



# TUPELO REGULAR CITY COUNCIL MEETING

SEPTEMBER 20, 2022 AT 6:00 PM  
COUNCIL CHAMBERS | CITY HALL

## AGENDA

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**INVOCATION:** COUNCIL MEMBER BUDDY PALMER

**PLEDGE OF ALLEGIANCE:** COUNCIL MEMBER JANET GASTON

**CALL TO ORDER:** COUNCIL PRESIDENT LYNN BRYAN

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

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

#### PROCLAMATIONS

1. IN THE MATTER OF CONSTITUTION DAY PROCLAMATION **TJ**

#### RECOGNITION GIRL/BOY SCOUTS

#### EMPLOYEE RECOGNITION

2. IN THE MATTER OF COMMENDATION FOR 2 OFFICERS **JQ**
3. IN THE MATTER OF COMMENDATION FOR 8 OFFICERS **JQ**
4. IN THE MATTER OF COMMENDATION FOR AN OFFICER **JQ**

#### PUBLIC RECOGNITION

#### MAYOR'S REMARKS

(CLOSE REGULAR MEETING OPEN PUBLIC AGENDA)

### **PUBLIC AGENDA**

#### PUBLIC HEARINGS

5. IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING **TN**

APPEALS

CITIZEN HEARING

6. KENNETH MILLER

**(CLOSE PUBLIC AGENDA AND OPEN REGULAR SESSION)**

**ACTION AGENDA**

7. IN THE MATTER OF COMPREHENSIVE DEVELOPMENT CODE UPDATE APPLICATION TA22-03 (MOVED FROM STUDY AGENDA OF SEPTEMBER 6, 2022) **TN**
8. IN THE MATTER OF REZONING APPLICATION RZ22-03 (MOVED FROM STUDY AGENDA OF SEPTEMBER 6, 2022) **TN**

**ROUTINE AGENDA**

9. IN THE MATTER OF APPROVAL OF SEPTEMBER 6, 2022 REGULAR MEETING MINUTES AND SEPTEMBER 13, 2022 SPECIAL CALLED MINUTES
10. IN THE MATTER OF BILL PAY **KH**
11. IN THE MATTER OF ADVERTISING AND PROMOTIONAL ITEMS **KH**
12. IN THE MATTER OF BUDGET AMENDMENT #9 FOR FY 2022 **KH**
13. IN THE MATTER OF FIRE & POLICE RETIREMENT RESOLUTION 2023 **KH**
14. IN THE MATTER OF FY 2022 PETTY CASH ACCOUNTS **KH**
15. IN THE MATTER OF REVIEW/APPROVE PROPERTIES FOR LOT MOWING **TN**
16. IN THE MATTER OF RATIFICATION OF CONTRACT FOR FEDERAL AID PROJECT NO. STP-0430-00(040) LPA 107362-701000 **DRB**
17. IN THE MATTER OF AMENDMENT TO POLICE ADVISORY BOARD ORDINANCE ESTABLISHING REQUIRED ATTENDANCE OF MEETINGS **JQ**
18. IN THE MATTER OF APPOINTMENT OF BOB BAUGHN TO THE POLICE ADVISORY BOARD AS THE MAYOR'S APPOINTEE EFFECTIVE 9-20-2022 **JQ**
19. IN THE MATTER OF TRANSFER OF MAYOR APPOINTEE TO WARD APPOINTEE FOR POLICE ADVISORY BOARD **JQ**

20. IN THE MATTER OF APPOINTMENT OF JACKIE CLAYTON TO POLICE ADVISORY BOARD AS MAYORAL APPOINTEE **JQ**
21. IN THE MATTER OF AWARD OF BID NUMBER 2022-032PD **JQ**
22. IN THE MATTER OF CONTRACT APPROVAL FOR THE PROFESSIONAL SERVICES OF THE ENDVILLE ROAD SAFETY IMPROVEMENTS PROJECT NO. DC NO. 2226-01 **CW**
23. IN THE MATTER OF RATIFICATION OF CONTRACT FOR CLARK PLACE DRAINAGE – ARCH PIPE REPLACEMENT REBID PROJECT - BID NO. 2022-030PW **CW**
24. IN THE MATTER OF APPROVAL OF CVB BOARD MINUTES OF SEPTEMBER 6, 2022 **NM**
25. IN THE MATTER OF THE RATIFICATION OF THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN TUPELO PUBLIC SCHOOL DISTRICT AND TUPELO POLICE DEPARTMENT REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM 2022 **SR**
26. IN THE MATTER OF REAPPOINTMENT OF WESLEY WELLS TO TUPELO HOUSING AUTHORITY BOARD **TJ**
27. IN THE MATTER OF REAPPOINTMENT OF REED HILLEN TO TUPELO REDEVELOPMENT AGENCY **DB**
28. IN THE MATTER OF REAPPOINTMENT OF CHERYL RAINEY TO TUPELO REDEVELOPMENT AGENCY **DB**
29. IN THE MATTER OF REAPPOINTMENT OF SHANE HOMAN TO TUPELO REDEVELOPMENT AGENCY **DB**
30. IN THE MATTER OF APPOINTMENT OF BRANNON KAHLSTORF TO TUPELO REDEVELOPMENT AGENCY **DB**
31. IN THE MATTER OF APPOINTMENT OF BENTLEY NOLAN TO TUPELO REDEVELOPMENT AGENCY **DB**

**(CLOSE REGULAR SESSION)**

**STUDY AGENDA**

**EXECUTIVE SESSION**

**ADJOURNMENT**



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Scott Costello, Director of Communications  
**DATE** September 20, 2022  
**SUBJECT:** IN THE MATTER OF CONSTITUTION DAY PROCLAMATION

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**Request:**

See attached Constitution Day proclamation.



OFFICE OF THE MAYOR  
**CONSTITUTION WEEK**  
**PROCLAMATION**

**WHEREAS**, September 17, 2022, marks the 235<sup>th</sup> anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

**WHEREAS**, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary; and to the patriotic celebration which will commemorate the occasion; and

**WHEREAS**, Public Law, 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17<sup>th</sup> through September 23<sup>rd</sup> as Constitution Week.

