



TUPELO REGULAR CITY COUNCIL MEETING

JANUARY 05, 2021 AT 6:00 PM
COUNCIL CHAMBERS | CITY HALL

AGENDA

INVOCATION: COUNCILMAN BUDDY PALMER

PLEDGE OF ALLEGIANCE: COUNCILMAN MIKE BRYAN

CALL TO ORDER: COUNCIL PRESIDENT MIKE BRYAN

CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER

PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

PROCLAMATIONS

RECOGNITION GIRL/BOY SCOUTS

EMPLOYEE RECOGNITION

PUBLIC RECOGNITION

MAYOR'S REMARKS

(CLOSE REGULAR MEETING OPEN PUBLIC AGENDA)

PUBLIC AGENDA

PUBLIC HEARINGS

1. IN THE MATTER OF PUBLIC HEARING FOR REZONING PF
2. IN THE MATTER OF DEMOLITION PF

APPEALS

CITIZEN HEARING

(CLOSE PUBLIC AGENDA AND OPEN REGULAR SESSION)

ACTION AGENDA

- 3.** IN THE MATTER OF ORDINANCE AMENDING THE OFFICIAL ZONING MAP **PF**

ROUTINE AGENDA

- 4.** IN THE MATTER OF MINUTES OF REGULAR CITY COUNCIL MEETING ON DECEMBER 15, 2020
- 5.** IN THE MATTER OF BILL PAY **KH**
- 6.** IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS **KH**
- 7.** IN THE MATTER ELECTION PAY FOR DEPUTY CLERK **KH**
- 8.** IN THE MATTER OF RESOLUTION FOR POLL WORKER COMP **KH**
- 9.** IN THE MATTER OF REAPPOINTMENT OF GEORGE TAYLOR TO TUPELO HOUSING AUTHORITY BOARD OF COMMISSIONERS **JS**
- 10.** IN THE MATTER OF APPOINTMENT OF ORLANDO IVY TO POLICE ADVISORY BOARD **JS**
- 11.** IN THE MATTER OF APPOINTMENT OF STEVE MCALILLY TO THE TUPELO AIRPORT AUTHORITY BOARD **JS**
- 12.** IN THE MATTER OF SURPLUS K9 APPOLLO FOR RETIREMENT **BA**
- 13.** IN THE MATTER OF SURPLUS K9 EDGE FOR RETIREMENT **BA**
- 14.** IN THE MATTER OF PLANNING COMMITTEE MINUTES FOR DECEMBER 21, 2020 **PF**
- 15.** IN THE MATTER OF DEMOLITION **PF**
- 16.** IN THE MATTER OF CHANGE ORDER #3 FAIRPARK PHASE IV BID 2020-14FP **DB**
- 17.** IN THE MATTER OF MOA MISSISSIPPI MAIN STREET **DB**

(CLOSE REGULAR SESSION)

STUDY AGENDA

EXECUTIVE SESSION

ADJOURNMENT



AGENDA REQUEST

TO: Mayor and City Council
FROM: Pat Falkner, Director, Development Services
DATE December 18, 2020
SUBJECT: IN THE MATTER OF PUBLIC HEARING FOR REZONING PF

Request:

This item was moved from the Study Agenda at November 17, 2020 Council Meeting and tabled at the December 1, 2020 Council Meeting.

The Planning Committee recommended approval of a request from Red Oak Grove Church to change the zoning of 2003 South Veterans Boulevard from Industrial to Mixed Use Residential. A public hearing is required.



AGENDA REQUEST

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

Request that the following properties be considered for demolition:

1204 Hilda Ave.

1410 Forrest St.

571 N. Church St.



AGENDA REQUEST

TO: Mayor and City Council

FROM: Pat Falkner, Director, Development Services

DATE: December 18, 2020

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

Request:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF TUPELO, MISSISSIPPI

BY: _____
Mike Bryan, President

ATTEST:

Missy Shelton, Clerk of the Council

APPROVED:

Jason L. Shelton, Mayor

Date



AGENDA REQUEST

TO: Mayor and City Council

FROM: Missy Shelton, Council Clerk

DATE December 10, 2020

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

Request:

Please review and approve.

REGULAR CITY COUNCIL MEETING

MUNICIPAL MINUTES CITY OF TUPELO

STATE OF MISSISSIPPI

DECEMBER 15, 2020

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, December 15, 2020 at 6:00 p.m. with the following in attendance: Council members Markel Whittington, Travis Beard, Nettie Davis, Buddy Palmer, Mike Bryan and Willie Jennings; Attorney Ben Logan and Missy Shelton, Clerk of the Council. Councilman Lynn Bryan attended by ZOOM.

