
| 7. Are transient vendor taxes collected from all transient vendors within the municipality, except those exempted? (Section 75-85-1)  | <u>Y</u> |
| 8. Is money received from the state's "Municipal Fire Protection Fund" spent only to improve municipal fire departments? (Section 83-1-37)  | <u>Y</u> |
| 9. Has the municipality levied or appropriated not less than ¼ mill for fire protection and certified to the county it provides its own fire protection or allowed the county to levy such tax?<br>(Section 83-1-37 and 83-1-39)                              | <u>Y</u> |
| 10. Are state-imposed court assessments collected and settled monthly?<br>(Section 99-19-73)  | <u>Y</u> |
| 11. Are all fines and forfeitures collected when due and settled immediately to the municipal treasury? (Section 21-15-21)  | <u>Y</u> |
| 12. Are bids solicited by advertisement or, under special circumstances, three appraisals obtained when real property is sold?<br>(Section 21-17-1)   | <u>Y</u> |
| 13. Has the municipality determined the full and complete cost for solid waste for the previous fiscal year? (Section 17-7-347)   |          |
| 14. Has the municipality published an itemized report of all revenues, costs and expenses incurred by the municipality during the immediately preceding fiscal year in operating the garbage or rubbish collection or disposal system?<br>(Section 17-17-348) | <u>Y</u> |
| 15. Has the municipality conducted an annual inventory of its assets in accordance with guidelines established by the Office of the State Auditor? (MMAAG)  | <u>Y</u> |

**MUNICIPAL COMPLIANCE QUESTIONNAIRE ATTACHMENT  
INFORMATION ITEM #3**

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Names, addresses and telephone numbers of officials.

Mayor

Todd Jordan  
6231 Park Heights Circle  
Tupelo, MS 38801  
(662) 841-6513  
E-mail [todd.jordan@tupeloms.gov](mailto:todd.jordan@tupeloms.gov)

Ward V

Buddy Palmer  
273 Tyler Willis Lane  
Tupelo, MS 38804  
(662) 255-1454  
E-mail [buddy.palmer@tupeloms.gov](mailto:buddy.palmer@tupeloms.gov)

Ward I

Chad Mims  
1304 Lakeshire Dr  
Tupelo, MS 38804  
(662) 322-7329  
E-mail [chad.mims@tupeloms.gov](mailto:chad.mims@tupeloms.gov)

Ward VI

Janet Gaston  
1764 Columbine Dr  
Tupelo, MS 38801  
(662) 255-9530  
E-mail [janet.gaston@tupeloms.gov](mailto:janet.gaston@tupeloms.gov)

Ward II

Lynn Bryan  
1226 Clayton Ave.  
Tupelo, MS 38804  
(662) 321-2081  
E-mail [lynn.bryan@tupeloms.gov](mailto:lynn.bryan@tupeloms.gov)

Ward VII

Rosie Jones  
1119 Evelyn Dr  
Tupelo, MS 38801  
(662) 401-5483  
E-mail [rosie.jones@tupeloms.gov](mailto:rosie.jones@tupeloms.gov)

Ward III

Travis Beard  
2415 William Drive  
Tupelo, MS 38801  
(662) 610-0550  
E-mail [travis.beard@tupeloms.gov](mailto:travis.beard@tupeloms.gov)

Ward IV

Nettie Y. Davis  
326 Barnes Street  
Tupelo, MS 38804  
(662) 871-8394  
E-mail [nettie.davis@tupeloms.gov](mailto:nettie.davis@tupeloms.gov)

BEFORE THE MAYOR AND CITY COUNCIL OF  
THE CITY OF TUPELO, MISSISSIPPI

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 40057

ROBERT TEAGUE

OWNER

**RESOLUTION ADJUDICATING COST AND ASSESSING LIEN AGAINST REAL PROPERTY UNDER  
MISS. CODE ANN. 21-19-11 (1972) AS AMENDED**

1. Pursuant to Miss. Code Ann. §21-19-11 (1972), as amended, the City of Tupelo gave notice of a hearing to ROBERT TEAGUE (Owner of the property described herein below) to determine whether or not said real property was in such a state of dilapidation as to be a menace to the public health, safety and welfare of the community. The property at issue is described as follows:

Property Owner: ROBERT TEAGUE  
Address of Owncr: 1015 CHICKASAW TRAIL, TUPELO, MS. 38801  
Parcel Number: 113J-07-017-00  
Address of Violation: 1015 CHICKASAW TRAIL, TUPELO, MS. 38801

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **08/02/2022** following which the property referenced above was adjudicated to be a menace to the public health and safety, and cleanup and haul off was ordered immediately. Subsequent to this date, and in accordance with Miss. Code Ann. §21-19-11 (1972), as amended, the City of Tupelo proceeded to have the structure(s) demolished.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972) as amended, City of Tupelo may charge Owner with the actual cost of demolition, including administrative and legal costs of the municipality, and may also impose a penalty of one-half of the actual cost or \$1500.00, whichever is more.

4. The City of Tupelo, by and through its council, at a regularly scheduled meeting held on **10/04/2022**, adjudicated the actual cost of cleanup and haul off to be **\$5600.00**. The City of Tupelo, by and through its council, for a total assessment against the property of **\$5600.00**. This amount is assessed as a lien on the real property.

5. The assessment will be enrolled as a judgment on the Lee County, Mississippi judgment roll in the office of the Circuit Clerk of Lee County, Mississippi by providing a certified copy of this resolution to the Circuit Clerk.

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

THE CITY OF TUPELO, MISSISSIPPI

BY: \_\_\_\_\_  
LYNN BRYAN, Council President

ATTEST:

\_\_\_\_\_  
MISSY SHELTON, Clerk of the Council

APPROVED:

\_\_\_\_\_  
TODD JORDAN, Mayor

\_\_\_\_\_  
Date



STATE OF MISSISSIPPI  
TATE REEVES, GOVERNOR  
DEPARTMENT OF PUBLIC SAFETY  
SEAN J. TINDELL, COMMISSIONER

## MISSISSIPPI OFFICE OF HOMELAND SECURITY HOMELAND SECURITY GRANT PROGRAM SUB-RECIPIENT GRANT AWARD

**Sub-Recipient Name: City of Tupelo Police Department**

**Project Title: Homeland Security Grant Program**

**Grant Period: September 1, 2022- August 31, 2023**

**Date of Award: September 1, 2022**

**Total Amount of Award: \$37,000.00**

**Grant Number: 22LE366**

In accordance with the provisions of Federal Fiscal Year 2022 Homeland Security Grant Program, the Mississippi Office of Homeland Security (MOHS), State Administrative Agency (SAA), hereby awards to the foregoing Sub-Recipient a grant in the federal amount shown above. The CFDA number is 97.067 and MOHS federal grant number is **EMW-2022-SS00006**. Authorizing Authority for Program: Section 2002 of the *Homeland Security Act of 2002*, as amended (Pub. L. No. 107-296), (6 U.S.C.603).

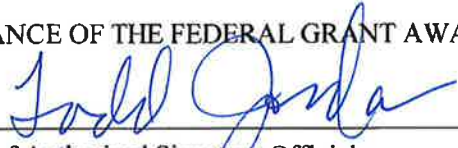
Enclosed is a signed grant agreement obligating federal funds as outlined above. Please review the grant agreement in full, sign in the designated signature areas and return to the MOHS by **October 17, 2022**. Strict adherence to these provisions is essential to ensure compliance with applicable federal and state statutes, rules, regulations, and guidelines.


Grant funds will be disbursed to Sub-Recipients (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).

**I certify that I understand and agree that funds will only be expended for those projects outlined in the funding amounts as listed above.** I also certify that I understand and agree to comply with the general and fiscal terms and conditions of the grant including special conditions and the Mississippi Department of Public Safety, Office of Homeland Security, Homeland Security Grant Program, Policies and Procedures Manual; to comply with provisions of the Act governing these funds and all other federal laws and regulations; that all information is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the Sub-Recipient; and that all agencies involved with this project understand that all federal funds are limited to a twelve-month period.

**Supplantation:** The Sub-Recipient provides assurance that funds will not be used to supplant or replace local, state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, I certify that the receipt of federal funds through the MOHS shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

ACCEPTANCE OF THE FEDERAL GRANT AWARD FOR THE SUB-RECIPIENT

 10/12/22  
\_\_\_\_\_  
Signature of Authorized Signatory Official

 9/16/22  
\_\_\_\_\_  
Signature of MOHS Executive Director/SAA



# MISSISSIPPI OFFICE OF HOMELAND SECURITY



## FY22 HOMELAND SECURITY GRANT PROGRAM GRANT AGREEMENT AND AWARD PACKET

## FY22 MISSISSIPPI OFFICE OF HOMELAND SECURITY GRANT AGREEMENT

1. Sub-Recipient's Name: City of Tupelo Police Department  Mailing Address: 71 East Troy Street Tupelo, MS 38804  Telephone Number: 662.841.6565  E-Mail: abby.christian@tupeloms.gov	2. Effective Date of Grant: September 1, 2022  3. Sub-Recipient Grant Number: 22LE366  4. Grant Identifier (Funding Source & Year): EMW-2022-SS-0006  5. Period of Performance: Start and End Dates: September 1, 2022-August 31, 2023  6. Subgrant Payment Method: <input checked="" type="checkbox"/> Cost Reimbursement Method	
7. CFDA # - 97.607- Homeland Security Grant Program 10. FAIN #: 646000779	8. UEI # - DK9PFM6XSDR7  11. Initial Federal Award Date: September 1, 2022	9. Congressional District: 1  12. Federal Awarding Agency: Homeland Security (800)368-6498
13. Research and Development Grant: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	14. Indirect Cost Rate Charged: \$0.00	

15. The following grant funds are obligated:

A. COST CATEGORY	B. SOURCE OF FUNDS	C. MATCH	D. RATIO%
(1) Personal Services-Salary	(1) Federal \$37,000.00	\$0.00	100%
(2) Personal Services-Fringe	(2) State \$0.00	\$0.00	0%
(3) Contractual Services	(3) Local \$0.00	\$0.00	0%
(4) Travel	(4) Other \$0.00	\$0.00	0%
(5) Equipment \$37,000.00	Total: \$37,000.00	\$0.00	100%
(6) Commodities/Supplies \$0.00	E. TOTAL OF ALL FEDERAL GRANTS THROUGH MOHS TO AGENCY:		
(7) Other \$0.00	Number of Grants:	FY19	FY20
<b>TOTAL</b>	<b>TOTAL:</b>	<b>\$50,122.00</b>	<b>\$83,361.00</b>
			<b>\$10,000.00</b>

The Sub-Recipient agrees to operate the program outlined in this Grant Agreement in accordance with all provisions of this Agreement as included herein. The following sections are attached and incorporated into this Agreement: Final Approved Agreement which includes Sub-Recipient Signature Sheet; Project Description; Goals and Objectives; Implementation Schedule; Cost Summary Support Sheet; and Agreement of Understanding and Compliances.

All policies, terms, conditions, and provisions listed in funding guidelines, grant agreement, and agreement of understanding which has been provided to Sub-Recipient, are also incorporated into this agreement, and Sub-Recipient agrees to fully comply therewith.

14. Approval from Grantee:  Signature: _____ Date: 9/10/22	15. Approval from Sub-Recipient:  Signature: _____ Date: 10/12/22
Name: Baxter Kruger Title: MOHS Executive Director/SAA	Name: Todd Jordan Title: Mayor Authorized Signatory Official

## FY22 HOMELAND SECURITY GRANT PROJECT DESCRIPTION

The Mississippi Office of Homeland Security Grant Program (HSGP) is provided by Federal grant funds to assist local, state, and tribal efforts in obtaining the resources required to support the National Preparedness Goal, mission areas and core capabilities to build a culture of preparedness. All grant programs funded will help the State of Mississippi in the prevention, preparation, protection, and response to acts of terrorism.

These efforts will be coordinated through the grants and operation programs, along with training and exercises developed during the grant year. All programs will utilize risk assessments, data, and community knowledge to target and deploy resources that are community and state-wide threats and hazards.

## FY22 HOMELAND SECURITY PROJECT GOALS AND OBJECTIVES

### **PROJECT:**

Establish and enhance terrorism intelligence to include, but not limited to an early warning system, center, or task force.

### **GOAL:**

Increase jurisdiction participation with multi-level intelligence components and agencies to prevent, protect against, respond to, and recover from Weapons of Mass Destruction (WMD) and/or Terrorism incidents and attacks.

### **OBJECTIVES:**

Provide intelligence gathering and information sharing capabilities to 50% of local jurisdictions within three (3) years after approval of state strategy.

Develop a joint 24-hour emergency notification system for first responders and others who are in a critical, need-to-know position. This includes the Health Alert Network (HAN) and DPS information dissemination to local law enforcement within 3 years after approval of state strategy.

Establish/enhance statewide deterrence/prevention and response efforts.

### **GOAL:**

Reduce Mississippi's vulnerability to terrorism through preparedness and protective efforts.

### **OBJECTIVES:**

Create, implement, and maintain terrorism preparedness plans consistent with the National Response Plan (NRP) and provide advice, assistance, training, and oversight to local governments in the development of such plans within three (3) years after approval of state strategy.

Improve the number of emergency responders prepared to respond to WMD/CBRNE incidents, including hoaxes and suspicious packages within three (3) years of the approval of the state strategy.

## FY22 PROGRAM MILESTONE SCHEDULE

The program milestone schedule is intended to provide the Sub-Recipient, a proposed list of planned activities, implementation dates, for the implementation of the grant. Program milestones will be provided in the Sub-Recipient's quarterly reporting, as when the milestone should be completed.

### **1<sup>st</sup> QUARTER (September, October & November)**

- Completed Environmental Historic Preservation Form and submit to MOHS (If required). Please include form and photographs of outside of building, as well as places where equipment will be installed.
- Complete NIMS Training (100, 200, 700 and 800), if not completed.
- Complete Cyber-Security Assessment and return completion form to MOHS.
- Solicit quotes and/or bids for equipment. (If equipment is over \$5,000.00, two (2) quotes are required)
- Review proposals, quotes, bids and select vendors.
- Purchase approved equipment during 1<sup>st</sup> quarter for the grant year.
- Begin Preparation of 1st Quarter Report. (September 1-November 30). Due to MOHS December 15th.
- Send full Grant Agreement with signatures to MOHS.
- Assess and review program's threats, hazards, core capabilities and needs.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.

### **2<sup>nd</sup> QUARTER (December, January & February)**

- Submit 1<sup>st</sup> Quarter Report to MOHS. Due December 15.
- Receive approved equipment or grant funded items.
- Prepare Equipment/Inventory Sheet for MOHS. Take pictures of all Equipment. Submit to MOHS.
- Prepare Reimbursement paperwork if equipment received.
- Begin preparation of 2nd Quarter Report. (December 1-February 28). Due to MOHS March 15.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.
- Assess and review program's threats, hazards, core capabilities and needs.

### **3<sup>rd</sup> QUARTER (March, APRIL & MAY)**

- Submit 2<sup>nd</sup> Quarter Report to MOHS. Due March 15<sup>th</sup>.
- Receive approved equipment or grant funded items.
- Prepare Equipment/Inventory Sheet for MOHS. Take pictures of all Equipment. Submit to MOHS.
- Prepare Reimbursement paperwork if equipment received.
- Begin preparation of 3rd Quarter Report. (March 1-May 31). Due to MOHS June 15th.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.
- Assess and review program's threats, hazards, core capabilities and needs.

**FY22 PROGRAM MILESTONE SCHEDULE****4th QUARTER (June, July & August)**

- Submit 3rd Quarter Report to MOHS. Due June 15th.
- Receive approved equipment or grant funded items.
- Prepare Equipment/Inventory Sheet for MOHS. Take pictures of all Equipment. Submit to MOHS.
- Prepare Reimbursement paperwork if equipment received.
- Begin preparation of 4<sup>th</sup> Quarter Report. (June 1-August 31). Due to MOHS September 15th.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.
- Assess and review program's threats, hazards, core capabilities and needs.

**CLOSEOUT (September 1-October 1)**

- Submit 4<sup>th</sup> Quarter Report. (June 1-August 31). Due to MOHS September 15th.
- Prepare Closeout Documents and submit to MOHS. Due October 15<sup>th</sup>.
- Assess and review program's threats, hazards, core capabilities and needs.

**FY22 Mississippi Office of Homeland Security-Cost Summary Support Sheet**

1. Sub-Recipient Agency: City of Tupelo Police Department				
2. Sub-Recipient Grant Number: 22LE366		3. Grant ID: FY22HSGP		5. Ending: August 31, 2023
6. Activity: Homeland Security Grant Program		4. Beginning: September 1, 2022		
7. Category & Line Item	8. Description of item and/or Basis for Valuation	9. Budget		
		Federal	All Other	Total
Personal Services-Salary		\$0.00	\$0.00	\$0.00
Personal Services-Fringe		\$0.00	\$0.00	\$0.00
Contractual Services		\$0.00	\$0.00	\$0.00
Travel		\$0.00	\$0.00	\$0.00
Equipment	1. Robotic Total Station with Accessory Kit 1 @ \$28,000.00 2. Live Scan Applicant Software 1 @ \$9,000.00	\$37,000.00	\$0.00	\$37,000.00
Commodities/Supplies		\$0.00	\$0.00	\$0.00
Other:		\$0.00	\$0.00	\$0.00
<b>TOTALS</b>		\$37,000.00	\$0.00	\$37,000.00

## **MISSISSIPPI OFFICE HOMELAND SECURITY GRANT AGREEMENT OF UNDERSTANDING AND COMPLIANCES**

This Grant Agreement (GA) is made and entered into by and between the State of Mississippi by and through the Mississippi Department of Public Safety and the Mississippi Office of Homeland Security, hereto referred to as State, and governmental unit or agency named in this Agreement, hereinafter referred to as Sub-Recipient.

*Section 2002 of the Homeland Security Act of 2002 and the Department of Homeland Security Appropriation Act, 2021*, as amended, provides federal funds to the State for approved homeland security projects for the purpose of enhancing, the ability of state, local, tribal, and territorial governments, as well as non-profits, to prevent, protect against, respond to, and recover from terrorist attacks, and

The State may make said funds available to state, local, tribal, and territorial governments, as well as non-profits entities upon application and approval from the State and Homeland Security, and

The Sub-Recipient must comply with all requirements listed herein, to be eligible for federal funds in approved homeland security projects, and

Now, therefore in consideration of mutual promises and other consideration, the parties agree as follows:

### **Federal Terms and Conditions:**

Terms and conditions pertain not only to Recipients, but grant funded Sub-Recipients, as well. The following list of terms and conditions should be reviewed and followed. The FY2022 Department of Homeland Security Standard Terms and Conditions, can be found at: [https://www.dhs.gov/sites/default/files/2022-01/fy\\_2022\\_dhs\\_terms\\_and\\_conditions\\_version\\_2\\_dated\\_jan\\_24\\_2022\\_508.pdf](https://www.dhs.gov/sites/default/files/2022-01/fy_2022_dhs_terms_and_conditions_version_2_dated_jan_24_2022_508.pdf).

The Fiscal Year (FY) 2022 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2022. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations

#### **A. Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency.

II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.

III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.