**NOW THEREFORE**, be it resolved that, I, Todd Jordan, Mayor of the City of Tupelo, Mississippi, do hereby proclaim the week of September 17<sup>th</sup> through September 23<sup>rd</sup>, 2022, as

**CONSTITUTION WEEK**

in Tupelo, Mississippi, and encourage all citizens to reaffirm the ideals of the Constitution by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Tupelo to be affixed this the 17<sup>th</sup> day of September 2022.

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

**ATTEST:**

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

\_\_\_\_\_  
 Patricia L. Miller, Regent  
 Daughters of the American Revolution  
 Mary Stuart Chapter

\_\_\_\_\_  
 Sarah Bell Harris,  
 Mary Stuart Chapter, NSDAR  
 Constitution Committee



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** John Quaka, Chief  
**DATE:** September 15, 2022  
**SUBJECT:** IN THE MATTER OF COMMENDATION FOR 2 OFFICERS **JQ**

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**Request:**

Please accept this letter of request for a Commendation to recognize Officer Josh Miller and Officer Cameron Jones.



**TUPELO POLICE DEPT  
400 FRONT ST.  
Tupelo, MS**



Captain Marty E. Mask  
Tupelo Police Department  
Tupelo, MS 38804  
September 06, 2022

To: Major Chuck McDougald

Re: Commendation for Officers-Welfare concern

I would like to submit this letter of commendation to recognize Officer Josh Miller and Officer Cameron Jones. Their quick actions and verbal skills allowed them to change the course of an otherwise fateful incident.

On September 5, 2022, Officers Miller and Jones responded to a call of a male subject sitting on the Southern Heights bridge over MS Hwy 6. Officer Miller made contact with Mark Lockhart and engaged him in conversation. During this time Officer Jones was able to get into position, and ultimately was able to get his arms around Mr. Lockhart and lift him off the ledge. There were no injuries to officer or Mr. Lockhart. Medics were called due to his telling the officers he was having marital problems and was just wanting it to be over. During the wait for medics officers continued to reassure him that help was available and he would be ok.

I would like to commend these two officer on a job well done. Their actions reflect on our department as to who we are and the professional qualities our officers possess.

Respectfully,  
Captain Marty Mask



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** John Quaka, Chief  
**DATE** September 15, 2022  
**SUBJECT:** IN THE MATTER OF COMMENDATION FOR 8 OFFICERS **JQ**

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**Request:**

Please accept this letter of request for a Commendation to recognize Sgt. Walter Wilkerson, Officer Charles Harvey, Captain Brett Moyer, Det. Wes Kloac, Det. L'Brien Miller, Sgt. Cassidy Jumper, Cpl. Alan Chavers, and Sgt. Michael Bowens.





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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Sgt. Walter Wilkerson during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Sgt. Wilkerson was the acting shift commander for the patrol shift that was on duty at the time Lee County Dispatch made officers aware of the threat. Sgt. Wilkerson was able to organize the evacuation of Wal-Mart and surrounding areas. Should the worst have occurred that day, Sgt. Wilkerson would have been responsible to saving hundreds of lives. Due to Sgt. Wilkerson's actions, the correct personnel were summoned to the scene and a peaceful resolution resulted.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink, appearing to read 'P. Hendrix'.



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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Officer Charles Harvey during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Officer Harvey was one of several officers who responded to the initial threat. Officer Harvey utilized his training as a Crisis Intervention Team Officer and made contact with the suspect by phone. Upon my arrival to the scene, Officer Harvey was attempting to talk the suspect down as department negotiators were preparing to make contact with the suspect. Through Officer Harvey's actions we were able to gather initial information about the suspect and his actions.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink that reads "P. Hendrix".



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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Capt. Brett Moyer during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Capt. Moyer, who was the shift commander for the oncoming patrol shift, was able to relay information to patrol officers and quickly dispatched officers to major intersections and vital thoroughfares to have them shut down. His actions prepared the City of Tupelo for the worst but helped to insure the safety of citizens and all those involved.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink, appearing to read "P. Hendrix".



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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Det. Wes Kloac during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Det. Kloac, after learning of the incident, responded to assist without being asked. Upon arrival, Det. Kloac spoke with the suspect's family to gather important information to be relayed to department negotiators. Due to the suspects air speed, communication by cellphone with the suspect was difficult. At one point, Det. Kloac found himself negotiating with the suspect. Although not a department negotiator, Det. Kloac used his experience and CIT training to aid in the negotiating. Det. Kloac was one of many officers who went above and beyond the call of duty that day, but I feel that his actions, along with others, directly resulted in the incident ending peacefully.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink, appearing to read 'P. Hendrix'.



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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Det. L'Brien Miller during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Det. Miller responded to the scene and immediately assisted in evacuating neighborhoods around Wal-Mart. Det. Miller then responded to the Command Post located at the Tupelo Police Department. Det. Miller, working with other detectives, was able to gather information about the suspect and the situation at hand to be relayed to units on the ground at the Tupelo Regional Airport. As soon as the suspect grounded the plane, Det. Miller was able to have affidavits and warrants signed for the suspect's arrest insuring that he would be held for pending federal charges.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink, appearing to read "P. Hendrix".



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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Sgt. Cassidy Jumper during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Sgt. Jumper was called to the scene to act as a negotiator with the suspect. Sgt. Jumper, while acting as a negotiator, also alerted the Criminal Investigation Division to respond to the scene. Sgt. Jumper was the first negotiator to speak with the suspect and was able to gather vital information to be passed to other officers on scene. The department's actions that day were an example of team work and quick thinking not only between multiple divisions but also multiple agencies. While a good job was done by all that day, I believe that Sgt. Jumper's actions stood out and that he should be recognized for his hard work.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink, appearing to read "P. Hendrix".



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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Cpl. Alan Chavers during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Cpl. Chavers, serving as one of the department's negotiators, was able to use his skills as a veteran negotiator to speak with the suspect. After the suspect had grounded the airplane, Cpl. Chavers relayed information to the suspect and responding law enforcement agencies insuring that the suspect was taken into custody peacefully.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink, appearing to read 'P. Hendrix'.



