



TUPELO REGULAR CITY COUNCIL MEETING

JUNE 20, 2023 AT 6:00 PM
COUNCIL CHAMBERS | CITY HALL

AGENDA

INVOCATION: COUNCIL MEMBER ROSIE JONES

PLEDGE OF ALLEGIANCE: COUNCIL MEMBER CHAD MIMS

CALL TO ORDER: COUNCIL PRESIDENT LYNN 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 DEMOLITIONS **DRB**
2. IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING **DRB**

APPEALS

CITIZEN HEARING

(CLOSE PUBLIC AGENDA AND OPEN REGULAR SESSION)

ACTION AGENDA

3. IN THE MATTER OF AMENDMENTS TO THE ANIMAL CONTROL ORDINANCE (TABLED AT MAY 2, 2023 MEETING) **BL**

ROUTINE AGENDA

4. IN THE MATTER OF MINUTES OF JUNE 6, 2023 COUNCIL MEETING
5. IN THE MATTER OF BILL PAY **KH**
6. IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS **KH**
7. IN THE MATTER OF BUDGET AMENDMENT #7 FOR FY 2023 **KH**
8. IN THE MATTER OF RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY AND/OR ISSUE A GENERAL OBLIGATION BOND OF THE CITY FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK, IN ONE OR MORE TAXABLE OR TAX-EXEMPT SERIES, ALL IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000); **KH**
9. IN THE MATTER OF RESOLUTION HIRING REQUIRED LEGAL COUNSEL AND AN INDEPENDENT REGISTERED MUNICIPAL ADVISOR; **KH**
10. IN THE MATTER OF DEMOLITIONS **DRB**
11. IN THE MATTER OF LOT MOWING **DRB**
12. IN THE MATTER OF APPROVAL OF RESOLUTIONS ASSESSING JUDGMENT LIENS AGAINST REAL PROPERTY FOR THE COSTS ASSOCIATED WITH LOT MOWING IN ACCORDANCE WITH MISS CODE ANNOTATED § 21-19-11 **SR**
13. IN THE MATTER OF REVIEW/APPROVE LIEN FOR CLEAN UP AT 2281 EDMONT DRIVE **DRB**
14. IN THE MATTER OF REAPPOINTMENT OF LESLIE MART TO THE TUPELO PLANNING COMMITTEE TO EXPIRE FEBRUARY 2023 **DRB**
15. IN THE MATTER OF APPROVAL OF PLANNING COMMITTEE MEETING MINUTES MAY 1, 2023 **DRB**
16. IN THE MATTER OF APPROVAL AND ADOPTION OF MAJOR THOROUGHFARE COMMITTEE MEETING MINUTES FROM ITS JUNE 12, 2023 MEETING **SR**
17. IN THE MATTER OF CONTRACT AWARD FOR BID # 2023-016WL – PRIMARY TO NORTHWEST SUBSTATION 46 kV TRANSMISSION LINE POLE CHANGEOUT **JT**

- [18.](#) IN THE MATTER OF APPROVAL OF THE EMERGENCY REPLACEMENT OF A 20” PRESSURE SEWER LINE **JT**
- [19.](#) IN THE MATTER OF AN EMERGENCY PURCHASE OF TWO (2) 300 kVA PADMOUNT TRANSFORMERS **JT**
- [20.](#) IN THE MATTER OF REAPPOINTMENT OF STEPHANIE BROWNING TO CVB BOARD JUNE 13, 2023 **NM**
- [21.](#) IN THE MATTER OF MAYOR JORDAN INTERNATIONAL TRAVEL OCTOBER 2023 **DL**
- [22.](#) IN THE MATTER OF ORDER APPROVING EXERCISE OF SECOND OPTION TO PURCHASE REAL PROPERTY WITH BSB ASSOCIATES PARTNERSHIP, OR ITS SUCCESSOR IN INTEREST, FOR THE PURPOSE OF CONSTRUCTING A CLASS II RUBBISH LANDFILL **BL**
- [23.](#) IN THE MATTER OF APPROVAL AND ADOPTION OF 2023 CITY OF TUPELO AND LEE COUNTY, MISSISSIPPI INTERLOCAL COOPERATION AGREEMENT FOR THE COLLECTION OF TAXES AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT **SR**

(CLOSE REGULAR SESSION)

STUDY AGENDA

EXECUTIVE SESSION

ADJOURNMENT



AGENDA REQUEST

TO: Mayor and City Council
FROM: Dennis Bonds, Interim Director of Development Services
DATE: June 6, 2023
SUBJECT: IN THE MATTER OF PUBLIC HEARING FOR DEMOLITIONS **DRB**

Request: DRB

The Department of Development Services requests Council approval to demolish substandard structures on the following properties:

117 & 117 ½ Highland Drive (PARCEL 077Q-36-085-00)
1108 Marquette Street (PARCEL 077G-25-112-00)
2111 President Street (PARCEL 101M-12-093-00)
1203 North Green Street (PARCEL 089B-30-065-00)
718 North Church Street (PARCEL 089F-30-072-00)



HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43298

Vs.

GLAMOUR ENTERPRISES, LLC

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 Dennis Bonds 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 **117 & 117 ½ Street and Parcel #077Q-36-085-00, Tupelo MS**, including building(s) thereon, is in such a state of uncleanliness 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 **06/20/2023, 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.
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

5. 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 2nd day of June, 2023.



Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION

117 & 117.5 HIGHLAND DRIVE

BASIC INFORMATION

- ▶ PARCEL: 077Q-36-085-00
- ▶ CASE: 43298
- ▶ WARD: 4
- ▶ TAX VALUE: \$33,150
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

Right side	\$26,140
Left side	\$35,490
Rear	\$834,930 (Harrisburg Landing)
Across street	\$38,880

TAXES/LIENS

Taxes	CURRENT
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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 11
- ▶ CURRENT STATUS Owner purchased for income property. Property is unable to pass C/O
- ▶ This property has changed hands many times. It is now in bad shape and not repairable

09/08/2022

GLAMOUR ENTERPRISES, LLC
PO BOX 2811
TUPELO, MS 38803



Re: CASE # 43298
117 & 117-1/2 S HIGHLAND DR,
PARCEL NUMBER: 077Q3608500

Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe

VIOLATION	DETAILS/REMEDY
BLDG MAINT	117 S. HIGHLAND
BLDG MAINT	117 1/2 S HIGHLAND
BRING UP TO THE 2018 RESIDENTIAL BUILDING CODE OR DEMOLISH BY DATE BELOW	

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE:	REINSPECTION DATE:
10/08/2022	10/08/2022

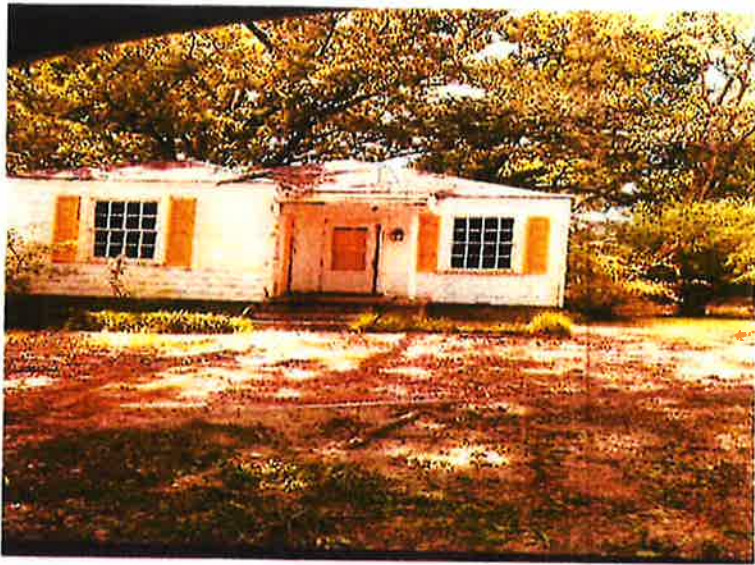
Thank you in advance for your compliance. If you have questions, please call 662.871.71758.

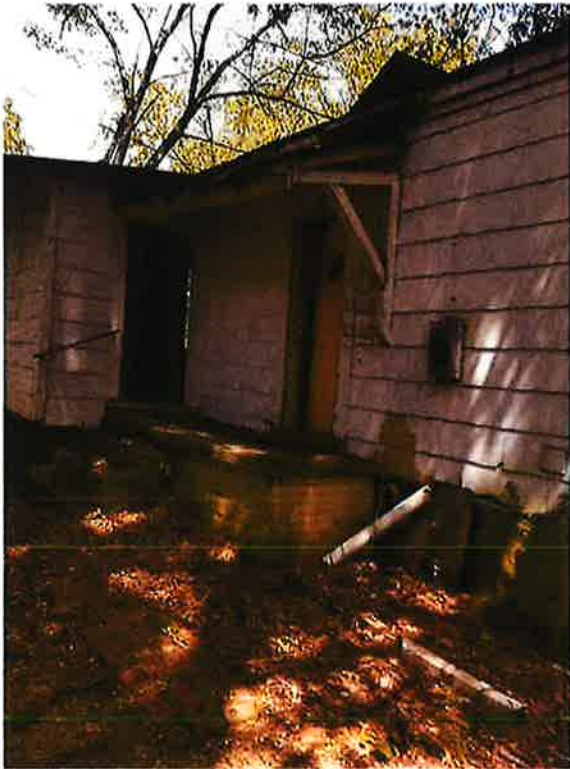
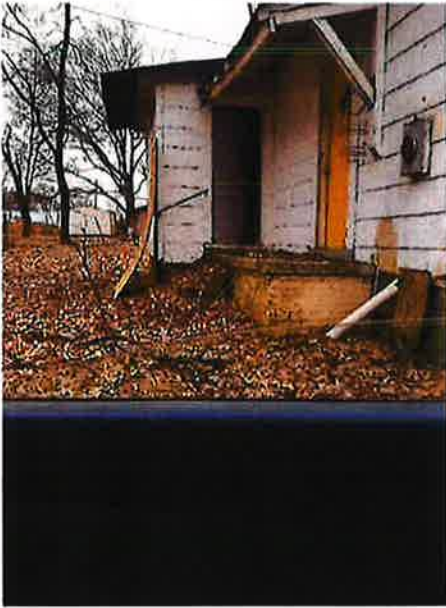
Sincerely,

Lynda Ford
LYNDA FORD
Code Enforcement

13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense







HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43435

Vs.

SUE C. LITTLE

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 Dennis Bonds 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 **1108 Marquette Street, Parcel #077G-25-112-00, 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 **06/20/2023, 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.

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.
- 5.

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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION**1108 MARQUETTE STREET****BASIC INFORMATION**

- ▶ PARCEL: 077G-25-112-00
- ▶ CASE: 43435
- ▶ WARD: 2
- ▶ TAX VALUE: \$72,480
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

Right side \$80,830
 Left side \$98,730
 Rear \$0
 Across street \$72,820

TAXES/LIENS

Taxes CURRENT
 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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 8
- ▶ CURRENT STATUS This house is a burnout but the property has long been a problem as far as junk and litter. It appears vacant. An old lady was staying in the house but has since left.

10/06/2022

LITTLE SUE C
1108 MARQUETTE
TUPELO, MS 38801



Re: CASE # 43435
1108 MARQUETTE,
PARCEL NUMBER: 077G2511200

Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe.

VIOLATION	DETAILS/REMEDY
OPEN/OUTDOOR STORAGE & LITTER	PLEASE CLEAN OUT CARPORT. THANK YOU.
MINIMUM LANDSCAPE STANDARDS	PLEASE TRIM AND MAINTAIN SHRUBS.

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE: 10/17/2022	REINSPECTION DATE: 10/17/2022
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Thank you in advance for your compliance. If you have questions, please call 662.432.2959.

Sincerely,

JEREMY SAPP
Code Enforcement



landscaping.



13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense.





HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43968

Vs.

ELOISE BARNES ESTATE AND ANY PERSON OR
ENTITY CLAIMING INTEREST IN PROPERTY
LOCATED AT 2111 PRESIDENT 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 Dennis Bonds 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."

- 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 **2111 President Street and Parcel #101M-12-093-00, Tupelo MS**, including building(s) thereon, is in such a state of uncleanliness 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.
- Notice.** A hearing has been set before City Council of the City of Tupelo at its regularly scheduled meeting to be held on **06/20/2023, 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.
- 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.

- 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.
- 5.

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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION

2111 PRESIDENT STREET

BASIC INFORMATION

- ▶ PARCEL: 101M-12-093-00
- ▶ CASE: 43968
- ▶ WARD: 3
- ▶ TAX VALUE: \$101,020
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

- Right side \$120,890
- Left side \$132,130
- Rear \$96,130
- Across street \$99,980

TAXES/LIENS

- Taxes CURRENT
- 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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 4
- ▶ CURRENT STATUS ABANDONED
- ▶ This property has been vacant for some time but when the April tornado went through this area, this house was hit and the main portion of the roof collapsed.

04/13/2023

BARNES E C ELOISE
2111 PRESIDENT
TUPELO, MS 38801

Re: CASE # 43968
2111 PRESIDENT AVE,
PARCEL NUMBER: 101M1209300



Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe.

VIOLATION	DETAILS/REMEDY
BLDG MAINT	PLEASE CONTACT OUR OFFCE DISCUSS YOUR INTENT REGARDING THIS PROPERTY. WE ASK FOR THIS PROPERTY TO BE BOUGHT UP TO THE CODE OR DEMOLISHED. THANKS
CONDEMNATION OF UNSAFE PROPERT	PROPERTY IS UNSAFE FOR HUMAN OCCUPANCY. PLEASE SECURE PROPERTY UNTIL RENOVATIONS ARE MADE OR STRUCTURE IS REMOVED. THANKS

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE: 04/28/2023	REINSPECTION DATE: 04/28/2023
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Thank you in advance for your compliance. If you have questions, please call 662.432.2959.

Sincerely,


SABRINA BOWDRY
Code Enforcement

IPMC SEC 108 - UNSAFE STRUCTURES & EQUIPMENT 108.1-108.7

108.1 GENERAL. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code. (108.1-108.7 INCLUDED)

PROPERTY MAINTENANCE - BUILDING MAINTENANCE

11.6.3(6) Building Maintenance: It shall be unlawful and a violation of this code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit any of the following on any residential property:

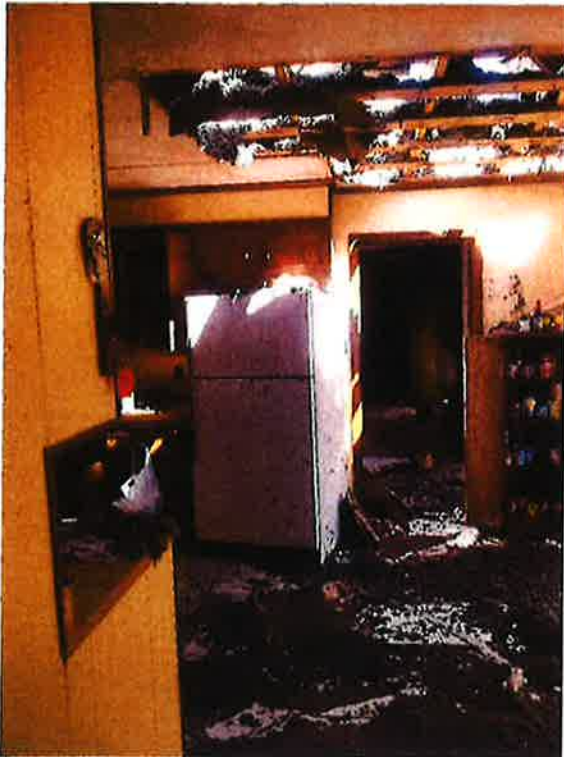
- (a) Any wood surfaces unprotected from the elements by paint or other protective treatment;
- (b) Exterior painted surfaces with loose, cracked, scaling, chipping, or peeling paint, visible from a public area, in such amounts as to present a deteriorated or slum-like appearance;
- (c) Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance.
- (d) Property owners are responsible for maintenance of property and behavior of tenants in rental property.





13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense.





HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43440

Vs.

**EMMANUEL CHURCH OF GOD IN CHRIST,
AND THE BOARD OF TRUSTEES OF THE
EMMANUEL CHURCH OF GOD IN CHRIST**

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 Dennis Bonds at 662-841-6510.

PETITION UNDER MISS. CODE ANN. §21-19-11

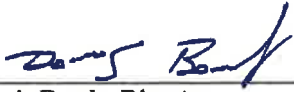
The City of Tupelo, Mississippi, by and through the Department of Development Services, hereinafter referred to as "Petitioner," issues this Petition against the above named party or parties, hereinafter referred to as "Owner."

- 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 **1203 North Green Street, Parcel #089B-30-065-00, 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 **06/20/2023, 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.

- 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.
- 5.

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WITNESS MY SIGNATURE, THIS THE 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION

1203 NORTH GREEN STREET

BASIC INFORMATION

- ▶ PARCEL: 089B-30-065-00
- ▶ CASE: 43440
- ▶ WARD: 4
- ▶ TAX VALUE: \$16,740
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

- Right side \$40,440
- Left side \$0
- Rear \$0
- Across street \$0 (North Green Street Church of Christ)

TAXES/LIENS

- Taxes CURRENT
- 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 5
- ▶ CURRENT STATUS This home was once used by the church as Sunday school classrooms and then as a food pantry. It is dilapidated and they do not want to repair.

11/16/2022

EMMANUEL COGIC
1208 N GREEN ST
TUPELO, MS 38802



Re: CASE # 43440
1203 N GREEN ST,
PARCEL NUMBER: 089B3006500

Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe.

VIOLATION	DETAILS/REMEDY
BLDG MAINT	PLEASE BRING STRUCTURE UP TO CODE OR DEMOLISH. THANKS
DUMPSTER SCREENING	PLEASE REMOVE DUMPSTER FROM STREET AND PLACE DUMPSTER INSIDE ENCLOSURE. SEE ATTACHED CODE FOR DETAILS. THANKS
MINIMUM LANDSCAPE STANDARDS	PLEASE TRIM TREES BRANCHES AND REMOVE VINES AND ROUGE VEGATATION OFF HOUSE. THANKS

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE:	REINSPECTION DATE:
12/16/2022	12/16/2022

Thank you in advance for your compliance. If you have questions, please call 662.432.2959.

Sincerely,


SABRINA BOWDRY
Code Enforcement



13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense.





HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43290

Vs.

RYAN FOSTER

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 Dennis Bonds 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 **718 North Church Street, Parcel #089F-30-072-00, 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 **06/20/2023, 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.

- 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
- 5. 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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION

718 NORTH CHURCH STREET

BASIC INFORMATION

- ▶ PARCEL: 089F-30-072-00
- ▶ CASE: 43290
- ▶ WARD: 4
- ▶ TAX VALUE: \$19,150
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

- Right side \$82,720
- Left side \$14,540
- Rear \$11,690
- Across street \$14,740

TAXES/LIENS

- Taxes ARREARS
- City liens NO

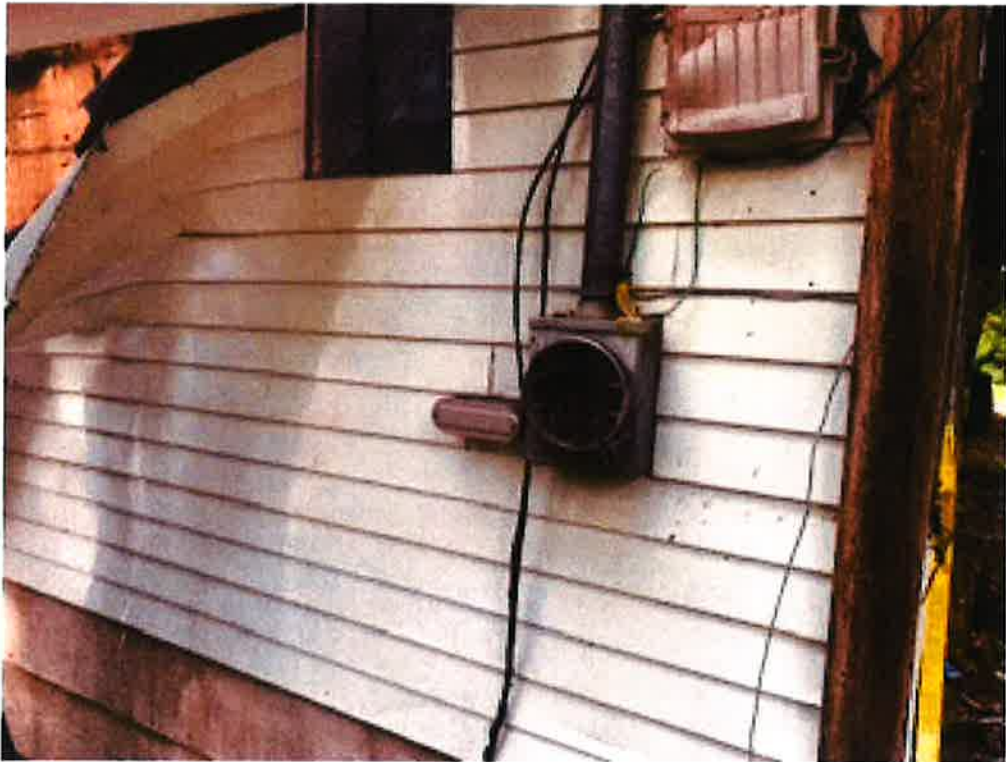
VISUAL INDICATORS OF BLIGHT

- ▶ 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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 1
- ▶ CURRENT STATUS: This property caught fire last year and out of town owner has not applied for a demolition permit.







AGENDA REQUEST

TO: Mayor and City Council
FROM: Dennis Bonds, Interim Director of Development Services
DATE June 6, 2023
SUBJECT: IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING **DRB**

Request: DRB

Public Hearing for properties on final lot mowing list. Preliminary list is attached. Final list will be provided prior to the meeting.