Councilman Markel Whittington gave the invocation. Councilman Travis Beard led the pledge of allegiance.

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

CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER

Councilman Palmer moved, seconded by Councilman Jennings, to confirm the agenda and agenda order with the following changes:

ADD Order Amending Previously Adopted Minutes of January 7, 2020

ADD: Appointment of Janis McCoy as Tupelo Municipal Election Commissioner

The vote was unanimous in favor.

PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

Councilman Willie Jennings wished all a Merry, Happy and Safe Holiday and encouraged everyone to be as safe as possible. He said that, even with the pandemic, the City of Tupelo has had a great financial year and thanked the Administration and Finance Department for all they do.

Councilman Buddy Palmer agreed with Councilman Jennings and wished everyone a Merry Christmas and said 2021 will be a great year.

Councilman Travis Beard wished all a Merry Christmas and a Happy New Year.

Councilwoman Davis extended Seasons Greetings to everyone and thanked Missy Shelton, Neal McCoy and Tracy Proctor for the beautiful decorations in the Council Chambers this year.

Councilman Lynn Bryan wished everyone a Merry Christmas and a Happy New Year. He also wished his wife a very Happy Birthday.

MAYOR'S REMARKS

Mayor Jason Shelton began by wishing everyone a Merry Christmas and a Happy New Year and saying how much he appreciates all that the Council, Department Heads and City employees do for the City and how well they all work together. The first COVID response was on February 28, 2020, and the Council has been remarkably proactive. The first COVID vaccine arrived at the North MS Medical Center today and it looks very promising. It is vitally important that everyone continue to wear masks, practice social distancing and do everything possible to minimize the spread of COVID. He encouraged the Council to approve the appointment of Janis McCoy to the Municipal Election Commission and to approve the budget amendment that is on tonight's Agenda. The "Mask Up Tupelo" campaign began this week to help encourage everyone to follow the CDC guidelines and to stay safe.

PUBLIC AGENDA**PUBLIC HEARINGS**

There were no Public Hearings.

APPEALS

There were no Appeals.

CITIZEN HEARING

There were no Citizen Hearings.

ACTION AGENDA**IN THE MATTER OF RESOLUTION CALLING AND PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION (MAJOR THOROUGHFARE PLAN PHASE VII)**

Councilman Whittington moved, seconded by Councilman Palmer, to approve the following Resolution:

A RESOLUTION CALLING AND PROVIDING FOR THE HOLDING OF A SPECIAL ELECTION WITHIN THE CITY OF TUPELO, MISSISSIPPI, TO DETERMINE IF THE CITY OF TUPELO SHALL INCREASE THE LIMITATION PRESCRIBED IN SECTION 27-39-321, MISSISSIPPI CODE OF 1972, AS AMENDED, TO AUTHORIZE CONTINUING THE SPECIAL LEVY OF TEN (10) MILLS OF AD VALOREM TAXES UPON ALL TAXABLE PROPERTY WITHIN THE CITY OF TUPELO FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021, AND FOR EACH OF THE NEXT FOUR (4) SUCCEEDING FISCAL YEARS THEREAFTER, THE TOTAL RECEIPTS FROM WHICH SPECIAL LEVY TO BE USED FOR THE PURPOSE OF STREET IMPROVEMENTS, INCLUDING CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES AND PURCHASING LAND THEREFOR

The vote was unanimous in favor of the Resolution. According to the Resolution, a special election shall be and the same is hereby called and ordered to be held within the City of Tupelo, Mississippi, on Tuesday, the 2nd day of February, 2021. An executed copy of the Resolution, including a copy of the Official Ballot, is attached to these minutes and made a part hereof as **APPENDIX A.**

IN THE MATTER OF NUISANCE PROPERTIES ORDINANCE

Councilman Jennings moved, seconded by Councilman Beard, to approve the following Ordinance:

ORDINANCE AMENDING CITY OF TUPELO CODE OF ORDINANCES BY ADDING CHAPTER 7, ARTICLE XIV, CHRONIC NUISANCE PROPERTY ORDINANCE AND AMENDING CERTAIN PROVISIONS OF THE RENTAL HOUSING CODE

After a discussion, the vote was unanimous in favor. **APPENDIX B**

ROUTINE AGENDA

IN THE MATTER OF MINUTES OF REGULAR CITY COUNCIL MEETING ON DECEMBER 1, 2020

Councilman Beard moved, seconded by Councilwoman Davis, to approve the minutes of the regular Council meeting dated December 1, 2020. The vote was unanimous in favor.