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**TUPELO POLICE DEPARTMENT**

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**400 N. Front Street, Tupelo, MS 38801 • Office 662-841-6498 • Fax 662-841-6555**

Gentlemen,

I would like acknowledge the actions of Sgt. Michael Bowens during a potentially catastrophic event that occurred on September 3rd 2022. On this day, an individual stole a Beechcraft C90 twin engine airplane and advised that he was going to crash the plane into Wal-Mart on West Main Street in Tupelo, MS. Sgt. Bowens was a supervisor for the oncoming patrol shift on that day. Sgt. Bowens, who also serves as a department negotiator, simultaneously saw that patrol officers responded to the scene to assist and also aided negotiators in gathering information about the suspect and the situation at hand. Although many law enforcement officers and agencies worked together that day I feel that, through his skills as a veteran hostage negotiator and quick thinking, Sgt. Bowens helped bring the situation to a peaceful resolution.

Thank You,  
Lt. Paul Hendrix

A handwritten signature in blue ink, appearing to read 'P. Hendrix'.





## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** John Quaka, Chief  
**DATE:** September 15, 2022  
**SUBJECT:** IN THE MATTER OF COMMENDATION FOR AN OFFICER **JQ**

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**Request:**

Please accept this letter of request for a Commendation to recognize Officer Shelby Burnley.

Major McDougald,

On August 15, 2022 Baker Shift received a call for service from Lee County E-911 at Theron Nichols Park where two subjects had been shot with a firearm. While Officer Burnley was responding to the scene he observed a vehicle matching the description of the suspects' vehicle that had been provided by a witness/caller to E-911. Officer Burnley stopped the vehicle and ultimately the violent offenders were arrested for aggravated assault.

On September 13, 2022 Baker Shift received a call to service from Lee County E-911 at Murphy's Fuel Station on West Main Street regarding a armed robbery. E-911 also provided a suspect's description that was confirmed by Officer Chris Forrester when he arrived on scene. Officer Burnley responded to the area that the suspect fled towards and located the suspect. He detained and ultimately arrested the offender for armed robbery.

Officer Burnley's attention to detail, skills and professionalism led to the peaceful arrests of two violent offenders. These two outcomes are prime examples of Officer Burnley carrying out the mission of the Tupelo Police Department: "To protect all people within the boundaries of the City of Tupelo and to uphold the Constitutions of the State of Mississippi and of the United States of America." It is for these two reasons that I would like to formally commend Officer Burnley for his outstanding police work.

*Respectfully,*

*Sgt. Walter Wilkerson  
Baker-02*



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Tanner Newman, Director of Development Services  
**DATE** September 20, 2022  
**SUBJECT:** IN THE MATTER OF PUBLIC HEARING FOR LOT MOWING TN

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**Request:**

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 9/20/2022

Item # 5.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
1.	43138	075R2207200	3713 LANSDOWNE DR	ROMAN OLIVIA G	3713 LANSDOWNE	BELDEN, MS 38826	JLS
2.	43139	075R2207000	3699 LANSDOWNE DR	BOYD PATSY J	3699 LANSDOWNE	BELDEN, MS 38826	JLS
3.	43140	075R2206300	2058 RICHMOND ST	COGGINS LAVETTE	2058 RICHMOND ST	BELDEN, MS 38826	JLS
4.	43141	113E0602300	S MADISON ST	TUPELO OIL COMPANY INC	837 S MADISON ST	TUPELO, MS 38801	SB
5.	43144	077H2515600	1227 HOUSTON ST	WILSON BOBBY L	604 RACOVE DR	TUPELO, MS 38801	JLS
6.	43147	078D2702800	1466 GUN CLUB RD	MOORE JEREMIAH	1466 GUN CLUB RD	TUPELO, MS 38801	RS
7.	43148	078D2703300	1526 GUN CLUB RD	HIGDON CALEB	1526 GUN CLUB ROAD	TUPELO, MS 38801	RS
8.	43149	075R2217800	3286 FORREST HILL DR	LEEB3 LLC	1020 NORTH GLOSTER STREET	#110	RS
9.	43150	075R2202600	3452 FAIR OAKS DR	TGA INVESTMENTS LLC	1001 SERENITY LANE	NEW ALBANY, MS 38652	RS
10	43152	075R2208600	3713 FAIR OAKS DR	MEDLOCK GARY L & DOROTHY R	3713 FAIR OAKS DR	BELDEN, MS 38826	RS
11	43153	105D1505900	3086 BEASLEY DR	FANT MICHAEL LLC	P O BOX 451	BELDEN, MS 38826	RS
12	43154	106A1404100	2934 MOORE AVE	RAZL PROPERTIES LLC	105 BRIAN CIRCLE	SALTILLO, MS 38866	RS

Preliminary Lot Mowing Report for 9/20/2022

Item # 5.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
13	43156	077K3513900	207 IONE S	SMITH KEITH O & RACHEL R	207 S IONE	TUPELO, MS 38801	JLS
14	43157	077K3513300	208 S IONE ST	BRUMLEY GREGORY B II & CHRISTY L	REYNOLDS	TUPELO, MS 38801	JLS
15	43159	077K3505002	2400 HOLMES ST UNIT 5-8	HOLMES RENTALS LLC	P O BOX 3098	TUPELO, MS 38803	JLS
16	43162	077K3505001	2100-2200 HOLMES ST	TRI-MAX LLC	1185 QUAIL CREEK RD	TUPELO, MS 38801	JLS
17	43163	101H0123900	100 ANDREW CIR	BSLNC INC	5115 NORTH LAMAR	AUSTIN, TX 78751	SB
18	43165	101G0111000	2020 LAWNDALE DR	PERKINS MICHAEL & ELIZABETH A	2020 LAWNDALE DR	TUPELO, MS 38801	SB
19	43166	101M1210708	1201 NIXON DR	COOLEY SHIRLEY A	1440 HWY 245 S	SHANNON, MS 38868	DS
20	43167	077Q3623300	213 ENOCH AVE	GRAB THE MAP LLC	1013 W MAIN ST	TUPELO, MS 38801	SB
21	43168	089N3103600	903 W MAIN ST	FIVE TALENTS PROPERTIES OF MS 1 LLC	P O BOX 535	CRESTVIEW, FL 32536	SB
22	43169	101B0216700	712 MAYNARD DR	KREUZBERGER SHAWN	712 MAYNARD DR	TUPELO, MS 38801	JLS
23	43173	077P3521200	502 S FOSTER ST	MUDDY WATER ENTERPRISES INC	143 LODI RD	WINONA, MS 38967	JLS
24	43175	077P3519800	406 S FOSTER ST	WHITEHEAD CHRIS	377 COUNTY RD 1400	MOOREVILLE, MS 38857	JLS