Preliminary Lot Mowing Report for 06/20/23

Item # 2.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
1.	44153	106C1315500	930 BICKERSTAFF ST	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
2.	44154	105H1503100	3333 MEADOW DR	SAMUELS LLC	4924 HARVEST PARK DRIVE	MEMPHIS, TN 38125	RS
3.	44156	105H1505600	3288 MEADOW DR	TUCKER JAMES L & ELNOIS R (LE)	271 COUNTY ROAD 1467	PLANTERSVILLE, MS 38862	RS
4.	44161	077M3610000	206 RANKIN BLVD	LOVE RUSSELL B	206 RANKIN BLVD	TUPELO, MS 38804	DS
5.	44165	088N3310300	LAKE ST	FAULKNER, LLOYD	PO BOX 100, 201 COUNTRY CLUB RD	HOUSTON, MS 38851	RS
6.	44166	077C2501600	1507 TRACE AVE	BENNETT HILLS INC	P O BOX 3786	MERIDIAN, MS 39303-3786	DS
7.	44168	106A1401200	2774 EVANS CIR	ROGERS BETTY WATKINS ETAL	2774 EVANS CIRCLE	TUPELO, MS 38801	RS
8.	44169	106A1400500	2868 EVANS CIR	TUCKER JAMES L & ELNOIS R (LE)	271 COUNTY ROAD 1467	PLANTERSVILLE, MS 38862	RS
9.	44170	106A1400800	2828 EVANS CIR	BRACY BEATRICE ESTATE	3492 WILLIE MOORE RD	TUPELO, MS 38801	RS
10	44171	106A1402500	2831 EVANS CIR	CLIFTON MYREL & EDDIE J EWING	2831 EVANS CIR	TUPELO, MS 38801	RS
11	44172	106A1400700	2838 EVANS CIR	BUGGS DARRIN L	103 ROAD 9	HOULKA, MS 38850	RS
12	44173	106A1400600	2854 EVANS CIR	LUTHER PROPERTIES LLC	299 WILSON CHAPEL RD	PONTOTOC, MS 38863	RS

Preliminary Lot Mowing Report for

Item # 2.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
13	44175	113B0604900	843 S GREEN ST	BROOKS PROPERTIES LLC	P O BOX 530	TUPELO, MS 38802	RS
14	44176	101R1200402	1579 CLIFF GOOKIN BLVD	HARMON DEBBIE	1579 CLIFF GOOKIN	TUPELO, MS 38801	RS
15	44181	077K3500118	1839 W JACKSON ST UNIT A & B	DAVIS QUALITY BUILDERS	P O BOX 7	TUPELO, MS 38802	RS
16	44182	077F2615300	702 VASSAR DR	GLAMOUR ENTERPRISES LLC	1896 SWAN CIRCLE	TUPELO, MS 38801	RS
17	44183	077Q3601700	1908 W MAIN ST	LITKE JORDAN & SARAH J	728 MALLARD COVE	TUPELO, MS 38801	RS
18	44185	085N2102800	2501 ELVIS PRESLEY DR	NORTHINGTON HAROLD II	2501 OAKVIEW DR	TUPELO, MS 38804	RS
19	44186	075G1501603	2662 MCCULLOUGH BLVD	SAIA MOTOR FREIGHT LINE LLC	11465 JOHNS CREEK PKWY SUITE 400	JOHNS CREEK, GA 30097	DS
20	44187	077F2613400	1830 W JACKSON ST	CLAYTON PATRICK M	115 PATTERSON CIR	SALTILLO, MS 38866	DS
21	44188	075J2105600	4542 LAKEWOOD LN	FLEISHHACKER PATRICIA	4542 LAKEWOOD LANE	BELDEN, MS 38826	DS
22	44190	088F2813800	761 ELVIS PRESLEY DR	MOONEY DEBORAH & GORDON K ROBITILLE	1975 GRANDVIEW DR	TUPELO, MS 38804	RS
23	44191	088F2800600	1966 SIMPSON DR	DABBS DUSTIN DEREK	1676 OAKLEAF LN	BELDEN, MS 38826	RS
24	44192	088F2800500	1928 SIMPSON DR	COBALT LLC	1685 DUNWOODY DR	TUPELO, MS 38801	RS

Preliminary Lot Mowing Report for

Item # 2.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
25	44193	101H0121300	1802 FILLMORE DR	CAGLE M SCOTT & CATHERINE	1802 FILMORE	TUPELO, MS 38801	DS
26	44194	082K0901400	2474 BARNES CROSSING RD	WILLIAM CLIFFORD PROPERTIES LLC	P O BOX 793	TUPELO, MS 38804	RS
27	44195	106C1317300	1104 BICKERSTAFF ST	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
28	44196	106G1315500	1103 BICKERSTAFF ST	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
29	44197	106A1403100	2882 EVANS CIR	HARRIS WALTER T & VERNISA	2882 EVANS CIRCLE	TUPELO, MS 38801	RS
30	44198	106A1400200	2876 EVANS CIR	C & C RENTALS & HOME REPAIR LLC	704 TURNER DRIVE	TUPELO, MS 38801	RS
31	44199	106A1402800	2861 EVANS CIR	HOOKS HENRY E	2861 EVANS CIRCLE	TUPELO, MS 38801	RS
32	44217	089N3103600	903 W MAIN ST	FIVE TALENTS PROPERTIES OF MS 1 LLC	P O BOX 535	CRESTVIEW, FL 32536	DS
33	44218	077Q3621800	210 ENOCH AVE	COLE JAMES L & GLORIA	2314 KIMBROUGH	TUPELO, MS 38801	SB
34	44219	075R2205200	3528 FAIR OAKS DR	MCMILLAN BLAKE & STEVE WHITEHEAD	1230 COUNTY ROAD 811	SALTILLO, MS 38866	DS
35	44222	112E0401900	1561 BOONE ST	PARK TERRY	287 RD 1190	TUPELO, MS 38801	RS
36	44223	112A0418000	1554 BOONE ST	SIMMONS THOMAS E	185 FEEMSTER LAKE RD	TUPELO, MS 38804	RS

Preliminary Lot Mowing Report for

Item # 2.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
37	44224	112B0401401	751 POST ST	MCMILLAN BRANDON	160 CR 601	GUNTOWN, MS 38849	RS
38	44225	112B0401200	721 POST ST	DONALD JEFFREY PAUL & LISA	2839 COUNTRYWOOD	BELDEN, MS 38826	RS
39	44227	077P3502000	2089 W MAIN ST	NET LEASE SUDS III LLC & NET LEASE SUDS	100 MERRICK RD STE 202 EAST	ROCKVILLE CENTRE, NY 11570	DS
40	44230	089P3115900	411 ELLIOTT ST	HERNDON JEREMY G	P O BOX 2231	TUPELO, MS 38803	DS
41	44233	101B0214001	2005 WAYNE DR	CLARK BRENDA KAY	2005 WAYNE DR	TUPELO, MS 38801	RS
42	44234	101B0214000	401 MONUMENT DR	HATCHWAY PROPERTIES 1 LLC	3100 OLD CANTON RD STE 200	JACKSON, MS 39216	RS
43	44235	101B0219500	2607 BRYAN ST	SHARP JULIA PRENEICE LOWER	205 DOE RUN RD	TUPELO, MS 38801	RS
44							
45							
46							
47							
48							



AGENDA REQUEST

TO: Mayor and City Council

FROM: Stephen N. Reed, Assistant City Attorney

DATE June 15, 2023

SUBJECT: IN THE MATTER OF AMENDMENTS TO THE ANIMAL CONTROL ORDINANCE (TABLED AT MAY 2, 2023 MEETING) **SR**

Request:

This item was moved to the Action Agenda during the April 18, 2023 Regular Meeting. The Council was fully advised of the City's legal authority to enact meaningful regulations concerning the care and upkeep of animals during a work session on April 24th the item was tabled during the May 2, 2023 Regular Meeting.

Vote to bring this item off of the table.

Vote to approve the attached recommended amendments.



AGENDA REQUEST

TO: Mayor and City Council

FROM: Missy Shelton, Council Clerk

DATE June 15, 2023

SUBJECT: IN THE MATTER OF MINUTES OF JUNE 6, 2023 COUNCIL MEETING

Request:

For your review and approval.

REGULAR CITY COUNCIL MEETING

MUNICIPAL MINUTES CITY OF TUPELO

STATE OF MISSISSIPPI

JUNE 6, 2023

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, June 6, 2023, 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 Rosie Jones led the invocation. Council Member Chad Mims led the pledge of allegiance.

Council President Lynn Bryan called the meeting to order at 6:00 p.m.

CONFIRMATION OR AMENDMENT TO THE AGENDA AND AGENDA ORDER

Council Member Beard moved, seconded by Council Member Palmer, to confirm the agenda and agenda order, with the following addition:

ADD ITEM #3.5 PRESENTATION FROM ALLEN PEGUES

The vote was unanimous in favor.

IN THE MATTER OF PROCLAMATION FOR NATIONAL GARDEN WEEK

Mayor Todd Jordan welcomed members of the Tupelo Garden Club, Mrs. Doyce Deas, Ms. Frances Foy and Ms. Betty Dickie, and presented the National Garden Club Week proclamation. After the presentation, Mrs. Deas said a few words about how important trees, flowers, etc. are to a City's success.
APPENDIX A

EMPLOYEE RECOGNITION

The Mayor recognized Fire Department employee, Josh Parks, for 10 years of employment.

PUBLIC RECOGNITION

Marissa Joseph, with Schneider Electric addressed the Council congratulating the City for a savings of over \$1,000,000 in energy since 2015.

RECOGNITION OF COUNCIL MEMBERS

Council Member Chad Mims gave his condolences on the recent deaths of Dr. Charles Montgomery and Patrick Fain, who both died in a plane crash. He also said that the Habitat for Humanity organization is in need of land donations to be able to build more homes.

Council Member Janet Gaston gave a shout out to the Park and Recreation Department for all their hard work. She gave statistics about the number of participants in the Park and Recreation programs over the last few months and what is expected in the next few months.

Council Member Rosie Jones gave condolences on all who have lost loved ones. She also gave a thank you to the Department Heads for all their hard work.

Council Member Buddy Palmer reminded everyone that this is Elvis Week and there a lot of events planned for the next several days. He thanked the Downtown Main Street staff and all the others who have worked tirelessly for this event.

Council Member Travis Beard gave a shout out to Mary Plasencia and Habitat for Humanity and all their hard work. He said that the latest home built is the “construction of the future” which includes concrete walls that can sustain winds up to 250 MPH.

Council Member Nettie Davis commended Habitat for Humanity on the new homes on Nelle Street. She also mentioned the ground breaking for the old Carnation building. Mrs. Davis said that Rosie Jones, Travis Beard and she attended a mortgage burning ceremony for the Peoples Community Church a couple of weeks ago. She reminded everyone that the Juneteenth festivities begin on June 17 and will continue on June 19, which is the designated national holiday.

Council Member Lynn Bryan congratulated Matt Robinson and the Tupelo team, who won the Red Bull skating grant for \$5,000. The minority PUL group had a large gathering on Saturday, and the Shake Rag festival is coming up on June 24.

PRESENTATION BY ALLEN PEGUES

Allen Pegues gave a short presentation concerning the design of the mural to be placed on the Boys and Girls Club located on North Main Street.

MAYOR'S REMARKS

Mayor Todd Jordan gave thanks to Council Member Buddy Palmer, who recently gave a narrative at the Oren Dunn Museum. He also invited everyone to attend the Elvis Festival. Many baseball teams from around the state will be in Tupelo next weekend. Recognition was also given to the skate group who won the Red Bull championship \$5,000 grant.

IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING

A public hearing was held for lot mowing. No one appeared to speak concerning the properties.

101H0121300	1802 FILLMORE DR
089P3114300	623 S CHURCH ST
089P3112100	602 S CHURCH ST
089K3102400	413 E JACKSON ST
075S1600101	4945 ENDVILLE RD

088B2800100	1521 ELVIS PRESLEY DR
077P3506700	107 LAKEVIEW DR
101F0200103	996 S THOMAS ST
077C2501600	1507 TRACE AVE
101M1217400	1195 S GLOSTER ST
077Q3612400	1502 REED ST
077Q3625400	116 HANCOCK ST A & B
077Q3625500	114 HANCOCK ST
077Q3621900	202 ENOCH AVE

IN THE MATTER OF PUBLIC HEARING FOR DEMOLITION AND CLEANUP AT 735 EASON BOULEVARD

A public hearing was held for the property located at 735 Eason Boulevard. No one attended to speak.

IN THE MATTER OF PUBLIC HEARING FOR REZONING OF PARCEL 088N-33-029-03

A public hearing was held for the rezoning of parcel #088N3302903 on South Veterans Blvd. J.R. and Vanessa Young of 104 Cedar Lane, spoke in agreement with the rezoning request.

CITIZEN HEARING

Patrice Maxwell spoke requesting an increased police presence at Hancock Estates.

IN THE MATTER OF AMENDMENTS TO THE ANIMAL CONTROL ORDINANCE (TABLED AT MAY 2, 2023 MEETING)

This item was left on the table.

IN THE MATTER OF MINUTES OF MAY 16, 2023 REGULAR COUNCIL MEETING AND THE JUNE 1, 2023 SPECIAL CALLED MEETING

Council Member Davis moved, seconded by Council Member Beard, to approve the minutes of the Regular Council meeting of May 16, 2023, and the minutes of the Special Called Council meeting of June 1, 2023. The vote was unanimous in favor.

IN THE MATTER OF BILL PAY

Bills were reviewed at 4:30 p.m. by Council Members Beard, Bryan, Gaston and Palmer. Council Member Palmer moved, seconded by Council Member Gaston, to approve the payment of the checks, bills, claims and utility adjustments. The vote was unanimous in favor. APPENDIX B

IN THE MATTER OF RESOLUTION APPOINTING MML 2023 VOTING DELEGATES

In accordance with the bylaws of the Mississippi Municipal League, Council Member Beard moved, seconded by Council Member Palmer, to approve a Resolution appointing Council Member Davis as the

voting delegate and Council Member Beard as the first alternate for the 2023 Mississippi League election to be held at the annual convention on June 27, 2023. The vote was unanimous in favor to approve the Resolution as submitted. APPENDIX C.

IN THE MATTER OF APPROVAL OF COLLECTIONS CONTRACT WITH AMERICAN MUNICIPAL SERVICES AS ACCOUNT RESOLUTION FOR DELINQUENT FEES AND FINES OWED TO THE MUNICIPAL COURT

Council Member Gaston moved, seconded by Council Member Jones to approve the collections contract with American Municipal Services Account Resolution for delinquent fees and fines owed to the municipal court. A copy of the agreement is attached to these minutes as APPENDIX D. The vote was unanimous in favor.

IN THE MATTER OF LIENS FOR LOT MOWING

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

Parcel Location

101H0121300 1802 FILLMORE DR
 089P3114300 623 S CHURCH ST
 089P3112100 602 S CHURCH ST
 089K3102400 413 E JACKSON ST
 075S1600101 4945 ENDVILLE RD
 088B2800100 1521 ELVIS PRESLEY DR
 077P3506700 107 LAKEVIEW DR
 101F0200103 996 S THOMAS ST
 077C2501600 1507 TRACE AVE
 101M1217400 1195 S GLOSTER ST
 077Q3612400 1502 REED ST
 077Q3625400 116 HANCOCK ST A & B
 077Q3625500 114 HANCOCK ST
 077Q3621900 202 ENOCH AVE

such properties being previously 1) adjudicated menaces to the public health, safety and welfare of the community and in need of cleaning and 2) cleaned pursuant to Miss. Code Ann. 21-19-11 (1972 as amended). The vote was unanimous in favor. APPENDIX E

IN THE MATTER OF DEMOLITION AND CLEANUP FOR PROPERTY LOCATED AT 735 EASON BOULEVARD

DDS Interim Director Dennis Bonds requested that the Council consider the adjudication of the property located at 735 Eason Boulevard that has been found to be in such a condition to be a menace to the public health, safety and welfare of the community and in need of cleaning by demolition as authorized by Miss. Code § 21-19-11 (1972 as amended). The property was considered and found to be in such a condition to be a menace to the public health, safety and welfare of the community and in need of

cleaning by demolition.

Council Member Davis moved, seconded by Council Member Beard, that the property at 735 Eason Boulevard is found to be in such a condition to be a menace to the public health, safety and welfare of the community and in need of cleaning by demolition as authorized by Miss. Code § 21-19-11 (1972 as amended). The vote was unanimous in favor of approval of the demolition and cleanup. APPENDIX F

IN THE MATTER OF SURPLUS OF STRUCTURE AT 502 AUGUSTA AND AUTHORIZATION OF DEMOLITION

Council Member Gaston moved, seconded by Council Member Beard, to surplus the structure located at 502 Augusta and authorize demolition. The vote was unanimous in favor. APPENDIX G

IN THE MATTER OF REZONING OF PARCEL 088N-33-029-03

Council Member Gaston moved, seconded by Council Member Mims, to approve the rezoning of parcel # 088N-33-029-03, located on South Veterans. The property is currently split zoned between mixed use commercial corridor (MUCC) and medium density residential (MDR) reflecting a mistake in the original zoning. To correct this map mistake the zoning should be changed to mixed use commercial corridor (MUCC) only. The vote was unanimous in favor. APPENDIX H

IN THE MATTER OF CHANGE ORDER NO. 1 FOR NORTH VETERANS BLVD IMPROVEMENTS REESE ST TO HAMM ST (BID # 2023-003MT)

Council Member Palmer moved, seconded by Council Member Gaston, to approve change order # 1 for Bid # 2023-003MT- North Veterans Blvd Improvements as commercially reasonable and not for purposes of avoiding the bid laws. The change order increases the cost by \$10,017.00 for a total of \$1,824,141.47, which is still below the original budget, The vote was unanimous in favor. APPENDIX I

IN THE MATTER OF APPROVAL OF CHANGE ORDER #2 FOR GUN CLUB ROAD IMPROVEMENTS - BID #2021-035PW

Council Member Beard moved, seconded by Council Member Jones, to approve change order # 2 for Bid # 2021-035PW- Gun Club Road Improvements as commercially reasonable and not for purposes of avoiding the bid laws. The change order increases the cost by \$4,829.00 for a total of \$1,255,416.50, which is still below the original budget, The vote was unanimous in favor. APPENDIX J

IN THE MATTER OF APPROVAL OF CHANGE ORDER NO. 1 FOR BID # 2022-015MT EASON BLVD IMPROVEMENTS (VETERANS TO BRIAR RIDGE)

Council Member Davis moved, seconded by Council Member Palmer, to approve change order # 1 for Bid #2022-015MT - Eason Blvd Improvements (Veterans to Briar Ridge) as commercially reasonable and not for purposes of avoiding the bid laws. The change order increases the cost by \$29,187.00 for a total of \$4,131,348.63, which is still below the original budget, The vote was unanimous in favor. APPENDIX K

.IN THE MATTER OF AWARD RFP 2023-021PD – REAL TIME COMMAND CENTER

Request for proposals, #2023-021PD, were received for a Real Time Command Center. After an evaluation based on the factors set forth in the proposal solicitation, Chief John Quaka advised the Council that the selection committee evaluated FUSUS as the best qualified proposal, and he recommended they be awarded the RFP. Council Member Palmer moved, seconded by Council Member Jones to approve the request. The vote was unanimous in favor. APPENDIX L

IN THE MATTER OF AGREEMENT WITH FUSUS

The Council previously awarded RFP 2023-021PD - Real Time Command Center to FUSUS. Council Member Beard moved, seconded by Council Member Palmer to approve the contract for RFP 2023-021PD - Real Time Command Center. The vote was unanimous in favor. APPENDIX M

IN THE MATTER OF SURPLUS OF THREE (3) VEHICLES AND TRANSFER TO AIRPORT

Chief John Quaka presented a list of 3 vehicles, no longer used or needed by the City of Tupelo, to be declared surplus and by agreement disposed of by transfer to the Tupelo Airport Authority, a separate body politic. Council Member Beard moved, seconded by Council Member Jones, to surplus the vehicles from the Police Department's asset list and transfer them to the Tupelo Airport. The vote was unanimous in favor. APPENDIX N

IN THE MATTER OF APPROVAL OF REQUEST TO ALLOW POLICE OFFICERS TO WEAR POLICE UNIFORM AND ISSUE PROPER EQUIPMENT FOR SECURITY AND DETERRENT FOR EVENTS AT THE AMERICAN FAMILY ASSOCIATION, THE CADENCE ARENA AND CONFERENCE CENTER AND BARNES CROSSING MALL

Police Chief John Quaka submitted a request and list of officers to allow City of Tupelo Police Officers be able to wear their police uniforms and to have proper city-issued equipment for help with security and deterrence at American Family Association events, Cadence Arena and Conference Center and the Mall at Barnes Crossing when working off-duty private security. Pursuant to city policy and as allowed by Miss. Code Anno. Sec. 17-25-11 (1972 as amended), compensation and liability and workers compensation insurance for the officers will be provided by the place of employment where the officer is performing private security duties. The private employer would also agree to hold harmless and indemnify the city from any liability.

Council Member Gaston moved, seconded by Council Member Beard to approve the request. The vote was unanimous in favor. A copy of the letters of request, list of officers and the hold harmless agreements, are attached to these minutes as APPENDIX O.