IN THE MATTER OF BILL PAY

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

IN THE MATTER OF BUDGET AMENDMENT #2

Councilwoman Davis moved, seconded by Councilman Whittington, to approve Budget Amendment #2 for fiscal year ending September 30, 2021. After an explanation by CFO Kim Hanna, the vote was unanimous. **APPENDIX D**

IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS

Councilman Beard moved, seconded by Councilman Whittington, to approve the advertising and promotional expense list, as submitted. The vote was unanimous in favor. **APPENDIX E**

IN THE MATTER OF APPROVAL OF HOMELAND SECURITY GRANT FOR THE EOD UNIT (K-9)

Councilman Whittington moved, seconded by Councilwoman Davis, to approve and accept the Homeland Security Grant for EOD Unit (K-9) in the amount of \$20,000 to purchase a K-9 as well as a vehicle retrofit to accommodate this K-9 vehicle. The vote was 7 - 0 in favor. **EXHIBIT F**

IN THE MATTER OF APPROVAL OF HOMELAND SECURITY GRANT FOR THE EOD UNIT

Councilwoman Davis moved, seconded by Councilman Beard, to approve and accept the Homeland Security Grant for EOD Unit in the amount of \$63,361 to purchase air purifying respirators, Smart-Ray X-ray, filters, Tyveks suits, booties, gloves, chemical gloves, chemical tape and a hazmat field sampling kit. The vote was 7 - 0 in favor. **EXHIBIT G**

IN THE MATTER OF SOLE SOURCE FOR COLORADO TIME SYSTEMS

Councilman Jennings moved, seconded by Councilman Palmer, to approve the Sole Source request from Alex Farned, Director of Tupelo Parks and Recreation/Tupelo Aquatic Center for the purchase of two LED Scoreboards for the Tupelo Aquatic Center. The Aquatic Center currently uses Colorado Time Systems for the timing system and the scoreboards must interact with it. The vote was unanimous in favor of the approval of Colorado Time Systems to furnish two score boards in the amount of \$58,000. All documentation required for sole source is attached to these minutes as **APPENDIX H**.

IN THE MATTER OF TUPELO SPORTS COUNCIL CONTRACT APPROVAL

Councilman Palmer moved, seconded by Councilman Whittington, to approve the following FY2020-2021 contracts:

Tupelo City Museum Association Agreement
 Tupelo Disc Golf Association Agreement
 Contract for Northeast MS Umpire Association
 Tupelo Skate Park Association Agreement
 Tupelo Friends of the Park Agreement
 Tupelo Youth Soccer Association Agreement
 Tupelo Aquatic Group Agreement
 Tupelo Fourth of July Celebration Association Agreement
 Tupelo Softball Association Agreement
 Tupelo Tennis Association Agreement
 Tupelo Therapeutic Recreation Association Agreement
 Tupelo Youth Baseball Association
 Veterans Council Agreement

The vote was unanimous in favor. An executed copy of the contracts are attached to these minutes as **APPENDIX I**.

IN THE MATTER OF SURPLUS AND RETIREMENT OF DUTY WEAPON (HASSELL)

Councilman Beard moved, seconded by Councilman Whittington, to declare as surplus and approve Sgt. Clay Hassell to purchase his duty weapon for \$1.00. Chief Bart Aguirre explained that it is common practice for a police officer to purchase his duty weapon upon retirement. The vote was unanimous in favor. **APPENDIX J**

IN THE MATTER OF SURPLUS VEHICLE

Police Chief Bart Aguirre requested that a 2016 Ford Police Interceptor, VIN #1FM5K8AR5GGC73217, be declared surplus. The vehicle is considered a total loss after an accident and is no longer of use for the City, except for parts. Councilman Whittington moved, seconded by Councilman Palmer, to surplus the vehicle for usable parts and scrap the rest. The vote was unanimous in favor. **APPENDIX K**

IN THE MATTER OF APPROVAL OF CONSTRUCTION CONTRACT FOR EASON BOULEVARD BRIDGE RIP RAP

Councilwoman Davis moved, seconded by Councilman Beard, to approve the construction contract with Parsons Earthworks for Bid 2020-036PW - Eason Boulevard Bridge Rip Rap - in the amount of \$645,775. This bid was awarded at the Council meeting held on November 3, 2020. The vote was unanimous in favor. **APPENDIX L**

IN THE MATTER OF BAD DEBT WRITE-OFF JULY 2019 – DECEMBER 2019

Councilman Jennings moved, seconded by Council Palmer, to approve writing off to the bad debt file a list of Water and Light Collections accounts. The total bad debt amount represents 0.0009% of the total revenue for the period of July 2019 thru December 2019. Efforts will continue to be made to collect these accounts even though they have been transferred to this accounting classification. The vote was unanimous in favor. A copy of the request is attached to these minutes as **APPENDIX M**.