Preliminary Lot Mowing Report for 9/20/2022

Item # 5.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
25	43176	106C1302800	1010 EVELYN DR	ROBERTS SLANDA M	1010 EVELYN	TUPELO, MS 38801	RS
26	43177	077D2500300	1601 JOYNER AVE	RYDER JERRY & ROBBIE A ORSBORN	1601 JOYNER	TUPELO, MS 38804	SB
27	43183	105D1504100	2972 MOORE AVE	HUBBARD ESSIE	2972 MOORE AVE	TUPELO, MS 38801	RS
28	43185	105D1505400	3037 BEASLEY DR	TUCKER JAMES L & ELNOIS R (LE)	271 COUNTY ROAD 1467	PLANTERSVILLE, MS 38862	RS
29	43186	101C0104000	1002 LAWNDALE DR	SAVING STATION INT'L MINISTRIES	P O BOX 4434	TUPELO, MS 38803	SB
30	43187	101D0106100	1103 LAWNDALE DR	DES LLC	P O BOX 423	BELDEN, MS 38826	SB
31	43188	101C0101100	1208 HARRISON ST EXT	BEAN JIMMY D JR & DEIDRAH R	1208 HARRISON	TUPELO, MS 38801	SB
32	43189	101C0102800	1206 QUEENSGATE DR	LEDLOW DUSTIN L	1206 QUEENSGATE DR	TUPELO, MS 38801	SB
33	43190	101C0102400	1201 HARRISON ST	RTODDPROP LLC	2391 N LAURELWOOD LN	TUPELO, MS 38801	SB
34	43193	101C0103700	1205 QUEENSGATE DR	GREER JIMMY WAYNE	1205 QUEENSGATE	TUPELO, MS 38804	SB
35	43195	101D0123400	1301 LAWNDALE DR	HOPE TRANSPORTATION LLC	P O BOX 3295	TUPELO, MS 38803	SB
36	43197	077N3503100	500 REBEL DR	BAUMGARDNER JAMES F LIVING TRUSTEE	JAMES F BAUMGARDNER TRUSTEE	500 REBEL DR	JLS

Preliminary Lot Mowing Report for 9/20/2022

Item # 5.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
37	43198	077N3504400	511 MAURY CIR	WILSON BRIAN A	511 MAURY CIR	TUPELO, MS 38804	JLS
38	43199	101A0202800	2703 CONFEDERATE AVE	LANDRETH BRUCE L & SANDY P	2703 CONFEDERATE AVE	TUPELO, MS 38801	JLS
39	43200	078H2717100	911 POPLARVILLE ST	SEAY DAPHNE & LEE O	911 POPLARVILLE ST	TUPELO, MS 38801	DS
40	43201	077E2611400	688 ALBANY ST	NEELLY CLAUDIA J	2014 STRAIN ST	TUPELO, MS 38804	DS
41	43204	088N3309200	106 LAKE ST	CLAYTON BILLIE MARTIN (LE)	106 LAKE ST	TUPELO, MS 38804	RS
42	43205	088N3309600	114 LAKE ST	ROWE PAUL SHANE	418 KEITH LN	PONTOTOC, MS 38863	RS
43	43207	101B0219500	2607 BRYAN ST	SHARP JULIA PRENEICE LOWER	205 DOE RUN RD	TUPELO, MS 38801	RS
44	43209	088N3312301	327 LAKE ST	WHITEHEAD STEVE & MELVIN T SCRUGGS & DEA	1104 CR 811	SALTILLO, MS 38866	RS
45	43212	112A0411100	1012 WILSON ST	COONTAIL INVESTMENTS LLC	3900 ESSEX LANE, SUITE 340	HOUSTON, TX 77027	RS
46	43213	112A0413900	705 HILL-N- DALE DR	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
47	43214	112A0413900	705 HILL-N- DALE DR	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
48	43215	101B0213000	418 LAKEVIEW DR	TTLBL LLC	4747 EXECUTIVE DR STE 510	SAN DIEGO, CA 92121	JLS

Preliminary Lot Mowing Report for 9/20/2022

Item # 5.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
49	43216	101B0213200	414 LAKEVIEW DR	TTLBL LLC	4747 EXECUTIVE DR STE 510	SAN DIEGO, CA 92121	JLS
50	43217	089J3132100	321 RILEY ST	MORGAN PROPERTY INVESTMENTS LLS	5943 PURNELL RD	BELDEN, MS 38826	SB
51	43218	077R3613901	308 LAWNSDALE DR	SINGH MANJIT	2059 MODEANNIA DR	TUPELO, MS 38801	SB
52	43219	113E0614101	931 S GLOSTER ST	TOWNHOUSE MOTEL LLC	931 S GLOSTER ST	TUPELO, MS 38801	SB
53	43220	084N1904600	1720 N GLOSTER ST	VICTORY PROPERTIES LLC	730 ALABAMA ST	COLUMBUS, MS 39702	SB
54	43222	077Q3617700	1603 W MAIN ST	SE REAL ESTATE GROUP LLC	5717 E THOMAS RD STE 100	SCOTTSDALE, AZ 85251	SB
55	43237	112A0413100	907-A HILL-N-DALE DR	GRAB THE MAP LLC	1013 W MAIN ST	TUPELO, MS 38801	RS
56	43240	112A0412800	912 HILL-N-DALE DR	LONG TRACY KING	408 CHESTNUT DRIVE	NEW ALBANY, MS 38652	RS
57	43245	112A0417001	704 POST ST UNIT A & B	LESLEY CAPITAL INVESTMENTS LLC	PO BOX 812	TUPELO, MS 38802	RS
58	43246	112A0417400	714 POST ST	GRAB THE MAP LLC	1013 W MAIN ST	TUPELO, MS 38801	RS
59	43247	112A0417501	804-806 POST ST	UNDER A ROOF LLC	529 WOOTEN COVE	TUPELO, MS 38801	RS
60	43248	112A0417900	904 POST ST	CHANDLER ROY	2801 EAST CHURCH ST	BOONEVILLE, MS 38829	RS