IN THE MATTER OF SURPLUS OF K9 PACO

Chief John Quaka asked that the Council surplus K9 Paco, already taken off duty. Council Member Davis moved, seconded by Council Member Palmer, to surplus K9 Paco and dispose of him to Mason's K9 Academy for possible retraining or euthanization. The vote was unanimous in favor. APPENDIX P

IN THE MATTER OF AWARD RFP 2023-020PD BODY CAMERAS/CAR CAMERAS TO AXON

Request for proposals, #2023-020PD, were received for Body and Car Cameras. After an evaluation based on the factors set forth in the proposal solicitation, Chief John Quaka advised the Council that the selection committee evaluated AXON as the best qualified proposal, and he recommended they be awarded the RFP. Council Member Beard moved, seconded by Council Member Palmer to approve the request. The vote was unanimous in favor. APPENDIX Q

IN THE MATTER OF AGREEMENT WITH AXON AND TUPELO POLICE DEPARTMENT

The Council previously awarded RFP 2023-020PD - Body Cameras/Car Cameras to AXON. Council Member Palmer moved, seconded by Council Member Jones to approve the contract for RFP 2023-020PD - Body Cameras/Car Cameras. The vote was unanimous in favor. APPENDIX R

IN THE MATTER OF DONATED LEAVE REQUEST - BLANKENSHIP

Council Member Gaston moved, seconded by Council Member Beard, to approve the donation of sick time for Tupelo Fire Department employee Andrew C Blankenship, as allowed by the employee handbook. The vote was unanimous in favor. APPENDIX S

IN THE MATTER OF AWARD OF BID # 2023-024PW - CURB AND GUTTER/FLAT WORK 12 MONTH SUPPLY

Bids were received for Bid # 2023-024PW - Curb and Gutter/Flat Work 12 Month Supply. Multiple bids were received with the lowest and best bid being Slayton's Concrete. Council Member Beard moved, seconded by Council Member Davis, to award the bid to Slayton's Concrete Construction, LLC. The vote was unanimous in favor. APPENDIX T

IN THE MATTER OF APPROVAL OF TUPELO PARK & RECREATION ADVISORY MINUTES OF FEBRUARY 28, 2023

Council Member Palmer moved, seconded by Council Member Gaston to approve the Park and Recreation Advisory minutes of February 28, 2023. The vote was unanimous in favor. APPENDIX U

IN THE MATTER OF CVB BOARD MINUTES FOR MAY 2, 2023

Council Member Davis moved, seconded by Council Member Beard, to accept the CVB Board minutes for May 2, 2023. The vote was unanimous in favor. APPENDIX V

IN THE MATTER OF APPROVAL OF REQUEST TO ALLOW INTERNATIONAL TRAVEL FOR TUPELO CONVENTION AND VISITORS BUREAU EMPLOYEE JENNIE BRADFORD CURLEE AND SET MAXIMUM PER DIEM RATE

Council Member Beard moved, seconded by Council Member Palmer, to approve a request to travel to Ireland and the United Kingdom for participation in Visit Mississippi's sales and media mission September 18-22, 2023, and to London, England to participate in Brand USA Travel Week UK &

Europe October 16-20, 2023, and to set the maximum daily per diem rate as listed on the attached request. The vote was unanimous in favor. A copy of the letter of request is attached to these minutes as APPENDIX W.

IN THE MATTER OF CADENCE BANK ARENA MINUTES OF APRIL 17, 2023

Council Member Beard moved, seconded by Council Member Palmer, to accept the minutes of the April 17, 2023, meeting of the Cadence Bank Arena. The vote was unanimous in favor. APPENDIX X

IN THE MATTER OF APPROVAL OF CONTRACT WITH ENSCOR, LLC FOR BID # 2023-019WL

Bid # 2023-019WL – Hwy 45 North Sewer Outfall Line was awarded to Encor, LLC. Johnny Timmons, TWL Director, has presented the contract for the bid. Council Member Beard moved, seconded by Council Member Gaston, to approve the contract with Encor, LLC in the amount of \$1,368,720.00, and give the Mayor and City Clerk the authority to execute same. The vote was unanimous in favor. APPENDIX Y

IN THE MATTER OF APPROVAL OF A CONTRACT WITH INNOVATIVE CONSTRUCTION MANAGEMENT, LLC FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO THE CITY'S EXPENDITURE OF ARPA FUNDS

Council Member Davis moved, seconded by Council Member Beard, to approve the contract with Innovative Construction Management, LLC (ICM) for construction management services related to the City's expenditure of ARPA funds and to authorize the Mayor and City Clerk to execute all documents. The vote was unanimous in favor. APPENDIX Z

IN THE MATTER OF AMENDMENT TO EMPLOYEE HANDBOOK POLICY NUMBER #317

Council Member Beard moved, seconded by Council Member Jones, to approve the order for revision of employee handbook policy #317 Professional Development Opportunities Offered by the City of Tupelo. The vote was unanimous in favor and the Order and revision are attached to these Minutes as APPENDIX AA.

IN THE MATTER OF LOT MOWING

Council Member Davis moved, seconded by Council Member Beard, to approve the final lot mowing list, as presented. The vote was unanimous in favor. APPENDIX BB

ADJOURNMENT

There being no further business to come before the City Council at this time, Council Member Jones moved, seconded by Council Member Beard to adjourn at 6:53 p.m.

This the 6th day of June, 2023.

Lynn Bryan, Council President

ATTEST:

Missy Shelton, Council Clerk

APPROVED:

Todd Jordan, Mayor

Date



AGENDA REQUEST

TO: Mayor and City Council
FROM: Kim Hanna, City Clerk/CFO
DATE June 15, 2023
SUBJECT: IN THE MATTER OF BILL PAY

Request:

For your review and approval.



AGENDA REQUEST

TO: Mayor and City Council
FROM: Kim Hanna, CFO
DATE June 20, 2023
SUBJECT: IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS **KH**

Request:

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:

Sprint Print	\$1,150.00	Promotional items for Police Department recruiting
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AGENDA REQUEST

TO: Mayor and City Council
FROM: Kim Hanna, CFO
DATE June 20, 2023
SUBJECT: IN THE MATTER OF BUDGET AMENDMENT #7 FOR FY 2023 **KH**

Request:

Please review and approve amendment #7.

ITEMS:

Amendment #7

City of Tupelo
Fy 2023 Budget Revision #7

Whereas, the Mayor and City Council of the City of Tupelo have determined that the budget estimates and certain increases are needed in the operating departments, it is hereby resolved to amend the FY 2023 Budget as follows:

	Original Budget	Amendment	Amended Budget
Fund #327			
Tupelo Capital & Infrastructure Fund			
Revenues			
Grants	1,352,972		1,352,972
Transfer from Other Funds	9,990,293		9,990,293
Donations	200,000		200,000
Bond Proceeds	-		-
Unreserved Fund Balance	10,196,688	-	10,196,688
Total Revenues	<u>21,739,953</u>	-	<u>21,739,953</u>
Purpose:			
Expenditures			
Other Services & Charges			
Maintenance Projects	317,782		317,782
Street Overlay	4,492,247		4,492,247
Neighborhood Revitalization	842,771	(165,000)	677,771
Traffic Calming	120,000		120,000
Contingies/Grant Matches	-	-	-
Total Other Services & Charges	<u>5,772,800</u>	<u>(165,000)</u>	<u>5,607,800</u>
Capital			
Infrastructure Improvements	7,958,154		7,958,154
Purchase of Property	767,500	165,000	932,500
Equipment	1,095,954		1,095,954
Building Improvements	2,353,387		2,353,387
Park Improvements	2,606,772		2,606,772
Vehicles	581,807		581,807
Police Vehicles/Equipment	373,739		373,739
Fire Equipment/Trucks	229,840		229,840
Contingencies(Grant Matches)	-	-	-
Total Capital	<u>15,967,153</u>	<u>165,000</u>	<u>16,132,153</u>
Other Financing Uses	-	-	-
Total Expenditures	<u>21,739,953</u>	-	<u>21,739,953</u>

Purpose: To move funds from services to capital for the purpose of purchasing property.

Voting

Councilman Chad Mims	_____
Councilman Lynn Bryan	_____
Councilman Travis Beard	_____
Councilman Nettie Davis	_____
Councilman Buddy Palmer	_____
Councilman Janet Gaston	_____
Councilman Rosie Jones	_____

Approved:

 President of the Council
 City of Tupelo

Attest:

 Clerk of the Council

 Mayor
 City of Tupelo

Attest:

 City Clerk



AGENDA REQUEST

TO: Mayor and City Council

FROM: Kim Hanna, CFO

DATE June 20, 2023

SUBJECT: IN THE MATTER OF RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY AND/OR ISSUE A GENERAL OBLIGATION BOND OF THE CITY FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK, IN ONE OR MORE TAXABLE OR TAX-EXEMPT SERIES, ALL IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000); **KH**

Request:

To review and approve intent resolution.

ITEMS:

Proposed Intent Resolution for \$20,000,000

NOTICE OF RESOLUTION OF INTENT

The Mayor and the City Council of the City of Tupelo, Mississippi (the "**Governing Body**"), acting for and on behalf of the City of Tupelo, Mississippi (the "**City**") took up for consideration the matter of providing financing for certain capital improvements of the City, and after a discussion of the subject matter, the following resolution was presented for consideration:

RESOLUTION DECLARING THE INTENTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, TO ISSUE GENERAL OBLIGATION BONDS OF THE CITY AND/OR ISSUE A GENERAL OBLIGATION BOND OF THE CITY FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK, IN ONE OR MORE TAXABLE OR TAX-EXEMPT SERIES, ALL IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000); DIRECTING THE PUBLICATION OF A NOTICE OF SUCH INTENTION; AND FOR RELATED PURPOSES.

WHEREAS, the Governing Body, acting for and on behalf of the City, hereby finds, determines, adjudicates and declares as follows:

1. The City is authorized by Sections 21-33-301 et seq., Mississippi Code of 1972, as amended and/or supplemented from time to time (the "**City Bond Act**") to issue general obligation bonds for the purposes set forth therein, including, but not limited to, (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning and equipping municipal buildings and purchasing buildings and land therefor; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act, including funding capitalized interest, if applicable, and paying the costs of borrowing (collectively, the "**Project**").

2. The City is also authorized under Sections 31-25-1 et seq., Mississippi Code of 1972, as amended and supplemented from time to time (the "**Bank Act**" and together with the City Bond Act, the "**Act**"), and other applicable laws of the State of Mississippi (the "**State**"), to issue a general obligation bond of the City to be sold to the Mississippi Development Bank (the "**Bank**") to finance the costs of the Project.

3. The Project is in accordance with and in furtherance of the provisions of the Act.

4. The Governing Body is authorized to provide financing for the costs of the Project either (a) through the issuance of general obligation bonds of the City, in one or more taxable or tax-exempt series, in a total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000) (the "**Bonds**") pursuant to the City Bond Act, and/or, (b) through the issuance of a general obligation bond of the City, in one or more taxable or tax-exempt series, to be sold to the Bank (the "**City Bond**") in a total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000).

5. As of June 1, 2023, the assessed value of all taxable property within the City, according to the last completed assessment for taxation, is \$591,219,853, and the City has outstanding bonded indebtedness as subject to the fifteen percent (15%) debt limit prescribed by Section 21-33-303 of the City Bond Act, in the amount of \$40,290,000, and outstanding bonded and floating indebtedness as subject to the twenty percent (20%) debt limit prescribed by Section 21-33-303 of the City Bond Act (which amount includes the sum set forth above subject to the fifteen percent (15%) debt limit), in the amount of \$45,880,000.

6. The Bonds and/or the City Bond, when added to the outstanding bonded indebtedness of the City, including any indebtedness of the City issued subsequent to the adoption of this resolution but prior to the issuance of the Bonds and/or the City Bond, will not result in bonded indebtedness, exclusive of indebtedness not subject to the aforesaid fifteen percent (15%) debt limit, of more than fifteen percent (15%) of the assessed value of all taxable property within the City, and will not result in indebtedness, both bonded and floating, exclusive of indebtedness not subject to the aforesaid twenty percent (20%) debt limit, in excess of twenty percent (20%) of the assessed value of all taxable property within the City, and will not exceed any constitutional or statutory limitation upon indebtedness which may be incurred by the City.

7. There has been no increase in said bonded and floating general obligation indebtedness of the City since June 1, 2023.

8. It is necessary for the health and well-being of the citizens of the City, and it would be in the best interest of the City for the Governing Body to provide financing for the costs of the Project by borrowing money through the issuance of the Bonds and/or the City Bond, all in accordance with the City Bond Act and/or the Act.

9. The Governing Body is authorized and empowered by the Act to issue the Bonds and/or the City Bond for the purposes as hereinafter set forth and there are no other available funds on hand or available from regular sources of income for such purposes.

10. The City reasonably expects that it will incur expenditures prior to the issuance of the Bonds and/or the City Bond which it intends to reimburse with the proceeds of the Bonds and/or the City Bond upon the issuance thereof. This declaration of official intent to reimburse expenditures made prior to the issuance of the Bonds and/or the City Bond in anticipation of the issuance of the Bonds and/or the City Bond is made pursuant to Department of Treasury Regulations Section 1.150-2 (the "**Reimbursement Regulations**"). The Project for which such expenditures are made is the same as described hereinabove. The maximum principal amount of debt expected to be issued for the Project is the amount hereinabove set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. The Governing Body, acting for and on behalf of the City, hereby declares its intention to issue and sell the Bonds and/or the City Bond to the Bank, in one or more taxable or tax-exempt series, in the total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000).

SECTION 2. The Bonds or the City Bond are to be issued to raise money for the purpose of financing the Project in accordance with the Act.

SECTION 3. The Bonds or the City Bond may be issued in one or more taxable or tax-exempt series and, if issued, will be general obligations of the City payable as to principal and interest out of and secured by an irrevocable pledge of the avails of a direct and continuing tax to be levied annually without limitation as to time, rate, or amount upon all the taxable property within the geographical limits of the City; provided, however, that such tax levy for any year shall be abated pro tanto to the extent the City on or prior to September 1 of that year has transferred money to the bond fund of the Bonds or the City Bond, or has made other provisions for funds, to be applied toward the payment of the principal of and interest on the Bonds or the City Bond due during the ensuing fiscal year of the City, in accordance with the provisions of the bond resolution adopted by the Governing Body in connection with the issuance of the Bonds or the City Bond.

SECTION 4. The Governing Body proposes to direct the issuance of all or any portion of the Bonds or the City Bond in the amount and for the purposes and secured as aforesaid at a meeting of the Governing Body to be held at its usual meeting in City Hall, located at 71 East Troy Street, Tupelo, Mississippi, at the hour of 6:00 o'clock p.m. on August 1, 2023, or at some meeting or meetings subsequent thereto; provided, however, that if ten percent (10%) of the qualified electors of the City or fifteen hundred (1,500), whichever is less, shall file a written protest with the City Clerk of the City (the "City Clerk") in her office located in City Hall at 71 East Troy Street, Tupelo, Mississippi, against the issuance of the Bonds or the City Bond on or before 4:00 o'clock p.m. on August 1, 2023, then the Bonds or the City Bond shall not be issued unless approved at an election on the question thereof called and held as is provided by law; provided, further that if no protest is filed, then the Bonds or the City Bond may be issued and sold in one or more taxable or tax-exempt series without an election on the question of the issuance thereof at any time within a period of two (2) years after August 1, 2023.

SECTION 5. This resolution shall be published once a week for at least three (3) consecutive weeks in the *Northeast Mississippi Daily Journal*, a newspaper published in and having general circulation in the City and qualified under the provisions of Section 13-3-31, Mississippi Code of 1972, as amended and supplemented from time to time. The first publication of this resolution shall be made not less than twenty-one (21) days prior to the date fixed herein, and the last publication shall be made not more than seven (7) days prior to such date.

SECTION 6. The City Clerk of the Governing Body shall be and is hereby directed to procure from the publisher of the aforesaid newspaper the customary proof of the publication of this resolution and have the same before the Governing Body on the date and hour specified in Section 4 hereof.

SECTION 7. The City reasonably expects that it will incur expenditures prior to the issuance of the Bonds and/or the City Bond which it intends to reimburse with the proceeds of the Bonds and/or the City Bond upon the issuance thereof. This declaration of official intent to reimburse expenditures made prior to the issuance of the Bonds and/or the City Bond in anticipation of the issuance of the Bonds and/or the City Bond is made pursuant to the Reimbursement Regulations. The Project for which such expenditures are made is the same as described hereinabove. The maximum principal amount of debt expected to be issued for the Project is the amount hereinabove set forth.

SECTION 8. If any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

The above and foregoing resolution, after having been first reduced to writing, was introduced by Council Member _____, seconded by Council Member _____ and was adopted by the following roll call vote, to wit:

YEAS:

NAYS:

ABSENT:

(Insert Vote Count)

The President thereby declared the motion carried and the resolution adopted, this the 20th day of June 2023.

ATTEST:

ADOPTED:

/s/

CLERK OF COUNCIL

/s/

PRESIDENT

The above and foregoing resolution having been submitted to and approved by the Mayor, this the 20th day of June 2023.

/s/

CITY CLERK

/s/

MAYOR

Publish as a legal notice for four (4) consecutive weeks on July 10, 17, 24 and 31, 2023.



AGENDA REQUEST

TO: Mayor and City Council
FROM: Kim Hanna, CFO
DATE June 20, 2023
SUBJECT: IN THE MATTER OF RESOLUTION HIRING REQUIRED LEGAL COUNSEL
AND AN INDEPENDENT REGISTERED MUNICIPAL ADVISOR; **KH**

Request:

To review and approve resolution to hire legal counsel and an independent MA.

ITEMS:

Resolution to hire legal counsel and municipal advisor.

Exhibit A-Engagement letter for legal counsel

Exhibit B-Engagement letter for Municipal Advisor

There came on for consideration the matter of providing financing for certain capital improvements for the City of Tupelo, Mississippi, and after a discussion of the subject matter, Council Member _____ offered and moved the adoption of the following resolution:

RESOLUTION HIRING REQUIRED LEGAL COUNSEL AND AN INDEPENDENT REGISTERED MUNICIPAL ADVISOR IN CONNECTION WITH THE SALE AND ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY OF TUPELO, MISSISSIPPI AND/OR A GENERAL OBLIGATION BOND OF SAID CITY FOR SALE TO THE MISSISSIPPI DEVELOPMENT BANK, IN ONE OR MORE TAXABLE OR TAX-EXEMPT SERIES, ALL IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED TWENTY MILLION DOLLARS (\$20,000,000); AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and the City Council of the City of Tupelo, Mississippi (the "**Governing Body**"), acting for and on behalf of the City of Tupelo, Mississippi (the "**City**"), is authorized by Sections 21-33-301 *et seq.*, Mississippi Code of 1972, as amended and supplemented from time to time (the "**City Bond Act**"), to issue general obligation bonds for the purposes set forth therein, including, but not limited to, (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning and equipping municipal buildings and purchasing buildings and land therefor; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act, including funding capitalized interest, if applicable, and paying the costs of borrowing (collectively, the "**Project**"); and

WHEREAS, the City is also authorized under Sections 31-25-1 *et seq.*, Mississippi Code of 1972, as amended and supplemented from time to time (the "**Bank Act**" and together with the City Bond Act, the "**Act**"), and other applicable laws of the State of Mississippi (the "**State**"), to issue a general obligation bond of the City to be sold to the Mississippi Development Bank (the "**Bank**") to finance the costs of the Project; and

WHEREAS, the Project is in accordance with and in furtherance of the provisions of the Act; and

WHEREAS, the Governing Body is authorized to provide financing for the costs of the Project either (a) through the issuance of general obligation bonds of the City, in one or more taxable or tax-exempt series, in a total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000) (the "**Bonds**") pursuant to the City Bond Act, and/or, (b) through the issuance of a general obligation bond of the City, in one or more taxable or tax-exempt series, to be sold to the Bank (the "**City Bond**") in a total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000); and

WHEREAS, in connection with the execution and delivery of the documentation necessary to secure the sale and issuance of the Bonds and/or the City Bond, the Governing Body now desires to hire the required legal bond counsel and an independent registered municipal advisor.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY, ACTING FOR AND ON BEHALF OF THE CITY, AS FOLLOWS:

SECTION 1. The Governing Body, acting for and on behalf of the City, does hereby find and determine that it is necessary and advisable for the City to hire the required legal bond counsel and an independent registered municipal advisor in connection with the issuance of the Bonds and/or the City Bond, in one or more taxable or tax-exempt series, in the total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000).

SECTION 2. Butler Snow LLP, Ridgeland, Mississippi, is hereby selected to serve as bond counsel (the "**Bond Counsel**") to the City in connection with the sale and issuance of the Bonds and/or the City Bond. The Mayor of the City or the President of the Governing Body, acting for and on behalf of the City, is hereby authorized and directed to execute and deliver the engagement letter of Bond Counsel attached hereto as **Exhibit A**.

SECTION 3. Government Consultants, Inc., Madison, Mississippi, is hereby selected to serve as Independent Registered Municipal Advisor (the "**Municipal Advisor**") to the City in connection with the sale and issuance of the Bonds and/or the City Bond. The Mayor of the City or the President of the Governing Body, acting for and on behalf of the City, is hereby authorized and directed to execute and deliver the Independent Registered Municipal Advisor disclosure letter of the Municipal Advisor attached hereto as **Exhibit B**.

SECTION 4. If the Municipal Advisor deems it in the best interest of the City to engage an Underwriter or Placement Agent in connection with the sale of the City Bond, the Governing Body of the City hereby authorizes the Mayor of the City or the President of the Governing Body, acting for and on behalf of the City, to execute any letters required by such Underwriter and/or Placement Agent, if applicable and upon advise of the Municipal Advisor.

SECTION 5. If any one or more of the provisions of this resolution shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any of the other provisions of this resolution, but this resolution shall be construed and enforced as if such illegal or invalid provision or provisions had not been contained herein.

Council Member _____ seconded the motion and the resolution was adopted by the following roll call vote, to wit:

YEAS:

NAYS:

ABSENT:

The President thereby declared the motion carried and the resolution adopted, this the 20th day of June 2023.

ATTEST:

ADOPTED:

CLERK OF COUNCIL

PRESIDENT

The above and foregoing resolution having been submitted to and approved by the Mayor, this the 20th day of June 2023.

CITY CLERK

MAYOR

EXHIBIT A
BOND COUNSEL ENGAGEMENT LETTER

EXHIBIT B
M/A IRMA LETTER

69473720.v1

June 20, 2023

Mayor and City Council
City of Tupelo, Mississippi

Re: City of Tupelo, MS General Obligation Bond Financing, in one or more series, in a total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000)

Ladies and Gentlemen:

The purpose of this engagement letter is to set forth certain matters concerning the services we will perform as bond counsel to the City of Tupelo, Mississippi (the "**City**") in connection with the issuance of either (a) general obligation bonds of the City, in one or more taxable or tax-exempt series, in a total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000) (the "**Bonds**") pursuant to the City Bond Act, and/or, (b) a general obligation bond of the City, in one or more taxable or tax-exempt series, to be sold to the Bank (the "**City Bond**") in a total aggregate principal amount not to exceed Twenty Million Dollars (\$20,000,000). We understand that the Bonds and/or the City Bond are being issued for the purpose of providing funds for (i) constructing, improving or paving streets, sidewalks, driveways, parkways, walkways or public parking facilities, and purchasing land therefor; (ii) erecting, repairing, improving, adorning and equipping municipal buildings and purchasing buildings and land therefor; (iii) purchasing land for parks, cemeteries and public playgrounds, and improving, equipping and adorning the same, including the constructing, repairing and equipping of swimming pools and other recreational facilities; (iv) purchasing fire-fighting equipment and apparatus, and providing housing for same, and purchasing land therefor; (v) erecting or purchasing waterworks, gas, electric and other public utility plants or distribution systems or franchises, and repairing, improving and extending the same; (vi) establishing sanitary, storm, drainage or sewerage systems, and repairing, improving and extending the same; (vii) protecting a municipality, its streets and sidewalks from overflow, caving banks and other like dangers; (viii) constructing bridges and culverts; (ix) purchasing machinery and equipment, including motor vehicles weighing not less than twelve thousand (12,000) pounds, which have an expected useful life in excess of ten (10) years which expected useful life shall exceed the life of the bonds financing such purchase; and (x) for other authorized purposes under the City Bond Act, including funding capitalized interest, if applicable, and paying the costs of borrowing (collectively, the "**Project**").