IN THE MATTER OF TRA MINUTES DECEMBER 11, 2020

Councilman Palmer moved, seconded by Councilman Jennings, to accept the TRA Minutes dated December 10, 2020. The vote was unanimous in favor. **APPENDIX N**

IN THE MATTER OF BID REJECTION 2020-037FP MAINTENANCE

Attorney Ben Logan reviewed the bid solicitation notice and bid responses for Bid 2020-037FP - Ground Maintenance for Fairpark and Downtown. He recommended to the Council to reject the bids received and seek requests for proposals that will allow the evaluation of price, cost, technical and management factors. Whittington moved, seconded by Councilman Palmer, to reject the Ground Maintenance for Fairpark and Downtown bid. The vote was unanimous in favor. **APPENDIX O**

IN THE MATTER OF PROCUREMENT FOR GROUNDS MAINTENANCE AND HOUSEKEEPING OF FAIRPARK DISTRICT CAMPUS AND DOWNTOWN TUPELO CORE GENERAL GROUNDS MAINTENANCE

After a lengthy discussion, Councilman Whittington moved, seconded by Councilman Palmer, to procure the personal services contract, Grounds Maintenance and Housekeeping of the Fairpark District

Campus and Downtown Tupelo Core General Grounds Maintenance, through a request for proposal. This method is deemed to be the most advantageous and practicable for the municipality to procure these services. The vote was unanimous in favor. **APPENDIX P**

IN THE MATTER OF COLISEUM MINUTES OCTOBER 26, 2020

Councilwoman Davis moved, seconded by Councilman Beard, to accept the minutes of the Coliseum Commission of October 26, 2020. The vote was unanimous in favor. **APPENDIX Q**

IN THE MATTER OF ORDER AMENDING PREVIOUSLY ADOPTED MINUTES OF JANUARY 7, 2020 BY ADDING ACTION OF CITY COUNCIL ACCEPTING NOVEMBER 18, 2019 MINUTES OF THE TUPELO COLISEUM COMMISSION

The City of Tupelo Council accepted the minutes of the Coliseum Commission meeting of November 18, 2019, at a regular Council meeting on January 7, 2020. However, said action was inadvertently omitted from the recorded minutes. Councilman Whittington moved, seconded by Councilman Palmer, to approve the following Order:

AN ORDER AMENDING PREVIOUSLY ADOPTED MINUTES OF JANUARY 7, 2020 BY ADDING ACTION OF CITY COUNCIL ACCEPTING NOVEMBER 18, 2019 MINUTES OF TUPELO COLISEUM COMMISSION

The vote was unanimous in favor. A copy of the order is attached to these minutes as **APPENDIX R.**

IN THE MATTER OF APPOINTMENT OF JANIS MCCOY TO THE TUPELO MUNICIPAL ELECTION COMMISSION

Upon the recommendation of Mayor Shelton, Councilman Whittington moved, seconded by Councilman Palmer, to approve the appointment of Janis McCoy to the Tupelo Municipal Election Commission. The vote was unanimous in favor. **APPENDIX S**

STUDY AGENDA

No Items for the Study Agenda.

EXECUTIVE SESSION

IN THE MATTER OF EXECUTIVE SESSION - DISCUSSION REGARDING THE POSSIBLE ACCEPTANCE OF A DONATION AND EXTENSION OF TIME TO PURCHASE

Councilman Palmer moved, seconded by Councilwoman Davis to determine the need for an Executive Session. City Attorney Ben Logan indicated that the item(s) for discussion, accepting donation of real property and extension of time to purchase for a prospective buyer of TRA-owned property, fell under 25-41-7(4) (g) of the Mississippi Code of 1972, as amended, and are, therefore, appropriate items for discussion. The vote was unanimous to determine the need and enter closed session.

Councilman Jennings moved, seconded by Councilman Beard, to enter an Executive Session. The vote was unanimous and at 6:45 P.M. the City Council entered closed session.