Preliminary Lot Mowing Report for 9/20/2022

Item # 5.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
61	43249	113E0612300	918 RIDGECREST DR	PILGREEN MICHIAL	PO BOX 1825	TUPELO, MS 38802	RS
62	43256	089F3004701	WALKER ST	MAYHORN STEVEN	7863 KENWICK WAY #103	MEMPHIS, TN 38119	SB
63	43258	089F3008400	638 N CHURCH ST	JOHNSON ANTOINETTA	376 ROAD 1	TUPELO, MS 38804	SB
64	43260	077P3518700	2308 TORREY	JENKINS TOMMY & KAREN	2308 TORREY ST	TUPELO, MS 38801	JLS
65	43261	101B0224700	2317 ENGLEWOOD DR	JOHNSON OLLIE M	2317 ENGLEWOOD DR	TUPELO, MS 38801	JLS
66	43262	089E3017300	901 N MADISON ST	HODGE HUSHEL	901 N MADISON ST	TUPELO, MS 38804	SB
67	43263	106A1406600	2872 TONY MOORE RD	FIELDS MARTHA J	2872 TONY MOORE ROAD	TUPELO, MS 38801	RS
68	43265	077R3613400	203 LAWNDALE DR	WILLIAMS PETE H	203 B LAWNDALE	TUPELO, MS 38801	RS
69	43269	101G0104500	1907 BOBWHITE DR	CLARK CHERYL A	P O BOX 3692	TUPELO, MS 38803	LF
70	43272	089F3005200	523 W BARNES ST	WALLACE NELVIN B & GLORIA D	970 CHESTERVILLE ROAD	BELDEN, MS 38826	SB
71	43273	089F3005400	527 W BARNES ST	BENNETT HILLS INC	P O BOX 3786	MERIDIAN, MS 39303-3786	SB
72	43275	089F3005300	525 W BARNES ST	HEARTLAND PROPERTIES LLC	1336 PALMETTO	TUPELO, MS 38801	SB

Preliminary Lot Mowing Report for 9/20/2022

Item # 5.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
73	43279	085V2201900	2246 OAKVIEW DR	WEBB DEAN	1104 CR 811	SALTILLO, MS 38866	RS
74	43280	085V2201901	2298 OAKVIEW DR	SCRUGGS MELVIN T & BRANDON MCMILLAN	1230 RD 811	SALTILLO, MS 38866	RS
75	43281	088J3302400	1210 KELLY ST	SANDERS SHEILA	2512 SOUTH GLOSTER	TUPELO, MS 38801	RS
76	43282	088J3301002	1203 KELLY ST	RODAS CLAUDIA & LAURO ALBERTO RODAS	1009 HOOVER ST	TUPELO, MS 38801	RS
77	43283	088J3302000	100 ADAMS ST	SMITH ELIZABETH ANN REAGH & WALTER L REA	861 ROSEDALE DRIVE	MARIETTA, GA 30066-5400	RS
78	43284	088F2800900	1979 SIMPSON DR	EVI PROPERTIES LLC	329 COUNTY ROAD 1282	TUPELO, MS 38804	RS
79	43285	112A0416700	768 SCOTT	JONES MICHAEL	768 SCOTT ST	TUPELO, MS 38804	RS
80	43286	112A0417002	702 POST ST	BALL DAVID & AMY	1009 CR 369	NEW ALBANY, MS 38652	RS
81	43288	077P3516500	2303 WOODS ST	MOORE GARY & MURRA GOODE	2963 MILLER'S POND DRIVE	MEMPHIS, TN 38119	DS
82							
83							
84							



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Tanner Newman, Director of Development Services  
**DATE:** September 20, 2022  
**SUBJECT:** IN THE MATTER OF COMPREHENSIVE DEVELOPMENT CODE UPDATE  
APPLICATION TA22-03 TN

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**Request: TABLE UNTIL PUBLIC HEARING ON OCT. 4, 2022.**

Comprehensive Development Code updates to Chapter 2, Definitions and Rules of Construction and Chapter 5, Overlay Districts to:

- a. Amend 5.1 Overlay District Purpose and Applicability
- b. Amend 5.3 Mixed Use Downtown Overlay Design District
- c. Amend 5.5 Joyner Neighborhood Conservation Overlay District
- d. Delete 5.6 Sharon Hills Neighborhood Conservation Overlay District
- e. Replace 5.6 with Addition of Park Hill Business Redevelopment Overlay District
- f. Delete 5.7 Bel Air Neighborhood Conservation District
- g. Replace 5.7 with Addition of Mill Village Historic Preservation Overlay District
- h. Amend 5.8 West Jackson Neighborhood Redevelopment Overlay District (standards and map)
- i. Amend 5.9 Winfield Conservation Overlay District
- j. Amend 5.11 Belledeer Neighborhood Conservation District
- k. Include Appendix A of the Development Code

**Attachment:**

Draft of Proposed Text Amendments

## PROPOSED TEXT AMENDMENT TO THE CITY OF TUPELO DEVELOPMENT CODE (TA22-03)

TA22-03 Comprehensive Update to Chapter 5, Overlay Districts: APPROVAL recommended September 12, 2022 by the City of Tupelo Planning Committee and Department of Development Services to update Overlay Design District Guidelines.

All amendments and additions are noted in **bold**. Deletions are noted in *red*.

### Chapter 2 Definitions and Construction Rules of Construction

1. Delete the following definitions:

*MULTIPLE TENANT BUILDING: A single building that contains two or more distinct occupants internally separated by firewalls or demising walls.*

*PLACE OF ASSEMBLY AND/OR WORSHIP: A place used for regular religious or cultural activities, entertainment, or meetings. This includes churches, chapels, mosques, synagogues, and other places of worship. It also includes non-profit organizations such as civic and fraternal clubs and lodges. This use shall include accessory uses and structures such as administrative facilities, schools, day care centers, cooking and eating facilities, cemeteries, recreational facilities, or dwellings located on the same lot. Such uses are treated as principal uses and subject to the standards and limitations applicable to such uses. (REPLACED BY CHURCH AND EVENT CENTER and additionally covered by existing Social and Community Service Facility, Nightclub and/or Bar, and Club, Lodge, or Fraternal Organization)*

2. Amend the following definitions:

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

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

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

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

**INOPERABLE OR JUNK VEHICLE:** Any motor vehicle, trailer, camper, or boat that is physically incapable of operation, stripped, substantially damaged, lacking of a current license plate, discarded, unable to be safely and legally operated, or has one or more flat tires. **does not have a current state-issued inspection sticker and motor vehicle registration plate and that meets one or more of the following requirements: (1) Is partially dismantled or wrecked; or (2) Cannot be self-propelled or moved in the manner in which it was originally intended to move; or; (3) Is more than ten years old and has an approximate fair market value equal only to the approximate value of the scrap in it.**

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

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

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

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

3. Include the following definitions:

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

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

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

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

dependent living units, life care communities, nursing homes, or upper story residential as part of a mixed use development.