Post Office Box 6010
Ridgeland, MS 39158-6010

ELIZABETH L. CLARK
601.985.4406
elizabeth.clark@butlersnow.com

Suite 1400
1020 Highland Colony Parkway
Ridgeland, Mississippi 39157

T 601.948.5711 • F 601.985.4500 • www.butlersnow.com

BUTLER SNOW LLP

SCOPE OF ENGAGEMENT

In connection with this engagement, we expect to perform the following duties:

1. Subject to the completion of proceedings to our satisfaction, render our legal opinion (the "**Bond Opinion**") regarding the validity and binding effect of the Bonds and/or the City Bond, the source of payment and security for the Bonds and/or the City Bond, and the excludability of interest on the Bonds and/or the City Bond from gross income for federal and State of Mississippi (the "**State**") income tax purposes;

2. Prepare and review documents necessary or appropriate for the authorization, issuance and delivery of the Bonds and/or the City Bond and coordinate the authorization and execution of such documents;

3. Assist the City in seeking from any other governmental authorities such approvals, permissions, and exemptions as we determine are necessary or appropriate in connection with the authorization, issuance and delivery of the Bonds and/or the City Bond, except that we will not be responsible for any required Blue Sky filings;

4. Review legal issues relating to the structure of the Bond issue;

5. Assist with pursuing validation proceedings under State law;

6. Assist the City in preparing the official statement (the "**Official Statement**") and subject to satisfactory completion of our review, provide to the City written advice that in the course of our participation, no information has come to our attention that leads us to believe that the Official Statement, as of its date (except for financial statements, other statistical data, feasibility reports and statements of trends and forecasts and book-entry language contained in the Official Statement and its appendices, to which we will express no opinion), contains any untrue statement of material fact or omits to state any material fact necessary to make the statements in the Official Statement, in light of the circumstances under which they were made, not misleading;

7. Assist the City in presenting information to bond rating organizations, if necessary, and providers of credit enhancement relating to legal issues affecting the issuance of the Bonds and/or the City Bond;

8. Draft the continuing disclosure undertaking of the City;

9. Prepare and review the notice of sale pertaining to the competitive sale of bonds, if applicable.

Our Bond Opinion will be addressed to the City and will be delivered by us on the date of delivery of the Bonds and/or the City Bond. The Bond Opinion will be based on facts and laws existing as of its date. In rendering our Bond Opinion, we will rely upon the certified proceedings and other certifications of public officials and other persons furnished to us without undertaking to verify the same by independent investigation, and we will assume continuing compliance by the City with applicable laws relating to the Bonds and/or the City Bond. During the course of this engagement, we will rely on you to provide us with complete and timely information on all

developments pertaining to any aspect of the Bonds and/or the City Bond and their security. We understand that you will direct members of your staff and other employees of the City to cooperate with us in this regard. In rendering our Bond Opinion, we will expressly rely upon other counsel as to due authorization, execution and delivery of bond documents executed by the City.

Our duties in this engagement are limited to those expressly set forth above. Among other things, our duties under this engagement, without a separate engagement as may hereafter be agreed between the parties, do not include:

(a) Except as described in paragraph 6 above, assisting in the preparation or review of the Official Statement or any other disclosure document with respect to the Bonds and/or the City Bond, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice that the Official Statement or other disclosure document does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading;

(b) Preparing request for tax rulings from the Internal Revenue Service ("**IRS**") or no action letters from the Securities and Exchange Commission ("**SEC**");

(c) If applicable, preparing Blue Sky or investment surveys with respect to the Bonds and/or the City Bond;

(d) Drafting State constitutional or legislative amendments;

(e) Pursuing test cases or other litigation, such as contested validation proceedings;

(f) Making an investigation or expressing any view as to the creditworthiness of the City or the Bonds and/or the City Bond;

(g) Except as described in paragraph 8 above, assisting in the preparation of, or opining on, a continuing disclosure undertaking pertaining to the Bonds and/or the City Bond or, after closing, providing advice concerning any actions necessary to assure compliance with any continuing disclosure undertaking;

(h) Representing the City in IRS examinations or inquiries, or SEC investigations;

(i) After closing, providing continuing advice to the City or any other party concerning any actions necessary to assure that interest paid on the Bonds and/or the City Bond will continue to be excludable from gross income for federal income tax purposes (e.g., our engagement does not include rebate calculations for the Bonds and/or the City Bond);

(j) Giving and/or providing any financial advice or financially-related recommendations concerning the issuance of the Bonds and/or the City Bond as mandated by SEC and/or MSRB rules; or

(k) Addressing any other matters not specifically set forth above that is not required to render our Bond Opinion.

ATTORNEY-CLIENT RELATIONSHIP

Upon execution of this engagement letter, the City will be our client and an attorney-client relationship will exist between us. We understand that counsel to the City has been engaged by the City to assist with the issuance of the Bonds and/or the City Bond, particularly as to the authorization, execution and delivery of bond documents. We assume that all other parties will retain such counsel, as they deem necessary and appropriate to represent their interest in this transaction. We further assume that all other parties understand that in this transaction we represent only the City, we are not counsel to any other party, and we are not acting as an intermediary among the parties. Our services as bond counsel are limited to those contracted for in this letter, and the City's execution of this engagement letter will constitute an acknowledgment of those limitations. Our representation of the City will not affect, however, our responsibility to render an objective Bond Opinion.

Our representation of the City and the attorney-client relationship created by this engagement letter will be concluded upon issuance of the Bonds and/or the City Bond. Nevertheless, subsequent to Closing, we will mail to the IRS the appropriate IRS Form 8038-G and prepare and distribute to the participants in the transaction a transcript of the proceedings pertaining to the Bonds and/or the City Bond.

PROSPECTIVE CONSENT

As you are aware, Butler Snow represents many political subdivisions, companies and individuals. It is possible that during the time that we are representing the City, one or more of our present or future clients will have transactions with the City. It is also possible that we may be asked to represent, in an unrelated matter, one or more of the entities involved in the issuance of the Bonds and/or the City Bond. We do not believe that such representation, if it occurs, will adversely affect our ability to represent you as provided in this letter, either because such matters will be sufficiently different from the issuance of the Bonds and/or the City Bond so as to make such representations not adverse to our representation of you, or because the potential for such adversity is remote or minor and outweighed by the consideration that it is unlikely that advice given to the other client will be relevant to any aspect of the issuance of the Bonds and/or the City Bond. Execution of this letter will signify the City's consent to our representation of others consistent with the circumstances described in this paragraph.

FEES

Based upon: (i) our current understanding of the terms, structure, size and schedule of the financing represented by the Bonds and/or the City Bond; (ii) the duties we will undertake pursuant to this engagement letter; (iii) the time we anticipate devoting to the financing; and (iv) the

responsibilities we will assume in connection therewith, our fee will not exceed one percent (1.00%) of the par amount of the Bonds and/or the City Bond, plus expenses, plus any fee paid to the State Bond Attorney, and plus our fee for participating and assisting with the preparation of the Official Statement, which additional fee shall not exceed 0.25% of the par amount of the Bonds and/or the City Bond.

If the financing is not consummated, we understand and agree that we will not be paid for our time expended on your behalf but will be paid for client charges made or incurred on your behalf.

RECORDS

At your request, papers and property furnished by you will be returned promptly upon receipt of payment for outstanding fees and client charges. Our own files, including lawyer work product, pertaining to the transaction will be retained by us. For various reasons, including the minimization of unnecessary storage expenses, we reserve the right to dispose of any documents or other material retain by us after the termination of this engagement.

If the foregoing terms are acceptable to you, please so indicate by returning the enclosed copy of this engagement letter dated and signed by an authorized officer, retaining the original for your files. We look forward to working with you.

By: **BUTLER SNOW LLP**

By: 
Elizabeth Lambert Clark

Accepted and Approved:

CITY OF TUPELO, MISSISSIPPI

BY: _____
Mayor

Dated: June 20, 2023

Authorized by Resolution of the Governing Body of the City of Tupelo, Mississippi dated June 20, 2023.



GOVERNMENT CONSULTANTS, INC.

Consulting & Municipal Advisory Firm

Item # 9.

116 Village Boulevard
Madison, Mississippi 39110

Telephone: (601) 982-0005
Facsimile: (601) 982-2448
Email: gcms@gc-ms.net

June 20, 2023

Mayor and City Council
City of Tupelo, Mississippi
71 E. Troy Street
Tupelo, Mississippi

Re: Tupelo, Mississippi
Not to Exceed \$20,000,000 City of Tupelo, Mississippi General Obligation Bonds, in one or more taxable or tax-exempt series; OR
Not to Exceed \$20,000,000 Mississippi Development Bank Special Obligation Bonds (Tupelo, Mississippi General Obligation Bond Project), in one or more taxable or tax-exempt series (collectively, the “Bonds”)
Disclosure and Engagement Letter (the “Letter”)

Dear Mayor and City Council,

We are writing to provide certain disclosures to you as representative of the City of Tupelo, Mississippi (the “Issuer” or “Obligor”) as required by the Securities and Exchange Commission (“SEC”) and Municipal Securities Rulemaking Board (“MSRB”). Government Consultants, Inc. (“GCI” or the “Municipal Advisor”) is an Independent Registered Municipal Advisor and welcomes the opportunity to provide municipal advisory services to you relative to the issuance of the above referenced Bonds.

Disclosures Concerning our Role as Municipal Advisor

- (i) The Municipal Advisor has a fiduciary duty to you. This is different than an underwriter, if any, who only has an obligation to deal fairly with you. The underwriter, if any, has financial and other interests that differ from yours, unlike the Municipal Advisor who has no financial or other interests that differ from your own.
- (ii) We shall provide advice concerning the structure, timing, terms, sizing and other similar matters related to any potential bond or debt issuance.
- (iii) We shall make a reasonable inquiry to the relevant facts that help determine which course of action best suits your interests. A reasonable analysis will be conducted to determine that all advice and/or recommendation(s), are not based on materially inaccurate or incomplete information.
- (iv) We shall evaluate possible material risks, benefits and alternatives related to the Bonds.
- (v) Our duties are limited to this transaction and the above-mentioned disclosures.
- (vi) In the event the Bonds are issued by the Mississippi Development Bank, we will be likewise engaged as Municipal Advisor to the Mississippi Development Bank as the “Issuer” and you as the “Obligor” under the documents related to the Bonds.

The MSRB provides a brochure covering information for municipal advisory client protections and appropriate regulatory authority contact information on the MSRB homepage at <http://www.msrb.org>.

Disclosure Concerning Conflicts of Interest and Other Information

MSRB Rule G-42 requires that GCI provide in writing any disclosures relating to actual or potential material conflicts of interest, including certain categories of potential conflicts of interest identified in MSRB Rule G-42, if applicable. After reasonable due diligence by GCI, there are no known material conflicts of interest that may affect GCI's ability to serve as a municipal advisor to you. In the event the Bonds are issued by the Mississippi Development Bank, GCI will be engaged as the Municipal Advisor to the Mississippi Development Bank as Issuer and to you as Obligor, which represents a potential conflict of interest during the issuance of the Bonds. In accordance with MSRB Rule G-42, GCI will follow its fiduciary duty, that includes the duty of loyalty and the duty of care, to both the Issuer and Obligor, if applicable, and to disclose our role and duties as a Municipal Advisor. Our primary obligation is to always act in your best interest. There are no other known material conflict(s) of interest at the time of engagement.

If any new or additional material conflict(s) of interest occurs after the delivery and execution of this Letter, GCI will disclose all new material conflict(s) of interest to the you.

Disclosure Concerning the Compensation

Our compensation for serving as municipal advisor will be contingent on the issuance of the Bonds and is based, in part, on the size of the bonds. We will negotiate with you as to compensation and will be paid upon closing of the transaction(s). The Municipal Advisor will abide by its fiduciary duty to you and provide unbiased and independent advice as required by the MSRB.

Disclosure of Information Regarding Legal Events and Disciplinary History

GCI recommends potential clients to undertake its own evaluation of GCI's regulatory history, professional qualifications, and other material issues. Such information, whether material or not, must be reported on Form MA and/or MA-I filed with the SEC. There are no recent changes made on any Form MA or Form MA-I, which are available and can be viewed on the SEC's EDGAR system website at <http://www.sec.gov/edgar/searchedgar/companysearch.html>.

Disclosure Relating to Issuing Bonds

As with any issuance of debt, your obligation to pay principal and interest when due, will be a contractual obligation that will require that these payments be made no matter what budget restraints may be encountered. Your failure to pay principal and interest when due, could cause you to be in default. A default may negatively impact your credit ratings and may effectively limit your ability to publicly offer other debts at market rate levels.

Please be aware of the following basic aspects of the Bonds:

Fixed rate debt is an interest-bearing obligation that contains rates specified at closing and will not change while the bonds are outstanding. Maturity dates are fixed at the time of the closing and may include serial maturities (specified principal amounts are payable on the same date each year until final maturity) or a term maturity (specified principal amounts are payable on each term maturity date) or a combination of serial and term maturities. Interest on fixed rate bonds is typically paid semiannually at a stated fixed rate or rates for each maturity.

General obligation debt is an obligation to which your full faith and credit is pledged to pay principal and interest. This pledge is in the form of a millage, without limitation, to be collected within your jurisdiction in order to provide for the timely payment of general obligation debt. If needed, you promise to collect the taxes and repay the debt to which this obligation is pledged.

Additionally, the Bonds may be offered as federally taxable obligations.

Additionally, the Bonds may be offered as federally tax-exempt obligations. This requires that you comply with various Internal Revenue Service ("IRS") requirements and restrictions relating to how you use and invest the proceeds of the bond issue, how you use any facilities constructed with the proceeds of the bond issue and other restrictions throughout the term of the Bonds.

It is recommended that you consult with bond counsel on such tax matters related to the issuance of the Bonds.

Disclosure Concerning the Term of Engagement

The Term of Engagement is effective on the execution date of the document that employed GCI as your appointed municipal advisor and ends upon the closing and delivery of the Bonds. The Engagement may be terminated with or without cause by either party. A written notice must be delivered to the other party, specifying the effective date of the termination.

Acknowledgement

We must seek your acknowledgement that you have received this Letter. Accordingly, please acknowledge receipt of this Letter on in the space provided below. If you are not authorized to execute this Letter, please notify GCI immediately so the correct individual may be contacted. Please let us know if you have any questions or concerns.

Sincerely,

Government Consultants, Inc.

BY: 

Nick Schorr

RECEIPT ACKNOWLEDGEMENT

BY: _____

Signature

Todd Jordan, Mayor, City of Tupelo, Mississippi

Authorized Representative's Name



AGENDA REQUEST

TO: Mayor and City Council
FROM: Dennis Bonds, Interim Director of Development Services
DATE: June 6, 2023
SUBJECT: IN THE MATTER OF REVIEW/APPROVE DEMOLITIONS **DRB**

Request: DRB

The Department of Development Services requests Council approval to demolish substandard structures on the following properties:

117 & 117 ½ Highland Drive (PARCEL 077Q-36-085-00)

1108 Marquette Street (PARCEL 077G-25-112-00)

2111 President Street (PARCEL 101M-12-093-00)

1203 North Green Street (PARCEL 089B-30-065-00)

718 North Church Street (PARCEL 089F-30-072-00)



HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43298

Vs.

GLAMOUR ENTERPRISES, LLC

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 Dennis Bonds 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 **117 & 117 ½ Street and Parcel #077Q-36-085-00, Tupelo MS**, including building(s) thereon, is in such a state of uncleanliness 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 **06/20/2023, 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.
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

5. 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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION**117 & 117.5 HIGHLAND DRIVE****BASIC INFORMATION**

- ▶ PARCEL: 077Q-36-085-00
- ▶ CASE: 43298
- ▶ WARD: 4
- ▶ TAX VALUE: \$33,150
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

- Right side \$26,140
- Left side \$35,490
- Rear \$834,930 (Harrisburg Landing)
- Across street \$38,880

TAXES/LIENS

- Taxes CURRENT
- 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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 11
- ▶ CURRENT STATUS Owner purchased for income property. Property is unable to pass C/O
- ▶ This property has changed hands many times. It is now in bad shape and not repairable

09/08/2022

GLAMOUR ENTERPRISES, LLC
PO BOX 2811
TUPELO, MS 38803



Re: CASE # 43298
117 & 117-1/2 S HIGHLAND DR,
PARCEL NUMBER: 077Q3608500

Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe

VIOLATION	DETAILS/REMEDY
BLDG MAINT	117 S. HIGHLAND
BLDG MAINT	117 1/2 S HIGHLAND
BRING UP TO THE 2018 RESIDENTIAL BUILDING CODE OR DEMOLISH BY DATE BELOW	

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE:	REINSPECTION DATE:
10/08/2022	10/08/2022

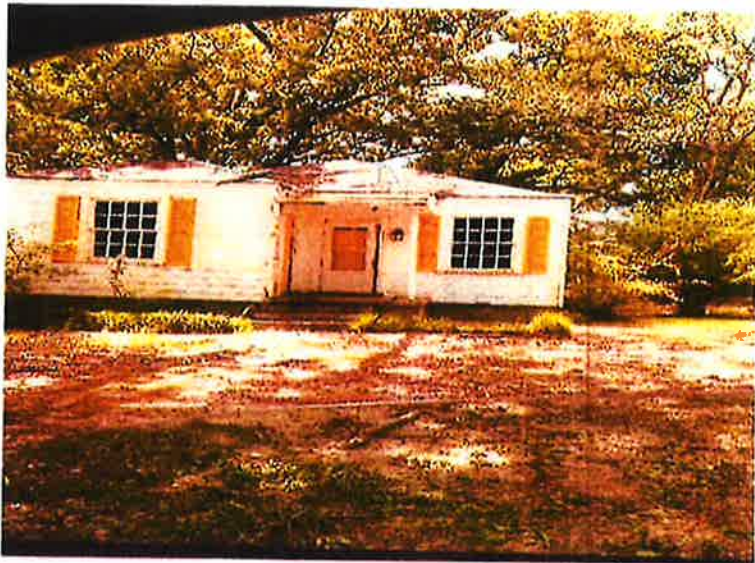
Thank you in advance for your compliance. If you have questions, please call 662.871.71758.

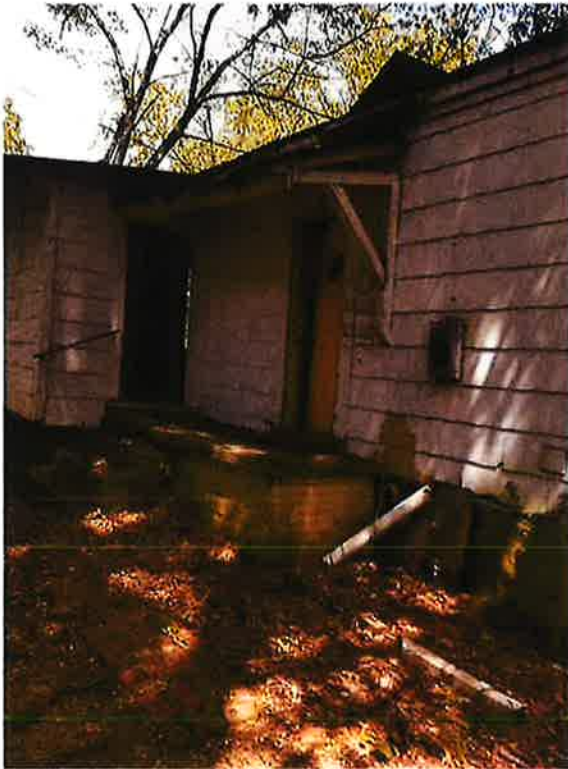
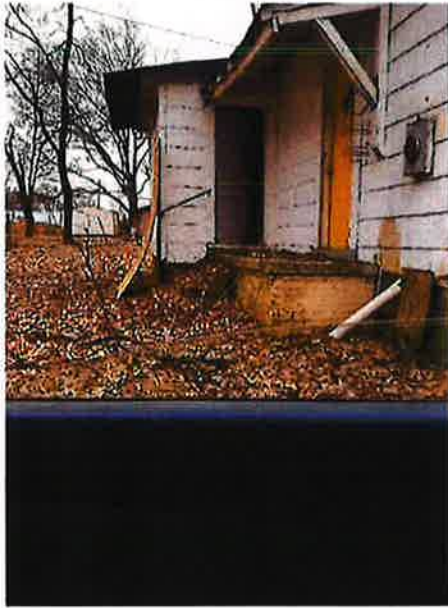
Sincerely,


LYNDA FORD
Code Enforcement

13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense







HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43435

Vs.

SUE C. LITTLE

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 Dennis Bonds 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."

- 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 **1108 Marquette Street, Parcel #077G-25-112-00, 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.
- Notice.** A hearing has been set before City Council of the City of Tupelo at its regularly scheduled meeting to be held on **06/20/2023, 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.
- 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.

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.
- 5.

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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION**1108 MARQUETTE STREET****BASIC INFORMATION**

- ▶ PARCEL: 077G-25-112-00
- ▶ CASE: 43435
- ▶ WARD: 2
- ▶ TAX VALUE: \$72,480
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

Right side \$80,830
 Left side \$98,730
 Rear \$0
 Across street \$72,820

TAXES/LIENS

Taxes CURRENT
 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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 8
- ▶ CURRENT STATUS This house is a burnout but the property has long been a problem as far as junk and litter. It appears vacant. An old lady was staying in the house but has since left.