## **B. General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

- I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.
- II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.
- III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.
- IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.
- V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline

## **C. Standard Terms & Conditions**

### **I. Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

### **II. Activities Conducted Abroad**

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### **III. Age Discrimination Act of 1975**

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

### **IV. Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from



discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

## **V. Best Practices for Collection and Use of Personally Identifiable Information**

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

## **VI. Civil Rights Act of 1964 – Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

## **VII. Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

## **VIII. Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

## **IX. Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

## **X. Drug-Free Workplace Regulation**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

## **XI. Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid

restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.

## **XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

## **XIII. Energy Policy and Conservation Act**

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

## **XIV. Ensuring the Future is Made in All of America by All of America's Workers**

Recipients must comply with the "Build America, Buy America" provisions of the Infrastructure Investment and Jobs Act and E.O. 14005 which provide that, as appropriate and to the extent consistent with law, the recipient must use all practicable means within their authority under a federal award to provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products.)

## **XV. False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

## **XVI. Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

## **XVII. Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.

## **XVIII. Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

### **XIX. Hotel and Motel Fire Safety Act of 1990**

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a

### **XX. John S. McCain National Defense Authorization Act of Fiscal Year 2019**

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

### **XXI. Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

### **XXII. Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

### **XXIII. National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

### **XXIV. Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

### **XXV. Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

## **XXVI. Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

## **XXVII. Patents and Intellectual Property Rights**

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

## **XXVIII. Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

## **XXIX. Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

## **XXX. Reporting of Matters Related to Recipient Integrity and Performance**

General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

## **XXXI. Reporting Subawards and Executive Compensation Reporting of first tier subawards.**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part FY 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

## **XXXII. SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**XXXIII. Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**XXXIV. Trafficking Victims Protection Act of 2000 (TVPA)**

Trafficking in Persons.

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

**XXXV. Universal Identifier and System of Award Management Requirements for System for Award Management and Unique Entity Identifier**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**XXXVI. USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

**XXXVII. Use of DHS Seal, Logo, and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**XXXVIII. Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310

**Certifications Regarding Lobbying; Debarment, Suspension, and other Responsibility Matters; Drug-Free Workplace Requirements; Procurement; Organizational and Financial Requirement; following Sub-Recipient Procedures: Disclosures: Disclosure of Information and Conflict of Interest**

Sub-Recipients should refer to the regulations cited below to determine the certification to which they are required to attest. Sub-Recipients should also review the instructions for certification included in the regulations before completing this form. Signature of this agreement provides for compliance with certification requirements under 10 CFR Part 601 "New Restrictions on Lobbying," and 10 CFR Part 1036 "Government wide Debarment and Suspension (Nonprocurement) and Government wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the State determines to award the covered transaction, grant, or other agreement.

## 1. Lobbying

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation , renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

## 2. Debarment, Suspension, and Other Responsibility Matters

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. Applicable CFR's and Federal Executive Orders 12549 and 12689 prohibit non-federal entities from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000 and non-procurement transactions such as grants or cooperative agreements. By signing this Agreement, the Subgrantee agrees it will verify the status of potential vendors prior to any federal funds being obligated to prevent any debarred or suspended agencies or vendors from receiving federal funds. The Subrecipient can confirm the status of potential vendors by conducting a search

on the System for Award Management (SAM) website (<https://www.sam.gov/portal/public/SAM/>). At this time, DPS does not require Subrecipients to submit proof of verification with any reimbursement request; however, the Subrecipient must maintain this information, in the form of a screen print, with other grant documentation. This documentation shall be available for review per Attachment C.

### **3. Drug-Free Workplace**

This certification is required by the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

The Subrecipient will or will continue to provide a drug-free workplace by:

1. Maintaining a Zero Tolerance Drug Policy.
2. Posting in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
3. Stating in all solicitations or advertisements for employees or subcontractors placed by or on behalf of the Subrecipient that the Subrecipient maintains a drug-free workplace.
4. Establishing an ongoing drug-free awareness program to inform employees about:
  - (a) The dangers of drug abuse in the workplace.
  - (b) The Subrecipient's policy of maintaining a drug-free workplace.
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
  - (e) Including the provisions of the foregoing clauses in all third-party contracts, subcontracts, and purchase orders that exceed ten thousand dollars (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor.

### **4. Procurement:**

The Subrecipient agrees to abide by their respective procurement rules, policies, and/or procedures as outlined in 2 CFR §§ 200.317 to 200.326.

1. Subrecipient must comply with proper competitive bidding procedures as required by the applicable federal and state rules.
2. The subrecipient entity must maintain written standards of conduct covering conflict of interest and governing the actions of its employees and engaged in selection, award, and administration of contracts.
3. The subrecipient must take all necessary affirmative steps to assure that minority business, women's business enterprises, and labor surplus area firms re used when possible. Please see 2 CFR § 200.321 for the affirmative steps that must be taken.

## **5. Organizational and Financial Requirement**

1. All Subrecipients are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. Determining allowability of costs claimed will be consistent with the requirements of the grant award and its applicable regulations.
  - a. Subrecipients have the responsibility to employ the organizational and management techniques necessary to assure proper administration and cost allocation, including accounting, budgeting, reporting, auditing, and other review controls.
  - b. All Subrecipients will accept responsibility for expending and accounting for funds in a manner consistent with an approved project, plan and or program as evidenced by their acceptance of an Agreement award by the Department of Public Safety; Policies, procedures, reporting requirements or other special conditions established by the appropriate Federal agency, if applicable, and the Department of Public Safety.
2. Subrecipients must have an adequate system of internal controls which:
  - a. Presents, classifies, and retains all detailed financial records related to the Agreement award. Financial records must be retained by the Subrecipient and be available for review for a period of three (3) years after the expiration of the grant period except those records must be retained until completion or resolution of all issues arising from audit, litigation or claims started before the expiration of the three-year period, whichever is later.
  - b. Provides reasonable assurance that Federal awards are managed in compliance with Federal statutes, regulations, and the terms and 42 CFR § 200.318(c)(1) conditions. These internal controls should be in compliance with the guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the “Internal Control Integrated Framework,” issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
  - c. Provides information for planning, control, and evaluation of direct and indirect costs.
  - d. Provides cost and property control to ensure optimal use of the grant funds; Controls funds and other resources to ensure that the expenditure of grant funds and use of any property acquired under the grant are in conformance with established guidelines and policies.
3. Notification of Organizational Changes Required:
  - a. The recipient shall provide DPS written notification within 30 days should any of the following events occur:
    - i. having new or substantially changed systems
    - ii. having new compliance personnel
    - iii. loss of license or accreditation to operate program
    - iv. organizational restructuring

## **6. Following Subrecipient Procedures:**

The undersigned certifies that the Subrecipient organization has in place standard policies and procedures that govern the Subrecipient’s payroll, purchasing, contracting and inventory control in accordance with 2 CFR 225, Appendix A, Section C 1.e or 2 CFR 200.302. The undersigned further certifies that the Subrecipient organization will use those policies and procedures for any approved expenditure under this Agreement and for any equipment purchased with Agreement funds. The undersigned also agrees to make the policies and procedures available for examination by any authorized representatives of the State or



Federal Government. This does not relieve the Subrecipient from requirements of federal financial management, requirements in:

- (a) 2 CFR 200 § 302 Financial Management

### **7. Disclosure of Information:**

Any confidential or personally identifiable information (PII) acquired by subrecipient during the course of the subgrant shall not be disclosed by subrecipient to any person, firm, corporation, association, or other entity for any reason or purpose whatsoever without the prior written consent of the Department of Public Safety either during the term of the Agreement or in the event of termination of the Agreement for any reason whatsoever. Subrecipient agrees to abide by applicable federal regulations regarding confidential information and research standards, as appropriate, for federally supported projects.

### **8. Conflict of Interest**

Subgrantee/Contractor covenants that, to the best of its knowledge, no person under its employ, including subcontractors, who presently exercises any functions or responsibilities in connection with Board, Department, or projects or programs funded by Board or Department, has any personal financial interest, direct or indirect, in this Subgrant Agreement /Contract.

1. Subgrantee/Contractor further covenants that in the performance of Subgrant Agreement/Contract, no person having such conflicting interest shall knowingly be employed by Subgrantee/Contractor.
2. Any such interest, on the part of Subgrantee /Contractor or its employees, when known, must be disclosed in writing to Department.

### **9. Prohibition on certain telecommunications and video surveillance services or equipment**

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain.
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information. (d) See also §200.471.

### **MOHS Terms and Conditions:**

1. Sub-Recipient must comply with the rules and regulations of 2 CFR 200.
2. Sub-Recipients are required to modify their existing incident management and emergency operations plans in accordance with the National Response Plan's coordinating structures, processes, and protocols.
3. All Sub-Recipients must fully engage citizens by expanding plans and task force memberships to address citizen participation; awareness and outreach to inform and engage the public; include citizens in training and exercise; and develop or expand programs that integrate citizen/volunteer support for the emergency responder disciplines.
4. Internet service fees, radio service fees, cellular phone fees, satellite phone fees, etc. paid for with grant funds are for twelve (12) months during the year of equipment purchase only.
5. Position descriptions for each person to be paid with grant funds and organizational chart identifying grant funded position(s).
6. A physical inventory of property and equipment must be completed, and the results reconciled with the MOHS property control, at least once every two years.
7. The MOHS requires that property and equipment acquired with grant funds be tagged and tracked using an inventory system.
8. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability. To improve interoperability, all radios purchased under this grant should be APCO 25 compliant.
9. The designated representative certifies that he/she has legal authority to receive assistance.
10. All Sub-Recipients shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving Federal and State assistance.
11. All Sub-Recipients shall use awarded funds solely for the purpose for which these funds are provided and as approved by the DPS Authorized Representative.
12. The Sub-Recipient is aware of and shall comply with cost-sharing requirements, if applicable.
13. The Sub-Recipient shall establish and maintain a proper accounting system to record expenditures of awarded funds in accordance with generally accepted accounting standards and OMB Circulars 2 CFR 200 as

applicable and/or as directed by the DPS Authorized Representative.

14. The Sub-Recipient shall comply with the Single Audit Act of 1996 and 2 CFR 200.501. Copies of audit reports when issued and provide audit findings to the MOHS, if applicable.
15. The Sub-Recipient shall give State and Federal agencies designated by the DPS Authorized Representative access to and the right to examine all records and documents related to use of award funds.
16. The Sub-Recipient shall return to the State, within thirty (30) days of such request by the DPS Authorized Representative, any advance funds which are not supported by audit or other Federal or State review of documentation by the Applicant.
17. The Sub-Recipient shall comply with all applicable provisions of Federal and State laws and regulations regarding procurement of goods and services.
18. The Sub-Recipient shall comply with regulations implementing the Drug-Free Workplace Act of 1988, 41 U.S.C Code §8103.
19. The Sub-Recipient shall comply with all Federal and State statutes and regulations relating to non-discrimination.
20. The Sub-Recipient shall comply with provisions of the Hatch Act limiting political activities of public employees and 44CFR Part 18, New Restrictions on Lobbying.
21. The Sub-Recipient shall comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.
22. The Sub-Recipient shall not enter any contracts or purchase merchandise from any party or vendor which is disbarred or suspended from participating in Federal assistance programs.
23. The period of performance for this Grant Agreement shall begin on the date of acceptance of the Subrecipient Award execution and shall continue through the period of Subrecipient unless terminated by the Department of Public Safety. Future Subrecipient for supporting the requirements of the jurisdiction may be awarded under the terms of this agreement through additional sub grants so long as all signatory officials remain unchanged.
24. The Quarterly Reimbursement Claim and Progress Report: Request for reimbursement is due within 15 days after each reporting quarter:

Grant Period	Quarter	Date Report is Due
September 1-November 30	1 <sup>st</sup> Quarter	December 15
December 1-February 28	2 <sup>nd</sup> Quarter	March 15
March 1-May 31	3 <sup>rd</sup> Quarter	June 15
June 1-August 31	4 <sup>th</sup> Quarter	September 15
Closeout	Closeout	October 15

25. The local Sub-Recipient shall develop and improve their capability to combat the effects of a terrorism event. This is accomplished through the purchase of specialized equipment as identified in the published Authorized Equipment List or support of planning, exercises or training activities associated with the prevention, response, or recovery from terrorism incidents.

26. The Authorized Signatory Official is responsible for committing to the terms of this GA, budgeting local funds to purchase equipment or support jurisdictional exercise, training, and planning efforts for executing this GA on behalf of the Sub-Recipient's jurisdiction.
27. The Sub-Recipient shall designate a Sub-Recipient public official as the Sub-Recipient Grant Administrator (SGA) for developing and attaching the GA scope of work to Appendices A & B, obtaining project approval from respective officials, reporting, submitting applications to Recipient, equipment distribution, training, and obtaining and submitting supporting documentation and requests for reimbursement on behalf of the Sub-Recipient to *Recipient* for repayment. The SGA shall be responsible for reporting to the Mississippi Office of Homeland Security (MOHS) via the Biannual Strategy Implementation Report (BSIR).

**Funding Considerations:**

28. It is mutually agreed that upon written application by Sub-Recipient and approval by State and FEMA (if applicable), State will obligate Federal funds to Sub-Recipient account for reimbursement of eligible expenditures as set forth in the application.
29. Grant funds expended prior to the date of the award letter are not authorized to be reimbursed.
30. Each quarter the SGA will prepare and submit a Quarterly Request for Reimbursement to the MOHS. This request shall contain all appropriate supporting documentation to substantiate expenses made in accordance with all applicable requirements. The MOHS will review the reimbursement package for completeness and process for payment through the Mississippi accounting system, MAGIC.
31. The Recipient will not be liable under this Agreement for any amount greater than the award allocated by the FEMA and the Office for Domestic Preparedness to the State for the grant performance period.
32. No cost or obligation shall be incurred by the Recipient under this GA unless and until the Recipient advises the Sub-Recipient in writing that the Application and Award has been approved and funds are available.
33. Reimbursement is contingent upon the funds being expended in accordance with all applicable local and state regulations, as well as Federal regulations, policies, guidelines, and submission for reimbursement made in accordance with the SAA's grant policies and procedures manual.
34. Sub-Recipient's requests for advance of funds to support purchases of equipment or other expenditures must be requested in writing to the MOHS explaining the justification for the request. Reasons, i.e., shortage of local funds or items not contained in current annual jurisdictional budget must be accompanied by purchase orders.
35. Sub-Recipient's Quarterly Request for Reimbursement and other required financial reports will be submitted to the Recipient with a copy of all receipt(s) or invoices showing that authorized equipment or other expenditures such as personnel, supplies, etc. has been paid for in full by Sub-Recipient with supporting documentation.

**Maintenance, Replacement costs and Use of Equipment, Sell & Disposal**

36. It is mutually agreed and promised that the Sub-Recipient shall immediately notify the MOHS, if any equipment purchased under this project ceases to be used in the manner set forth by the project agreement. In such event, Sub-Recipient further agrees to transfer or otherwise dispose of such equipment, as directed by the MOHS.

37. It is mutually agreed and promised by the Sub-Recipient that no equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of the MOHS.
38. It is mutually agreed and promised that the Sub-Recipient shall maintain, or cause to be maintained for its useful life, any equipment purchased under this project.
39. Each Sub-Recipient of federal grant funds must have a financial management system that complies with the minimum requirements of 2 CFR Part 200 (Super Circular).
40. All equipment awarded in this grant agreement **must be ordered** within ninety (90) days after project implementation. If unforeseen circumstances arise which prohibit this being accomplished, the MOHS must be notified as to the reason for the delay and projected purchase date of the equipment.
41. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of the property, who holds the title, the acquisition date, cost of the property, percentage of Federal participation in the cost of the property, the location use and condition of the property and any ultimate disposition data including the data of disposal and sale price of the property.
42. A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two (2) years for the useful life of the property.
43. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage or theft shall be investigated.
44. Adequate maintenance procedures must be developed to keep the property in good and working condition.
45. If the Sub-Recipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return. Sale of items must be approved by the MOHS.
46. Costs for equipment items are allowable only as part of a comprehensive program effort.
47. Equipment purchased under the terms of this GA will be stored, maintained, and used in accordance with the purpose and objectives of this Grant Agreement. The equipment may be used for terrorism training and exercise purposes and in response to an actual terrorism event. If the equipment is used in response to a non-terrorist related event, then any maintenance or replacement costs will be the sole responsibility of the Sub-Recipients.
48. Instructions on how to sell and/or dispose of equipment, please visit our website at [www.homelandsecurity.ms.gov](http://www.homelandsecurity.ms.gov). (Click on the tab Grants /Grant Forms).

#### **Non-performance of Grant Activities**

49. Failure by the Sub-Recipient to comply with the terms of this Grant Agreement may result in suspension from the program and loss of any outstanding grant fund allocation balance, as determined by the Recipient.
50. Failure to expend all grant funds awarded (by date stated on Awards Letter) and to comply with Recipient request and guidelines will result in the reallocation of unspent grant funds and the immediate redistribution of all equipment purchased with grant funds.

51. In addition, the failure to maintain adequate response capability (as determined by the MOHS) will also result in the reallocation of grant funds and the immediate redistribution of all equipment purchased with grant funds.

### **Administrative Provisions**

52. The *Recipient* and *Sub-Recipient* agree to carry out the administrative and financial requirements of this Agreement in accordance with the policies and procedures established by FEMA and set forth in other applicable state and federal guides. The Biannual Strategy Implementation Report (BSIR) will update information on obligations, expenditures, and progress made on activities and will include an update of all information submitted in that report.

### **Audit Requirements**

53. Law enforcement, state, local, non-profit agencies funded with Federal funds administered by the MOHS for the purpose of grant activity must comply with the following (2 CFR§200.501):
- (a) *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
  - (b) *Single audit.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.
  - (c) *Program-specific audit election.* When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub recipient, approves in advance a program-specific audit.
  - (d) *Exemption when Federal awards expended are less than \$750,000.* A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).
  - (e) *Federally Funded Research and Development Centers (FFRDC).* Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
  - (f) *Sub-Recipients and Contractors.* An auditee may simultaneously be a recipient, a sub recipient, and a contractor. Federal awards expended as a recipient, or a sub recipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Sub recipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.
  - (g) *Compliance responsibility for contractors.* In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring

compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions follow Federal statutes, regulations, and the terms and conditions of Federal awards.

- (h) *For-profit sub recipient.* Since this part does not apply to for-profit sub recipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit sub recipients. The agreement with the for-profit sub recipient must describe applicable compliance requirements and the for-profit sub recipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit sub recipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.

### **Monitoring**

54. Pursuant to Federal guidelines (2 CFR§200.328-329), the State has developed a plan for evaluating all projects. Each Sub-Recipient may be required, to have at least one (1) on-site monitoring visits during the grant year. All written documents will be reviewed to determine progress, problems, and reimbursements of the project. The State evaluates all sub recipient's risk of noncompliance with Federal statutes, regulations and the terms and conditions of the sub-award for the purposes of determining the appropriate level of sub-recipient monitoring.
55. Management will evaluate audit findings, questioned costs and corrective action plans. The issuance of a written decision will be issued to the Sub-Recipient, which will entail whether or not the audit finding is sustained; the reasons for the decision; the expected action of the Sub-Recipient to repay any disallowed costs, make financial adjustments or take other actions; the reference number(s) the auditor assigned to each audit finding; and a description of any appeal process available to the Sub-Recipient regarding the management decision, as required by 2 CFR 200.521. If the Sub-Recipient has not completed corrective action, a timetable follow-up will be given.
56. The MOHS will contact Sub-Recipient(s) for additional information as needed and determines course of action for federal program audit findings, financial statement audit findings, negative disclosures (such as financial capacity concerns) and schedule of expenditures of federal awards deficiencies. Depending on the issue or combination of issues, procedures may be modified to ensure efficient and effective resolution. Updates the status of each audit review until all follow-up actions are completed and the file is closed.