After a thorough discussion regarding the possible acceptance of a donation of property and the extension of time to purchase, Councilman Whittington moved, seconded by Councilman Jennings, to leave Executive Session. The vote was unanimous in favor and open session resumed at 6:55 P.M.

IN THE MATTER OF RESOLUTION ACCEPTING DONATION OF 4.7 ACRES, MORE OR LESS, OF REAL PROPERTY LOCATED NEAR MCCULLOUGH BOULEVARD FROM SOUTHERN LODGING, LLC., A MISSISSIPPI LIMITED LIABILITY COMPANY

City Attorney Ben Logan, explained to the Council that Southern Lodging, LLC, has come forward desiring to donate 4.7 acres, more or less, of real property located at 3898 McCullough Boulevard. Councilman Whittington moved, seconded by Councilwoman Davis, to accept the property. The vote was unanimous in favor of accepting the property and a resolution is attached to these minutes as **APPENDIX T.**

IN THE MATTER OF EXTENSION OF TIME TO PURCHASE AND CLOSING OF FAIRPARK PHASE III - LOT 8B

Councilman Palmer moved, seconded by Councilman Jennings, to approve the extension of no more than 15 days to the closing of to the Contract of Purchase between Tupelo Redevelopment Agency and Maloney Development Properties. A copy of the extension is attached to these minutes as **EXHIBIT U.**

ADJOURNMENT

With no further business to come before the City Council at this time, councilman Jennings moved, seconded by Councilman Beard, to adjourn the meeting at 6:59 PM. The vote was unanimous in favor.

This the 15th day of December, 2020.

Mike Bryan, President
City Council

ATTEST:

Missy Shelton, Clerk of the Council

Jason Shelton, Mayor

Date



AGENDA REQUEST

TO: Mayor and City Council
FROM: Kim Hanna, COO
DATE December 18, 2020
SUBJECT: IN THE MATTER OF BILL PAY **KH**

Request:

Pleaser review and approve.



AGENDA REQUEST

TO: Mayor and City Council
FROM: Kim Hanna, CFO
DATE January 5, 2021
SUBJECT: IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS **KH**

Request:

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

ITEMS:

Lee County Courier	\$255	Christmas ad
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AGENDA REQUEST

TO: Mayor and City Council
FROM: Kim Hanna, CFO
DATE January 5, 2021
SUBJECT: IN THE MATTER ELECTION PAY FOR DEPUTY CLERK **KH**

Request:

Approval of the Resolution to allow for the deputy clerk to receive pay for election duties.

ATTACHED:

Resolution for Deputy Clerk to receive Election Pay.



AGENDA REQUEST

TO: Mayor and City Council

FROM: Kim Hanna, CFO

DATE January 5, 2021

SUBJECT: IN THE MATTER OF RESOLUTION FOR POLL WORKER COMP **KH**

Request:

Approval of the Resolution to allow for poll workers to receive hazard pay anytime allowed by the State of MS up to \$50 and set up pay for the resolution board.

ATTACHED:

Resolution to address poll worker and resolution board compensation.



AGENDA REQUEST

TO: Mayor and City Council

FROM: Jason L. Shelton, Mayor

DATE: January 5, 2021

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

NOTE:

Bio attached...



TUPELO HOUSING AUTHORITY

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

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

EXECUTIVE DIRECTOR
TABITHA SMITH

November 5, 2020

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

Dear Mayor Shelton:

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

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

Please contact me should you have any questions.

Sincerely,

Tabitha Smith
Executive Director

Enclosure

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

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

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

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

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

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

CLERK’S CERTIFICATE

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

Clerk of the City Council



AGENDA REQUEST

TO: Mayor and City Council

FROM: Jason L. Shelton, Mayor

DATE: January 5, 2021

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

NOTE:

Bio attached...

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

OBJECTIVE:

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

QUALIFICATIONS:

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

Professional Background

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

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

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

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

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

Achievements

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

Education

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

Professional Training & Education

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



AGENDA REQUEST

TO: Mayor and City Council

FROM: Jason L. Shelton, Mayor

DATE: January 5, 2021

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

NOTE:

Bio attached...

STEVE McALILLY

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

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

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

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

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

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



AGENDA REQUEST

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

Request:

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

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

To Whom It May Concern:

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

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

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

Respectfully,
Gretchen Ganas, DVM





AGENDA REQUEST

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

Request:

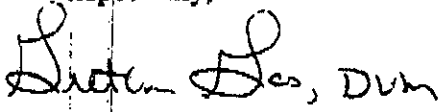
Please accept this letter of request to surplus for Retirement, K9 Edge. Edge will be with his handler.