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

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

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

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

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

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

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

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

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

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

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

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

## Chapter 5, Overlay Districts

### 1. Amend Chapter 5, Overlay Districts as follows:

#### 5.1. Purpose and Applicability.

##### 5.1.1. Purpose.

The City of Tupelo has provided for the adoption of overlay districts to establish alternative land development requirements within specific areas of our community. Each overlay district is superimposed over the base zoning district. It consists of a physical area with mapped boundaries and written text spelling out standards that are in addition to those of the base zoning district.

##### 5.1.2. Designation of districts.

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

##### 5.1.2.1 Establishment of an Overlay District.

- (1) **A Neighborhood Association or, other current property owners/and or residents may, on behalf of a neighborhood or other geographically designated area submit the following to the Department of Development Services for initial review and subsequent Planning Committee and City Council consideration for recognition as an Overlay District with all the benefits and privileges therein:**
  - a. **Written request for establishment of Overlay District.**
  - b. **Geographical boundary map designating street boundaries of proposed Overlay District for which the area internal to such boundaries would be subject to design review and approval by the Overlay District's Design Review Committee and the Overlay District's standards of approved design guidelines**
  - c. **Design Review Guidelines and Standards for Development**
  - d. **Design Review Committee Bylaws of proposed Overlay District.**

##### 5.1.3. Applicability.

The provisions of an Overlay District shall apply to the development of all land therein whether publicly or privately held.

##### 5.1.4 Design Review Committee.

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

#### 5.1.4.1. Design Review Committee Bylaws

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

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

- a. Committee shall include a minimum of 5 voting members, maximum 11 voting members. Membership may include residents, property owners, or design professionals.
- b. The proposed appointment of Design Review Committee members may occur in one or more of the following ways, as established by Overlay District's Design Review Committee Bylaws, and shall require subsequent confirmation by the Mayor and City Council:
  - i. Election by impacted Neighborhood Association's membership;
  - ii. Appointment by City Councilperson for Ward in which the Overlay District resides;
  - iii. Mayoral appointment.
- c. Termination of Member  
A committee member shall be removed from membership in the Design Review Committee in the case of
  - i. Death, resignation or incapacity;
  - ii. Failure to respond within one (1) week of receiving review plans for committee vote three (3) consecutive times;
  - iii. In the case of findings of impropriety or criminal behavior, the Design Review Committee may request termination of a member by submitting written request to the Department of Development Services for subsequent review and decision by the Planning Committee;
  - iv. Termination of a Design Review Committee member, as determined by this Code, in an Overlay District including election by a Neighborhood Association must be approved by the voting membership of the Neighborhood Association prior to Planning Committee consideration.
- d. Design Review Committee Leadership Roles  
Leadership roles shall be determined by internal committee vote as established in Design Review Committee Bylaws. Internal voting of Design Review Committee leadership roles must be conducted on an annual basis within the month of October. Updated membership shall be returned to the Department of Development Services by November 1<sup>st</sup> of each year.

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

- i. Chairperson – Responsible for communication with the Department of Development Services and, when necessary, communication with the applicant and is responsible for the Committee's adherence to established



bylaws and Overlay Design Review Committee procedures as determined by this Code;

- ii. Vice Chairperson – Serves in lieu of and in collaboration with the Chairperson when necessary;
- iii. Secretary – Documents committee review processes related to each permit application for Design Committee Review

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

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

**Design Review Standards and Guidelines for Development shall include, in detail, measureable and precise standards, in addition to base zoning standards, for determining approval or disapproval of all proposed development in the proposed Overlay District subject to permitting by the City of Tupelo and governed by the following procedures:**

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

#### **5.1.4. 5.1.5 Standards conflict.**

In case of conflicts between the standards of an Overlay District and standards of the underlying base district, other requirements of the Development Code or other rules, regulations, covenants and agreements applicable, the standard of the Overlay District shall prevail.

#### **5.1.5. 5.1.6 Relationship to subdivision regulations.**

The character of proposed development within an Overlay District may require that standards for lot size, shape and frontage be subject to modification from standards established in adopted subdivision regulations. An application for a final development plan for a site within an Overlay District shall be deemed to be an application for preliminary subdivision approval, with no separate filing required.

## **5.2. Use Regulations.**

### 5.2.1. Primary use.

(1) Within an Overlay District, no buildings, structure, land or premises shall be used and no buildings or structure shall be hereafter erected, constructed, reconstructed or moved, unless the use shall be one or more of the uses permitted listed within each Overlay District. Uses are permitted by right or with conditions. There are two types of conditional uses. A "compatible use," indicated on the table by the symbol C, may be approved by the Development Services Director in accordance with the terms of this Code. A "flexible use," indicated by the symbol F, may be approved by the Planning Committee in accordance with the terms of this Code.

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

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

### 5.2.2. Accessory use.

Accessory uses pursuant to Chapter 7 are permitted in an Overlay District subject to compliance with all other applicable standards of the Development Code.