### **Intelligence Sharing:**

57. Sub-Recipient will provide available intelligence to the Mississippi Office of Homeland Security and the Mississippi Analysis and Information Center (FUSION). Intelligence should be shared between local, state, tribal, territorial, and federal agencies with the focus on homeland security matters.

### **Other Provisions**

58. This agreement is not intended to conflict with current laws or regulations of Mississippi or your jurisdiction. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
59. Sub-Recipient is required to ensure that grant monies are used to support all Emergency Service-related agencies and departments, specifically law enforcement, fire, and rescue. Senior officials of these agencies must sign this agreement and familiarize themselves with the rules and regulations governing each grant program. They are encouraged to work together in determining and prioritizing their needs and requirements prior to submitting their plan.

60. All final requests for reimbursement, performance reports and closeout documents must be received in the Mississippi Office of Homeland Security within forty-five (45) days of completion of the project.
61. Any Sub-Recipient delinquent in submitting reimbursements, quarterly reports, and/or other required reports, or incomplete reports that lack sufficient detail of progress during the period in question, may be subject to having submitted reimbursement requests delayed, pending additional justification. Once completed reports are received, reimbursement requests will be processed.
62. All Sub-Recipients (and or jurisdictions) must also maintain membership in the Emergency Management Assistance Compact (EMAC) to facilitate the mutual aid of capabilities, to be eligible for Department of Homeland Security (DHS) grant funding and reimbursement of DHS grant funds.



**ASSURANCE OF UNDERSTANDING REQUIREMENT FOR SUB-RECIPIENTS:**

As the Authorized Official for, City of Tupelo Police Department (Sub-Recipient), I certify by my signature below, that I have fully read and am cognizant of our duties and responsibilities under this requirement. I acknowledge by my signature below, that I understand that the Grant Agreement is not effective until both parties (MOHS and Authorized Signatory Official) have signed, dated, and fully executed the Grant Agreement.

Therefore, the Agency, I represent promises and will comply with all Federal, State and Mississippi Office of Homeland Security Certifications and Assurances and their conditions.

**SUB-RECIPIENT:**

**ATTESTS:**

Todd Jordan

10/12/22

**Authorized Signatory Official's Signature:  
(Sub-Recipient)**

**Date:**

Todd Jordan

Mayor

**Authorized Signatory Official's Printed Name:**

**Organizational Title:**

**UEI Number:** DK9PFMLXSDR7

**APPROVED: STATE OF MISSISSIPPI/DEPARTMENT OF PUBLIC SAFETY/MISSISSIPPI OFFICE OF HOMELAND SECURITY**

**By:** [Signature]  
**Executive Director/SAA**  
**Mississippi Office of Homeland Security**

**Date:** 10/12/22

# Appendix Documents

## Grant Agreement Certifications

Below please assign **three (3) separate persons** to hold the following responsibilities: Sub-Recipient Grant Administrator, Financial Officer, and the Grant Authorized Signatory Official. The Sub-Recipient Administrator will be responsible for the day-to-day activities, correspondence, and management of the grant program. The Financial Officer is responsible for the payment, purchasing and gathering of all financial information and back up documentation. The Grant Authorized Signatory Official is the overall head of the agency that hold the full responsibility of the program to remain in state and federal compliances.

Staff that may be grant funded cannot be an authorized official on the grant without the written approval of the Executive Director.

Agency Name: City of Tupelo, Inc. Grant Number: 22LE366  
 Agency Address: 71 E Troy St, Tupelo, MS 38804  
 Agency Phone Number: 662-841-6565 Agency Fax Number: 662-840-2579


## Sub-Recipient Grant Administrator Certification

I certify that I understand and agree to comply with the general and fiscal provisions of this grant agreement including all terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with the awarded agency. I am duly authorized by the Sub-Recipient to perform the tasks of the Sub-Recipient Grant Administrator (SGA), as they relate to the requirements of this Grant Agreement; costs incurred prior to Grantee approval may result in the expenditures being absorbed by the Sub-Recipient; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Abby Christian Title: Grant Administrator  
 (Designated Sub-Recipient Grant Administrator)

Phone Number: 662-841-6565

Email Address: abby.christian@tupeloms.gov

Signature of Sub-Recipient Grant Administrator: 

## Financial Officer Certification

I certify that I understand and agree to comply with the general and fiscal provisions of this grant agreement including all terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with the awarded agency. I am duly authorized by the Sub-Recipient to perform the tasks of the Financial Officer, as they relate to the requirements of this Grant Agreement; costs incurred prior to Grantee approval may result in the expenditures being absorbed by the Sub-Recipient; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Kim Hanna Title: CFO/City Clerk  
(Sub-Recipient Financial Officer)

Phone Number: 662-841-6502

Email Address: kim.hanna@tupeloms.gov

Signature of Sub-Recipient Financial Officer: 

## Authorized Signatory Official Certification

I certify that I understand and agree to comply with the general and fiscal provisions of this grant agreement including all terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with the awarded agency. I am duly authorized by the Sub-Recipient to perform the tasks of the Grant Authorized Signatory Official, as they relate to the requirements of this Grant Agreement; costs incurred prior to Grantee approval may result in the expenditures being absorbed by the Sub-Recipient; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Todd Jordan Title: Mayor  
(Grant Authorized Signatory Official)

Phone Number: 662-841-6413

Email Address: todd.jordan@tupeloms.gov

Signature of Authorized Signatory Official: 

**Designation of Sub-Recipient Grant Administrator (SGA)**

Pursuant to the Mississippi Office of Homeland’s requirements that the signatory official is the only person authorized to sign official documentation in relation to the sub-grant, such as financial reimbursement, performance reports, etc. The (agency/department name) City of Tupelo, Inc. has authorized and approved (print designated sub-recipient grant administrator official name) Abby Christian to sign any/all forms related to this Grant Agreement.

Upon approval of this request said person will then be **Responsible/Liable**, as the signatory official, for claims and reporting submitted by them to this agency. The approval of this request will allow this person to complete required documentation in the absence and/or on behalf of the signatory official.

The following person is officially appointed to represent your jurisdiction as the Sub-Recipient Grant Administrator (SGA) and is hereby duly authorized to fulfill the terms of this Grant Agreement during the performance period on behalf of the Sub-Recipient.

**Sub-Recipient Grant Administrator (SGA)**

Name: Abby Christian Title: Grant Administrator  
(Designated Sub-Recipient Grant Administrator)

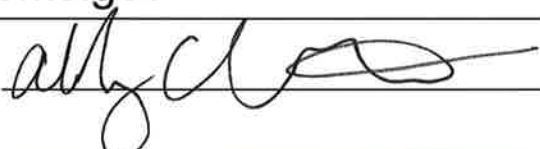
Agency Name: City of Tupelo, Inc.

Mailing Address: 71 E. Troy St

City: Tupelo Zip Code: 38804


Telephone Number: 662-841-6565 Fax Number: 662-840-2579

Email Address: abby.christian@tupeloms.gov

Signature of Sub-Recipient Grant Administrator: 

**Grant Authorized Signatory Official**

Appointed by Authorized Signatory Official: (Mayor, Board President, Commissioner, Director, Superintendent)

Authorized Signatory Official Signature:   
Title: Mayor

Date: 10/12/22

## Grant Agreement-Scope of Work

Please provide a detailed description of work and grant activities that the awarded jurisdiction will take part in with the use of grant funds. Please include how the grant funds, equipment, supplies, etc. will be used to prevent and protect against terrorist activities.

With the purchase of the Robotic Total Station and Live Scan Applicant Software, the Tupelo Police Department will improve their capability to mitigate and respond to security events, and maintain greater technological upgrades and advantages. Specifically, this software/equipment will enhance the department's ability to investigate and have greater in-house capability to serve our area.

Upon contract execution, the City of Tupelo SGA will initiate reverse bids and make sure all state procurement practices are followed. Upon closing of bids, we will issue a purchase order, receive an invoice, and pay our invoice. Upon receipt of item, we will inventory our item(s), applying asset tags and populating the inventory sheet.

Quarterly, the SGA will complete the quarterly and programmatic reports and return to the Program Manager.

Upon completion of all grant activities, the SGA will submit a closeout form and inventory form, along with all purchase orders, quotes, invoices, check copies, and photos to the Program Manager.

## Federal Funding Accountability and Transparency Act (FFATA) Compliance Form

To comply with the Federal Funding Accountability and Transparency Act (FFATA), the MOHS must report award information for all sub-recipients of federal awards as directed. Information provided will be made publicly available on USA Spending <http://www.usaspending.gov/> per the Transparency Act requirement.

### Section 1: Award Information:

<b>Agency Name</b>	City of Tupelo, Inc.
<b>City</b>	Tupelo
<b>Zip Code +4 Digits (Required)</b>	38804-4747
<b>Unique Entity Identification (UEI) #</b>	DK9PFM6XSDR7
<b>Amount of Award:</b>	\$37,000

### Section 2: Compensation Information: Answer only is award is \$30,000.00 or more in federal funds)

- More than 80% of the Agency organization's annual gross revenue are federal funds.  
 Yes (If yes, proceed to Question 2)  
 No (If No, stop, proceed to Section 3)
- Federal Revenue exceeds twenty-five (25) million dollars.  
 Yes (If Yes, proceed to Question 3)  
 No (If No, stop, proceed to Section 3)
- Compensation information is not publicly available via federal tax filings, Securities and Exchange Commission (SEC) reporting, or any other source. (If other, please indicate: \_\_\_\_\_)  
 Yes (If Yes, proceed to Table)  
 No (If No, stop, proceed to Section 3)

#### Names and Salary of Organizations Top Five (5) Executives (By Salary)

	First and Last Name	Title	Annual Salary
1.			
2.			
3.			
4.			
5.			

### Section 3: Certification of Information:

I certify that the above information is true and accurate.

  
 \_\_\_\_\_  
 Authorized Signatory Official (Signature)

10/12/22  
 \_\_\_\_\_  
 Date

Todd Jordan  
 \_\_\_\_\_  
 Authorized Signatory Official (Printed Name)

Mayor  
 \_\_\_\_\_  
 Title



STATE OF MISSISSIPPI  
TATE REEVES, GOVERNOR  
DEPARTMENT OF PUBLIC SAFETY  
SEAN J. TINDELL, COMMISSIONER

## MISSISSIPPI OFFICE OF HOMELAND SECURITY HOMELAND SECURITY GRANT PROGRAM SUB-RECIPIENT GRANT AWARD

**Sub-Recipient Name: City of Tupelo Police Department BOMB SQUAD**

**Project Title: Homeland Security Grant Program**

**Grant Period: September 1, 2022- August 31, 2023**

**Date of Award: September 1, 2022**

**Total Amount of Award: \$100,000.00**

**Grant Number: 22LE366B**

In accordance with the provisions of Federal Fiscal Year 2022 Homeland Security Grant Program, the Mississippi Office of Homeland Security (MOHS), State Administrative Agency (SAA), hereby awards to the foregoing Sub-Recipient a grant in the federal amount shown above. The CFDA number is 97.067 and MOHS federal grant number is **EMW-2022-SS00006**. Authorizing Authority for Program: Section 2002 of the *Homeland Security Act of 2002*, as amended (Pub. L. No. 107-296), (6 U.S.C.603).

Enclosed is a signed grant agreement obligating federal funds as outlined above. Please review the grant agreement in full, sign in the designated signature areas and return to the MOHS by **October 17, 2022**. Strict adherence to these provisions is essential to ensure compliance with applicable federal and state statutes, rules, regulations, and guidelines.


Grant funds will be disbursed to Sub-Recipients (according to the approved project budget) upon receipt of evidence that funds have been invoiced and products received and/or that funds have been expended (i.e., invoices, contracts, itemized expenses, etc.).


**I certify that I understand and agree that funds will only be expended for those projects outlined in the funding amounts as listed above.** I also certify that I understand and agree to comply with the general and fiscal terms and conditions of the grant including special conditions and the Mississippi Department of Public Safety, Office of Homeland Security, Homeland Security Grant Program, Policies and Procedures Manual; to comply with provisions of the Act governing these funds and all other federal laws and regulations; that all information is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized to commit the applicant to these requirements; that costs incurred prior to grant application approval will result in the expenses being absorbed by the Sub-Recipient; and that all agencies involved with this project understand that all federal funds are limited to a twelve-month period.



**Supplantation:** The Sub-Recipient provides assurance that funds will not be used to supplant or replace local, state funds or other resources that would otherwise have been available for homeland security activities. In compliance with that mandate, I certify that the receipt of federal funds through the MOHS shall in no way supplant or replace state or local funds or other resources that would have been made available for homeland security activities.

ACCEPTANCE OF THE FEDERAL GRANT AWARD FOR THE SUB-RECIPIENT

 10/12/22  
\_\_\_\_\_  
Signature of Authorized Signatory Official


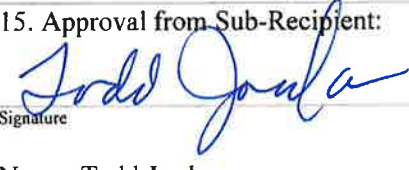
 9/16/22  
\_\_\_\_\_  
Signature of MOHS Executive Director/SAA

# MISSISSIPPI OFFICE OF HOMELAND SECURITY



## FY22 HOMELAND SECURITY GRANT PROGRAM GRANT AGREEMENT AND AWARD PACKET

## FY22 MISSISSIPPI OFFICE OF HOMELAND SECURITY GRANT AGREEMENT

1. Sub-Recipient's Name: City of Tupelo Police Department – BOMB SQUAD  Mailing Address: 71 East Troy Street Tupelo, MS 38804  Telephone Number: 662.841.6565  E-Mail: abby.christian@tupeloms.gov	2. Effective Date of Grant: September 1, 2022  3. Sub-Recipient Grant Number: 22LE366B  4. Grant Identifier (Funding Source & Year): EMW-2022-SS-0006  5. Period of Performance: Start and End Dates: September 1, 2022-August 31, 2023  6. Subgrant Payment Method: <input checked="" type="checkbox"/> Cost Reimbursement Method		
7. CFDA # - 97.607- Homeland Security Grant Program	8. UEI # - DK9PFM6XSDR7	9. Congressional District: 1	
10. FAIN #: 646000779	11. Initial Federal Award Date: September 1, 2022	12. Federal Awarding Agency: Homeland Security (800)368-6498	
13. Research and Development Grant: <u>    </u> Yes <input checked="" type="checkbox"/> No	14. Indirect Cost Rate Charged: \$0.00		
15. The following grant funds are obligated:			
A. COST CATEGORY	B. SOURCE OF FUNDS	C. MATCH	D. RATIO%
(1) Personal Services-Salary	\$0.00 (1) Federal \$100,000.00	\$0.00	100%
(2) Personal Services-Fringe	\$0.00 (2) State \$0.00	\$0.00	0%
(3) Contractual Services	\$0.00 (3) Local \$0.00	\$0.00	0%
(4) Travel	\$0.00 (4) Other \$0.00	\$0.00	0%
(5) Equipment	\$100,000.00 Total: \$100,000.00	\$0.00	100%
(6) Commodities/Supplies	\$0.00	E. TOTAL OF ALL FEDERAL GRANTS THROUGH MOHS TO AGENCY:	
(7) Other	\$0.00	Number of Grants:	FY19      FY20      FY21
<b>TOTAL</b>	<b>\$100,000.00</b>	<b>TOTAL:</b>	<b>\$50,122.00      \$83,361.00      \$10,000.00</b>
The Sub-Recipient agrees to operate the program outlined in this Grant Agreement in accordance with all provisions of this Agreement as included herein. The following sections are attached and incorporated into this Agreement: Final Approved Agreement which includes Sub-Recipient Signature Sheet; Project Description; Goals and Objectives; Implementation Schedule; Cost Summary Support Sheet; and Agreement of Understanding and Compliances.			
All policies, terms, conditions, and provisions listed in funding guidelines, grant agreement, and agreement of understanding which has been provided to Sub-Recipient, are also incorporated into this agreement, and Sub-Recipient agrees to fully comply therewith.			
14. Approval from Grantee:		15. Approval from Sub-Recipient:	
 Signature _____ Date _____	 Signature _____ Date <u>10/12/22</u>		
Name: Baxter Kruger Title: MOHS Executive Director/SAA		Name: Todd Jordan Title: Mayor Authorized Signatory Official	

## FY22 HOMELAND SECURITY GRANT PROJECT DESCRIPTION

The Mississippi Office of Homeland Security Grant Program (HSGP) is provided by Federal grant funds to assist local, state, and tribal efforts in obtaining the resources required to support the National Preparedness Goal, mission areas and core capabilities to build a culture of preparedness. All grant programs funded will help the State of Mississippi in the prevention, preparation, protection, and response to acts of terrorism.

These efforts will be coordinated through the grants and operation programs, along with training and exercises developed during the grant year. All programs will utilize risk assessments, data, and community knowledge to target and deploy resources that are community and state-wide threats and hazards.

## FY22 HOMELAND SECURITY PROJECT GOALS AND OBJECTIVES

### **PROJECT:**

Establish and enhance terrorism intelligence to include, but not limited to an early warning system, center, or task force.

### **GOAL:**

Increase jurisdiction participation with multi-level intelligence components and agencies to prevent, protect against, respond to, and recover from Weapons of Mass Destruction (WMD) and/or Terrorism incidents and attacks.

### **OBJECTIVES:**

Provide intelligence gathering and information sharing capabilities to 50% of local jurisdictions within three (3) years after approval of state strategy.

Develop a joint 24-hour emergency notification system for first responders and others who are in a critical, need-to-know position. This includes the Health Alert Network (HAN) and DPS information dissemination to local law enforcement within 3 years after approval of state strategy.

Establish/enhance statewide deterrence/prevention and response efforts.

### **GOAL:**

Reduce Mississippi's vulnerability to terrorism through preparedness and protective efforts.

### **OBJECTIVES:**

Create, implement, and maintain terrorism preparedness plans consistent with the National Response Plan (NRP) and provide advice, assistance, training, and oversight to local governments in the development of such plans within three (3) years after approval of state strategy.

Improve the number of emergency responders prepared to respond to WMD/CBRNE incidents, including hoaxes and suspicious packages within three (3) years of the approval of the state strategy.

## FY22 PROGRAM MILESTONE SCHEDULE

The program milestone schedule is intended to provide the Sub-Recipient, a proposed list of planned activities, implementation dates, for the implementation of the grant. Program milestones will be provided in the Sub-Recipient's quarterly reporting, as when the milestone should be completed.

### **1<sup>st</sup> QUARTER (September, October & November)**

- Completed Environmental Historic Preservation Form and submit to MOHS (If required). Please include form and photographs of outside of building, as well as places where equipment will be installed.
- Complete NIMS Training (100, 200, 700 and 800), if not completed.
- Complete Cyber-Security Assessment and return completion form to MOHS.
- Solicit quotes and/or bids for equipment. (If equipment is over \$5,000.00, two (2) quotes are required)
- Review proposals, quotes, bids and select vendors.
- Purchase approved equipment during 1<sup>st</sup> quarter for the grant year.
- Begin Preparation of 1st Quarter Report. (September 1-November 30). Due to MOHS December 15th.
- Send full Grant Agreement with signatures to MOHS.
- Assess and review program's threats, hazards, core capabilities and needs.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.