10/06/2022

LITTLE SUE C
1108 MARQUETTE
TUPELO, MS 38801



Re: CASE # 43435
1108 MARQUETTE,
PARCEL NUMBER: 077G2511200

Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe.

VIOLATION	DETAILS/REMEDY
OPEN/OUTDOOR STORAGE & LITTER	PLEASE CLEAN OUT CARPORT. THANK YOU.
MINIMUM LANDSCAPE STANDARDS	PLEASE TRIM AND MAINTAIN SHRUBS.

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE:	REINSPECTION DATE:
10/17/2022	10/17/2022

Thank you in advance for your compliance. If you have questions, please call 662.432.2959.

Sincerely,

JEREMY SAPP
Code Enforcement



landscaping.



13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense.





HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43968

Vs.

ELOISE BARNES ESTATE AND ANY PERSON OR
ENTITY CLAIMING INTEREST IN PROPERTY
LOCATED AT 2111 PRESIDENT 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 Dennis Bonds 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 **2111 President Street and Parcel #101M-12-093-00, Tupelo MS**, including building(s) thereon, is in such a state of uncleanliness 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 **06/20/2023, 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.

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.
- 5.

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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION**2111 PRESIDENT STREET****BASIC INFORMATION**

- ▶ PARCEL: 101M-12-093-00
- ▶ CASE: 43968
- ▶ WARD: 3
- ▶ TAX VALUE: \$101,020
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

Right side \$120,890
 Left side \$132,130
 Rear \$96,130
 Across street \$99,980

TAXES/LIENS

Taxes CURRENT
 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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 4
- ▶ CURRENT STATUS ABANDONED
- ▶ This property has been vacant for some time but when the April tornado went through this area, this house was hit and the main portion of the roof collapsed.

04/13/2023

BARNES E C ELOISE
2111 PRESIDENT
TUPELO, MS 38801

Re: CASE # 43968
2111 PRESIDENT AVE,
PARCEL NUMBER: 101M1209300



Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe.

VIOLATION	DETAILS/REMEDY
BLDG MAINT	PLEASE CONTACT OUR OFFCE DISCUSS YOUR INTENT REGARDING THIS PROPERTY. WE ASK FOR THIS PROPERTY TO BE BOUGHT UP TO THE CODE OR DEMOLISHED. THANKS
CONDEMNATION OF UNSAFE PROPERT	PROPERTY IS UNSAFE FOR HUMAN OCCUPANCY. PLEASE SECURE PROPERTY UNTIL RENOVATIONS ARE MADE OR STRUCTURE IS REMOVED. THANKS

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE: 04/28/2023	REINSPECTION DATE: 04/28/2023
---	---

Thank you in advance for your compliance. If you have questions, please call 662.432.2959.

Sincerely,


SABRINA BOWDRY
Code Enforcement

IPMC SEC 108 - UNSAFE STRUCTURES & EQUIPMENT 108.1-108.7

108.1 GENERAL. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code. (108.1-108.7 INCLUDED)

PROPERTY MAINTENANCE - BUILDING MAINTENANCE

11.6.3(6) Building Maintenance: It shall be unlawful and a violation of this code for any person to erect, maintain, use, place, deposit, cause, allow, leave or permit any of the following on any residential property:

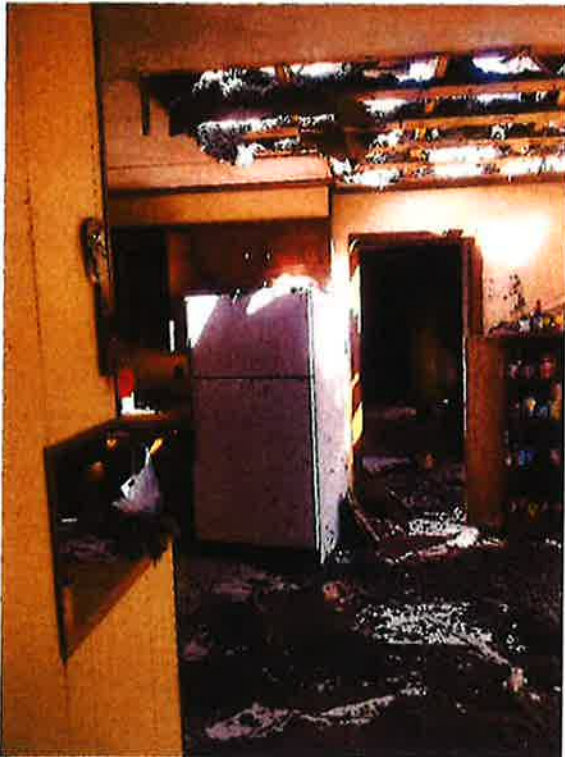
- (a) Any wood surfaces unprotected from the elements by paint or other protective treatment;
- (b) Exterior painted surfaces with loose, cracked, scaling, chipping, or peeling paint, visible from a public area, in such amounts as to present a deteriorated or slum-like appearance;
- (c) Broken, rotted, split, curled or missing roofing material in such amounts as to present a deteriorated or slum-like appearance.
- (d) Property owners are responsible for maintenance of property and behavior of tenants in rental property.





13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense.





HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43440

Vs.

**EMMANUEL CHURCH OF GOD IN CHRIST,
AND THE BOARD OF TRUSTEES OF THE
EMMANUEL CHURCH OF GOD IN CHRIST**

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 Dennis Bonds 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 **1203 North Green Street, Parcel #089B-30-065-00, 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 **06/20/2023, 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.

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.
- 5.

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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION**1203 NORTH GREEN STREET****BASIC INFORMATION**

- ▶ PARCEL: 089B-30-065-00
- ▶ CASE: 43440
- ▶ WARD: 4
- ▶ TAX VALUE: \$16,740
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

- Right side \$40,440
- Left side \$0
- Rear \$0
- Across street \$0 (North Green Street Church of Christ)

TAXES/LIENS

- Taxes CURRENT
- 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 5
- ▶ CURRENT STATUS This home was once used by the church as Sunday school classrooms and then as a food pantry. It is dilapidated and they do not want to repair.

11/16/2022

EMMANUEL COGIC
1208 N GREEN ST
TUPELO, MS 38802



Re: CASE # 43440
1203 N GREEN ST,
PARCEL NUMBER: 089B3006500

Dear Property Owner or Tenant,

It is the mission of the Code Administration Division to help keep property values up and neighborhoods vibrant by finding and pointing out code violations on residential and commercial properties throughout the City of Tupelo. We hope to have the cooperation of owners and/ or tenants of these properties in resolving these code violations. Please see the information listed below and do your part to keep our community clean and safe.

VIOLATION	DETAILS/REMEDY
BLDG MAINT	PLEASE BRING STRUCTURE UP TO CODE OR DEMOLISH. THANKS
DUMPSTER SCREENING	PLEASE REMOVE DUMPSTER FROM STREET AND PLACE DUMPSTER INSIDE ENCLOSURE. SEE ATTACHED CODE FOR DETAILS. THANKS
MINIMUM LANDSCAPE STANDARDS	PLEASE TRIM TREES BRANCHES AND REMOVE VINES AND ROUGE VEGATATION OFF HOUSE. THANKS

PLEASE CORRECT THE VIOLATION BY THE FOLLOWING DATE IN ORDER TO BE IN COMPLIANCE:	REINSPECTION DATE:
12/16/2022	12/16/2022

Thank you in advance for your compliance. If you have questions, please call 662.432.2959.

Sincerely,


SABRINA BOWDRY
Code Enforcement



13.5.11 Penalties for Violations: No penalty shall be assessed unless and until the person alleged to be in violation has been notified of the violation in accordance with this Chapter. This notice requirement shall not apply in the case of a repeat offender violating the same provision for which notice has been previously given.

- (2) Pursuant to the Mississippi Code 17-1-27, any person convicted of violating provisions of this Code other than those referenced in Section 13.5.11(1) above shall, on conviction, be guilty of a misdemeanor and subject to a fine of not more than one thousand dollars (\$1,000) or shall be imprisoned in jail for not more than thirty (30) days, or shall be punished by both fine and imprisonment for each offense.
- (3) Each day that a violation continues shall constitute a separate and distinct violation or offense.





HEARING NOTICE

June 2, 2023

CITY OF TUPELO, MISSISSIPPI

COMPLAINT NO. 43290

Vs.

RYAN FOSTER

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 Dennis Bonds 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 **718 North Church Street, Parcel #089F-30-072-00, 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 **06/20/2023, 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.

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
5. 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 2nd day of June, 2023.



**Dennis Bonds, Director
Department of Development Services
City Of Tupelo, Mississippi**

BLIGHT REVIEW/COUNCIL PROPERTY INFORMATION**718 NORTH CHURCH STREET****BASIC INFORMATION**

- ▶ PARCEL: 089F-30-072-00
- ▶ CASE: 43290
- ▶ WARD: 4
- ▶ TAX VALUE: \$19,150
- ▶ VACANT: YES
- ▶ REPAIRABLE: NO

NEARBY PROPERTIES/ TAXES

Right side \$82,720
 Left side \$14,540
 Rear \$11,690
 Across street \$14,740

TAXES/LIENS

Taxes ARREARS
 City liens NO

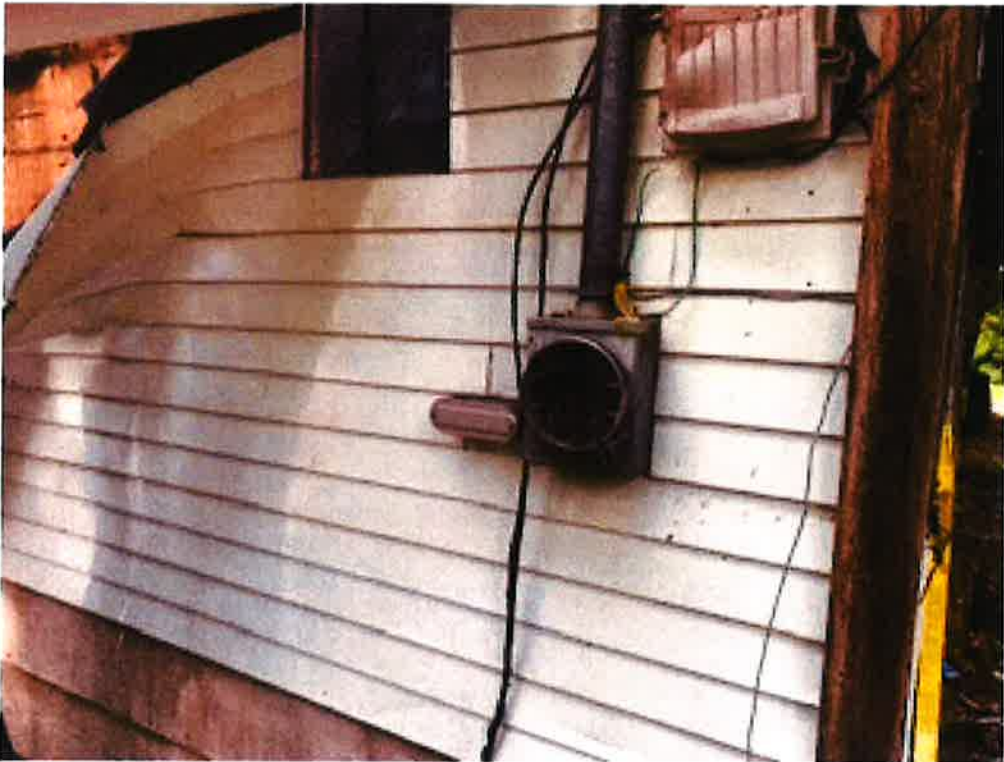
VISUAL INDICATORS OF BLIGHT

- ▶ 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 - YES

CODE ENFORCEMENT HISTORY

- ▶ PRIOR VIOLATIONS 1
- ▶ CURRENT STATUS: This property caught fire last year and out of town owner has not applied for a demolition permit.







AGENDA REQUEST

TO: Mayor and City Council
FROM: Dennis Bonds, Interim Director of Development Services
DATE June 6, 2023
SUBJECT: IN THE MATTER OF LOT MOWING **DRB**

Request: DRB

Final lot mowing list. Preliminary list is attached. Final list will be provided prior to the meeting.

Preliminary Lot Mowing Report for 06/20/23

Item # 11.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
1.	44153	106C1315500	930 BICKERSTAFF ST	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
2.	44154	105H1503100	3333 MEADOW DR	SAMUELS LLC	4924 HARVEST PARK DRIVE	MEMPHIS, TN 38125	RS
3.	44156	105H1505600	3288 MEADOW DR	TUCKER JAMES L & ELNOIS R (LE)	271 COUNTY ROAD 1467	PLANTERSVILLE, MS 38862	RS
4.	44161	077M3610000	206 RANKIN BLVD	LOVE RUSSELL B	206 RANKIN BLVD	TUPELO, MS 38804	DS
5.	44165	088N3310300	LAKE ST	FAULKNER, LLOYD	PO BOX 100, 201 COUNTRY CLUB RD	HOUSTON, MS 38851	RS
6.	44166	077C2501600	1507 TRACE AVE	BENNETT HILLS INC	P O BOX 3786	MERIDIAN, MS 39303-3786	DS
7.	44168	106A1401200	2774 EVANS CIR	ROGERS BETTY WATKINS ETAL	2774 EVANS CIRCLE	TUPELO, MS 38801	RS
8.	44169	106A1400500	2868 EVANS CIR	TUCKER JAMES L & ELNOIS R (LE)	271 COUNTY ROAD 1467	PLANTERSVILLE, MS 38862	RS
9.	44170	106A1400800	2828 EVANS CIR	BRACY BEATRICE ESTATE	3492 WILLIE MOORE RD	TUPELO, MS 38801	RS
10	44171	106A1402500	2831 EVANS CIR	CLIFTON MYREL & EDDIE J EWING	2831 EVANS CIR	TUPELO, MS 38801	RS
11	44172	106A1400700	2838 EVANS CIR	BUGGS DARRIN L	103 ROAD 9	HOULKA, MS 38850	RS
12	44173	106A1400600	2854 EVANS CIR	LUTHER PROPERTIES LLC	299 WILSON CHAPEL RD	PONTOTOC, MS 38863	RS

Preliminary Lot Mowing Report for

Item # 11.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
13	44175	113B0604900	843 S GREEN ST	BROOKS PROPERTIES LLC	P O BOX 530	TUPELO, MS 38802	RS
14	44176	101R1200402	1579 CLIFF GOOKIN BLVD	HARMON DEBBIE	1579 CLIFF GOOKIN	TUPELO, MS 38801	RS
15	44181	077K3500118	1839 W JACKSON ST UNIT A & B	DAVIS QUALITY BUILDERS	P O BOX 7	TUPELO, MS 38802	RS
16	44182	077F2615300	702 VASSAR DR	GLAMOUR ENTERPRISES LLC	1896 SWAN CIRCLE	TUPELO, MS 38801	RS
17	44183	077Q3601700	1908 W MAIN ST	LITKE JORDAN & SARAH J	728 MALLARD COVE	TUPELO, MS 38801	RS
18	44185	085N2102800	2501 ELVIS PRESLEY DR	NORTHINGTON HAROLD II	2501 OAKVIEW DR	TUPELO, MS 38804	RS
19	44186	075G1501603	2662 MCCULLOUGH BLVD	SAIA MOTOR FREIGHT LINE LLC	11465 JOHNS CREEK PKWY SUITE 400	JOHNS CREEK, GA 30097	DS
20	44187	077F2613400	1830 W JACKSON ST	CLAYTON PATRICK M	115 PATTERSON CIR	SALTILLO, MS 38866	DS
21	44188	075J2105600	4542 LAKEWOOD LN	FLEISHHACKER PATRICIA	4542 LAKEWOOD LANE	BELDEN, MS 38826	DS
22	44190	088F2813800	761 ELVIS PRESLEY DR	MOONEY DEBORAH & GORDON K ROBITILLE	1975 GRANDVIEW DR	TUPELO, MS 38804	RS
23	44191	088F2800600	1966 SIMPSON DR	DABBS DUSTIN DEREK	1676 OAKLEAF LN	BELDEN, MS 38826	RS
24	44192	088F2800500	1928 SIMPSON DR	COBALT LLC	1685 DUNWOODY DR	TUPELO, MS 38801	RS

Preliminary Lot Mowing Report for

Item # 11.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
25	44193	101H0121300	1802 FILLMORE DR	CAGLE M SCOTT & CATHERINE	1802 FILMORE	TUPELO, MS 38801	DS
26	44194	082K0901400	2474 BARNES CROSSING RD	WILLIAM CLIFFORD PROPERTIES LLC	P O BOX 793	TUPELO, MS 38804	RS
27	44195	106C1317300	1104 BICKERSTAFF ST	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
28	44196	106G1315500	1103 BICKERSTAFF ST	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
29	44197	106A1403100	2882 EVANS CIR	HARRIS WALTER T & VERNISA	2882 EVANS CIRCLE	TUPELO, MS 38801	RS
30	44198	106A1400200	2876 EVANS CIR	C & C RENTALS & HOME REPAIR LLC	704 TURNER DRIVE	TUPELO, MS 38801	RS
31	44199	106A1402800	2861 EVANS CIR	HOOKS HENRY E	2861 EVANS CIRCLE	TUPELO, MS 38801	RS
32	44217	089N3103600	903 W MAIN ST	FIVE TALENTS PROPERTIES OF MS 1 LLC	P O BOX 535	CRESTVIEW, FL 32536	DS
33	44218	077Q3621800	210 ENOCH AVE	COLE JAMES L & GLORIA	2314 KIMBROUGH	TUPELO, MS 38801	SB
34	44219	075R2205200	3528 FAIR OAKS DR	MCMILLAN BLAKE & STEVE WHITEHEAD	1230 COUNTY ROAD 811	SALTILLO, MS 38866	DS
35	44222	112E0401900	1561 BOONE ST	PARK TERRY	287 RD 1190	TUPELO, MS 38801	RS
36	44223	112A0418000	1554 BOONE ST	SIMMONS THOMAS E	185 FEEMSTER LAKE RD	TUPELO, MS 38804	RS

Preliminary Lot Mowing Report for

Item # 11.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
37	44224	112B0401401	751 POST ST	MCMILLAN BRANDON	160 CR 601	GUNTOWN, MS 38849	RS
38	44225	112B0401200	721 POST ST	DONALD JEFFREY PAUL & LISA	2839 COUNTRYWOOD	BELDEN, MS 38826	RS
39	44227	077P3502000	2089 W MAIN ST	NET LEASE SUDS III LLC & NET LEASE SUDS	100 MERRICK RD STE 202 EAST	ROCKVILLE CENTRE, NY 11570	DS
40	44230	089P3115900	411 ELLIOTT ST	HERNDON JEREMY G	P O BOX 2231	TUPELO, MS 38803	DS
41	44233	101B0214001	2005 WAYNE DR	CLARK BRENDA KAY	2005 WAYNE DR	TUPELO, MS 38801	RS
42	44234	101B0214000	401 MONUMENT DR	HATCHWAY PROPERTIES 1 LLC	3100 OLD CANTON RD STE 200	JACKSON, MS 39216	RS
43	44235	101B0219500	2607 BRYAN ST	SHARP JULIA PRENEICE LOWER	205 DOE RUN RD	TUPELO, MS 38801	RS
44							
45							
46							
47							
48							



AGENDA REQUEST

TO: Mayor and City Council

FROM: Stephen N. Reed, Assistant City Attorney

DATE June 16, 2023

SUBJECT: IN THE MATTER OF APPROVAL OF RESOLUTIONS ASSESSING JUDGMENT LIENS AGAINST REAL PROPERTY FOR THE COSTS ASSOCIATED WITH LOT MOWING IN ACCORDANCE WITH MISS CODE ANNOTATED § 21-19-11 **SR**

Request:

Please approve lot mowing liens for the following properties:

107 Lakeview Drive
202 Enoch Avenue
602 South Church Street
1195 South Gloster Street
1502 Reed Street
1507 Trave Avenue
1521 Elvis Presley Drive

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 44130

GDA INVESTMENTS, LLC

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 public hearing before the governing authorities of the City of Tupelo to **GDA INVESTMENTS, LLC** (Owner of the property described herein below) to determine whether the real property described herein below was in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Property Owner: GDA INVESTMENTS, LLC

Address of Owner: P.O. BOX 87
RED BANKS, MS 38661

Parcel Number: 077P-35-067-00

Address of Violation: 107 LAKEVIEW DRIVE

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **06/06/2023** following which the property referenced above was found to be a menace to the public health and safety, and the property was ordered to be cleaned 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972, as amended), City of Tupelo shall charge Owner with the actual cost of lot mowing, 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 **06/20/2023**, adjudicated the actual cost of lot mowing to be **\$300.00**. This amount is assessed as a lien on the real property described above.

6. This assessment will be enrolled as a judgment lien 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, and the tax collector of the municipality shall proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

5. Prior to its collection as a judgment lien, this assessment may be collected as a civil debt, and the City of Tupelo may institute a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Pursuant to Miss. Code Ann. § 27-41-9 (1972, as amended), an interest charge of one-half of one percent (1/2 of 1%) will accrue monthly on all unpaid liens.

8. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner advising of the assessment of a lien against the property, and the Owner's right to appeal under Miss. Code Ann §11-51-75 (1972, as amended).

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 44147

JAMES SWINEA (LUCILLE)

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 public hearing before the governing authorities of the City of Tupelo to **JAMES SWINEA (LUCILLE)** (Owner of the property described herein below) to determine whether the real property described herein below was in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community.

Property Owner: JAMES SWINEA (LUCILLE)
Address of Owner: 421 ROAD 830
PLANTERSVILLE, MS 38862
Parcel Number: 077Q-36-124-00
Address of Violation: 1502 REED STREET

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **06/06/2023** following which the property referenced above was found to be a menace to the public health and safety, and the property was ordered to be cleaned 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972, as amended), City of Tupelo shall charge Owner with the actual cost of lot mowing, 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 **06/20/2023**, adjudicated the actual cost of lot mowing to be **\$300.00**. This amount is assessed as a lien on the real property described above.