### 5.2.3. Tree Protection

**No protected tree, shall be removed from any Overlay District without tree protection and mitigation procedures adherent to Section 9.11, with deletion of the following "Each removed tree shall be replaced with a new tree(s) having a total tree caliper equivalent to that of the removed tree" from Section 9.11.7(1) in order to allow replacement trees on a species by species basis.**

## 5.3 Mixed Use Downtown Overlay District

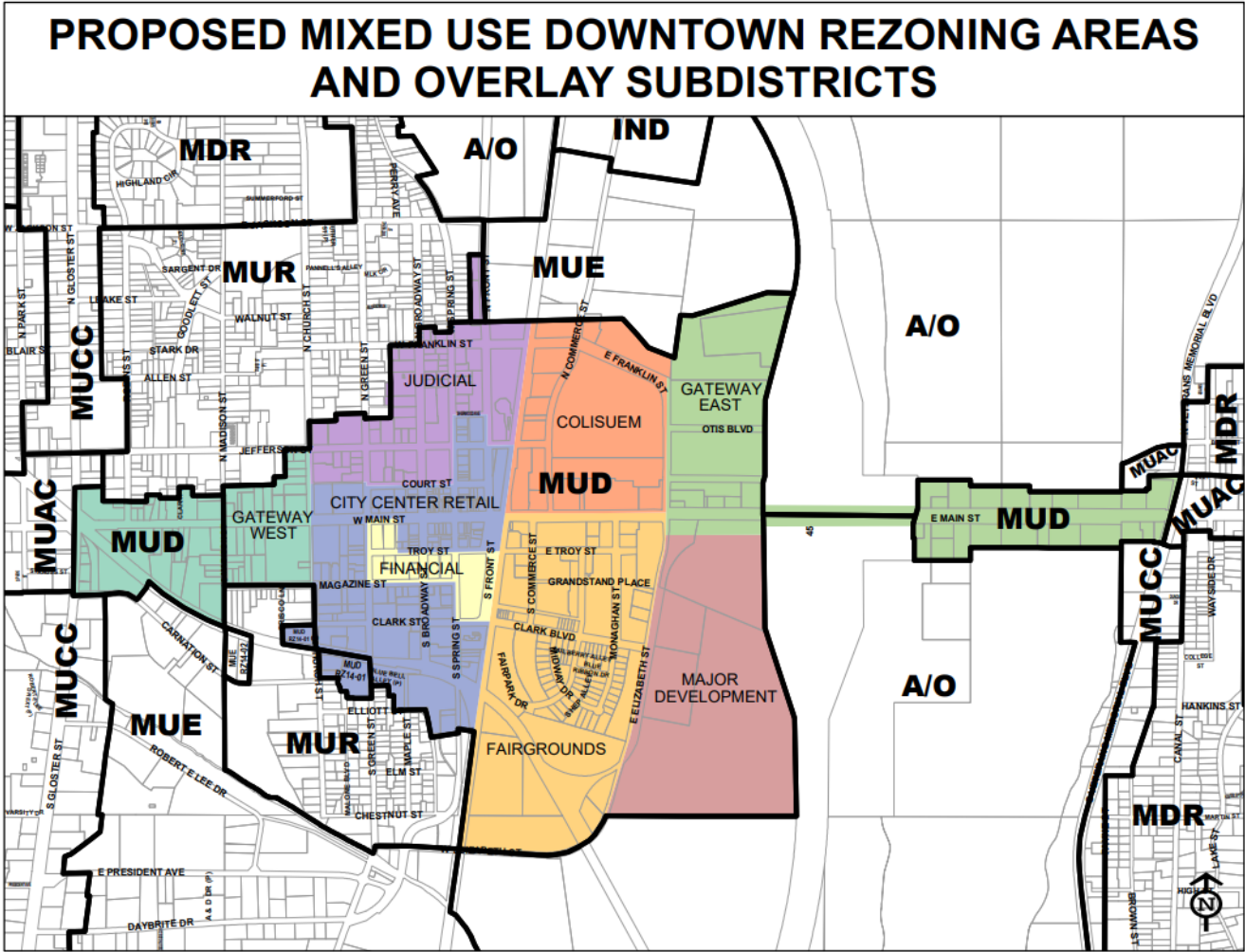
### 5.3.3 Sub-districts

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

- (1) Judicial Sub-district;
- (2) City Center Retail Sub-district;
- (3) Financial Sub-district;
- (4) Coliseum Sub-district;
- (5) **Downtown Gateway East Sub-district;**
- (6) **Gateway West Sub-district**
- (7) Fairground Redevelopment Sub-district; and,
- (8) Major Development Sub-district.

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

**Figure 5.3.3 MUD Overlay and Sub-district Map** (see attachment to TA22-03)



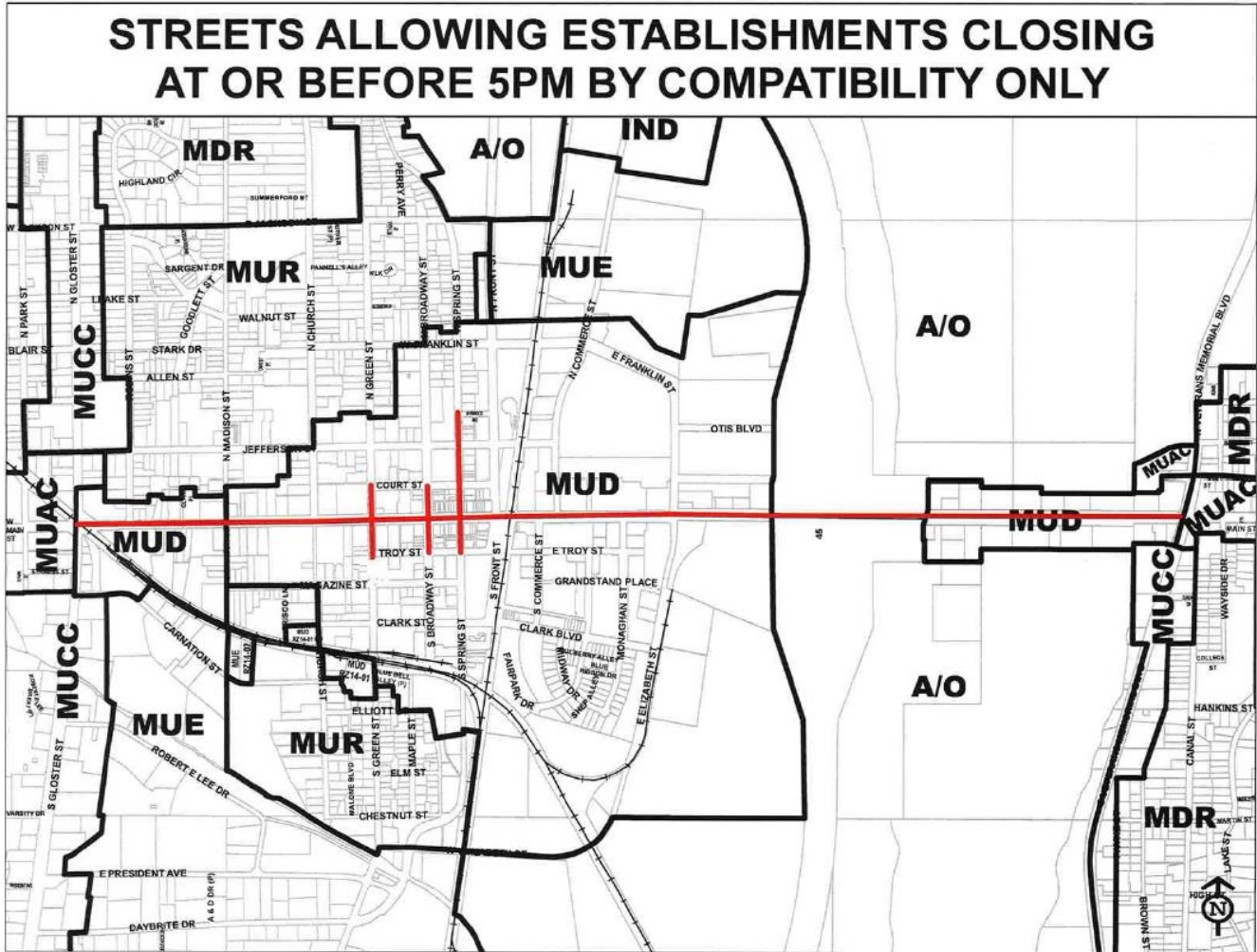
5.3.4. Use regulations.