### **2<sup>nd</sup> QUARTER (December, January & February)**

- Submit 1<sup>st</sup> Quarter Report to MOHS. Due December 15.
- Receive approved equipment or grant funded items.
- Prepare Equipment/Inventory Sheet for MOHS. Take pictures of all Equipment. Submit to MOHS.
- Prepare Reimbursement paperwork if equipment received.
- Begin preparation of 2nd Quarter Report. (December 1-February 28). Due to MOHS March 15.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.
- Assess and review program's threats, hazards, core capabilities and needs.

### **3<sup>rd</sup> QUARTER (March, APRIL & MAY)**

- Submit 2<sup>nd</sup> Quarter Report to MOHS. Due March 15<sup>th</sup>.
- Receive approved equipment or grant funded items.
- Prepare Equipment/Inventory Sheet for MOHS. Take pictures of all Equipment. Submit to MOHS.
- Prepare Reimbursement paperwork if equipment received.
- Begin preparation of 3rd Quarter Report. (March 1-May 31). Due to MOHS June 15th.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.
- Assess and review program's threats, hazards, core capabilities and needs.

**FY22 PROGRAM MILESTONE SCHEDULE****4th QUARTER (June, July & August)**

- Submit 3rd Quarter Report to MOHS. Due June 15th.
- Receive approved equipment or grant funded items.
- Prepare Equipment/Inventory Sheet for MOHS. Take pictures of all Equipment. Submit to MOHS.
- Prepare Reimbursement paperwork if equipment received.
- Begin preparation of 4<sup>th</sup> Quarter Report. (June 1-August 31). Due to MOHS September 15th.
- Participate and attend any trainings, meetings, or conference calls with MOHS, as required and necessary.
- Assess and review program's threats, hazards, core capabilities and needs.

**CLOSEOUT (September 1-October 1)**

- Submit 4<sup>th</sup> Quarter Report. (June 1-August 31). Due to MOHS September 15th.
- Prepare Closeout Documents and submit to MOHS. Due October 15<sup>th</sup>.
- Assess and review program's threats, hazards, core capabilities and needs.

**FY22 Mississippi Office of Homeland Security-Cost Summary Support Sheet**

1. Sub-Recipient Agency: City of Tupelo Police Department – BOMB SQUAD					
2. Sub-Recipient Grant Number: 22LE366B		3. Grant ID: FY22HSGP		5. Ending: August 31, 2023	
6. Activity: Homeland Security Grant Program		4. Beginning: September 1, 2022			
7. Category & Line Item	8. Description of item and/or Basis for Valuation	9. Budget			Total
		Federal	All Other		
Personal Services-Salary		\$0.00	\$0.00		\$0.00
Personal Services-Fringe		\$0.00	\$0.00		\$0.00
Contractual Services		\$0.00	\$0.00		\$0.00
Travel		\$0.00	\$0.00		\$0.00
Equipment	1. Modula & One-Man Portable EOD Robot w/Radis Tactical Missions 1 @ \$47,430.00 2. Various Claw, Camera, Firing Circuit Attachment 1 @ \$52,570.00	\$100,000.00	\$0.00		\$100,000.00
Commodities/Supplies		\$0.00	\$0.00		\$0.00
Other:		\$0.00	\$0.00		\$0.00
<b>TOTALS</b>		\$100,000.00	\$0.00		\$100,000.00

## MISSISSIPPI OFFICE HOMELAND SECURITY GRANT AGREEMENT OF UNDERSTANDING AND COMPLIANCES

This Grant Agreement (GA) is made and entered into by and between the State of Mississippi by and through the Mississippi Department of Public Safety and the Mississippi Office of Homeland Security, hereto referred to as State, and governmental unit or agency named in this Agreement, hereinafter referred to as Sub-Recipient.

*Section 2002 of the Homeland Security Act of 2002 and the Department of Homeland Security Appropriation Act, 2021*, as amended, provides federal funds to the State for approved homeland security projects for the purpose of enhancing, the ability of state, local, tribal, and territorial governments, as well as non-profits, to prevent, protect against, respond to, and recover from terrorist attacks, and

The State may make said funds available to state, local, tribal, and territorial governments, as well as non-profits entities upon application and approval from the State and Homeland Security, and

The Sub-Recipient must comply with all requirements listed herein, to be eligible for federal funds in approved homeland security projects, and

Now, therefore in consideration of mutual promises and other consideration, the parties agree as follows:

### **Federal Terms and Conditions:**

Terms and conditions pertain not only to Recipients, but grant funded Sub-Recipients, as well. The following list of terms and conditions should be reviewed and followed. The FY2022 Department of Homeland Security Standard Terms and Conditions, can be found at: [https://www.dhs.gov/sites/default/files/2022-01/fy\\_2022\\_dhs\\_terms\\_and\\_conditions\\_version\\_2\\_dated\\_jan\\_24\\_2022\\_508.pdf](https://www.dhs.gov/sites/default/files/2022-01/fy_2022_dhs_terms_and_conditions_version_2_dated_jan_24_2022_508.pdf).

The Fiscal Year (FY) 2022 DHS Standard Terms and Conditions apply to all new federal financial assistance awards funded in FY 2022. These terms and conditions flow down to subrecipients unless an award term or condition specifically indicates otherwise. The United States has the right to seek judicial enforcement of these obligations

#### **A. Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

I. DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances as instructed by the awarding agency.

II. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200 and adopted by DHS at 2 C.F.R. Part 3002.

III. By accepting this agreement, recipients, and their executives, as defined in 2 C.F.R. § 170.315, certify that their policies are in accordance with OMB's guidance located at 2 C.F.R. Part 200, all applicable federal laws, and relevant Executive guidance.



## **B. General Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff.

I. Recipients must cooperate with any DHS compliance reviews or compliance investigations conducted by DHS.

II. Recipients must give DHS access to examine and copy records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities or personnel.

III. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports.

IV. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law, or detailed in program guidance.

V. Recipients (as defined in 2 C.F.R. Part 200 and including recipients acting as pass-through entities) of federal financial assistance from DHS or one of its awarding component agencies must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award for the first award under which this term applies. Recipients of multiple awards of DHS financial assistance should only submit one completed tool for their organization, not per award. After the initial submission, recipients are required to complete the tool once every two (2) years if they have an active award, not every time an award is made. Recipients should submit the completed tool, including supporting materials, to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>.

The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline

## **C. Standard Terms & Conditions**

### **I. Acknowledgement of Federal Funding from DHS**

Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

### **II. Activities Conducted Abroad**

Recipients must ensure that project activities performed outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### **III. Age Discrimination Act of 1975**

Recipients must comply with the requirements of the Age Discrimination Act of 1975, Public Law 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.

### **IV. Americans with Disabilities Act of 1990**

Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101– 12213), which prohibits recipients from

discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.

## **V. Best Practices for Collection and Use of Personally Identifiable Information**

Recipients who collect personally identifiable information (PII) are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines PII as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.

## **VI. Civil Rights Act of 1964 – Title VI**

Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.

## **VII. Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units— i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

## **VIII. Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

## **IX. Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3002. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

## **X. Drug-Free Workplace Regulation**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

## **XI. Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid

restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons.

## **XII. Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**

Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.

## **XIII. Energy Policy and Conservation Act**

Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. 94-163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

## **XIV. Ensuring the Future is Made in All of America by All of America’s Workers**

Recipients must comply with the “Build America, Buy America” provisions of the Infrastructure Investment and Jobs Act and E.O. 14005 which provide that, as appropriate and to the extent consistent with law, the recipient must use all practicable means within their authority under a federal award to provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products.)

## **XV. False Claims Act and Program Fraud Civil Remedies**

Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§3729- 3733, which prohibit the submission of false or fraudulent claims for payment to the Federal Government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)

## **XVI. Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)

## **XVII. Federal Leadership on Reducing Text Messaging while Driving**

Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the Federal Government.

## **XVIII. Fly America Act of 1974**

Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C.) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.

### **XIX. Hotel and Motel Fire Safety Act of 1990**

Recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a

### **XX. John S. McCain National Defense Authorization Act of Fiscal Year 2019**

Recipients, subrecipients, and their contractors and subcontractors are subject to the prohibitions described in section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232 (2018) and 2 C.F.R. §§ 200.216, 200.327, 200.471, and Appendix II to 2 C.F.R. Part 200. Beginning August 13, 2020, the statute – as it applies to DHS recipients, subrecipients, and their contractors and subcontractors – prohibits obligating or expending federal award funds on certain telecommunications and video surveillance products and contracting with certain entities for national security reasons.

### **XXI. Limited English Proficiency (Civil Rights Act of 1964, Title VI)**

Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.

### **XXII. Lobbying Prohibitions**

Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.

### **XXIII. National Environmental Policy Act**

Recipients must comply with the requirements of the National Environmental Policy Act of 1969, (NEPA) Pub. L. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.

### **XXIV. Nondiscrimination in Matters Pertaining to Faith-Based Organizations**

It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.

### **XXV. Non-Supplanting Requirement**

Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

## **XXVI. Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

## **XXVII. Patents and Intellectual Property Rights**

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

## **XXVIII. Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

## **XXIX. Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

## **XXX. Reporting of Matters Related to Recipient Integrity and Performance**

General Reporting Requirements: If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

## **XXXI. Reporting Subawards and Executive Compensation Reporting of first tier subawards.**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part FY 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

## **XXXII. SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**XXXIII. Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**XXXIV. Trafficking Victims Protection Act of 2000 (TVPA)**

Trafficking in Persons.

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106 (g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

**XXXV. Universal Identifier and System of Award Management Requirements for System for Award Management and Unique Entity Identifier**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**XXXVI. USA PATRIOT Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), which amends 18 U.S.C. §§ 175–175c.

**XXXVII. Use of DHS Seal, Logo, and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**XXXVIII. Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310

**Certifications Regarding Lobbying; Debarment, Suspension, and other Responsibility Matters; Drug-Free Workplace Requirements; Procurement; Organizational and Financial Requirement; following Sub-Recipient Procedures: Disclosures: Disclosure of Information and Conflict of Interest**

Sub-Recipients should refer to the regulations cited below to determine the certification to which they are required to attest. Sub-Recipients should also review the instructions for certification included in the regulations before completing this form. Signature of this agreement provides for compliance with certification requirements under 10 CFR Part 601 "New Restrictions on Lobbying," and 10 CFR Part 1036 "Government wide Debarment and Suspension (Nonprocurement) and Government wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the State determines to award the covered transaction, grant, or other agreement.

## 1. Lobbying

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperating agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.

(b) If any other funds than Federal appropriated funds have been paid or will be paid to any other person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal Grant or cooperative agreement, the undersigned shall complete and submit Stand Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

## 2. Debarment, Suspension, and Other Responsibility Matters

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.

(b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

3. Applicable CFR's and Federal Executive Orders 12549 and 12689 prohibit non-federal entities from contracting with or making sub-awards under covered transactions to parties that are suspended or debarred or whose principals are suspended or debarred. Covered transactions include procurement contracts for goods or services equal to or in excess of \$25,000 and non-procurement transactions such as grants or cooperative agreements. By signing this Agreement, the Subgrantee agrees it will verify the status of potential vendors prior to any federal funds being obligated to prevent any debarred or suspended agencies or vendors from receiving federal funds. The Subrecipient can confirm the status of potential vendors by conducting a search

on the System for Award Management (SAM) website (<https://www.sam.gov/portal/public/SAM/>). At this time, DPS does not require Subrecipients to submit proof of verification with any reimbursement request; however, the Subrecipient must maintain this information, in the form of a screen print, with other grant documentation. This documentation shall be available for review per Attachment C.

### **3. Drug-Free Workplace**

This certification is required by the Drug-Free Workplace Act of 1988 (Pub.L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

The Subrecipient will or will continue to provide a drug-free workplace by:

1. Maintaining a Zero Tolerance Drug Policy.
2. Posting in conspicuous places, available to employees and applicants for employment, a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession, or use of a controlled substance or marijuana is prohibited in the Subrecipient's workplace and specifying the actions that will be taken against employees for violations of such prohibition.
3. Stating in all solicitations or advertisements for employees or subcontractors placed by or on behalf of the Subrecipient that the Subrecipient maintains a drug-free workplace.
4. Establishing an ongoing drug-free awareness program to inform employees about:
  - (a) The dangers of drug abuse in the workplace.
  - (b) The Subrecipient's policy of maintaining a drug-free workplace.
  - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
  - (e) Including the provisions of the foregoing clauses in all third-party contracts, subcontracts, and purchase orders that exceed ten thousand dollars (\$10,000.00), so that the provisions will be binding upon each subcontractor or vendor.

### **4. Procurement:**

The Subrecipient agrees to abide by their respective procurement rules, policies, and/or procedures as outlined in 2 CFR §§ 200.317 to 200.326.

1. Subrecipient must comply with proper competitive bidding procedures as required by the applicable federal and state rules.
2. The subrecipient entity must maintain written standards of conduct covering conflict of interest and governing the actions of its employees and engaged in selection, award, and administration of contracts.
3. The subrecipient must take all necessary affirmative steps to assure that minority business, women's business enterprises, and labor surplus area firms re used when possible. Please see 2 CFR § 200.321 for the affirmative steps that must be taken.



## **5. Organizational and Financial Requirement**

1. All Subrecipients are required to establish and maintain accounting systems and financial records to accurately account for funds awarded to them. Determining allowability of costs claimed will be consistent with the requirements of the grant award and its applicable regulations.
  - a. Subrecipients have the responsibility to employ the organizational and management techniques necessary to assure proper administration and cost allocation, including accounting, budgeting, reporting, auditing, and other review controls.
  - b. All Subrecipients will accept responsibility for expending and accounting for funds in a manner consistent with an approved project, plan and or program as evidenced by their acceptance of an Agreement award by the Department of Public Safety; Policies, procedures, reporting requirements or other special conditions established by the appropriate Federal agency, if applicable, and the Department of Public Safety.
2. Subrecipients must have an adequate system of internal controls which:
  - a. Presents, classifies, and retains all detailed financial records related to the Agreement award. Financial records must be retained by the Subrecipient and be available for review for a period of three (3) years after the expiration of the grant period except those records must be retained until completion or resolution of all issues arising from audit, litigation or claims started before the expiration of the three-year period, whichever is later.
  - b. Provides reasonable assurance that Federal awards are managed in compliance with Federal statutes, regulations, and the terms and 42 CFR § 200.318(c)(1) conditions. These internal controls should be in compliance with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
  - c. Provides information for planning, control, and evaluation of direct and indirect costs.
  - d. Provides cost and property control to ensure optimal use of the grant funds; Controls funds and other resources to ensure that the expenditure of grant funds and use of any property acquired under the grant are in conformance with established guidelines and policies.
3. Notification of Organizational Changes Required:
  - a. The recipient shall provide DPS written notification within 30 days should any of the following events occur:
    - i. having new or substantially changed systems
    - ii. having new compliance personnel
    - iii. loss of license or accreditation to operate program
    - iv. organizational restructuring

## **6. Following Subrecipient Procedures:**

The undersigned certifies that the Subrecipient organization has in place standard policies and procedures that govern the Subrecipient's payroll, purchasing, contracting and inventory control in accordance with 2 CFR 225, Appendix A, Section C 1.e or 2 CFR 200.302. The undersigned further certifies that the Subrecipient organization will use those policies and procedures for any approved expenditure under this Agreement and for any equipment purchased with Agreement funds. The undersigned also agrees to make the policies and procedures available for examination by any authorized representatives of the State or

Federal Government. This does not relieve the Subrecipient from requirements of federal financial management, requirements in:

- (a) 2 CFR 200 § 302 Financial Management

## **7. Disclosure of Information:**

Any confidential or personally identifiable information (PII) acquired by subrecipient during the course of the subgrant shall not be disclosed by subrecipient to any person, firm, corporation, association, or other entity for any reason or purpose whatsoever without the prior written consent of the Department of Public Safety either during the term of the Agreement or in the event of termination of the Agreement for any reason whatsoever. Subrecipient agrees to abide by applicable federal regulations regarding confidential information and research standards, as appropriate, for federally supported projects.

## **8. Conflict of Interest**

Subgrantee/Contractor covenants that, to the best of its knowledge, no person under its employ, including subcontractors, who presently exercises any functions or responsibilities in connection with Board, Department, or projects or programs funded by Board or Department, has any personal financial interest, direct or indirect, in this Subgrant Agreement /Contract.

1. Subgrantee/Contractor further covenants that in the performance of Subgrant Agreement/Contract, no person having such conflicting interest shall knowingly be employed by Subgrantee/Contractor.
2. Any such interest, on the part of Subgrantee /Contractor or its employees, when known, must be disclosed in writing to Department.

## **9. Prohibition on certain telecommunications and video surveillance services or equipment**

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain.
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information. (d) See also §200.471.

### **MOHS Terms and Conditions:**

1. Sub-Recipient must comply with the rules and regulations of 2 CFR 200.
2. Sub-Recipients are required to modify their existing incident management and emergency operations plans in accordance with the National Response Plan's coordinating structures, processes, and protocols.
3. All Sub-Recipients must fully engage citizens by expanding plans and task force memberships to address citizen participation; awareness and outreach to inform and engage the public; include citizens in training and exercise; and develop or expand programs that integrate citizen/volunteer support for the emergency responder disciplines.
4. Internet service fees, radio service fees, cellular phone fees, satellite phone fees, etc. paid for with grant funds are for twelve (12) months during the year of equipment purchase only.
5. Position descriptions for each person to be paid with grant funds and organizational chart identifying grant funded position(s).
6. A physical inventory of property and equipment must be completed, and the results reconciled with the MOHS property control, at least once every two years.
7. The MOHS requires that property and equipment acquired with grant funds be tagged and tracked using an inventory system.
8. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability. To improve interoperability, all radios purchased under this grant should be APCO 25 compliant.
9. The designated representative certifies that he/she has legal authority to receive assistance.
10. All Sub-Recipients shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving Federal and State assistance.
11. All Sub-Recipients shall use awarded funds solely for the purpose for which these funds are provided and as approved by the DPS Authorized Representative.
12. The Sub-Recipient is aware of and shall comply with cost-sharing requirements, if applicable.
13. The Sub-Recipient shall establish and maintain a proper accounting system to record expenditures of awarded funds in accordance with generally accepted accounting standards and OMB Circulars 2 CFR 200 as

applicable and/or as directed by the DPS Authorized Representative.