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

To Whom It May Concern:

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

Respectfully,


Gretchen Ganas, DVM



AGENDA REQUEST

TO: Mayor and City Council
FROM: Pat Falkner, Director, Development Services
DATE December 28, 2020
SUBJECT: IN THE MATTER OF REVIEW PLANNING COMMITTEE MINUTES **PF**

Request: Review/Accept Planning Committee minutes from December 21, 2020

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

CALL TO ORDER

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

REVIEW OF DECEMBER 7, 2020 MINUTES

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

REPORT ON COUNCIL ACTIONS

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

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

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

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

This item remained on the table.

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

The Committee adjourned the meeting.



AGENDA REQUEST

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

Request that the following properties be considered for demolition:

1204 Hilda Ave.

1410 Forrest St.

571 N. Church St.

Demolition List for 1/5/21 City Council Meeting

1204 HILDA AVE.

1410 FORREST ST.

571 N. CHURCH ST.

1204 Hilda Ave.

Item # 15.



1204 Hilda Ave.

Item # 15.



1204 Hilda Ave.

Item # 15.



1204 Hilda Ave.

Item # 15.



1410 Forrest St.

Item # 15.





1410 Forrest St.

Item # 15.



1410 Forrest St.

Item # 15.



1410 Forrest St.

Item # 15.



571 N. Church St.

Item # 15.



571 N. Church St.

Item # 15.





AGENDA REQUEST

TO: Mayor and City Council
FROM: Debbie Brangenberg, TRA Project Manager
DATE December 28, 2020
SUBJECT: IN THE MATTER OF CHANGE ORDER #3 FAIRPARK PHASE IV

Request:

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

3-09633

COOK COGGIN ENGINEERS, INC.



December 22, 2020

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

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

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

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

A handwritten signature in black ink that reads "David M. Long". The signature is fluid and cursive.

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

Copy to:

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

CHANGE ORDER

CCE NO. 3-09633

CHANGE ORDER NO.: 3

OWNER: City of Tupelo

PROJECT: Fairpark Redevelopment Phase 4

OWNER #: Bid 2020-14FP

CONTRACTOR: Cook & Son, LLC

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

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

Estimated Cost - Per Contract Dated: July 9, 2020

Original Contract Amount \$ 1,647,394.34

Previously Approved C.O.'s Add (Deduct): \$ (2,554.00)

PREVIOUSLY REVISED CONTRACT TOTAL: \$ 1,644,840.34

Estimated Amount - This C.O. Add (Deduct): \$ -

REVISED CONTRACT TOTAL: \$ 1,644,840.34

NOTICE TO PROCEED DATE: 8/24/2020

ORIGINAL CONTRACT TIME (Calendar Days): 90

ORIGINAL COMPLETION DATE: 11/21/2020

DAYS ADDED (DEDUCTED) PREVIOUS C.O.: 30

DAYS ADDED (DEDUCTED) THIS C.O.: 41

REVISED CONTRACT DAYS: 161

REVISED COMPLETION DATE THIS C.O.: 01/31/21

DATE: 12/22, 2020

For Engineer (Cook Coggin Engineers, Inc.)

APPROVED: _____, 2020

For Owner (City of Tupelo, Mississippi)

ACCEPTED: 12/22, 2020



For Contractor (Cook & Son, LLC)

Jim Spearman, PLS
Cook and Son, LLC
60146 Seminole Road
Smithville, MS 38870
662-401-9447
jspearman@cookandson.net

December 22, 2020

David Long
Cook Coggin Engineers, Inc
703 Crossover Road
Tupelo, MS 38801
662-842-7381
davidlong@cookcoggin.com

Tupelo Fairpark Phase 4 Request for Additional Time

Mr. Long,

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

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

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

Sincerely,



Jim Spearman, PLS



AGENDA REQUEST

TO: Mayor and City Council
FROM: Debbie Brangenberg, Director DTMSA
DATE December 28, 2021
SUBJECT: IN THE MATTER OF MOA MISSISSIPPI MAIN STREET

Request:

Annual Memorandum of Agreement with Mississippi Main Street



MISSISSIPPI MAIN STREET ASSOCIATION

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

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

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

SECTION I. MMSA AGREES TO:

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

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

SECTION II. THE LOCAL PROGRAM AGREES TO:

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

travel costs and expenses associated with these meetings. A list of required and approved trainings is attached to this agreement as Exhibit A.

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

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

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