6. This assessment will be enrolled as a judgment lien 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, and the tax collector of the municipality shall proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

5. Prior to its collection as a judgment lien, this assessment may be collected as a civil debt, and the City of Tupelo may institute a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Pursuant to Miss. Code Ann. § 27-41-9 (1972, as amended), an interest charge of one-half of one percent (1/2 of 1%) will accrue monthly on all unpaid liens.

8. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner advising of the assessment of a lien against the property, and the Owner's right to appeal under Miss. Code Ann §11-51-75 (1972, as amended).

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 44086

NATHAN C. DUNCAN

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 public hearing before the governing authorities of the City of Tupelo to **NATHAN C. DUNCAN** (Owner of the property described herein below) to determine whether the real property described herein below was in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Property Owner: NATHAN C. DUNCAN
Address of Owner: P.O. BOX 1564
TUPELO, MS 38802-1564
Parcel Number: 089P-31-121-00
Address of Violation: 602 SOUTH CHURCH STREET

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **06/06/2023** following which the property referenced above was found to be a menace to the public health and safety, and the property was ordered to be cleaned 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972, as amended), City of Tupelo shall charge Owner with the actual cost of lot mowing, 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 **06/20/2023**, adjudicated the actual cost of lot mowing to be **\$300.00**. This amount is assessed as a lien on the real property described above.

6. This assessment will be enrolled as a judgment lien 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, and the tax collector of the municipality shall proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

5. Prior to its collection as a judgment lien, this assessment may be collected as a civil debt, and the City of Tupelo may institute a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Pursuant to Miss. Code Ann. § 27-41-9 (1972, as amended), an interest charge of one-half of one percent (1/2 of 1%) will accrue monthly on all unpaid liens.

8. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner advising of the assessment of a lien against the property, and the Owner's right to appeal under Miss. Code Ann §11-51-75 (1972, as amended).

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 44123

WESLEY G. KUYKENDALL

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 public hearing before the governing authorities of the City of Tupelo to **WESLEY G. KUYKENDALL** (Owner of the property described herein below) to determine whether the real property described herein below was in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community.

Property Owner: WESLEY G. KUYKENDALL

Address of Owner: 1521 ELVIS PRESLEY DRIVE
TUPELO, MS 38804

Parcel Number: 088B-28-001-00

Address of Violation: 1521 ELVIS PRESLEY DRIVE

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **06/06/2023** following which the property referenced above was found to be a menace to the public health and safety, and the property was ordered to be cleaned 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972, as amended), City of Tupelo shall charge Owner with the actual cost of lot mowing, 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 **06/20/2023**, adjudicated the actual cost of lot mowing to be **\$300.00**. This amount is assessed as a lien on the real property described above.

6. This assessment will be enrolled as a judgment lien 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, and the tax collector of the municipality shall proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

5. Prior to its collection as a judgment lien, this assessment may be collected as a civil debt, and the City of Tupelo may institute a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Pursuant to Miss. Code Ann. § 27-41-9 (1972, as amended), an interest charge of one-half of one percent (1/2 of 1%) will accrue monthly on all unpaid liens.

8. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner advising of the assessment of a lien against the property, and the Owner's right to appeal under Miss. Code Ann §11-51-75 (1972, as amended).

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 44145

RAC LAND, LLC

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 public hearing before the governing authorities of the City of Tupelo to **RAC LAND, LLC** (Owner of the property described herein below) to determine whether the real property described herein below was in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Property Owner: RAC LAND, LLC
Address of Owner: 6775 LENOX CENTER COURT #100
MEMPHIS, TN 38115
Parcel Number: 101M-12-174-00
Address of Violation: 1195 SOUTH GLOSTER STREET

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **06/06/2023** following which the property referenced above was found to be a menace to the public health and safety, and the property was ordered to be cleaned 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972, as amended), City of Tupelo shall charge Owner with the actual cost of lot mowing, 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 **06/20/2023**, adjudicated the actual cost of lot mowing to be **\$300.00**. This amount is assessed as a lien on the real property described above.

6. This assessment will be enrolled as a judgment lien 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, and the tax collector of the municipality shall proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

5. Prior to its collection as a judgment lien, this assessment may be collected as a civil debt, and the City of Tupelo may institute a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Pursuant to Miss. Code Ann. § 27-41-9 (1972, as amended), an interest charge of one-half of one percent (1/2 of 1%) will accrue monthly on all unpaid liens.

8. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner advising of the assessment of a lien against the property, and the Owner's right to appeal under Miss. Code Ann §11-51-75 (1972, as amended).

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 44137

BENNETT HILLS, INC.

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 public hearing before the governing authorities of the City of Tupelo to **BENNETT HILLS, INC.** (Owner of the property described herein below) to determine whether the real property described herein below was in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Property Owner: BENNETT HILLS, INC.
Address of Owner: P.O. BOX 3786
MERIDIAN, MS 39303-3786
Parcel Number: 077C-25-016-00
Address of Violation: 1507 TRACE AVENUE

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **06/06/2023** following which the property referenced above was found to be a menace to the public health and safety, and the property was ordered to be cleaned 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972, as amended), City of Tupelo shall charge Owner with the actual cost of lot mowing, 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 **06/20/2023**, adjudicated the actual cost of lot mowing to be **\$300.00**. This amount is assessed as a lien on the real property described above.

6. This assessment will be enrolled as a judgment lien 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, and the tax collector of the municipality shall proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

5. Prior to its collection as a judgment lien, this assessment may be collected as a civil debt, and the City of Tupelo may institute a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Pursuant to Miss. Code Ann. § 27-41-9 (1972, as amended), an interest charge of one-half of one percent (1/2 of 1%) will accrue monthly on all unpaid liens.

8. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner advising of the assessment of a lien against the property, and the Owner's right to appeal under Miss. Code Ann §11-51-75 (1972, as amended).

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 44151

OSCAR HILARIO

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 public hearing before the governing authorities of the City of Tupelo to **OSCAR HILARIO** (Owner of the property described herein below) to determine whether the real property described herein below was in such a state of uncleanliness as to be a menace to the public health, safety and welfare of the community.

Property Owner: OSCAR HILARIO
Address of Owner: 168 MOUNTAIN LEADER TRAIL
SALTILLO, MS 38866
Parcel Number: 077Q-36-219-00
Address of Violation: 202 ENOCH AVENUE

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **06/06/2023** following which the property referenced above was found to be a menace to the public health and safety, and the property was ordered to be cleaned 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972, as amended), City of Tupelo shall charge Owner with the actual cost of lot mowing, 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 **06/20/2023**, adjudicated the actual cost of lot mowing to be **\$300.00**. This amount is assessed as a lien on the real property described above.

6. This assessment will be enrolled as a judgment lien 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, and the tax collector of the municipality shall proceed to sell the land to satisfy the lien as now provided by law for the sale of lands for delinquent municipal taxes. The lien against the property shall be an encumbrance upon the property and shall follow title of the property.

5. Prior to its collection as a judgment lien, this assessment may be collected as a civil debt, and the City of Tupelo may institute a suit on open account against the owner of the property in a court of competent jurisdiction in the manner provided by law for the cost and any penalty, plus court costs, reasonable attorney's fees and interest from the date that the property was cleaned. Pursuant to Miss. Code Ann. § 27-41-9 (1972, as amended), an interest charge of one-half of one percent (1/2 of 1%) will accrue monthly on all unpaid liens.

8. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner advising of the assessment of a lien against the property, and the Owner's right to appeal under Miss. Code Ann §11-51-75 (1972, as amended).

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date



AGENDA REQUEST

TO: Mayor and City Council

FROM: Dennis Bonds, Interim Director of Development Services

DATE: June 6, 2023

SUBJECT: IN THE MATTER OF REVIEW/APPROVE LIEN FOR CLEAN UP AT 2281
EDGEMONT DRIVE **DRB**

Request: DRB

Adjudicating cost and assessing lien against real property under Miss. Code Ann. 1972, § 21-19-11 located at 2281 Edgemont Drive

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF TUPELO, MISSISSIPPI**

CITY OF TUPELO, MISSISSIPPI

LIENOR

VS.

CASE NO. 37348

KATHY H. BARNETT, ET AL

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 KATHY H. BARNETT, ET AL (Owner of the property described herein below) to determine whether or not said real property was in such a state of uncleanness 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: KATHY H. BARNETT, ET AL
Address of Owner: 2281 EDGEMONT DRIVE
Parcel Number: 076K-23-041-00
Address of Violation: 2281 EDGEMONT DRIVE

2. The hearing was held before the Mayor and City Council of the City of Tupelo on **12/20/22** following which the property referenced above was adjudicated to be a menace to the public health and safety, and lot mowing 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 lot mowed and cleaned.

3. Pursuant to Miss. Code Ann. §21-19-11 (1972) as amended, City of Tupelo may charge Owner with the actual cost of lot cleaning, 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 **06/20/2023**, adjudicated the actual cost of lot cleaning to be **\$9,747.00**. 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.

6. The Director of Development Services is hereby directed to cause a copy of this Resolution to be mailed to the owner at its last known address, advising that the assessment is a lien against the property. The Director is further directed to advise the owner that this assessment and all decisions rendered under the provisions of Miss. Code Ann. §21-19-11 (1972) as amended, appealed in accordance with Miss. Code Ann §11-51-75.

WHEREUPON, the foregoing Resolution was declared passed and adopted at a regular meeting of the City Council of Tupelo, Mississippi, on this, the 20th day of June, 2023.

THE CITY OF TUPELO, MISSISSIPPI

BY: _____
LYNN BRYAN, Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN., Mayor

Date



AGENDA REQUEST

TO: Mayor and City Council

FROM: Dennis Bonds, Interim Director of Development Services

DATE: June 6, 2023

SUBJECT: IN THE MATTER OF REVIEW/APPROVE REAPPOINTMENT OF LESLIE MART TO THE TUPELO PLANNING COMMITTEE **DRB**

Request: DRB

Review/Approve reappointment of Leslie Mart to a four year term on the Tupelo Planning Committee representing Ward 2 effective June 20, 2023



AGENDA REQUEST

TO: Mayor and City Council

FROM: Dennis Bonds, Interim Director of Development Services

DATE: June 6, 2023

SUBJECT: IN THE MATTER OF APPROVAL OF PLANNING COMMITTEE MEETING
MINUTES MAY 1, 2023 **DRB**

Request: DRB

See attached minutes from the May 1, 2023 Planning Committee Meeting

**MINUTES OF THE
TUPELO PLANNING COMMITTEE
MAY REGULAR MEETING
Monday, May 1, 2023
6:00 PM Council Chambers**

CALL TO ORDER

Chair Lindsey Leake called the meeting to order. Other committee members present included Mark Williams, Bentley Nolan, Pam Hadley, Leslie Mart, Patti Thompson, Victor Fleitas, Gus Hildenbrand and Scott Davis. Staff members present included City Planner Jenny Savely, Zoning Administrator Russ Wilson and Director of Development Services Tanner Newman. Chair Leake asked Patti Thompson to open with a prayer and Pam Hadley to lead the pledge. Chair Leake 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

Chair Leake asked if there were any corrections to the minutes. Patti Thompson offered a correction under new business to correct where it says "Lindsey Leake will not be serving as chair, changed to Lindsey Leake will NOW be serving as chair." Scott Davis made a motion to approve the minutes of the April meeting with that correction, seconded by Patti Thompson and passed unanimously. Leake then opened the regular session of the meeting asking for a report on Council Actions.

REPORT ON COUNCIL ACTIONS

City Planner Jenny Savely said that there was nothing to report at this time.

OLD BUSINESS

Planner Savely mentioned old business TA-22-02 remains in legal review.

NEW BUSINESS

Leake announced the first item on the agenda, FLEX23-03, Palmer Storage, 1005 East Main Street requests to allow the use of the former Palmer's Supermarket as self-service climate-controlled storage units. Leake asked the applicant to come forward. J.K. Palmer, Jr "Buddy" Palmer came to the podium. Palmer thanked committee members for their service. Palmer stated he once served on the Planning Committee. Mr. Palmer mentioned that they recently closed their supermarket after 66 years in East Tupelo for various reasons and that it has been a mainstay in East Tupelo. They had a contract to sell but that deal fell through. Mr. Palmer asked his son Damon to distribute renderings of their buildings and lot to the committee. They have received offers to purchase the building, but none have been reasonable. He is asking to allow his son, Damon, to operate a climate controlled storage facility in this location. They already have storage units on the lot which will remain. Mr. Palmer said that some would say we are getting too many storage units, but the demand is there. This business will not be a restaurant, nor a coffee shop, it's not built for that. It was good for a supermarket, and perfect

for climate-controlled mini storage. Palmer added that he's paid taxes for 66 years and would simply ask to be allowed for his son to earn back some of the money he's lost in the supermarket business. Palmer also said he bought the two residential lots facing Elvis Presley to keep those lots in good shape to help East Tupelo.

Mark Williams asked Palmer about the Downtown Overlay District's extension further east just recently. Palmer said he was supportive of that to protect the housing in the area. Williams asked if Palmer, knowing the vision for the area, thought his proposal was in keeping with that vision. Palmer said that it was as good as you can get. Victor Fleitas asked a hypothetical question of Mr. Palmer that if the overlay district was extended tomorrow to include his location, would that change his calculation about what he would do with the property. Palmer said he already had two storage units on the property with minimal traffic impact, and recognized that he's prejudiced but thought it was a good looking project for the east side of Tupelo. Tanner Newman said he would hate to see another empty building on East Main. We've got two home-grown Tupelo citizens who want to improve the area. Newman said that the Overlay was concerned about the aesthetics and it sounds like they are willing to work with the City on that.

Palmer mentioned the other two lots he hoped to build on with maybe an Airbnb type housing, with Johnnie's Drive in nearby, where visitors could stay nearby the Birthplace, go to Johnnie's and Veterans Park. Gus Hildenbrand agreed that what is currently there looks better than most in East Tupelo and that Mr. Palmer will keep it that way. Hildenbrand said he had owned storage rooms himself and knew it could be kept looking nice with landscaping. Palmer asked his son Damon to come forward and explain the plan. Damon Palmer discussed the look of the facility further mentioning new signage. Scott Davis asked about the parking lot. Damon said they don't own the parking lot. Savely asked for clarification about the current parking lot and Palmer said they don't need it. Leslie Mart asked if they had considered sub-dividing the building with an inviting coffee shop up front, with the mini storage in the back. Damon Palmer said they haven't had any interest in that. Mart asked about landscaping on the front of the building. Damon Palmer said maybe adding potted plants, but that there wasn't room for that, but he was open to ideas. Patti Thompson asked about access from the back. Damon Palmer said he was just going to wall that off. Access will be on the front and customers will carry items in through the front. Hildenbrand added that this would be similar to the two former furniture stores on Coley Road that closed and converted to climate-controlled storage. Thompson asked if there would be an awning. Damon Palmer said there is one there now. Buddy Palmer added that the lot is very well lit. Damon said the windows there will stay and there will not be anyone staying on site, so plans do not require an onsite manager. Pam Hadley asked if the current storage units there are filled. Damon Palmer said yes, they were, but that these new ones will be 10' x 15' mostly – with code access and a website. Leake asked if anyone from the public would like to speak for or against the issue. Seeing none, Leake closed the public input portion of the hearing and opened it up for discussion between the committee members.

Gus Hildenbrand said he was surprised by the demand for storage buildings, but they are still hard to find and did not think they would have any trouble leasing these as climate-controlled. Leslie Mart asked Jenny Savely what the requirements were for landscaping and glass on the frontage. Savely gave the requirements but stated that the Committee could set the standards through the Flexible Use approval process, but that increasing the landscaping would require breaking up the concrete on the front. The windows meet code. Savely reminded the committee that they are considering the use as self-storage and that the construction would have to be approved during Plan Review. Patti Thompson shared a concern about turning down a similar request earlier this year across the street on Briar Ridge and asked if we would have any “flak” from that? Savely stated that what had been asked of that previous applicant was, even though they were not part of the downtown overlay area, that we had requested having Downtown Main Street’s input for their renovations, signage and aesthetics, but that location had some limitations. If the committee wanted to consider adding that same contingency on this project as that previous one that would soften how the committee had handled it. Mart summarized that the committee would be asking to allow DTMSA to assist with the review of the aesthetics and exterior of the building. Savely said yes, but not have to go through their stringent design review process but DTMSA could instead offer to review and comment, make suggestions. Thompson said she wasn’t sure how to word that. Newman offered that you could require their advice on review of the signage. Zoning Administrator Wilson added that the previous applicant did call in for more information. He did not receive a notice because he was not the owner of record on file. That applicant backed out of the deal based on the input from the committee. Their project got delayed when the property seller went into bankruptcy and the applicant never proceeded with the project, so the Committee never considered their application or voted on anything. Mart added that there were some traffic flow issues with that project that made it different.

Mart said that she was still concerned that it looked like a former grocery store that has been converted into mini-storage and hoped there was something that could be done differently in the front with the storage in the back that would be a win-win for the City and applicant. Savely explained a little about business recruitment and tax incentive processes, but said that the Tax Abatement incentives stop at Veterans. Newman said he still recommended wording having the developer work with the Downtown Overlay to come up with some exterior design options and hasn’t heard any negative feedback on that. Hildenbrand said that looking like Palmer’s Supermarket isn’t a bad thing. Buddy Palmer said that this has nothing to do with the Palmer legacy. It’s about the store. Most of East Tupelo knows about Palmer’s history the same as Leake & Goodlett’s. But it’s just a building, but they will retain the Palmer’s name.

Mark Williams made a motion to approve the Flexible Use of climate controlled mini storage as submitted provided the applicant works with the Downtown Main Street Association in consultation on the exterior design and signage that meets the spirit and intent of the association and the harmony of the district. Seconded by several simultaneously and approved unanimously. Leake asked Savely to inform the applicant of their next steps.

Leake announced the next application RZ23-01, a split zoning lot on the east side of South Veterans. Since City of Tupelo is the applicant, Savely went to the podium to present the case. The subject parcel on South Veterans has split zoning with the portion directly off Veterans being MUCC and the rear portion being MDR. The reason for the application is that the owner has brought forward a plan for developing the lot for an assisted care facility. This requires that we correct the mistake of split zoning. The applicant requires zoning verification for the parcel and to allow the development, we need a fully commercial zoned lot. So, this is just tidying up the zone. Mart asked if we were just correcting the zoning on just this one lot, or what about the others nearby with similar issues. Savely mentioned that criteria for rezoning is different than most applications before the committee, we don't have demonstration of public need yet on the other parcels, but we do on this one lot. Those other vacant parcels will have to be looked at when they are considered for development. Gus Hildenbrand said you can't rezone just because you want to, you have to have a good reason. Scott Davis said we have had similar situations before in cleaning up zoning mistakes. Mart clarified where the current zoning lines are and how they would change. Leake asked if anyone wanted to speak for or against the application. Hearing none he closed the public hearing and asked if there was a motion. Scott Davis made a motion to approve, Mart seconded the motion with a unanimous vote in favor of approval.

Chair Leake mentioned that the next work session will be Tuesday, May 30th at 5:15 PM, and the regular June Planning Committee Meeting will be scheduled for Monday, June 5th at 6 PM.

Tanner Newman asked to speak for a moment. He thanked the Committee for their service. He said it has been an honor to serve with this team and feels there have been many accomplishments over the last two years. Since he had announced in January his intent to run for the Northern District Public Service Commissioner post, it has become evident that the time has come for him to step away from the City to focus his efforts full time on that race. So, effective Wednesday, May 3rd, Newman stated that he will be taking a leave of absence to campaign full time across North Mississippi. In that time, the Mayor has appointed City Engineer Dennis Bonds as Interim Director of Development Services. Newman thanked everyone for their support throughout this process. The Committee thanked Newman for his service to the City.

There being no further business, Patti Thompson made a motion to adjourn which passed unanimously.



AGENDA REQUEST

TO: Mayor and City Council

FROM: Stephen N. Reed, Assistant City Attorney

DATE June 16, 2023

SUBJECT: IN THE MATTER OF APPROVAL AND ADOPTION OF MAJOR THOROUGHFARE COMMITTEE MEETING MINUTES FROM ITS JUNE 12, 2023 MEETING **SR**

Request:

Please approve the minutes of the Major Thoroughfare Committee meeting of June 12, 2023.



Tupelo Major Thoroughfare Program Minutes

Date: 6/12/2023 **Time:** 4:30 PM **Call to Order:** Greg Pirkle **Meeting Adjourned:** 5:16 PM

ROLL CALL: Jennifer Roberson

In Attendance

MAJOR THOROUGHFARE MEMBERS PRESENT:

Robin Haire Raphael Henry (Zoom) Terry Bullard Jon Milstead (Zoom) Drew Robertson (Zoom)
Stuart Johnson Greg Pirkle Danny Riley George Jones Ernie Joyner Charlotte Loden

MAJOR THOROUGHFARE MEMBERS NOT PRESENT:

C W Jackson Bill Cleveland Ted Roach Dan Rupert

OTHERS PRESENT:

Brent Spears Jennifer Roberson Kim Hanna Don Lewis Janet Gaston John White
Luke Burleson Tyler Hathcock

Approval of Minutes

Chairman Greg Pirkle asked the Committee to review and approve the minutes of the May 8, 2023 Major Thoroughfare Program regular meeting. Ernie Joyner made a motion to accept the minutes. Robin Haire seconded the motion.

Minutes were approved unanimously by Committee.

Budget Report

Kim Hanna reviewed the Major Thoroughfare Phase VII Budget Report for the month ending May 31, 2023. Beginning Cash Balance was \$7,882,037. Total Revenue from Interest Earned was \$21,520. Total Expenditures for May was \$428,424. Payments included \$8,652 for Personnel Cost, \$83,608 for Maintenance Cost and \$336,164 for Veterans – Reese to Hamm St. Ending Cash Balance for Phase VII is \$7,563,957.