14. The Sub-Recipient shall comply with the Single Audit Act of 1996 and 2 CFR 200.501. Copies of audit reports when issued and provide audit findings to the MOHS, if applicable.
15. The Sub-Recipient shall give State and Federal agencies designated by the DPS Authorized Representative access to and the right to examine all records and documents related to use of award funds.
16. The Sub-Recipient shall return to the State, within thirty (30) days of such request by the DPS Authorized Representative, any advance funds which are not supported by audit or other Federal or State review of documentation by the Applicant.
17. The Sub-Recipient shall comply with all applicable provisions of Federal and State laws and regulations regarding procurement of goods and services.
18. The Sub-Recipient shall comply with regulations implementing the Drug-Free Workplace Act of 1988, 41 U.S.C Code §8103.
19. The Sub-Recipient shall comply with all Federal and State statutes and regulations relating to non-discrimination.
20. The Sub-Recipient shall comply with provisions of the Hatch Act limiting political activities of public employees and 44CFR Part 18, New Restrictions on Lobbying.
21. The Sub-Recipient shall comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.
22. The Sub-Recipient shall not enter any contracts or purchase merchandise from any party or vendor which is disbarred or suspended from participating in Federal assistance programs.
23. The period of performance for this Grant Agreement shall begin on the date of acceptance of the Subrecipient Award execution and shall continue through the period of Subrecipient unless terminated by the Department of Public Safety. Future Subrecipient for supporting the requirements of the jurisdiction may be awarded under the terms of this agreement through additional sub grants so long as all signatory officials remain unchanged.
24. The Quarterly Reimbursement Claim and Progress Report: Request for reimbursement is due within 15 days after each reporting quarter:

Grant Period	Quarter	Date Report is Due
September 1-November 30	1 <sup>st</sup> Quarter	December 15
December 1-February 28	2 <sup>nd</sup> Quarter	March 15
March 1-May 31	3 <sup>rd</sup> Quarter	June 15
June 1-August 31	4 <sup>th</sup> Quarter	September 15
Closeout	Closeout	October 15

25. The local Sub-Recipient shall develop and improve their capability to combat the effects of a terrorism event. This is accomplished through the purchase of specialized equipment as identified in the published Authorized Equipment List or support of planning, exercises or training activities associated with the prevention, response, or recovery from terrorism incidents.

26. The Authorized Signatory Official is responsible for committing to the terms of this GA, budgeting local funds to purchase equipment or support jurisdictional exercise, training, and planning efforts for executing this GA on behalf of the Sub-Recipient's jurisdiction.
27. The Sub-Recipient shall designate a Sub-Recipient public official as the Sub-Recipient Grant Administrator (SGA) for developing and attaching the GA scope of work to Appendices A & B, obtaining project approval from respective officials, reporting, submitting applications to Recipient, equipment distribution, training, and obtaining and submitting supporting documentation and requests for reimbursement on behalf of the Sub-Recipient to *Recipient* for repayment. The SGA shall be responsible for reporting to the Mississippi Office of Homeland Security (MOHS) via the Biannual Strategy Implementation Report (BSIR).

**Funding Considerations:**

28. It is mutually agreed that upon written application by Sub-Recipient and approval by State and FEMA (if applicable), State will obligate Federal funds to Sub-Recipient account for reimbursement of eligible expenditures as set forth in the application.
29. Grant funds expended prior to the date of the award letter are not authorized to be reimbursed.
30. Each quarter the SGA will prepare and submit a Quarterly Request for Reimbursement to the MOHS. This request shall contain all appropriate supporting documentation to substantiate expenses made in accordance with all applicable requirements. The MOHS will review the reimbursement package for completeness and process for payment through the Mississippi accounting system, MAGIC.
31. The Recipient will not be liable under this Agreement for any amount greater than the award allocated by the FEMA and the Office for Domestic Preparedness to the State for the grant performance period.
32. No cost or obligation shall be incurred by the Recipient under this GA unless and until the Recipient advises the Sub-Recipient in writing that the Application and Award has been approved and funds are available.
33. Reimbursement is contingent upon the funds being expended in accordance with all applicable local and state regulations, as well as Federal regulations, policies, guidelines, and submission for reimbursement made in accordance with the SAA's grant policies and procedures manual.
34. Sub-Recipient's requests for advance of funds to support purchases of equipment or other expenditures must be requested in writing to the MOHS explaining the justification for the request. Reasons, i.e., shortage of local funds or items not contained in current annual jurisdictional budget must be accompanied by purchase orders.
35. Sub-Recipient's Quarterly Request for Reimbursement and other required financial reports will be submitted to the Recipient with a copy of all receipt(s) or invoices showing that authorized equipment or other expenditures such as personnel, supplies, etc. has been paid for in full by Sub-Recipient with supporting documentation.

**Maintenance, Replacement costs and Use of Equipment, Sell & Disposal**

36. It is mutually agreed and promised that the Sub-Recipient shall immediately notify the MOHS, if any equipment purchased under this project ceases to be used in the manner set forth by the project agreement. In such event, Sub-Recipient further agrees to transfer or otherwise dispose of such equipment, as directed by the MOHS.

37. It is mutually agreed and promised by the Sub-Recipient that no equipment will be conveyed, sold, salvaged, transferred, etc., without the express written approval of the MOHS.
38. It is mutually agreed and promised that the Sub-Recipient shall maintain, or cause to be maintained for its useful life, any equipment purchased under this project.
39. Each Sub-Recipient of federal grant funds must have a financial management system that complies with the minimum requirements of 2 CFR Part 200 (Super Circular).
40. All equipment awarded in this grant agreement **must be ordered** within ninety (90) days after project implementation. If unforeseen circumstances arise which prohibit this being accomplished, the MOHS must be notified as to the reason for the delay and projected purchase date of the equipment.
41. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of the property, who holds the title, the acquisition date, cost of the property, percentage of Federal participation in the cost of the property, the location use and condition of the property and any ultimate disposition data including the data of disposal and sale price of the property.
42. A physical inventory of the property must be taken, and the results reconciled with the property records at least once every two (2) years for the useful life of the property.
43. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage or theft shall be investigated.
44. Adequate maintenance procedures must be developed to keep the property in good and working condition.
45. If the Sub-Recipient is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return. Sale of items must be approved by the MOHS.
46. Costs for equipment items are allowable only as part of a comprehensive program effort.
47. Equipment purchased under the terms of this GA will be stored, maintained, and used in accordance with the purpose and objectives of this Grant Agreement. The equipment may be used for terrorism training and exercise purposes and in response to an actual terrorism event. If the equipment is used in response to a non-terrorist related event, then any maintenance or replacement costs will be the sole responsibility of the Sub-Recipients.
48. Instructions on how to sell and/or dispose of equipment, please visit our website at [www.homelandsecurity.ms.gov](http://www.homelandsecurity.ms.gov). (Click on the tab Grants /Grant Forms).

#### **Non-performance of Grant Activities**

49. Failure by the Sub-Recipient to comply with the terms of this Grant Agreement may result in suspension from the program and loss of any outstanding grant fund allocation balance, as determined by the Recipient.
50. Failure to expend all grant funds awarded (by date stated on Awards Letter) and to comply with Recipient request and guidelines will result in the reallocation of unspent grant funds and the immediate redistribution of all equipment purchased with grant funds.

51. In addition, the failure to maintain adequate response capability (as determined by the MOHS) will also result in the reallocation of grant funds and the immediate redistribution of all equipment purchased with grant funds.

### **Administrative Provisions**

52. The *Recipient* and *Sub-Recipient* agree to carry out the administrative and financial requirements of this Agreement in accordance with the policies and procedures established by FEMA and set forth in other applicable state and federal guides. The Biannual Strategy Implementation Report (BSIR) will update information on obligations, expenditures, and progress made on activities and will include an update of all information submitted in that report.

### **Audit Requirements**

53. Law enforcement, state, local, non-profit agencies funded with Federal funds administered by the MOHS for the purpose of grant activity must comply with the following (2 CFR§200.501):
- (a) *Audit required.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
  - (b) *Single audit.* A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.
  - (c) *Program-specific audit election.* When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub recipient, approves in advance a program-specific audit.
  - (d) *Exemption when Federal awards expended are less than \$750,000.* A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).
  - (e) *Federally Funded Research and Development Centers (FFRDC).* Management of an auditee that owns or operates a FFRDC may elect to treat the FFRDC as a separate entity for purposes of this part.
  - (f) *Sub-Recipients and Contractors.* An auditee may simultaneously be a recipient, a sub recipient, and a contractor. Federal awards expended as a recipient, or a sub recipient are subject to audit under this part. The payments received for goods or services provided as a contractor are not Federal awards. Section §200.330 Sub recipient and contractor determinations sets forth the considerations in determining whether payments constitute a Federal award or a payment for goods or services provided as a contractor.
  - (g) *Compliance responsibility for contractors.* In most cases, the auditee's compliance responsibility for contractors is only to ensure that the procurement, receipt, and payment for goods and services comply with Federal statutes, regulations, and the terms and conditions of Federal awards. Federal award compliance requirements normally do not pass through to contractors. However, the auditee is responsible for ensuring

compliance for procurement transactions which are structured such that the contractor is responsible for program compliance or the contractor's records must be reviewed to determine program compliance. Also, when these procurement transactions relate to a major program, the scope of the audit must include determining whether these transactions follow Federal statutes, regulations, and the terms and conditions of Federal awards.

- (h) *For-profit sub recipient.* Since this part does not apply to for-profit sub recipients, the pass-through entity is responsible for establishing requirements, as necessary, to ensure compliance by for-profit sub recipients. The agreement with the for-profit sub recipient must describe applicable compliance requirements and the for-profit sub recipient's compliance responsibility. Methods to ensure compliance for Federal awards made to for-profit sub recipients may include pre-award audits, monitoring during the agreement, and post-award audits. See also §200.331 Requirements for pass-through entities.

### **Monitoring**

54. Pursuant to Federal guidelines (2 CFR§200.328-329), the State has developed a plan for evaluating all projects. Each Sub-Recipient may be required, to have at least one (1) on-site monitoring visits during the grant year. All written documents will be reviewed to determine progress, problems, and reimbursements of the project. The State evaluates all sub recipient's risk of noncompliance with Federal statutes, regulations and the terms and conditions of the sub-award for the purposes of determining the appropriate level of sub-recipient monitoring.
55. Management will evaluate audit findings, questioned costs and corrective action plans. The issuance of a written decision will be issued to the Sub-Recipient, which will entail whether or not the audit finding is sustained; the reasons for the decision; the expected action of the Sub-Recipient to repay any disallowed costs, make financial adjustments or take other actions; the reference number(s) the auditor assigned to each audit finding; and a description of any appeal process available to the Sub-Recipient regarding the management decision, as required by 2 CFR 200.521. If the Sub-Recipient has not completed corrective action, a timetable follow-up will be given.
56. The MOHS will contact Sub-Recipient(s) for additional information as needed and determines course of action for federal program audit findings, financial statement audit findings, negative disclosures (such as financial capacity concerns) and schedule of expenditures of federal awards deficiencies. Depending on the issue or combination of issues, procedures may be modified to ensure efficient and effective resolution. Updates the status of each audit review until all follow-up actions are completed and the file is closed.

### **Intelligence Sharing:**

57. Sub-Recipient will provide available intelligence to the Mississippi Office of Homeland Security and the Mississippi Analysis and Information Center (FUSION). Intelligence should be shared between local, state, tribal, territorial, and federal agencies with the focus on homeland security matters.

### **Other Provisions**

58. This agreement is not intended to conflict with current laws or regulations of Mississippi or your jurisdiction. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.
59. Sub-Recipient is required to ensure that grant monies are used to support all Emergency Service-related agencies and departments, specifically law enforcement, fire, and rescue. Senior officials of these agencies must sign this agreement and familiarize themselves with the rules and regulations governing each grant program. They are encouraged to work together in determining and prioritizing their needs and requirements prior to submitting their plan.



60. All final requests for reimbursement, performance reports and closeout documents must be received in the Mississippi Office of Homeland Security within forty-five (45) days of completion of the project.
61. Any Sub-Recipient delinquent in submitting reimbursements, quarterly reports, and/or other required reports, or incomplete reports that lack sufficient detail of progress during the period in question, may be subject to having submitted reimbursement requests delayed, pending additional justification. Once completed reports are received, reimbursement requests will be processed.
62. All Sub-Recipients (and or jurisdictions) must also maintain membership in the Emergency Management Assistance Compact (EMAC) to facilitate the mutual aid of capabilities, to be eligible for Department of Homeland Security (DHS) grant funding and reimbursement of DHS grant funds.

**ASSURANCE OF UNDERSTANDING REQUIREMENT FOR SUB-RECIPIENTS:**

As the Authorized Official for, City of Tupelo Police Department – BOMB SQUAD (Sub-Recipient), I certify by my signature below, that I have fully read and am cognizant of our duties and responsibilities under this requirement. I acknowledge by my signature below, that I understand that the Grant Agreement is not effective until both parties (MOHS and Authorized Signatory Official) have signed, dated, and fully executed the Grant Agreement.

Therefore, the Agency, I represent promises and will comply with all Federal, State and Mississippi Office of Homeland Security Certifications and Assurances and their conditions.

**SUB-RECIPIENT:**

**ATTESTS:**

Todd Jordan

10/12/22

**Authorized Signatory Official's Signature:  
(Sub-Recipient)**

**Date:**

Todd Jordan

Mayor

**Authorized Signatory Official's Printed Name:**

**Organizational Title:**

**UEI Number:** DK9PFMLXSDRT

**APPROVED: STATE OF MISSISSIPPI/DEPARTMENT OF PUBLIC SAFETY/MISSISSIPPI OFFICE OF HOMELAND SECURITY**

**By:** [Signature]  
**Executive Director/SAA**  
**Mississippi Office of Homeland Security**

**Date:** 9/10/22

# **Appendix Documents**

## Grant Agreement Certifications

Below please assign **three (3) separate persons** to hold the following responsibilities: Sub-Recipient Grant Administrator, Financial Officer, and the Grant Authorized Signatory Official. The Sub-Recipient Administrator will be responsible for the day-to-day activities, correspondence, and management of the grant program. The Financial Officer is responsible for the payment, purchasing and gathering of all financial information and back up documentation. The Grant Authorized Signatory Official is the overall head of the agency that hold the full responsibility of the program to remain in state and federal compliances.

Staff that may be grant funded cannot be an authorized official on the grant without the written approval of the Executive Director.

Agency Name: City of Tupelo, Inc. Grant Number: 22LE366B

Agency Address: 71 E Troy St, Tupelo, MS 38804

Agency Phone Number: 662-841-6565 Agency Fax Number: 662-840-2579

## Sub-Recipient Grant Administrator Certification

I certify that I understand and agree to comply with the general and fiscal provisions of this grant agreement including all terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with the awarded agency. I am duly authorized by the Sub-Recipient to perform the tasks of the Sub-Recipient Grant Administrator (SGA), as they relate to the requirements of this Grant Agreement; costs incurred prior to Grantee approval may result in the expenditures being absorbed by the Sub-Recipient; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Abby Christian Title: Grant Administrator  
(Designated Sub-Recipient Grant Administrator)

Phone Number: 662-841-6565

Email Address: abby.christian@tupeloms.gov

Signature of Sub-Recipient Grant Administrator: 

## Financial Officer Certification

I certify that I understand and agree to comply with the general and fiscal provisions of this grant agreement including all terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with the awarded agency. I am duly authorized by the Sub-Recipient to perform the tasks of the Financial Officer, as they relate to the requirements of this Grant Agreement; costs incurred prior to Grantee approval may result in the expenditures being absorbed by the Sub-Recipient; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Kim Hanna Title: CFO/City Clerk  
(Sub-Recipient Financial Officer)

Phone Number: 662-841-6502

Email Address: kim.hanna@tupeloms.gov

Signature of Sub-Recipient Financial Officer: 

## Authorized Signatory Official Certification

I certify that I understand and agree to comply with the general and fiscal provisions of this grant agreement including all terms and conditions; to comply with provisions of the regulations governing these funds and all other federal and state laws; that all information presented is correct; that there has been appropriate coordination with the awarded agency. I am duly authorized by the Sub-Recipient to perform the tasks of the Grant Authorized Signatory Official, as they relate to the requirements of this Grant Agreement; costs incurred prior to Grantee approval may result in the expenditures being absorbed by the Sub-Recipient; and, that the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Todd Jordan Title: Mayor  
(Grant Authorized Signatory Official)

Phone Number: 662-841-6413

Email Address: todd.jordan@tupeloms.gov

Signature of Authorized Signatory Official: 

## Designation of Sub-Recipient Grant Administrator (SGA)

Pursuant to the Mississippi Office of Homeland's requirements that the signatory official is the only person authorized to sign official documentation in relation to the sub-grant, such as financial reimbursement, performance reports, etc. The (agency/department name) City of Tupelo, Inc. has authorized and approved (print designated sub-recipient grant administrator official name) Abby Christian to sign any/all forms related to this Grant Agreement.

Upon approval of this request said person will then be **Responsible/Liable**, as the signatory official, for claims and reporting submitted by them to this agency. The approval of this request will allow this person to complete required documentation in the absence and/or on behalf of the signatory official.

The following person is officially appointed to represent your jurisdiction as the Sub-Recipient Grant Administrator (SGA) and is hereby duly authorized to fulfill the terms of this Grant Agreement during the performance period on behalf of the Sub-Recipient.

### Sub-Recipient Grant Administrator (SGA)

Name: Abby Christian Title: Grant Administrator  
(Designated Sub-Recipient Grant Administrator)


Agency Name: City of Tupelo, Inc.

Mailing Address: 71 E. Troy St

City: Tupelo Zip Code: 38804

Telephone Number: 662-841-6565 Fax Number: 662-840-2579

Email Address: abby.christian@tupeloms.gov

Signature of Sub-Recipient Grant Administrator: 

### Grant Authorized Signatory Official

Appointed by Authorized Signatory Official: (Mayor, Board President, Commissioner, Director, Superintendent)

Authorized Signatory Official Signature: 

Title: Mayor

Date: 10/12/22

## Grant Agreement-Scope of Work

Please provide a detailed description of work and grant activities that the awarded jurisdiction will take part in with the use of grant funds. Please include how the grant funds, equipment, supplies, etc. will be used to prevent and protect against terrorist activities.

With the purchase of this one man portable EOD robot for rapid deployment (and accessories), the Tupelo EOD Unit/Tupelo Police Department will improve their capability to mitigate and respond to security events. Specifically, this robot will enhance the department's ability to respond to incidents of terrorism. The ultimate goal of the Tupelo EOD Unit is to provide prevention, deterrence and emergency response to a potential terrorism event within the state of MS.

Upon contract execution, the City of Tupelo SGA will initiate reverse bids and make sure all state procurement practices are followed. Upon closing of bids, we will issue a purchase order, receive an invoice, and I pay our invoice. Upon receipt of item, we will inventory our item(s), applying asset tags and populating the inventory sheet.

Quarterly, the SGA will complete the quarterly and programmatic reports and return to the Program Manager.

Upon completion of all grant activities, the SGA will submit a closeout form and inventory form, along with all purchase orders, quotes, invoices, check copies, and photos to the Program Manager.

## Federal Funding Accountability and Transparency Act (FFATA) Compliance Form

To comply with the Federal Funding Accountability and Transparency Act (FFATA), the MOHS must report award information for all sub-recipients of federal awards as directed. Information provided will be made publicly available on USA Spending <http://www.usaspending.gov/> per the Transparency Act requirement.

### Section 1: Award Information:

<b>Agency Name</b>	City of Tupelo, Inc.
<b>City</b>	Tupelo
<b>Zip Code +4 Digits (Required)</b>	38804-4747
<b>Unique Entity Identification (UEI) #</b>	DK9PFM6XSDR7
<b>Amount of Award:</b>	\$100,000

### Section 2: Compensation Information: Answer only is award is \$30,000.00 or more in federal funds)

1. More than 80% of the Agency organization's annual gross revenue are federal funds.  
 Yes (If yes, proceed to Question 2)  
 No (If No, stop, proceed to Section 3)
2. Federal Revenue exceeds twenty-five (25) million dollars.  
 Yes (If Yes, proceed to Question 3)  
 No (If No, stop, proceed to Section 3)
3. Compensation information is not publicly available via federal tax filings, Securities and Exchange Commission (SEC) reporting, or any other source. (If other, please indicate: \_\_\_\_\_)  
 Yes (If Yes, proceed to Table)  
 No (If No, stop, proceed to Section 3)

#### Names and Salary of Organizations Top Five (5) Executives (By Salary)

	First and Last Name	Title	Annual Salary
1.			
2.			
3.			
4.			
5.			

### Section 3: Certification of Information:

I certify that the above information is true and accurate.

  
 \_\_\_\_\_  
 Authorized Signatory Official (Signature)

10/12/22  
 \_\_\_\_\_  
 Date

Todd Jordan  
 \_\_\_\_\_  
 Authorized Signatory Official (Printed Name)

Mayor  
 \_\_\_\_\_  
 Title





**Amy Tate, Government Relations Manager, Mississippi**



Amy Tate manages the Tennessee Valley Authority's relationships with Mississippi's public officials in the utility's 36-county footprint. She maintains bipartisan working relationships with congressional staff, state legislators, county supervisors and mayors. Tate served on TVA's Media Relations staff and also worked in TVA's Washington, DC office prior to joining the State and Local Government Relations team. Prior to TVA, Tate served under Tupelo Mayor Glenn McCullough, Jr. as the first Public Relations liaison for the City of Tupelo.

Tate was recently named one of Y'all Politics Top 50 Most Influential People in Mississippi and has also been honored by the Mississippi Business Journal as one of their Top 40 Under 40 in 2006. She was in the top ten of the Top 50 Leading Business Women in Mississippi in 2017.

She is a graduate of Leadership Mississippi and the Community Leadership Institute. She serves on the boards of the Tupelo Redevelopment Agency, The Healthcare Foundation of North Mississippi and Mississippi Energy Institute. She co-founded the Milam Elementary Girls Leadership Academy in 2015 and remains active teaching classes. Tate is Past President of the Association for Excellence in Education (AEE) and co-chaired the Tupelo Public School District school bond issue in 2017 which passed with 86% of the vote.

Tate graduated from Mississippi University for Women with a degree in Journalism/Public Relations. She was named Outstanding Graduate by her alma mater in 2013 and is a recent Past President of the Mississippi University for Women Alumni Association. She is a 2012 graduate of Vanderbilt University's Leadership for Accelerated Management Performance through the Owen Graduate School of Management.

She resides in Tupelo with her husband Kevin and their children Avery, a sophomore at Mississippi State, and Walker, a sophomore at Tupelo High School. They are members of Tupelo First United Methodist Church and are active in the Tupelo Public Schools and Boy Scout Troop 12.

Item # 2 and # 42

Final Lot Mowing Report for 10/4/2022

Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
1. 43293	077P3506700	107 LAKEVIEW DR	GDA INVESTMENTS LLC	P O BOX 87	RED BANKS, MS 38661	JLS
2. 43301	113T0501500	PAYNE ST	MORGAN STEVE & BILL	PO BOX 365	BOONEVILLE, MS 38829	RS
3. 43302	088N3304700	335 CANAL ST	FAULKNER LLOYD	P O BOX 100	HOUSTON, MS 38851	RS
4. 43318	079V3210000	5437 TURNING LEAF CV	WWD LLC	P O BOX 3171	TUPELO, MS 38804	DS
5. 43332	084U1900705	NATION HILL DR	BRISTOW GERALD MITTS	P.O. BOX 362	TUPELO, MS 38802	JLS
6. 43344	089N3107500	627 CARNATION	HANCOCK LAND TRUST	BILLY HAYGOOD TRUSTEE	TUPELO, MS 38803	SB
7. 43345	089N3107400	642 CARNATION	INSULATION SALES OF MISSISSIPPI	842 CARNATION	TUPELO, MS 38804	SB
8. 43347	113E0614400	813 SHUMACOLA TRL	COLLINS SIMHA ARLETTE	813 SHUMACOLA TRAIL	TUPELO, MS 38801	SB
9. 43353	101H0100900	1100 CLEVELAND ST	DABBS ROBERT LOWELL	1100 CLEVELAND	TUPELO, MS 38801	SB
10. 43355	101H0115000	819 SHUMACOLA TRL	MAH JEANINE E	3408 DELL GLADE DRIVE	MEMPHIS, TN 38111	SB
11						
12						

BEFORE THE MAYOR AND CITY COUNCIL OF  
THE CITY OF TUPELO, MISSISSIPPI

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 40057

ROBERT TEAGUE

OWNER

**RESOLUTION ADJUDICATING COST AND ASSESSING LIEN AGAINST REAL PROPERTY UNDER  
MISS. CODE ANN. 21-19-11 (1972) AS AMENDED**

1. Pursuant to Miss. Code Ann. §21-19-11 (1972), as amended, the City of Tupelo gave notice of a hearing to ROBERT TEAGUE (Owner of the property described herein below) to determine whether or not said real property was in such a state of dilapidation as to be a menace to the public health, safety and welfare of the community. The property at issue is described as follows:

Property Owner: ROBERT TEAGUE  
Address of Owner: 1015 CHICKASAW TRAIL, TUPELO, MS. 38801  
Parcel Number: 113J-07-017-00  
Address of Violation: 1015 CHICKASAW TRAIL, TUPELO, MS. 38801

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **08/02/2022** following which the property referenced above was adjudicated to be a menace to the public health and safety, and cleanup and haul off was ordered immediately. Subsequent to this date, and in accordance with Miss. Code Ann. §21-19-11 (1972), as amended, the City of Tupelo proceeded to have the structure(s) demolished.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972) as amended, City of Tupelo may charge Owner with the actual cost of demolition, including administrative and legal costs of the municipality, and may also impose a penalty of one-half of the actual cost or \$1500.00, whichever is more.

4. The City of Tupelo, by and through its council, at a regularly scheduled meeting held on **10/04/2022**, adjudicated the actual cost of cleanup and haul off to be **\$5600.00**. The City of Tupelo, by and through its council, for a total assessment against the property of **\$5600.00**. This amount is assessed as a lien on the real property.

5. The assessment will be enrolled as a judgment on the Lee County, Mississippi judgment roll in the office of the Circuit Clerk of Lee County, Mississippi by providing a certified copy of this resolution to the Circuit Clerk.

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 4th day of October, 2022.

THE CITY OF TUPELO, MISSISSIPPI

BY:   
LYNN BRYAN, Council President

ATTEST:

  
MISSY SHELTON, Clerk of the Council

APPROVED:  
  
TODD JORDAN, Mayor

10-7-2022  
Date



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Tanner Newman, Director of Development Services

**DATE:** October 4, 2022

**SUBJECT:** IN THE MATTER OF REVIEW/APPROVE PROPERTY FOR DEMOLITION  
TN

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**Request:**

Pursuant to Miss. Code Ann. 1972, § 21-19-11, the Department of Development Services requests that the Council approve the demolition of the following property:

**5661 BUTLER ROAD (PARCEL #079T-29-007-01)**



## HEARING NOTICE

September 19, 2022

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 37493

Vs.

**MARY KELLY WEATHERS  
5661 BUTLER ROAD  
TUPELO, MS. 38801**

**MARY KELLY WEATHERS  
1014 HARRISON STREET  
TUPELO, MS. 38801**

The following is a notification as required by Mississippi State Law. Your property has not been maintained appropriately, and we have not received adequate response to the correspondence mailed to the owners of record regarding this property. A hearing will be held before the City Council of Tupelo, MS to give you, as an interested party in this property, an opportunity to plead your case prior to the council deciding whether your property should be subject to demolition. If you would like to discuss this matter prior to the meeting referenced below, please call Tanner Newman at 662-841-6510.

### PETITION UNDER MISS. CODE ANN. §21-19-11

The City of Tupelo, Mississippi, by and through the Department of Development Services, hereinafter referred to as "Petitioner," issues this Petition against the above named party or parties, hereinafter referred to as "Owner."

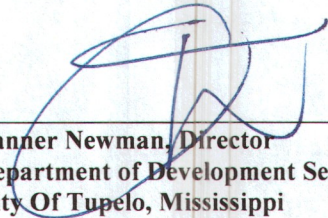
1. **Charges.** The Petitioner, on its own motion, charges that, based on preliminary investigation as evidenced by Exhibit "A" attached hereto, the property of Owner located at **5661 BUTLER ROAD, TUPELO, MS. 38801, PARCEL #079T-29-007-01**, Tupelo MS, including building(s) thereon, is in such a state of uncleanness or demise as to be a menace to the public health, safety and welfare of the community, and that a hearing before the City Council pursuant to Miss. Code Ann. §21-19-11 is warranted.
2. **Notice.** A hearing has been set before City Council of the City of Tupelo at its regularly scheduled meeting to be held on **10/04/2022, in Council Chambers, 2nd floor, City Hall, 71 East Troy Street, Tupelo, MS at 6:00 p. m.** You have the right to attend and respond to the charges.
3. **Finding.** If at said hearing the City Council adjudicates that the property or land in its then condition is a menace to the public health, safety and welfare of the community, then it shall order that the Owner undertake one or more of the following measures: cutting grass and weeds; filling cisterns; removing rubbish, removing dilapidated fences, removing outside toilets, **demolishing**

dilapidated buildings, removing personal property and other debris; and draining cesspools and standing water, as warranted and applicable.<sup>625</sup>

4. **Failure to Comply.** If the Owner fails to take the necessary action, the City shall proceed to do so by the use of municipal employees or by contract and may by resolution adjudicate the actual cost of cleaning the property, including administrative and legal costs, and may also impose a penalty of \$1,500.00 or 50% of the actual cost. The decision of the City Council may be appealed in the same manner as other appeals from a municipal governing authority are taken.

An adjudication at the hearing that the property or parcel of land is in need of cleaning will authorize the municipality to reenter the property or parcel of land for a period of one (1) year after the hearing without any future hearing.

**WITNESS MY SIGNATURE, THIS THE 19th day of SEPTEMBER, 2022.**



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**Tanner Newman, Director  
Department of Development Services  
City Of Tupelo, Mississippi**



FRONT OF TRAILER



FRONT



**BACK**



**LEFT SIDE**





**RIGHT SIDE**



**RIGHT SIDE WITH LEAN TO**

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MEMO

DATE: 06/24/2022  
TO: Lynda Ford  
FROM: Stephen N. Reed, Assistant City Attorney  
SUBJECT: 5661 Butler Road  
Parcel # 079T-29-007-01

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Lynda,

The following people are interested parties in the above-named property.

Mary Kelly Weathers  
5661 Butler Road  
Tupelo, MS 38801

POST and MAIL

Mary Kelly Weathers  
1014 Harrison Street  
Tupelo, MS 38801

MAIL

POST HEARING NOTICE IN CITY HALL.

SR

**5661 BUTLER ROAD****BASIC INFORMATION**

- ▶ PARCEL: 079T-29-007-01
- ▶ CASE: 37493
- ▶ WARD: 6
- ▶ TAX VALUE: \$25110.
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

**NEARBY PROPERTIES/ TAXES**

Right side	6000 BUTLER RD	\$ NO BLDGS.
Left side	5117 BUTLER RD	\$ 407,290.
Rear	LAKE	\$ 0
Across street	VACANT LAND	\$ 0

**TAXES/LIENS**

Taxes – current

No city liens NO

**VISUAL INDICATORS OF BLIGHT**

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

**CODE ENFORCEMENT HISTORY**

- ▶ PRIOR VIOLATIONS 1
- ▶ CURRENT STATUS –OPEN - CHAP 34
- ▶ This trailer house is a Non-Conforming use-house is vacant and has not been lived in for approximately 8 yrs. The trailer is in terrible shape and was referred for demolition. The owner has made no attempt to repair the dilapidated property.



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Tanner Newman, Director of Development Services

**DATE:** October 4, 2022

**SUBJECT:** IN THE MATTER OF REVIEW/ACCEPT PLANNING COMMITTEE  
MINUTES OF SEPTEMBER 12, 2022 **TN**

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**Request:**

Review and accept the Planning Committee minutes of September 12, 2022.

Action Taken by Committee

- 1) Recommended City Council **APPROVE** rezoning of parcels fronting Main Street east of Hwy 45 to the intersection of Veterans Boulevard and Main Street for inclusion into the Mixed Used Downtown Zoning District
- 2) Recommended City Council **APPROVE** rezoning of parcels fronting Main Street west of Madison Street to the intersection of Gloster Street for inclusion into the Mixed Used Downtown Zoning District
- 3) Recommended City Council **APPROVE** TA22-03, Text Amendments to Ch. 2 and Ch. 5 of the City of Tupelo's Development Code

**MINUTES OF THE  
TUPELO PLANNING COMMITTEE  
SEPTEMBER REGULAR MEETING  
Monday, September 12, 2022  
6:00 PM Council Chambers**

**CALL TO ORDER**

Chair Pam Hadley called the meeting to order. Committee members Scott Davis, Patti Thompson, Leslie Mart, Chair Pam Hadley, Mark Williams and Bentley Nolan were present. Lindsey Leake and Gus Hildenbrand were absent. Staff members present included City Planner Jenny Savely, Director of Development Services Tanner Newman and Zoning Administrator Russ Wilson. Chair Hadley asked Bentley Nolan to open with a prayer and Mark Williams to lead the pledge. Chair Hadley then presented an opening statement of the committee purpose and reviewed how the committee would conduct its business. The Staff and Committee were then asked to introduce themselves and did so.

**REVIEW OF MINUTES**

Leslie Mart made a motion to approve the minutes of the July 25, 2022 Planning Committee Meeting. Seconded by Bentley Nolan and passed unanimously. Hadley then opened the regular session section of the meeting.

**REPORT ON COUNCIL ACTIONS**

City Planner Jenny Savely reported that the City Council had accepted last month's minutes, but TA22-02 remains in legal review. As part of those minutes, The Major Site Plan for The Presley was approved.

**Old Business - None**

**NEW BUSINESS**

**COMP22-12 Compatible Use Appeal Hearing – RV Park Campground in Southern Heights Neighborhood Postponed until the October 3, 2022 Planning Committee Meeting at the request of the applicant and his legal counsel.**

**FLEXVAR22-01 – Self Storage Flexible Use Request for 100 Briar Ridge Road Postponed until the October 3, 2022 Planning Committee Meeting at the request of the applicant.**

**RZ22-03 Rezoning of parcels along Main Street within the Existing Mixed Use Commercial Corridor (MUCC) and Mixed Use Activity Center (MUAC).**

Hadley asked City Planner, Savely to provide the Staff Analysis. Savely said she was presenting two proposals to the committee tonight on behalf of the Department of Development Services, Downtown Tupelo Main Street Association, the Convention and Visitors Bureau and The Tupelo Redevelopment Agency. These organizations have come together to propose for the Planning Committee tonight, and the City Council to review these interesting opportunities. There are two applications which overlap somewhat between the rezoning and the text amendments.

**TA22-02 Text Amendments A comprehensive update to Overlay Districts.**

Savely stated that she would be presenting both at the same time since they overlap.

The rezoning is part of what we are proposing in conjunction with the Text Amendments. The rezoning covers parcels that front along Main Street and are already included in the Mixed Use Activity Center and the Mixed Use Commercial Corridor zoning districts between the current MUD Zoning District and Veterans Boulevard on the east, and parcels from Madison Street on the west in our current MUD Zoning District to Crosstown which is not currently in the MUD District. We'll explain the benefits of including that in our Mixed Use Downtown. What is being proposed tonight is including those two areas within our Mixed Use Downtown District and then we are required to place those areas in a Mixed Use sub-district, which is being proposed to be Gateway West from Madison to Crosstown, and Gateway East from Hwy 45 to Veterans Boulevard. Inclusion in those sub-districts will give the benefit and oversight that are already enjoyed by the current mixed use parcels within Mixed Use Downtown. Each sub-district has its own specific allowed uses and those would be expanded into the MUCC and MUAC districts.

Scott Davis asked for clarification on a map in the packet. Savely apologized for the error of leaving off the new Gateway East and Gateway West sub-district shading on the map and pointed out that the correction will be included in the maps included in the minutes. The map included in the RZ22-03 packet is the correct one.

Director Newman suggested that if the committee approves, and since one of the presenters has not yet arrive, could Savely go ahead and present some of the highlights of the TA22-03 proposal. This began as a review of our current overlay districts, some of our overlays were acting without their process being codified, which is part of the proposal, to codify these processes and procedures consistent across different overlays. There are also many uses within our overlays which do not have clear definitions, so that's been clarified and codified these definitions within the proposed codes, such as multi-family definitions, drive-thru service, hotels and motels, parking garages and carports, murals, and more that needed to be updated. Simplified procedures for establishing and overlay district have been created, bylaws for overlay operation have codified, standards for response, and guidelines for operations have been established and codified. This helps establish and communicate the guidelines to the public consistently across the various overlays.

Downtown Tupelo Main Street Association oversees development in the MUD district. Savely asked if there were any questions or comments at this point. Newman suggested continuing with the additional presentations before a vote is taken. Newman added that it was evident with the new administration early on that the Downtown efforts had been tremendously successful, but that the question now is "What's Next?" This question led to conversations with Debbie Brangenberg, Lucia Randle, Pat Falkner, Neal McCoy and others, working together as a team to answer that question. After months and months of collaboration, trial and error, tonight we have a joint effort between all these groups and individuals and will all be sharing information tonight in this proposal with the Planning Committee's input to put a plan forward. Newman asked Brangenberg to come forward with her presentation.

Brangenberg thanked all who had participated, saying this has been a long project, beginning in 1991. All the vision and planning previously was based on what already existed, market assessments of what could happen, and then taking a look at land use and how we could use that for future development. This study identified, due to the investment in the old Downtown Mall area (New Coliseum/Arena) that we had property South of Main as a new frontier, which was a rarity to have that much land to develop, thus the Fairpark development came to be from this assessment. There were traffic studies and studies that looked at how to integrate this facility into Downtown and not be just a big box destination. Parking was built out with an eye toward walking to the arena. There were bumps in the road along the way, recessions, Covid and we've continued to push on with the vision included in the master plan, looking toward complementary businesses that could be recruited. We've stayed on plan through 7 administrations since the beginning and kept pushing forward. In 1999 funding was made available to get the infrastructure in place. That investment has leveraged over \$180

million in private investment in the Downtown area and that does not include land acquisition, just building permits alone. \$22.68 Million in Urban Renewal Bonds has yielded a great opportunity for Tupelo and has really stabilized our downtown area. Moving forward we've had great demand for housing. You have to have density for successful commercial development, and we are not quite there yet, but there are so many opportunities. In 2018, Brangenberg stated that the photos of the Old City County Building, now the Belfry is in place, Main Street-Birthplace Trail received funding to link Downtown to the Birthplace, our #1 Tourist draw. All of these things we have been leveraging our investment to link Downtown. 2018 Main Street Refresh identified 4 strategies which are being targeted and implemented at this time. All of these things came through study, changes in definitions have given more flexibility and has helped lay the groundwork for Lucia and DTMSA to further enhance the product we have here in Tupelo to expand our tax base and the success we have had over the last 30 years. We've maintained the vision, remained true to it, and set the table for the next 30 years.

Newman then asked DTMSA Director Lucia Randle to come forward for her presentation. Randle thanked the committee and those present for the opportunity to speak. The improvements enjoyed today, came from studies done earlier. Randle explained the benefits to those in the proposed expansion areas of the MUD district proposed for Gateway East and Gateway West. Randle mentioned that DTMSA has a four point approach, a comprehensive plan for revitalization, which has been the foundation for all the work going on before and going forward. 1. Economic Vitality, 2. Design, 3. Organization, and 4. Promotion. If these needs are met in all four areas, it results in transformation of an area. With the partnership of the National Main Street organization, the Mississippi Main Street organization, with Downtown Tupelo Main Street Association which is a Great America Main Street Winner, and this partnership with the City of Tupelo and private investors, we can provide the needed resources to Gateway East and Gateway West to bring economic vitality and a visually pleasing connection to Downtown Tupelo for our citizens and guests. Newman then introduced Convention and Visitors Bureau Director, Neal McCoy for his presentation.