Current Projects

Brent Spears reviewed updates on the current projects

- Maintenance Work
 - Mill & overlay update
- Eason Blvd (Veterans to Briar Ridge)
 - Currently working on widening Hwy 6 and Briar Ridge Intersection and paving;
 - Finishing all paving on Monday, June 19th;
 - Contract time expires at the end of June;
 - Way ahead of schedule on Veterans.
- Update on Main Street Safety Improvements Project
 - Rescoped the project and will handle in-house;
 - Contractor with the bank is tearing island out within a few weeks & Public Works will come in to do their part.
- Veterans (Main to Hamm)
 - All the lane widening has been completed to the top of base pavement;
 - Most of the sidewalk construction has been completed on both sides of the road;
 - The retaining wall has been constructed next to the lake;
 - Ahead of schedule and may be through by the end of July.
- Thomas St to Lumpkin Ave
 - Work on this project has been suspended.
 - George Jones asked why we are using the turn lane the whole way.
 - Greg Pirkle stated that if it wasn't for the turn lane, it wouldn't be a Major Thoroughfare Project. The whole point of the entire Jackson improvement has been to create a way to get from east to west other than Main Street.
- MDOT Projects
 - Work wrapping up on McCullough Blvd job (Mr. Vernon to I-22).

Open Discussion

1. Greg Pirkle opened a discussion that was brought up to him by community members regarding Veterans and why we did not make that a three-lane all the way to I-22.
2. Janet Gaston asked if a traffic count was done on Veterans to justify the three-lane and how do we get to the point to determination that that's a viable project? Greg Pirkle said there are traffic counts on everything that's done and approved by voters. Anything on the Phase 6 projects, there were traffic studies and traffic counts. They do not get on the list of projects until we have done that.
3. Greg Pirkle asked John White if there are any savings we can make, if the N. Hamm to I-22 project goes through. The committee discussed this project. Greg recommended everyone talk to their neighbors to get feedback on this possible project.
4. Drew Robertson and Greg Pirkle discussed the protocol for a project that has not yet been approved by voters.
5. Major Thoroughfare members and those present discussed the underground electrical in the Jackson (Madison to Front) area. Jon Milstead asked to revisit this discussion at the next meeting.
6. Major Thoroughfare members and those present discussed the cost of the current projects and the funds that are still available.

With no further business to discuss, the meeting was adjourned.

Chairman Greg Pirkle

Recorded by Jennifer Roberson
Submitted by Stephen Reed



AGENDA REQUEST

TO: Mayor and City Council

FROM: Johnny Timmons, Manager TW&L

DATE: June 15, 2023

SUBJECT: IN THE MATTER OF CONTRACT AWARD FOR BID # 2023-016WL –
PRIMARY TO NORTHWEST SUBSTATION 46 kV TRANSMISSION LINE
POLE CHANGEOUT **JT**

Request:

I recommend award of the attached contract with Service Electric Company for the replacement of 46 kV transmission line poles from Tupelo Primary substation to Northwest substation. The bid for this project (Bid No. 2023-016WL) was approved through your regular council meeting on April 18, 2023 in the amount of \$589,158.60.

Please let me know if you have any questions.

DOCUMENT 00500 AGREEMENT

THIS AGREEMENT is entered into as of the 15th day of May, 2023 between Tupelo Water & Light (hereinafter called Owner) and Service Electric Company (hereinafter called Contractor).

Owner and Contractor, in consideration of the mutual covenants hereinafter set forth, agree as follows:

SECTION 1. WORK

Contractor shall complete all Work as specified or indicated in the Contract Documents. The Work is generally described as follows: "Furnish labor, material, and equipment on the existing 46kV/15kV Transmission/Distribution Line to remove 17 wood poles and replace with 18 steel poles along with framing. The existing conductor is 636 MCM ACSR with 336 ACSR distribution underbuild. The transmission line can be de-energized but left in a state that it can be readily energized by TW&L if needed. The distribution line must remain energized."

SECTION 2. ENGINEER/ARCHITECT

Allen & Hoshall (hereinafter called Engineer/Architect) is to act as Owner's representative, and shall have the duties and responsibilities and the rights and authority assigned to Engineer/Architect in the Contract Documents in connection with completion of the Work in accordance with the Contract Documents.

SECTION 3. CONTRACT TIME

3.1 Completion. The Base Bid Work will be substantially completed on or before October 4th, 2023, and completed and ready for final payment in accordance with paragraph 14.8 of the General Conditions on or before November 4th, 2023.

3.2 Liquidated Damages. Owner and Contractor recognize that time is of the essence of this Agreement and that Owner will suffer financial loss if the Work is not completed within the times specified in paragraph 3.1 above, plus any extensions thereof allowed in accordance with Article 12 of the General Conditions. They also recognize the delays, expense and difficulties involved in proving in a legal proceeding the actual loss suffered by Owner if the Work is not completed on time. Accordingly, instead of requiring any such proof, Owner and Contractor agree that as liquidated damages for delay (but not as a penalty) Contractor shall pay Owner Three Hundred dollars (\$300.00) for each day that expires after the time specified in paragraph 3.1 for Substantial Completion until the Work is substantially complete. After Substantial Completion if Contractor shall neglect, refuse or fail to complete the remaining Work within the Contract Time or any proper extension thereof granted by Owner, Contractor shall pay Owner Five Hundred dollars (\$500.00) for each day that expires after the time specified in paragraph 3.1 for completion and readiness for final payment.

SECTION 4. CONTRACT PRICE

Owner shall pay Contractor for completion of the Work in accordance with the Contract Documents in current funds as follows:

All specified allowances are included in the above price and have been computed in accordance

with the General Conditions.

UNIT PRICE BID:

TOTAL OF ALL UNIT PRICES:

Five hundred eighty-nine thousand, one hundred fifty-eight Dollars sixty Cents (\$589,158.60)
(Price includes \$30,000.00 ACA if approved)

As provided in the General Conditions estimated quantities are not guaranteed, and determinations of actual quantities and classification are to be made by the ENGINEER as provided in the General Conditions. Unit prices have been computed as provided in the General Conditions. All specified allowances are included in the above price and have been computed in accordance with the General Conditions.

SECTION 5. PAYMENT PROCEDURES

5.1 Applications for Payment. Contractor shall submit Applications for Payment in accordance with Article 14 of the General Conditions. Applications for Payment will be processed by Engineer/Architect as provided in the General Conditions.

5.2 Progress Payments. Owner shall make progress payments on account of the Contract Price on the basis of Contractor's Applications for Payment as recommended by Engineer/Architect on or about the 15th on the basis of the progress of the Work measured by the Schedule of Values established in accordance with paragraph 2.8 of the General Conditions (and in the case of Unit Price Work based on the number of units completed) or, in the event there is no Schedule of Values, as provided in the General Requirements. Prior to Substantial Completion, progress payments will be made in an amount equal to the percentage indicated below, but, in each case, less the aggregate of payments previously made and less such amounts as Engineer/Architect shall determine, or Owner may withhold, in accordance with paragraph 14.3(d) of the General Conditions.

95% of Work completed. If Work has been 50% completed as determined by Engineer/Architect, and if the character and progress of the Work have been satisfactory to Owner and Engineer/Architect, Owner on recommendation of Engineer/Architect, may determine that as long as the character and progress of the Work remain satisfactory to them, there will be no additional retainage on account of Work completed in which case the remaining progress payments prior to Substantial Completion will be in an amount equal to 100% of the Work completed.

95% of materials and equipment not incorporated in the Work (but delivered, suitably stored and accompanied by documentation satisfactory to Owner as provided in paragraph 14.2 of the General Conditions).

Upon Substantial Completion, payment will be made in an amount sufficient to increase total payments to Contractor to 97.5% of the Contract Price, less such amounts of Engineer/Architect shall determine, or Owner may withhold, in accordance with paragraph 14.3(d) of the General Conditions.

5.3 Final Payment. Upon final completion and acceptance of the Work in accordance with paragraph 14.8 of the General Conditions, Owner shall pay the remainder of the Contract Price as recommended by Engineer/Architect as provided in paragraph 14.8 of the General Conditions.

SECTION 6. INTEREST

All monies not paid when due as provided in Article 14 of the General Conditions shall bear interest at the maximum rate allowed by law at the place of the Project.

SECTION 7. CONTRACTOR'S REPRESENTATIONS

In order to induce Owner to enter into this Agreement Contractor makes the following representations:

7.1 Contractor has familiarized itself with the nature and extent of the Contract Documents, Work, site, locality, and all local conditions and all Laws and Regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

7.2 Contractor has studied carefully all reports of explorations and tests of subsurface conditions and drawings of physical conditions which are identified in the Supplementary Conditions as provided in paragraph 4.2 of the General Conditions, and accepts the determination set forth in paragraph 4.2 of the General Conditions of the extent of the technical data contained in such reports and drawings upon which Contractor is entitled to rely.

7.3 Contractor has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies (in addition to or to supplement those referred to in paragraph 7.2 above) which pertain to the subsurface or physical conditions at or contiguous to the site or otherwise may affect the cost, progress, performance or furnishing of the Work as Contractor considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.2 of the General Conditions; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by Contractor for such purposes.

7.4 Contractor has reviewed and checked all information and data shown or indicated on the Contract Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. No additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities are or will be required by Contractor in order to perform and furnish the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Contract Documents, including specifically the provisions of paragraph 4.3 of the General Conditions.

7.5 Contractor has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Contract Documents.

7.6 Contractor has given Engineer/Architect written notice of all conflicts, errors or discrepancies that he has discovered in the Contract Documents and the written resolution thereof by Engineer/Architect is acceptable to Contractor.

SECTION 8. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire agreement between Owner and Contractor concerning the Work consist of the following:

- (a) This Agreement.
- (b) Performance Bond, Payment Bond and other Bonds.
- (c) Notice of Award.
- (d) General Conditions.
- (e) Supplementary Conditions.
- (f) These Specifications - See Document 00003 - TABLE OF CONTENTS.
- (g) Drawings, consisting of a cover sheet and sheets numbered as listed in Document 00004 - LIST OF DRAWINGS, TABLES AND SCHEDULES of specification.
- (h) Addenda numbers 1 to 2, inclusive.
- (i) Contractor's Bid, marked exhibit "A".
[Attach Bid Form only in special circumstances, such as listing of unit prices.]
- (j) The following which may be delivered or issued after the Effective Date of the Agreement and are not attached hereto: All Written Amendments and other documents amending, modifying, or supplementing the Contract Documents pursuant to paragraph 3.4 of the General Conditions.

The documents listed in paragraphs (a) through (j) above are attached to this Agreement (except as expressly noted otherwise above). There are no Contract Documents other than those listed above in this Section 8. The Contract Documents may only be amended, modified or supplemented as provided in paragraph 3.4 of the General Conditions.

SECTION 9. MISCELLANEOUS

9.1 Terms used in this Agreement which are defined in Article 1 of the General Conditions will have the meanings indicated in the General Conditions.

9.2 No assignments by a party hereto of any rights under or interest in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation moneys that may become due and moneys that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law), and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from duty or responsibility under the Contract Documents.

9.3 Owner and Contractor each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements and obligations contained in the Contract Documents.

SECTION 10. OTHER PROVISIONS

Insert other provisions as may be required.

IN WITNESS WHEREOF, Owner and Contractor have signed this Agreement in quadruplicate.

030323

81987

One counterpart each has been delivered to Contractor and Engineer/Architect, and two to Owner.

This Agreement will be effective on 5/18/2023.

Owner: **Tupelo Water & Light**

Contractor: **Service Electric Company**

By: _____
[Corporate Seal]

By: *Zein D. Hassan*
[Corporate Seal]

Attest: _____

Attest: *M*

Address for giving notice:

Address for giving notice:

P.O. Box 1485

1631 East 25th Street

Tupelo, MS 38802-1485

Chattanooga, TN 37404

License No. Certificate of Responsibility
No.07025-SC Expires April 8, 2024

Agent for service of process:

(If Owner is a public body attach)
(evidence of authority to sign)
(and resolution or other document)
(authorizing execution.)

(If Contractor is a corporation)
(attach evidence of authority)
(to sign.)

END OF DOCUMENT



AGENDA REQUEST

TO: Mayor and City Council

FROM: Johnny Timmons, Manager TW&L

DATE June 14, 2023

SUBJECT: IN THE MATTER OF APPROVAL OF THE EMERGENCY REPLACEMENT OF A 20” PRESSURE SEWER LINE **JT**

Request:

Request for approval of the emergency replacement of approximately ninety-one feet (91’) of 20” pressure sewer line from Central Pumping Station to the wastewater treatment plant. This replacement is necessary due a collapsed sewer line crossing the ditch on Community Drive. The estimated cost of this replacement is \$22,000.00 (materials).



AGENDA REQUEST

TO: Mayor and City Council
FROM: Johnny Timmons, Manager TW&L
DATE: June 14, 2023
SUBJECT: IN THE MATTER OF AN EMERGENCY PURCHASE OF TWO (2) 300 kVA PADMOUNT TRANSFORMERS **JT**

Request:

I respectfully request your approval of an emergency purchase for the following:

- Two (2) 300 kVA 12870/120/208Y 3-phase padmount transformers – On May 25, 2023, Arkansas Electric submitted the lowest quote for these two transformers at \$22,860.00 each, for a total of \$45,720.00. This cost is subject to review at the time of shipment. The lead time for these transformers is approximately twelve (12) months.

This emergency purchase is requested due to the following factors:

- Volatility of the metals market and key transformer and wire cost factors beyond the manufacturer's control
- Lead/delivery times

Please let me know if you have any questions.



AGENDA REQUEST

TO: Mayor and City Council
FROM: Neal McCoy, Director
DATE June 15, 2023
SUBJECT: IN THE MATTER OF REAPPOINTMENT OF STEPHANIE BROWNING TO
CVB BOARD JUNE 13, 2023 NM

Request:

Approve Stephanie Browning to CVB board to expire June 2025.

TUPELO INNKEEPERS ASSOCIATION

June 13, 2023

Mayor Todd Jordan
Tupelo City Hall
71 East Troy Street
Tupelo, MS 38804

Dear Mayor Jordan,

The Tupelo Innkeepers Association met on Tuesday, June 13, 2023 and voted to nominate Stephanie Browning to represent the Innkeepers Association on the Tupelo Convention and Visitors Bureau board of directors from June 2023 – June 2025. Ms. Browning's knowledge of the day-to-day operations of a hotel and the issues facing innkeepers in our current environment is vast and will be a considerable attribute in serving on the CVB board. Ms. Browning has served on the CVB board previously and has represented us well.

I hope you will consider our nomination and appoint Stephanie Browning to serve on the CVB board of directors. If you have any questions, please feel free to contact me at 662-871-8305.

Sincerely,



Romanda Ofosu-Darkwah, President
Tupelo Innkeepers Association



AGENDA REQUEST

TO: Mayor and City Council

FROM: Don Lewis, COO

DATE: June 20, 2023

SUBJECT: IN THE MATTER OF MAYOR JORDAN INTERNATIONAL TRAVEL
OCTOBER 2023 **DL**

Request:

Approval of international travel for Mayor Jordan.



City of Tupelo

Item # 21.

Todd Jordan
Mayor

June 15, 2023

COUNCIL

Chad Mims
Ward One

Lynn Bryan
Ward Two

Travis Beard
Ward Three

Nettie Y. Davis
Ward Four

Buddy Palmer
Ward Five

Janet Gaston
Ward Six

Rosie Jones
Ward Seven

Mr. Lynn Bryan, Tupelo City Council President
Mr. Travis Beard
Ms. Nettie Davis
Ms. Janet Gaston
Ms. Rosie Jones
Mr. Chad Mims
Mr. Buddy Palmer

Tupelo City Council Members:

I am requesting approval of international travel for Mayor Todd Jordan to travel to Japan with a delegation from the Southeast US/Japan Association (SEUS). Mayor Jordan was invited to participate in this international visit by the Community Development Foundation. The visit is intended to promote trade, investment, tourism, education and friendship ties between the states in the SEUS/Japan Association and our Japanese counterparts.

The travel dates are October 7-15, 2023, and a deposit of \$4,863.88 is currently due. Any balance for hotel, airfare and ground transportation will be billed after the trip has been completed. The per diem for the nine-day visit is \$1,132.

This trip will be covered in the travel budget as a regular expense so we are just requesting approval to travel internationally.

Sincerely,

Don Lewis
City of Tupelo



May 16, 2023

TO: Mayor Todd Jordan
Tupelo City Hall
71 East Troy Street
Tupelo, MS 38804

C/O Don Lewis, COO
Tupelo

INVOICE

Ref: SEUS Japan 2023 Trip October 7 - 15, 2023 Attendee: Mayor Todd Jordan	Amount Due: \$4,863.88
--	------------------------

*Deposit Due\$4,863.87

** Please note: Any balance for hotel, airfare and ground transportation will be billed after the trip has been completed.*

Please remit payment to:
COMMUNITY DEVELOPMENT FOUNDATION
P.O. Box A
Tupelo, MS 38802



AGENDA REQUEST

TO: Mayor and City Council

FROM: Ben Logan, City Attorney

DATE June 15, 2023

SUBJECT: IN THE MATTER OF ORDER APPROVING EXERCISE OF SECOND OPTION TO PURCHASE REAL PROPERTY WITH BSB ASSOCIATES PARTNERSHIP, OR ITS SUCCESSOR IN INTEREST, FOR THE PURPOSE OF CONSTRUCTING A CLASS II RUBBISH LANDFILL

Request:

Last year the city entered an option agreement with BSB Associates Partnership to purchase property for the purposes of constructing a Class II rubbish landfill. The agreement provided two one-year options in order to allow permits to be obtained to construct the facility. Since exercising the first option, the city and Three Rivers Solid Waste Authority have amended the Three Rivers Solid Waste Authority Master Plan and await approval from the Mississippi Department of Environmental Quality (MDEQ). Upon approval of the amendment to the master plan, the city will apply to MDEQ for a permit to construct the Class II landfill. The first option is expiring, and the second must be exercised before June 30, 2023.

Approval to exercise second option and pay \$15,000.00 to BSB, or successor, is requested.

Order to be supplemented.

ORDER**ORDER APPROVING EXERCISE AND PAYMENT OF SECOND OPTION OF CONTRACT WITH BSB ASSOCIATES AND AUTHORIZING MAYOR AND CITY CLERK/CHIEF FINANCIAL OFFICER TO EXECUTE DOCUMENTS AND PAY OPTION PRICE**

WHEREAS, on June 30, 2022, the City entered into an option to purchase contract with BSB Associates Partnership, attached hereto as Exhibit “A”; and

WHEREAS, the contract contains two (2) one-year option provisions; and

WHEREAS, the City intends to build a Class II rubbish site on the real property under these options; and

WHEREAS, the City awaits Mississippi Department of Environmental Quality (MDEQ) approval of an amendment to the Three Rivers Solid Waste Authority (TRSWA) master plan to add this proposed facility to the region’s solid waste master plan; and

WHEREAS, to preserve the ability to purchase this property, the City wishes to exercise the second year option; and

WHEREAS, the proposed Class II Rubbish Site will provide at least twenty years capacity to dispose of natural vegetation, such as tree limbs, stumps and leaves brick; mortar, concrete, stone, and asphalt and other similar wastes specifically approved by MDEQ; and

WHEREAS, the city generates the need to dispose of these materials in its operations, especially after storms; and

WHEREAS, the cost savings from operating its own facility serves the best interests of the health, safety and welfare of its citizens.

NOW THEREFORE, BE IT ORDERED BY THE TUPELO CITY COUNCIL as follows:

1. That the exercise of the second option is approved.

2. The Mayor and City Clerk/Chief Financial Officer are authorized to sign any and all documents on behalf of the city and pay the option price of Fifteen Thousand Dollars (\$15,000.00) to BSB or its successor in interest.

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

- Councilmember Mims _____
- Councilmember Bryan _____
- Councilmember Beard _____
- Councilmember Davis _____
- Councilmember Palmer _____
- Councilmember Gaston _____
- Councilmember Jones _____

WHEREUPON, the foregoing Resolution was declared, passed and adopted at a regular meeting of the Council on this the _____ day of _____, 2022.

CITY OF TUPELO, MISSISSIPPI

Lynn Bryan, City Council President

ATTEST:

MISSY SHELTON, Clerk of the Council

APPROVED:

TODD JORDAN, Mayor

DATE

Prepared by
 & Return to: Stephen N. Reed
 Assistant City Attorney
 → City of Tupelo, MS.
 PO Box 1485
 Tupelo, MS 38802
 (662) 840-2059

OPTION AGREEMENT FOR PURCHASE OF REAL PROPERTY

Optionor
 BSB Associates Partnership
 PO Box 407
 Tupelo, MS 38802
 Telephone:

To

Optionee
 City of Tupelo, MS
 PO Box 1485
 Tupelo, MS 38802
 (662) 840-2059

CITY OF TUPELO
 LEE COUNTY, MISSISSIPPI

Indexing Instructions: Sec. 8, T10S, R6E, City of Tupelo, Lee County, Mississippi

This **OPTION AGREEMENT** is entered into this the 30 day of June, 2022 by and between the City of Tupelo, Mississippi (hereinafter called "City" or "Buyer" or "Optionee"), and BSB Associates Partnership (hereinafter called "BSB" or "Owner" or "Optionor").

WHEREAS, Optionor is the owner of certain real property being, lying and situated in the City of Tupelo, County of Lee, State of Mississippi, such real property being more particularly identified, depicted and described as follows:

- Parcel No. 113V-08-004-00
- Parcel No. 113M-08-001-00
- Parcel No. 113M-08-004-00
- See Property Maps, Exhibit "A"
- See Legal Description, Exhibit "B"

WHEREAS, Optionee desires to procure an option to purchase said real property upon the terms and provisions as hereinafter set forth;

34 *WRE*

NOW, THEREFORE, for the consideration of Ten Dollars (\$10.00) and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged by the parties hereto and for the mutual covenants contained herein, Optionor and Optionee hereby agree as follows:

OPTION PRICE, TERM, EXTENSION AND TERMINATION

At the time of the execution of the first option ("Option 1"), Buyer shall pay Owner a non-refundable earnest money payment in the amount of Fifteen Thousand Dollars (\$15,000.00) (the "Option Price"). Option 1 shall be for a term of 12 months. Buyer may elect a second option for a period of 12 additional months, and at the time of the execution of the second option ("Option 2"), Buyer shall pay Owner a second, non-refundable earnest money payment in the amount of Fifteen Thousand Dollars (\$15,000.00). Option 2 shall also be for a term of 12 months. Both options shall extend from the date of the execution of this agreement. Either one or both of the non-refundable earnest money payments shall be applied to the purchase price of the property from Owner in the event Buyer exercises the either option and closes on the purchase of the Property. If Buyer does not exercise or extend Option 1, or if Option 1 is extended and Buyer does not exercise Option 2 before the end of the term of that option, then this agreement shall automatically terminate, Owner shall retain the Option Price(s) paid and no party shall have any further rights, duties, liabilities or obligations under this Agreement except as specifically set forth herein.