Neal McCoy mentioned that his organization can be described as a DMO, which has stood for "Destination Marketing Organization". Place an ad and hope that folks show up. In today's competitive environment, it now stands for "Destination Management Organization". It's not enough to place an ad and hope people show up, you now must create experiences through events. McCoy said you would be hard-pressed to find another community in MS that has a better "front porch" than right here in Downtown Tupelo. Our presentation on Main Street is second to none when you arrive. What CVB looks for now is "What's Next?" We've stuck to the plan, revitalized Downtown Tupelo and now must look to what the next 15-20 years looks like for us. When we invite folks from all over the world to the Birthplace, we want to connect the dots. We do a great job at the Birthplace, but there is an opportunity to connect the dots between the Birthplace and Downtown Tupelo. The City has done the heavy lifting, but the MDOT grant that Debbie referred to means the infrastructure is in place, and now we work with the private sector to create opportunities for commerce along East Main Street. The same thing goes for the western part extending out to Crosstown. So when visitors are arriving into the Downtown area, we want to extend the aesthetically pleasing Main Street presentation. It's all about Destination Management, place making, creating experiences. If a community is a great place to visit that means it's a great place to live.

Newman said that the success of Downtown and Fair Park speaks in and of itself and the goal of project is to expand access both east and west, and that is why we are requesting the rezoning of East Main from Hwy 45 to Veterans and West Main from Madison Street to Crosstown in the Mixed Use Downtown district and with that will come the Gateway East and Gateway West sub-districts which will allow any future development along those stretches to have the amenities and assistance of DTMSA and their design review team reviewing any type of development, exterior facades and assistance with the overall design of any new development. So one of the things we are shooting for is to connect the Birthplace with Downtown. The City has already done

the heavy lifting, the utility work, the street work, and now we are looking at the property along that stretch and how we can facilitate the revitalization of that stretch. So the same thing goes for the West Main parcels from Madison to Crosstown, offering them the same kind of assistance. Part of this overall project is that we are offering them 5-year tax abatement on any new development or redevelopment that spends \$10,000 that will receive a 5-year tax abatement that basically means that those that invest that, their property tax will freeze at the level they purchased the property for, so any increase in property value, they would not be taxed on that till that five-year period is over. It's a joint effort, we are all here to answer any questions the committee or the public might have.

Chair Hadley then opened the floor for questions, hearing none, the public input section was closed and opened up the meeting for discussion among the committee members.

Scott Davis asked a question about the closing times suggested for businesses staying open past 5PM. Savely responded that during review of Main Street Refresh, our Central Entertainment District emphasizes after 5PM business. There are certain streets already that have potential to expand what is already there drawing the after-hours pedestrian traffic and we want to encourage that. Newman stressed that current uses will be grandfathered in, but when those locations change occupancy, ownership or use, they would have to come into compliance with these requirements in order to accomplish the goal as we move forward. Leslie Mart asked about those currently under construction. Newman replied that if you currently have a construction permit for a use, or a certificate of occupancy, no changes would be required until any new construction permit came in or certificate of occupancy request after this is approved by the Planning Committee and City Council. Tax incentives are already in place and can be used.

Bentley Nolan asked why this stopped at Veterans instead of going all the way to the turn off of Main to the Birthplace. Neal McCoy said that the idea was to follow the path of the Birthplace Trail which turns off of Main north to at Veterans. It could be expanded later. Newman said he hopes that others Downtown will see the success and hope to expand areas all around the City. There was much other discussion but it came back to the same priority of following the pathway to the Birthplace where the infrastructure followed the grant for the Birthplace Trail. This is not being proposed now, but could be brought up later, since this path and legal notifications did not include those areas in the rezoning process. Newman said you could ask for it to be studied but could not be added in this request. Mart commended the team for their hard work, commitment and perseverance in getting this done.

Bentley Nolan made a motion to approve RZ22-03 (the rezoning), seconded by Scott Davis, with the vote unanimous to approve. After much discussion explaining the reason behind some of the text changes, Mark Williams made a motion to approve TA22-03 (updates to Chapter 2 Definitions and Rules of Construction and Chapter 5 Overlay Districts), seconded by Leslie Mart with the vote all in favor passing unanimously.

Leslie Mart made a motion for the Planning Committee to formally request that the Department of Development Services consider adding the three blocks from Briar Ridge Road/Elvis Presley Drive and Main Street to Veterans Memorial Drive to the Gateway East sub-district. Seconded by Bentley Nolan. All approved that motion except Mark Williams who voted against the motion.

Savely mentioned next steps would be for these motions to be presented to City Council in the form of the minutes and voted on by the Council October 4<sup>th</sup>, however a work session with the Council will be held tomorrow, September 13<sup>th</sup>. The Planning Committee Work Session will be Monday, September 26<sup>th</sup> at 5:15 PM, and the October Planning Committee Meeting will be at 6PM on October 3<sup>rd</sup>, 2022. As of now, there are only two items on the agenda, those that were tabled here tonight. With there being no further business, the meeting was adjourned after a unanimous vote.



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**FEDERAL BUREAU OF INVESTIGATION  
JACKSON SAFE STREETS TASK FORCE (SSTF)  
MEMORANDUM OF UNDERSTANDING AND  
TUPELO POLICE DEPARTMENT (TPD)****PARTIES**

1. This Memorandum of Understanding (MOU) is entered into by and between the **FEDERAL BUREAU OF INVESTIGATION (FBI)** and the **TUPELO POLICE DEPARTMENT (TPD)**. Nothing in this MOU should be construed as limiting or impeding the basic spirit of cooperation which exists between these agencies.

**AUTHORITIES**

2. Authority for the FBI to enter into this agreement can be found at Title 28, United States Code (U.S.C.), Section (§) 533; 34 U.S.C. § 10211; Title 28, Code of Federal Regulations (C.F.R.), § 0.85; and applicable United States Attorney General's Guidelines.

**PURPOSE**

3. The purpose of this MOU is to delineate the responsibilities of the Jackson Safe Streets Task Force (SSTF) personnel; formalize relationships between participating agencies for policy guidance, planning, training, public and media relations; and maximize inter-agency cooperation. This MOU is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof. No assignment or rights, duties, or obligations of this MOU shall be made by any party without the express written approval of a duly authorized representative of all other parties.

**MISSION**

4. The mission of the SSTF is to identify and target for prosecution criminal enterprise groups responsible for drug trafficking, money laundering, alien smuggling, crimes of violence such as murder and aggravated assault, robbery, and violent street gangs, as well as to intensely focus on the apprehension of dangerous fugitives where there is or may be a federal investigative interest. The SSTF will enhance the effectiveness of federal/state/local law enforcement resources through a well-coordinated initiative seeking the most effective investigative/prosecutive avenues by which to convict and incarcerate dangerous offenders.

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**SUPERVISION AND CONTROL****A. Supervision**

5. Overall management of the SSTF shall be the shared responsibility of the FBI and participating agency heads and/or their designees.
6. The Special Agent in Charge (SAC) of the FBI Jackson Division shall designate one Supervisory Special Agent (SSTF Supervisor) to supervise the SSTF. The SSTF Supervisor may designate a Special Agent to serve as the SSTF Coordinator. Either the SSTF Supervisor or the SSTF Coordinator shall oversee day-to-day operational and investigative matters pertaining to the SSTF.
7. Conduct undertaken outside the scope of an individual's SSTF duties and assignments under this MOU shall not fall within the oversight responsibility of the SSTF Supervisor or SSTF Coordinator.
8. SSTF personnel will report to his or her respective agency for personnel and administrative matters. Each participating agency shall be responsible for the pay, overtime, leave, performance appraisals, and other personnel matters relating to its employees detailed to the SSTF. The FBI and the participating agency may provide for overtime reimbursement by the FBI by separate written agreement.
9. All FBI personnel will adhere to the FBI's ethical standards, including Department of Justice (DOJ)/FBI regulations relating to outside employment and prepublication review matters, and will remain subject to the Supplemental Standards of Ethical conduct for employees of the DOJ.
10. All SSTF personnel, which includes Task Force Officers, Task Force Members, and Task Force Participants, must adhere to the applicable U.S. Attorney General's Guidelines and Domestic Investigations and Operations Guide (DIOG).
11. SSTF personnel will continue to report to their respective agency heads for non-investigative administrative matters not detailed in this MOU.
12. Continued assignment of personnel to the SSTF will be based on performance and at the discretion of appropriate management. The FBI SAC and SSTF Supervisor will also retain discretion to remove any individual from the SSTF.

**B. Case Assignment**

13. The FBI SSTF Supervisor will be responsible for opening, monitoring, directing, and closing SSTF investigations in accordance with existing FBI policy and the applicable U.S. Attorney General's Guidelines.

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14. Assignments of cases to personnel will be based on, but not limited to, experience, training, and performance, in addition to the discretion of the SSTF Supervisor.
15. For FBI administrative purposes, SSTF cases will be entered into the relevant FBI computer system.
16. SSTF personnel will have equal responsibility for each case assigned. SSTF personnel will be responsible for complete investigation from predication to resolution.

**C. Resource Control**

17. The head of each participating agency shall determine the resources to be dedicated by that agency to the SSTF, including personnel, as well as the continued dedication of those resources. The participating agency head or designee shall be kept fully apprised of all investigative developments by his or her subordinates.

**OPERATIONS****A. Investigative Exclusivity**

18. It is agreed that matters designated to be handled by the SSTF will not knowingly be subject to non-SSTF law enforcement efforts by any of the participating agencies. It is incumbent on each agency to make proper internal notification regarding the SSTF's existence and areas of concern.
19. It is agreed that there is to be no unilateral action taken on the part of the FBI or any participating agency relating to SSTF investigations or areas of concern as described in paragraph 4. All law enforcement actions will be coordinated and cooperatively carried out.
20. SSTF investigative leads outside of the geographic areas of responsibility for the FBI Jackson Division will be communicated to other FBI offices for appropriate investigation.

**B. Confidential Human Sources**

21. The disclosure of FBI informants, or Confidential Human Sources (CHSs), to non-SSTF personnel will be limited to those situations where it is essential to the effective performance of the SSTF and only with prior FBI approval. These disclosures will be consistent with applicable FBI guidelines and policy.
22. Non-FBI SSTF personnel may not make any further disclosure of the identity of an FBI CHS, including to other individuals assigned to the SSTF. No documents or information which identify, tend to identify, or may indirectly identify an FBI CHS may be released without prior FBI approval.

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23. In those instances where a participating agency provides a CHS, the FBI may become solely responsible for the CHS's continued development, operation, and compliance with necessary administrative procedures regarding operation and payment as set forth by the FBI.
24. The U.S. Attorney General's Guidelines and FBI policy and procedure for operating FBI CHSs shall apply to all FBI CHSs opened and operated in furtherance of SSTF investigations. Documentation of, and any payments made to, FBI CHSs shall be in accordance with FBI policy and procedure.
25. Operation, documentation, and payment of any CHS opened and operated in furtherance of an SSTF investigation must be in accordance with the U.S. Attorney General's Guidelines, regardless of whether the handling agency is an FBI SSTF participating agency. Documentation of state, county, or local CHSs opened and operated in furtherance of SSTF investigations shall be maintained at an agreed upon location.

**C. Reports and Records**

26. All investigative reporting will be prepared in compliance with existing FBI policy. Subject to pertinent legal and/or policy restrictions, copies of pertinent documents created by SSTF personnel will be made available for inclusion in the respective investigative agencies' files as appropriate.
27. SSTF reports prepared in cases assigned to SSTF personnel will be maintained at an FBI approved location; original documents will be maintained by the FBI.
28. Records and reports generated in SSTF cases which are opened and assigned by the SSTF Supervisor with designated oversight for investigative and personnel matters will be maintained in the FBI investigative file for SSTF.
29. SSTF investigative records maintained at the Jackson Field Office of the FBI will be available to all SSTF personnel, as well as their supervisory and command staff subject to pertinent legal, administrative and/or policy restrictions.
30. All evidence and original tape recordings (audio and video) acquired by the FBI during the course of the SSTF investigations will be maintained by the FBI. The FBI's rules and policies governing the submission, retrieval, and chain of custody will be adhered to by SSTF personnel.
31. All SSTF investigative records will be maintained at an approved FBI location. Placement of all or part of said information into participating agency files rests with the discretion of supervisory personnel of the concerned agencies, subject to SSTF Supervisor approval.
32. Classified information and/or documents containing information that identifies or tends to identify an FBI CHS shall not be placed in the files of participating agencies unless appropriate FBI policy has been satisfied and only with prior FBI approval.

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**INFORMATION SHARING**

33. Records or reports created or obtained by the SSTF are the property of the FBI and disclosure of such records, if it occurs, shall be pursuant to applicable federal law, with the approval of the FBI. If such records are shared outside of the SSTF with state and/or local law enforcement agencies, such records are merely loaned to the non-Federal agency and are subject to retrieval by the FBI at its discretion. In the event that the TPD receives a request pursuant to Mississippi Public Records Act's public records statute, M.S. Code 21-61-5, the civil or criminal discovery process, or other judicial, legislative, or administrative process, to disclose SSTF records, the TPD will immediately notify the FBI of any such request in order to allow sufficient time for the FBI to seek to prevent disclosure through appropriate channels, if necessary.
34. No information possessed by the FBI, to include information derived from informal communications between SSTF personnel and FBI employees not assigned to the SSTF, may be disseminated by SSTF personnel to non-SSTF personnel without the approval of the SSTF Supervisor and in accordance with the applicable laws and internal regulations, procedures, or agreements between the FBI and the participating agencies that would permit the participating agencies to receive that information directly. Likewise, SSTF personnel will not provide any participating agency information to the FBI that is not otherwise available to it unless authorized by appropriate participating agency officials.
35. The Parties acknowledge that this MOU may provide SSTF personnel with access to information about U.S. persons which is protected by the Privacy Act of 1974 and/or Executive Order 12333. The Parties expressly agree that all such information will be handled lawfully pursuant to the provisions thereof. The Parties further agree that if this access to information by SSTF personnel requires a change in privacy compliance documents, those changes will be accomplished prior to access being granted.
36. Each Party that discloses personally identifiable information (PII) is responsible for making reasonable efforts to ensure that the information disclosed is accurate, complete, timely, and relevant.
37. The FBI is providing access to information from its records with the understanding that in the event the recipient becomes aware of any inaccuracies in the data, the recipient will promptly notify the FBI so that corrective action can be taken. Similarly, if the FBI becomes aware that information it has received pursuant to this MOU is inaccurate, it will notify the contributing Party so that corrective action can be taken.
38. Each Party is responsible for ensuring that information it discloses was not knowingly obtained or maintained in violation of any law or policy applicable to the disclosing Party, and that information is only made available to the receiving Party as may be permitted by laws, regulations, policies, or procedures applicable to the disclosing Party.

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39. Each Party will immediately report to the other Party each instance in which data received from the other Party is used, disclosed, or accessed in an unauthorized manner (including any data losses or breaches).
40. Each party agrees to provide, upon request, details regarding the handling and maintenance of data in electronic and paper recordkeeping systems maintained pursuant to the provisions of this MOU, in order to allow the other party to ensure that appropriate security and privacy protections are in place. Such information shall be provided to the extent allowable by the laws, regulations, and policies governing each party.

**PROSECUTIONS**

41. SSTF investigative procedures, whenever practicable, are to conform to the requirements which would allow for either federal or state prosecution.
42. A determination will be made on a case-by-case basis whether the prosecution of SSTF cases will be at the state or federal level. This determination will be based on the evidence obtained and a consideration of which level of prosecution would be of the greatest benefit to the overall objectives of the SSTF.
43. In the event that a state or local matter is developed that is outside the jurisdiction of the FBI or it is decided to prosecute a SSTF case at the state or local level, the FBI agrees to provide all relevant information to state and local authorities in accordance with all applicable legal limitations.

**A. Investigative Methods/Evidence**

44. For cases assigned to an FBI Special Agent or in which FBI CHSs are utilized, the Parties agree to conform to federal standards concerning evidence collection, processing, storage, and electronic surveillance. However, in situations where the investigation will be prosecuted in the State Court where statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by FBI case agents shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
45. In all cases assigned to state, county, or local law enforcement participants, the Parties agree to utilize federal standards pertaining to evidence handling and electronic surveillance activities as outlined in the DIOG to the greatest extent possible. However, in situations where the statutory or common law of the state is more restrictive than the comparable federal law, the investigative methods employed by state and local law enforcement agencies shall conform to the requirements of such statutory or common law pending a decision as to venue for prosecution.
46. The use of other investigative methods (search warrants, interceptions of oral communications, etc.) and reporting procedures in connection therewith will be consistent with the policies and procedures of the FBI.

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**B. Undercover Operations**

47. All SSTF undercover operations will be conducted and reviewed in accordance with FBI guidelines and the U.S. Attorney General's Guidelines on FBI Undercover Operations. All participating agencies may be requested to enter into an additional agreement if an employee of the participating agency is assigned duties which require the officer to act in an undercover capacity.

**USE OF LESS-THAN-LETHAL-DEVICES<sup>1</sup>**

48. The parent agency of each individual assigned to the SSTF will ensure that while the individual is participating in FBI-led task force operations in the capacity of a task force officer, task force member, or task force participant, the individual will carry only less-lethal devices that the parent agency has issued to the individual, and that the individual has been trained in accordance with the agency's policies and procedures.
49. The parent agency of each individual assigned to the SSTF will ensure that the agency's policies and procedures for use of any less-lethal device that will be carried by the task force officer, task force member, or task force participant are consistent with the DOJ policy statement on the Use of Less-Than-Lethal Devices.<sup>2</sup>

**DEADLY FORCE AND SHOOTING INCIDENT POLICIES**

50. SSTF personnel will follow their own agencies' policies concerning firearms discharge and use of deadly force.

**DEPUTATIONS**

51. Local and state law enforcement personnel designated to the SSTF, subject to a limited background inquiry, shall be sworn as federal task force officers either by acquiring Title 21 or Title 18 authority (via the United States Marshals), with the FBI securing the

<sup>1</sup> Pursuant to Section VIII of the DOJ Less-Than-Lethal Devices Policy dated May 16, 2011, all state/local officers participating in joint task force operations must be made aware of and adhere to the policy and its limits on DOJ officers.

<sup>2</sup> Less-lethal – When use of force is required, but deadly force may not be appropriate, law enforcement officers may employ less-lethal weapons to gain control of a subject. Less-lethal weapons are designed to induce a subject to submit or comply with directions. These weapons give law enforcement officers the ability to protect the safety of officers, subjects, and the public by temporarily incapacitating subjects. While less-lethal weapons are intended to avoid causing any serious harm or injury to a subject, significant injuries and death can occur from their use.

The term "less-than-lethal" is synonymous with "less-lethal", "non-lethal", "non-deadly", and other terms referring to devices used in situations covered by the DOJ Policy on the Use of Less-Than-Lethal Devices. "Less-lethal" is the industry standard and the terminology the FBI has elected to utilize in reference to this policy.

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required deputation authorization. These deputations should remain in effect throughout the tenure of each investigator's assignment to the SSTF or until the termination of the SSTF, whichever comes first.

52. Deputized SSTF personnel will be subject to the rules and regulations pertaining to such deputation. Administrative and personnel policies imposed by the participating agencies will not be voided by deputation of their respective personnel.
53. State, local, tribal, and territorial law enforcement officers (LEOs) who serve on the SSTF must be federally deputized under Title 18 and/or Title 21 of the USC while assigned to the SSTF. The FBI may likewise require federal LEOs who serve on the SSTF to be deputized while assigned to the SSTF. The FBI will secure the required authorization for deputations, as needed.
54. Under the terms of this MOU, the Participating Agency agrees that non-LEOs detailed to the SSTF will not: (1) participate in law enforcement activities; (2) carry a weapon, either lethal or non-lethal; or (3) participate in the execution of search/arrest warrants.

**VEHICLES**

55. In furtherance of this MOU, employees of participating agencies may be permitted to drive FBI owned or leased vehicles for official SSTF business and only in accordance with applicable FBI policy, rules and regulations, including those outlined in the FBI Government Vehicle Use Policy Guide (1093PG). The assignment of an FBI owned or leased vehicle to participating agency SSTF personnel will require the execution of a separate Vehicle Use Agreement.
56. The participating agencies agree that FBI vehicles will not be used to transport passengers unrelated to SSTF business.
57. Neither the FBI nor the United States shall be responsible for any liability arising from the use of an FBI owned or leased vehicle by SSTF while engaged in any conduct outside the scope of their duties and assignments pursuant to their federal deputation on the SSTF.
58. To the extent permitted by applicable law, TPD agrees to hold harmless the FBI and the United States for any claim for property damage or personal injury arising from any use of an FBI owned or leased vehicle by SSTF which is outside the scope of their duties and assignments.

**SALARY/OVERTIME COMPENSATION****FOR OFFICIAL USE ONLY**



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59. The FBI and each participating agency remain responsible for all personnel costs for their SSTF representatives, including salaries, overtime payments, and fringe benefits consistent with their respective agency, except as described in paragraph 60 below.
60. Subject to funding availability and legislative authorization, the FBI will reimburse to participating agencies the cost of overtime worked by non-federal SSTF personnel assigned full-time to SSTF, provided overtime expenses were incurred as a result of SSTF-related duties, and subject to the provisions and limitations set forth in a separate Cost Reimbursement Agreement to be executed in conjunction with this MOU. A separate Cost Reimbursement Agreement must be executed between the FBI and participating agencies for full-time employee(s) assigned to SSTF, consistent with regulations and policy, prior to any reimbursement by the FBI. Otherwise, overtime shall be compensated in accordance with applicable participating agency overtime provisions and shall be subject to the prior approval of appropriate personnel.

**PROPERTY AND EQUIPMENT**

61. Property utilized by the SSTF in connection with authorized investigations and/or operations and in the custody and control and used at the direction of the SSTF, will be maintained in accordance with the policies and procedures of the agency supplying the equipment. Property damaged or destroyed which was utilized by SSTF in connection with authorized investigations and/or operations and is in the custody and control and used at the direction of SSTF, will be the financial responsibility of the agency supplying said property.

**FUNDING**

62. This MOU is not an obligation or commitment of funds, nor a basis for transfer of funds, but rather is a basic statement of the understanding between the Parties hereto of the tasks and methods for performing the tasks described herein. Unless otherwise agreed in writing, each Party shall bear its own costs in relation to this MOU. Expenditures by each Party will be subject to its budgetary processes and to the availability of funds and resources pursuant to applicable laws, regulations, and policies. The Parties expressly acknowledge that the above language in no way implies that Congress will appropriate funds for such expenditures.

**FORFEITURES**

63. The FBI shall be responsible for processing assets seized for federal forfeiture in conjunction with SSTF operations.
64. Asset forfeitures will be conducted in accordance with federal law and the rules and regulations set forth by the FBI and DOJ. Forfeitures attributable to SSTF investigations may be equitably shared with the agencies participating in the SSTF.

**DISPUTE RESOLUTION****FOR OFFICIAL USE ONLY**

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65. In cases of overlapping jurisdiction, the participating agencies agree to work in concert to achieve the SSTF's objectives.
66. The participating agencies agree to attempt to resolve any disputes regarding jurisdiction, case assignments, workload, etc., at the field level first before referring the matter to supervisory personnel for resolution.

**MEDIA RELEASES**

67. All media releases and statements will be mutually agreed upon and jointly handled according to FBI and participating agency guidelines.
68. Press releases will conform to DOJ Guidelines regarding press releases. No release will be issued without FBI final approval.

**SELECTION TO SSTF AND SECURITY CLEARANCES**

69. If a participating agency candidate for the SSTF will require a security clearance, he or she will be contacted by FBI security personnel to begin the background investigation process prior to the assigned start date.
70. If, for any reason, the FBI determines that a participating agency candidate is not qualified or eligible to serve on the SSTF, the participating agency will be so advised and a request will be made for another candidate.
71. Upon being selected, each candidate will receive a comprehensive briefing on FBI field office security policies and procedures. During the briefing, each candidate will execute non-disclosure agreements (SF-312 and FD-868), as may be necessary or required by the FBI.
72. Before receiving unescorted access to FBI space identified as an open storage facility, SSTF personnel will be required to obtain and maintain a "Top Secret" security clearance. SSTF personnel will not be allowed unescorted access to FBI space unless they have received a Top Secret security clearance.
73. Upon departure from the SSTF, each individual whose assignment to the SSTF is completed will be given a security debriefing and reminded of the provisions contained in the non-disclosure agreement to which he or she previously agreed.

**LIABILITY**

74. The Parties acknowledge that this MOU does not alter the applicable law governing civil liability, if any, arising from the conduct of personnel assigned to the SSTF.

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75. Each party agrees to notify the other in the event of receipt of a civil claim arising from the conduct of personnel assigned to the SSTF or otherwise relating to the SSTF. Both parties agree to cooperate fully with one another in the event of any investigation arising from alleged negligence or misconduct arising from acts or omissions related to the SSTF. Nothing in this paragraph prevents any party from conducting an independent administrative review of any incident giving rise to a claim. In the event that a civil claim or complaint is brought against a state or local officer assigned to the SSTF, the officer may request legal representation and/or defense by DOJ, under the circumstances and pursuant to the statutes and regulations identified below.
76. COMMON LAW TORT CLAIMS
- A. Congress has provided that the exclusive remedy for the negligent or wrongful act or omission of an employee of the U.S. Government, acting within the scope of his or her employment, shall be an action against the United States under the Federal Tort Claims Act, 28 U.S.C. § 1346(b), and §§ 2671-2680.
  - B. Notwithstanding any other provision contained in this MOU, for the limited purpose of defending civil claims arising out of [operational relationship] activity, any employee detailed from a Participating Agency who is acting within the course and scope of his or her official duties and assignments pursuant to this MOU may be considered an "employee" of the U.S. government, as defined at 28 U.S.C. § 2671. See 5 U.S.C. § 3374(c)(2).
  - C. Under the Federal Employee Liability Reform and Tort Compensation Act of 1998 (commonly known as the Westfall Act), see 28 U.S.C. § 2679(b)(1), if an employee of the United States is named as a defendant in a civil action, the Attorney General or his or her designee may certify that the defendant acted within the scope of his or her employment at the time of the incident giving rise to the suit. 28 U.S.C. § 2679(d)(1)&(2). The United States can then be substituted for the employee as the sole defendant with respect to any tort claims alleged in the action. 28 U.S.C. § 2679(d)(1)&(2). Decisions to certify that an employee was acting within the scope of his or her employment at the time of the incident giving rise to the suit, see 28 U.S.C. § 2679(d)(1)&(2), are made on a case-by case-basis, and such certification cannot be guaranteed.
  - D. If the Attorney General declines to certify that an employee was acting within the scope of employment, "the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment." 28 U.S. C. § 2679(d)(3)."
77. For the limited purpose of defending against a civil claim arising from an alleged violation of the U.S. Constitution pursuant to 42 U.S.C. § 1983 or Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971): an individual assigned to the SSTF who is named as a defendant in a civil action as a result of or in connection with the performance of his or her official duties and assignments pursuant to this MOU may request individual-capacity representation by DOJ to defend against the claims. 28 C.F.R. §§ 50.15, 50.16. Any such request for individual-capacity representation must be made in the form of a letter from the individual defendant to the U.S. Attorney General.

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The letter should be provided to Chief Division Counsel (CDC) for the FBI Jackson Division, who will then coordinate the request with the FBI Office of the General Counsel. In the event of an adverse judgment against the individual, he or she may request indemnification from DOJ. 28 C.F.R. § 50.15(c)(4). Requests for DOJ representation and indemnification are determined by DOJ on a case-by-case basis. The FBI cannot guarantee the United States will provide legal representation or indemnification to any SSTF personnel.

78. Liability for any conduct by SSTF undertaken outside of the scope of their duties and assignments pursuant to their federal deputation on the SSTF shall not be the responsibility of the FBI or the United States.

**DURATION**

79. The term of this MOU is for the duration of the SSTF's operations, contingent upon approval of necessary funding, but may be terminated at any time upon written mutual consent of the agency involved.
80. Any participating agency may withdraw from the SSTF at any time by written notification to the SSTF Supervisor with designated oversight for investigative and personnel matters or program manager of the SSTF at least 30 days prior to withdrawal.
81. Upon termination of this MOU, all equipment provided to the SSTF will be returned to the supplying agency/agencies. In addition, when an entity withdraws from the MOU, the entity will return equipment to the supplying agency/agencies. Similarly, remaining agencies will return to a withdrawing agency any unexpended equipment supplied by the withdrawing agency during any SSTF participation.

**MODIFICATIONS**

82. This agreement may be modified at any time by written consent of all involved agencies.
83. Modifications to this MOU shall have no force and effect unless such modifications are reduced to writing and signed by an authorized representative of each participating agency.


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**SIGNATORIES**

As to form only   
Chief Division Counsel

8/25/22  
Date

  
Special Agent in Charge  
Federal Bureau of Investigation

10/07/2022  
Date

John P. Ak  
Chief  
Tupelo Police Department

9/28/22  
Date

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Tupelo Coliseum Commission  
Regular Meeting Minutes  
August 15, 2022

Be it known the Tupelo Coliseum Commission did meet in regular session Monday, August 15, 2022 at 3:00 p.m. in the Commerce Room with the following present:

Chair- Nat Grubbs  
Vice-Chair Neal McCoy  
Commissioner- Marcus McCoy  
Commissioner- Mike Armour  
Commissioner- Jason Hayden  
Commissioner- Darrell Marecle  
Commissioner Jonathan Waller  
Commission Secretary-Cindy Murphy

Representatives of the City of Tupelo Present:

Kevan Kirkpatrick –Executive Director -BancorpSouth Arena and Conference Center  
Rosiland Barr- Assistant CFO  
Buddy Palmer- City Council

Chair- Nat Grubbs called the meeting to order at 3:00 p.m.

**Approval of Minutes from July 25, 2022 Regular Meeting Minutes**

Vice-Chair Neal McCoy made a motion to approve the minutes from July 25, 2022, as written seconded by Commissioner Jason Hayden. All commission members voting aye, the motion passed.

**Financial Report**

Rosiland Barr discussed the financial report.

**New Business**

Kevan discussed our 2022-2023 budget overview. Commissioner Darrell Marecle made a motion to approve as written, seconded by Commission Marcus McCoy. All commission members voting aye, the motion passed.

September Commission meeting was discussed about moving the date to September 26<sup>th</sup>. Commissioner Jason Hayden made a motion to approve, seconded by Commissioner Darrell Marecle. All commission members voting aye, the motion passed.

SMC Recycling of scrap metal to remove all the old chiller equipment was discussed. SMC Recycling paying us at 7 cents a pound. Commissioner Jonathan Waller made a motion to

approve, seconded by Commission Secretary Cindy Murphy. All commission members voting aye, the motion passed.

**Director's Report**

Kevan began by giving us an update on the current projects we have under construction. The concourse floors, chiller and ice plant projects.

Kevan informed the commission he is in the beginning stages of searching for an Assistant Director.

Kevan gave an update on our past events. We had Dancing Like the Stars on July 30<sup>th</sup>. This was a record year for them. Our Conference Center held 12 meeting events.

Kevan also updated us on the upcoming events. We have Brantley Gilbert and Jelly Roll on August 26<sup>th</sup>, Dru Hill, Tamar Braxton and Silk on September 3<sup>rd</sup>, 911 Stair Climb on September 10<sup>th</sup> and 41 meeting events.

**Old Business:**

None was discussed

**Beverage Approval:**

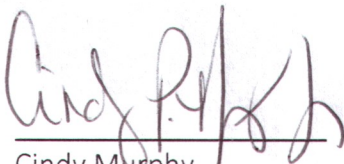
Beverage approval for Brantley Gilbert & Jelly Roll on August 26<sup>th</sup> and Dru Hill, Tamar Braxton and Silk on September 3<sup>rd</sup> was discussed. Commissioner Jason Hayden made a motion to approve, seconded by Commission Secretary Cindy Murphy. All commissioners voted aye; the motion passed.

**Check Approval:**

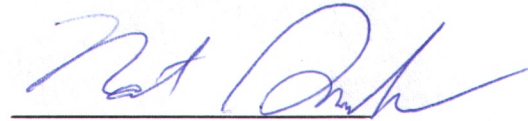
Vice-Chair Neal McCoy asked for a motion to approve the checks from July. Commissioner Jonathan Waller made a motion to approve, seconded by Commissioner Mike Armour. All commissioners voted aye; the motion passed.

**Adjournment:**

Chair- Nat Grubbs adjourned the meeting at approximately 3:22 p.m.



Cindy Murphy  
Secretary



Nat Grubbs  
Chair

**CONTRACT CHANGE ORDER**

DATE: 9/30/22 CHANGE ORDER NO. 2 (Final)  
 CONTRACT FOR: Court St. Parking Lot Improvements  
 PROJECT NO.: BID NO. 2022-012PW  
 OWNER: CITY OF TUPELO  
 CONTRACTOR: Gregory Companies (D.B.A. Murphree Paving)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)					DECREASE in Contract Price	INCREASE in Contract Price
ITEM	DESCRIPTION	UNIT	UNIT PRICE	C. O. QNTY.		
<b>SEE ATTACHED BREAKDOWN OF COSTS / SUMMARY OF QUANTITIES</b>						
TOTALS					\$ -	\$ 27,678.71
<b>NET CHANGE IN CONTRACT PRICE</b>					<b>\$27,678.71</b>	

JUSTIFICATION FOR CHANGES: This change order is necessary in order to provide the final adjustment to quantites that is required to complete the project in accordance with the project requirements set forth in the Contract Documents. Adjustments were necessary to various pay items based on field conditions and impacts of weather, etc.

Original Contract Price: \$ 375,716.00  
 Previous Change Order(s) Amount: \$ 3,125.00  
 The amount of the Contract will be INCREASED by the Sum Of: Dollars \$ 27,678.71  
 The Contract Total Including this and previous Change Orders Will Be: Dollars \$ 406,519.71  
 The Contract Period Provided for Completion Will Be ~~(Increased)~~ ~~(Decreased)~~ (Unchanged): Days.

This document will become a supplement to the contract and all provisions will apply hereto.

Accepted  (Owner) \_\_\_\_\_ (Date)  
 Recommended  (Owner's Architect/Engineer) \_\_\_\_\_ 9/30/22 (Date)  
 Accepted  (Contractor) \_\_\_\_\_ (Date)



CHANGE ORDER #2 (FINAL SUMMARY OF QUANTITIES)								
COURT STREET PARKING LOT IMPROVEMENTS PROJECT								
CONTRACTOR: GREGORY COMPANIES / D.B.A. MURPHREE PAVING								
CITY OF TUPELO, MISSISSIPPI								
ITEM NO	DESCRIPTION	PLAN QNTY	UNIT	UNIT PRICE	CONTRACT TOTAL	FINAL QNTY	FINAL TOTAL	C.O. F-I TOTAL
1	MOBILIZATION	1	LS	5,500.00	\$ 5,500.00	1.00	\$ 5,500.00	\$0.00
2	EXCESS EXCAVATION	30	CY	191.60	\$ 5,748.00	140.82	\$ 26,981.11	\$21,233.11
3	BORROW EXCAVATION	300	CY	55.00	\$ 16,500.00	340.00	\$ 18,700.00	\$2,200.00
4	TOPSOIL / SOIL CONDITIONER	20	CY	147.80	\$ 2,956.00	50.00	\$ 7,390.00	\$4,434.00
5	CRUSHED STONE BASE COURSE	550	CY	87.12	\$ 47,916.00	609.59	\$ 53,107.48	\$5,191.48
6	CONCRETE PAVEMENT, LIGHT DUTY	3,010	SY	67.90	\$ 204,379.00	3,256.49	\$ 221,115.67	\$16,736.67
7	CONCRETE JOINT INSTALLATION	1,000	LF	5.05	\$ 5,050.00	357.00	\$ 1,802.85	(\$3,247.15)
8	6" CONCRETE HEADER CURB	900	LF	27.40	\$ 24,660.00	1,022.25	\$ 28,009.65	\$3,349.65
9	RECTANGULAR CONCRETE HEADER, Match Exist	120	LF	24.10	\$ 2,892.00	112.00	\$ 2,699.20	(\$192.80)
10	CONCRETE, CLASS B	6	CY	220.00	\$ 1,320.00	6.50	\$ 1,430.00	\$110.00
11	BRICK MASONRY FENCE PILASTERS	8	EA	1,225.00	\$ 9,800.00	6.55	\$ 8,023.75	(\$1,776.25)
12	FABRICATED METAL FENCE	112	LF	150.00	\$ 16,800.00	112.00	\$ 16,800.00	\$0.00
13	RELOCATED STEEL FENCE	8	LF	70.00	\$ 560.00	0.00	\$ -	(\$560.00)
14	DUMPSTER ENCLOSURE WITH GATE, PER PLANS	1	LS	20,200.00	\$ 20,200.00	0.00	\$ -	(\$20,200.00)
15	4' PAINTED TRAFFIC STRIPE, CONTINUOUS YELLOW	1500	LF	2.00	\$ 3,000.00	1,750.00	\$ 3,500.00	\$500.00
16	4' PAINTED TRAFFIC STRIPE, CONTINUOUS H.C. BLUE	310	LF	2.00	\$ 620.00	310.00	\$ 620.00	\$0.00
17	PAINTED TRAFFIC SYMBOL, YELLOW LEGEND	110	SF	1.50	\$ 165.00	110.00	\$ 165.00	\$0.00
18	STD. ADA H.C. PARKING SYMBOL, H.C. BLUE PA	4	EA	100.00	\$ 400.00	3.00	\$ 300.00	(\$100.00)
19	TEMPORARY TRAFFIC CONTROL	1	LS	2,500.00	\$ 2,500.00	1.00	\$ 2,500.00	\$0.00
20	TEMPORARY EROSION CONTROL	1	LS	4,750.00	\$ 4,750.00	1.00	\$ 4,750.00	\$0.00
21	<i>Change Order No. 1</i>	<i>1</i>	<i>LS</i>	<i>3,125.00</i>	<i>\$ 3,125.00</i>	<i>1.00</i>	<i>\$ 3,125.00</i>	<i>\$0.00</i>
				<b>TOTALS</b>	<b>\$378,841.00</b>		<b>\$406,519.71</b>	<b>\$27,678.71</b>