PURCHASE PRICE:

The purchase price to be paid for said property, in the event either option is exercised, is Six Hundred Fifty-Eight Thousand Dollars (\$658,000), less the amount of any earnest money paid.

WARRANTY DEED

In the event either Option is exercised, upon the closing of this transaction, the Owner shall be responsible for the preparation of and payment for the Warranty Deed necessary to close this transaction, and will make conveyance of the real property described herein to the Buyer by General Warranty Deed, free and clear of any and all liens and encumbrances whatsoever, except the following, to-wit:

1. Mineral reservations and conveyances, if any, by prior owners.
2. Taxes for the year wherein Option is exercised, which will be prorated as of the date of the closing of this transaction.
3. All rights-of-way and easements for public roads and public utilities.

TITLE CERTIFICATE

If either Option is exercised, Buyer will be responsible for the title certificate, soil test, environmental study and historical and archeology studies as needed. If said title certificate reflects defects, encumbrances or lack of marketability of the real property described herein, then owner shall have thirty (30) days from date of receipt of written notice from Buyer of such defect or unmarketability, to cure same. Unless the time to cure is extended in writing by the Buyer, if the title cannot be cured within said thirty-day period, then this Option Agreement shall terminate and Owner shall return the Option Money to Buyer. The parties agree that the following shall not be considered a defect, encumbrance or lack of marketability:

- (a) Ad Valorem taxes, if any, for year of sale;
- (b) Any prior mortgage, if any, which Owner agrees shall be satisfied at closing out of payment of the purchase price;
- (c) Any zoning ordinance or building restriction which may apply;
- (d) All oil, gas and other mineral interests reserved by prior owners;
- (e) Any rights-of-way for public roads or public utility easements.

AD VALOREM TAXES

If this Option is exercised, the ad valorem taxes, if any, due on the above described property will be prorated between the Owner and Buyer as of the date of closing of this transaction for that one (1) year.

DUE DILIGENCE

Buyer shall have the right and access to the site to undertake, at Buyer's expense, any and all physical inspections, studies, surveys and other investigations of and concerning the site as Buyer, in its sole discretion, may deem appropriate. In the event that any of the results reveal defects in title so that the property is not marketable, Buyer shall notify Owner in writing and this Option shall be terminated.

MISCELLANEOUS PROVISIONS

- 1) Owner leases the property on an annual basis and will be allowed to lease the property during the terms of either option for the years 2022 and 2023.
- 2) If either option is exercised, Owner will convey all mineral rights owned by Owner, to Buyer.
- 3) A Memorandum of Option will be filed in the land records of Lee County.

BINDING EFFECT

This Option Agreement shall inure to the benefit of and be binding upon the parties hereto, their heirs, legal representatives, successors and assigns.

ENTIRETY OF AGREEMENT

This Option Agreement contains the entire agreement of Owner and Buyer with regard to the subject matter of this Option Agreement, and no prior agreement or understanding, whether written or oral, with regard to the same shall be valid or of any force and effect.

SEVERABILITY

In the event that any provision or part of this Agreement is found to be invalid or unenforceable, only that particular provision or part so found, and not the entire Agreement, will be inoperative.

REAL ESTATE FEES AND COMMISSIONS

Buyer and Owner represent that neither is represented by a real estate agent or broker for the purposes of the effectuation of this contract. Furthermore, both parties agree that there will be no future payments of real estate fees or commissions, by either party to this contract to any real estate agent or broker.

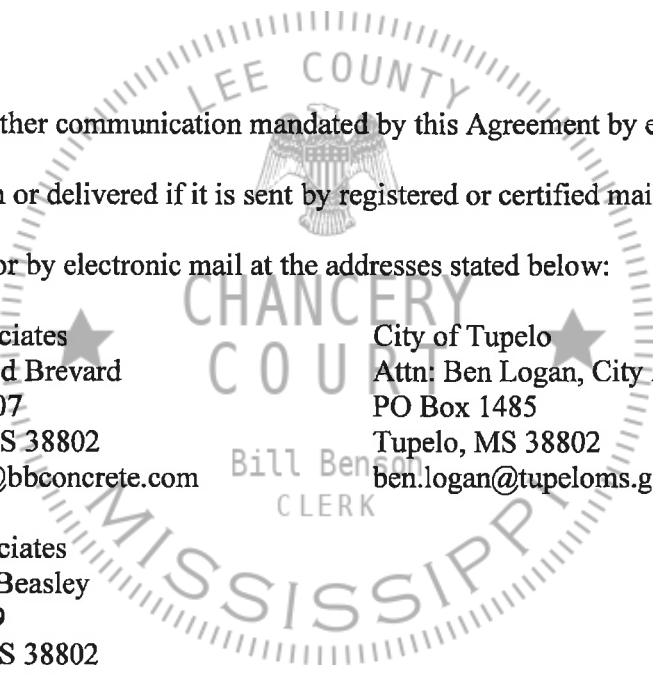
NOTICE TO PARTIES

Notice, demand, or other communication mandated by this Agreement by either party to the other shall be sufficiently given or delivered if it is sent by registered or certified mail, postage prepaid, return receipt requested, or by electronic mail at the addresses stated below:

BSB Associates
Attn: David Brevard
PO Box 407
Tupelo, MS 38802
dbrevard@bbconcrete.com

City of Tupelo
Attn: Ben Logan, City Attorney
PO Box 1485
Tupelo, MS 38802
ben.logan@tupeloms.gov

BSB Associates
Attn: Bill Beasley
PO Box 29
Tupelo, MS 38802
beasleyb@phelps.com



CLOSING AND POSSESSION

The closing date shall be at the choosing of the Buyer. Said date shall be no later than the final date of Option 1. In the event that the buyer chooses to purchase Option 2, the date for closing shall be no later than the final date of Option 2. Notice of closing shall be sent at least 30-days prior to the date of closing to the addresses listed above. Possession shall take place at closing.

MODIFICATIONS

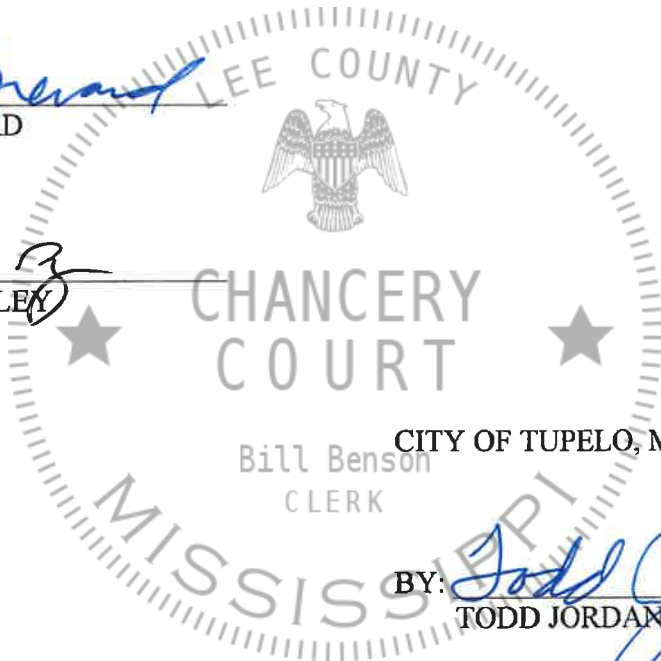
This Option Agreement may be modified or amended only by a written agreement executed by both Owner and Buyer.

EXECUTED IN TWO DUPLICATE ORIGINALS, on this, the 30 day of June, 2022.

BSB ASSOCIATES PARTNERSHIP

BY: David Brevard
DAVID BREVARD

BY: William D. Beasley
WILLIAM BEASLEY



CITY OF TUPELO, MISSISSIPPI

Bill Benson
CLERK

BY: Todd Jordan
TODD JORDAN, MAYOR

ATTEST:

BY: Kim Hanna
KIM HANNA, CITY CLERK/CFO

STATE OF MISSISSIPPI
COUNTY OF LEE

Personally appeared before me, the undersigned authority in and for said county and state, on this the 30th day of June, 2022, within my jurisdiction, the within named DAVID BREVARD, who acknowledged that he is the Partner, and that for and on behalf of said BSB ASSOCIATES PARTNERSHIP, and as its act and deed, he signed, executed and delivered the above and foregoing instrument, after first having been duly authorized by said BSB ASSOCIATES PARTNERSHIP so to do.

My Commission Expires:



NOTARY PUBLIC

STATE OF MISSISSIPPI
COUNTY OF LEE

Personally appeared before me, the undersigned authority in and for said county and state, on this the 30th day of June, 2022, within my jurisdiction, the within named WILLIAM BEASLEY, who acknowledged that he is the Partner, and that for and on behalf of said BSB ASSOCIATES PARTNERSHIP, and as its act and deed, he signed, executed and delivered the above and foregoing instrument, after first having been duly authorized by said BSB ASSOCIATES PARTNERSHIP so to do.

My Commission Expires:



Tiffany May
NOTARY PUBLIC

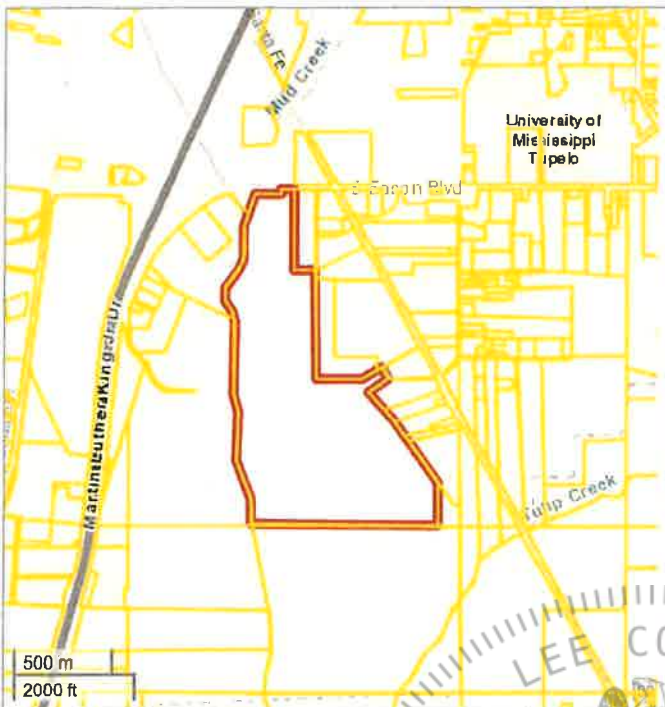
STATE OF MISSISSIPPI
COUNTY OF LEE

Personally appeared before me, the undersigned authority in and for the said county and state, on this 30th of June, 2022, within my jurisdiction, the within named TODD JORDAN, MAYOR and KIM HANNA, CFO/CITY CLERK, who acknowledged that as their act and deed, have signed, executed and delivered the above and foregoing instrument, and are duly authorized so to do.


NOTARY PUBLIC

My Commission Expires:





Lee County, MS

Lee County online map access is provided as a public service, as is, as available and without warranties, expressed or implied. Content published on this website is for informational purposes only, and is not intended to constitute a legal record nor should it be substituted for the advice or services of a licensed professional. Parcel map information is prepared for the inventory of real property found within County jurisdiction and is compiled from recorded deeds, plats, and other public documents in accordance with Land Records Technical Specifications for Base, Cadastral and Digital Mapping Systems. Users are hereby notified that the aforementioned public record sources should be consulted for verification of information. With limited exception, data available on this website originates from Lee County Land Records GIS and is maintained for the internal use of the County. The County of Lee and the Website Provider disclaim all responsibility and legal liability for the content published on this website. The user agrees that Lee County and its Assigns shall be held harmless from all actions, claims, damages or judgments arising out of the use of County data.



Lee County Tax Assessor/Collector
 201 Jefferson St
 Tupelo, MS 38804
 (662) 432-2700

PPIN	8639
PARCEL_ID	113V-08-004-00
OWNERNAME	BSB ASSOCIATES
ADDRESS	P O BOX 407
ADDRESS2	
CITY	TUPELO
STATE	MS
ZIP	388020407
SECTION	08
TOWNSHIP	10S
RANGE	06E
LEGAL	PT SECTION
LEGAL2	
TAX_DIST	5730
CULT_AC0	0
CULT_AC1	157.67
UNCL_VAL0	0
UNCL_VAL1	56.83
UNCL_VAL2	214.5
CULT_VAL1	0
CULT_VAL2	38060
UNCL_VAL1	0
UNCL_VAL2	8450
LAND_VAL	46510
IMP_VAL1	0
IMP_VAL2	0
TOTAL_VALUE	46510
EXEMPT_CODE	0
HOMESTEAD	
DEED_BOOK	1083
DEED_PAGE	0277
DEED_DATE	387244800000
SITUS_ADDR	0

Exhibit

A



100 m
500 ft

100 m
500 ft

Lee County, MS

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Lee County Tax Assessor/Collector
201 Jefferson St
Tupelo, MS 38804
(662) 432-2700

PPIN	26571
PARCEL_ID	113M-08-001-00
OWNERNAME	B S B ASSOC PARTNERSHIP
ADDRESS	P O BOX 407
ADDRESS2	
CITY	TUPELO
STATE	MS
ZIP	388020407
SECTION	08
TOWNSHIP	10S
RANGE	06E
LEGAL1	LOT PT NW1/4 NE1/4
LEGAL2	
TAX_DIST	5730
CULT_AC1	0
CULT_AC2	10.2
UNCULT_AC1	0
UNCULT_AC2	0
TOTAL_AC	10.2
CULT_VAL1	0
CULT_VAL2	183600
UNCUL_VAL1	0
UNCUL_VAL2	0
LAND_VAL	183600
IMP_VAL1	0
IMP_VAL2	0
TOTALVALUE	183600
EXFMPY_CODE	0
HOMESTEAD	
DEED_BOOK	1083
DEED_PAGE	277
DEED_DATE	
SITUS_ADDR	0



Lee County, MS

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Lee County Tax Assessor/Collector
 201 Jefferson St
 Tupelo, MS 38804
 (662) 432-2700

PPIN	26574
PARCEL_ID	113M-08-004-00
OWNERSNAME	B S B ASSOC PARTNERSHIP
ADDRESS1	P O BOX 407
ADDRESS2	
CITY	TUPELO
STATE	MS
ZIP	38802
SECTION	08
TOWNSHIP	10S
RANGE	06E
LEGAL1	LOT PT NW1/4 NE1/4
LEGAL2	
LEGAL3	
TAX_DIST	5730
CULT_AC01	0
CULT_AC2	0
UNCULT_AC01	0
UNCULT_AC2	0
TOTN_VAL0	0
CULT_VAL1	0
CULT_VAL2	24000
UNCUL_VAL1	0
UNCUL_VAL2	0
LAND_VAL	24000
IMP_VAL1	0
IMP_VAL2	0
TOTAL_VAL	24000
EXEMPT_COD	0
HOMESTEAD	
DEED_BOOK	853
DEED_PAGE	428
DEED_DATE	
STATUS	0

EXHIBIT "B"

BEGINNING at the point where the South right-of-way of Eason Boulevard intersects the West right-of-way line of the St. Louis and San Francisco Railroad (now Burlington Northern) and run thence South 28 degrees 59 minutes East along said West railroad right-of-way line 1,699.52 feet to the North line of the City of Tupelo property; thence run North 89 degrees 30 minutes West 1,056.62 feet; thence run South 00 degrees 30 minutes West 1,550.0 feet along the West side of the City property; thence run North 89 degrees 30 minutes East 658.30 feet; thence run North 59 degrees 37 minutes East 308.60 feet to a point 202.34 feet South of the Northeast Corner of the Northeast Quarter of the Southeast Quarter of Section 8, Township 10 South, Range 6 East; thence run North 59 degrees 37 minutes East 100.55 feet; thence run North 59 degrees 37 minutes East 680.02 feet to the West right-of-way line of said Railroad; thence run South 28 degrees 59 minutes East along said West right-of-way line 591.70 feet; thence run South 28 degrees 59 minutes East along said right-of-way line 204.77 feet; thence run South 71 degrees 20 minutes West 971.98 feet; thence run South 38 degrees 40 minutes East 244.82 feet; thence run South 71 degrees 20 minutes West 13.0 feet; thence run South 35 degrees 22 minutes East 1,205.97 feet; thence run South 00 degrees 15 minutes East 690.0 feet to the South line of Section 8, Township 10 South, Range 6 East; thence run South 89 degrees 45 minutes West along said Section line 2,857.49 feet, said point being 100.0 feet Easterly from the center line of Town Creek (said point to be known as Point A of the survey line); thence run South 89 degrees 45 minutes West 100.0 feet to the centerline of Town Creek; thence run Northerly along the center line of Town Creek, a survey line 100.0 feet Easterly from and parallel to said centerline, being described as: Beginning at Point A above and run North 10 degrees 26 minutes West 1,054.80 feet; thence North 15 degrees 19 minutes West 345.27 feet; thence North 13 degrees 13 minutes East 227.57 feet; thence North 04 degrees 06 minutes West 1,327.03 feet; thence North 00 degrees 41 minutes East 789.47 feet; thence North 04 degrees 41 minutes West 427.50 feet; thence North 15 degrees 32 minutes East 364.34 feet; thence North 29 degrees 34 minutes East 228.90 feet; thence North 09 degrees 08 minutes East 615.98 feet to Point B on the survey line, said point being 100.0 feet Easterly from the center line of Town Creek and on the South line of Eason Boulevard; thence from the center line of Town Creek, run North 89 degrees 47 minutes East 100.0 feet to said Point B; thence run North 89 degrees 47 minutes East along the South right-of-way line of Eason Boulevard 528.10 feet; thence run East along said South right-of-way line 635.43 feet to the Point of Beginning.

LESS AND EXCEPT there from the following described tracts of land:

(1) Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 8, Township 10 South, Range 6 East and run South 202.34 feet to a point on the South line of the City of Tupelo property; thence run North 59 degrees 37 minutes East along the City of Tupelo property line 780.57 feet to the West right-of-way line of the St. Louis-San Francisco Railroad; thence run North 28 degrees 59 minutes West along said railroad right-of-way line 1,540.06 feet to the POINT OF BEGINNING; thence run South 88 degrees 33 minutes 15 seconds West 912.45 feet; thence run North 00 degrees 00 minutes 50 seconds West 364.91 feet; thence run North 89 degrees 59 minutes 10 seconds East 30 feet; thence run 00 degrees 00 minutes 50 seconds West 50 feet; thence run North 89 degrees 59 minutes 10 seconds East 299.09 feet; thence run North 61 degrees 01 minutes 00 second East 320.21 feet to the West right of way line of the railroad; thence run South 28 degrees 59 minutes East along said right of way line 625.69 feet to

(5) Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 8, Township 10 South, Range 6 East, City of Tupelo, Lee County, Mississippi; thence run South for a distance 202.34 feet thence run North 59 degrees 37 minutes East for a distance of 780.57 feet to the West right of way line of St. Louis-San Francisco Railroad; thence North 28 degrees 59 minutes West for distance of 1,144.81 feet; thence South 88 degrees 33 minutes 15 seconds West for a distance of 1,103.95 feet to the POINT OF BEGINNING; thence South 89 degrees 59 minutes 10 seconds West for a distance of 30.0 feet; thence North 00 degrees 00 minutes 50 seconds West for a distance of 1,515.49 feet to the South right of way line of Eason Boulevard; thence North 89 degrees 59 minutes 10 seconds East along said South right-of-way line for a distance of 30.0 feet; thence South 00 degrees 00 minutes 50 seconds East for a distance of 1,515.49 feet to the Point of Beginning.

Lying and being in the North Half of Section 8, Township 10 South, Range 6 East, City of Tupelo, Lee County, Mississippi, and containing 1.10 acres.

(6) Commencing at the Southwest Corner of the Southeast Quarter of the Northeast Quarter of Section 8, Township 10 South, Range 6 East, City of Tupelo, Lee County, Mississippi; thence run South for a distance of 202.34 feet; thence run North 59 degrees 37 minutes East for distance of 780.57 feet to the West right-of-way line of St. Louis-San Francisco Railroad (now Burlington Northern); thence North 28 degrees 59 minutes West along said West right-of-way line for a distance of 2,165.75 feet for a POINT OF BEGINNING; thence South 61 degrees 01 minutes 00 seconds West for a distance of 320.21 feet; thence South 89 degrees 59 minutes 10 seconds West for a distance of 299.09 feet to the East line of Ryder Street; thence North 00 degrees 00 minutes 50 seconds West along the East line of Ryder Street for a distance of 758 feet, more or less, to the South line of Eason Boulevard; thence run North 89 degrees 47 minutes East 240 feet, more or less, to the West right-of-way line of the St. Louis-San Francisco Railroad (now Burlington Northern); thence run South 28 degrees 59 minutes East along West right of way line 684 feet, more or less, to the Point of Beginning.

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

SAID land lying and being partly in the Northeast, the Northwest, the Southeast and the Southwest Quarters of Section 8, Township 10 South, Range 6 East, partly in the City of Tupelo, and all in Lee County, Mississippi.

SUBJECT to an Easement for a gas transmission line running in a Northwesterly-Southeasterly direction across the Southwest Corner of said tract.

AND SUBJECT to a Sewer Easement in favor of the City of Tupelo, dated June 12, 1980, and recorded in Book 1051, at Page 342, records of Lee County, Mississippi, across the Northeast and Northwest Quarters of said Section 8.

ALSO SUBJECT to existing streets, roadways and access roads.



AGENDA REQUEST

TO: Mayor and City Council

FROM: Stephen N. Reed, Assistant City Attorney

DATE June 16, 2023

SUBJECT: IN THE MATTER OF APPROVAL AND ADOPTION OF 2023 CITY OF TUPELO AND LEE COUNTY, MISSISSIPPI INTERLOCAL COOPERATION AGREEMENT FOR THE COLLECTION OF TAXES AND TO AUTHORIZE THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT **SR**

Request:

Please approve and adopt the attached interlocal agreement with Lee County authorizing the Lee County Tax Collector the authority to collect all City of Tupelo ad valorem taxes and special assessments and to grant other such duties authorized by the agreement.