5.3.4.1 Allowed Use Standards, Mixed Use Downtown Zoning District

- (1) *Primary Use:* Within the Mixed Use Downtown Overlay District, no buildings, structure, land or premises shall be used and no buildings or structure shall be hereafter erected, constructed, reconstructed or moved, except for one or more of the uses in Table 5.3.4.
- (2) *Use Types:* Three types of uses are provided for in Chapters 4 and 12 of the Development Code: Uses by right may be approved by Development Services staff. Compatible uses as identified in Table 5.3.4. may be approved by the Director of Development Services Department or designee in accordance with the terms of Chapter 12, Section 12. Flexible uses as identified on Table 5.3.4 may be approved by the City Council after recommendation by the Planning Committee in accordance with the terms of Chapter 12, Section 12.
- (3) *Accessory Use:* Accessory uses pursuant to Chapter 7 are permitted in the Mixed Use Downtown Overlay District subject to compliance with the Height and Area Regulations and the Design Standards of the Chapter and other applicable requirements of the Development Code.
- (4) **Structures fronting the following streets in which the proposed use includes an establishment closing at or before 5:00pm shall be Use by Compatibility. See Figure 5.3.4 below.**
  - a. **Main Street, bounded by Veterans Boulevard on the East and Gloster Street on the West**

- b. Spring Street, bounded by Troy Street on the South and Sherwood Avenue on the North
- c. North Broadway Street, bounded by Troy Street on the South and Court Street on the North
- d. Green Street, bounded by Court Street on the North and Troy Street on the South.

Figure 5.3.4



- (5) Parking Garages shall require first floor retail, restaurant, office, or other non-parking uses.
- (6) Off-street parking shall be located in the rear throughout the Mixed Use Downtown Overlay District. Uses not conforming to this standard shall be determined by Compatible Use.

5.3.4.2 Allowed Use Standards, Sub-Districts

- (1) Allowed Uses in the City Center Retail Sub-district shall conform to the following standards:
  - a. Approved infill development shall be permitted only for the following allowed uses: event center, park and/or open space,
  - b. Revenue producing establishments, with preference for establishments open after 5:00pm, are required on the first floor of all City Center Retail Sub-district structures.
  - c. Landscaping shall make up 25% of square feet between the front point of the structure and the Right of Way or public easement.

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

- a. Revenue producing establishments, with preference for establishments open after 5:00pm, are required on the first floor of all approved uses along Commerce Street.
- b. Allowed uses North of Franklin Street shall be by Compatibility if proposed use remains open after 5:00pm.
- c. Off street parking requirements shall not be exempt in the Coliseum Sub-district except where shared parking and operating hours coincide to provide for required parking as evidenced by a development plan and shared parking plan with an adjacent property not divided by a street.

**(3) Allowed Uses in the Gateway East Sub-district shall reflect Mid-Century Modern design standards with preference for design representative of the Birthplace’s historical character.**

**5.3.4.3 Allowed Uses**

- a. Table 5.3.4.3(1) – Residential Uses
- b. Table 5.3.4.3(2) – Non-residential Uses

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

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

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

Use Categories	Judicial	Judicial	City Center	City Center Retail	Financial	Financial	Coliseum	Coliseum	Gateway	Gateway East	Gateway West	Major Development	Major Development	Fairgrounds	Fairgrounds
Agricultural Use												R	R	C	
Automobile Services/VEHICLE SERVICES					C	F	R	F	R	F	F	C			
Bed and Breakfast		R		C				R		R	R				
Broadcasting Facility	R	C	R	C	R	C	R	C		C	C	C	C	C	
Cannabis Cultivation and Processing Facility															
Cannabis Cultivation Facility															
Cannabis Disposal Entity															
Cannabis Micro-cultivation Facility												R	R		
Cannabis Micro-processing Facility												R	R		
Cannabis Processing Facility															
Cannabis Research Facility	F	F	F	F	R	R	R	R				R	R		
Cannabis Testing Facility	F	F	F	F	R	R	R	R				R	R		
Cannabis Transportation Entity			C												
Church		C		C		C		C		F	C				
Conference Center								C		F	F				
Convenience Store		C		R*		C		R		R	R				C
Convenience Store w/ fuel sales										F	F				
Day Care Center								F		F	F				
Drive-Through Service						C				F	F				
Educational facility (VOCATIONAL TRAINING)	C	C	C	C	R	C	R	C		C	C	C	C	C	C
Educational Facility, University or College		C		C		C		C		C	C		C		C
Event Center				R*		C		R		C	C		C		C
Farmers Market				C											C
Financial institutions	R	C	R	R*	R	R	R	C	C	C+	C+	C		R	C+
Flex space facility	C		C		R		R					R		R	

Use Categories	Judicial	Judicial	City Center	City Center Retail	Financial	Financial	Coliseum	Coliseum	Gateway	Gateway East	Gateway West	Major Development	Major Development	Fairgrounds	Fairgrounds
Government/social services / PUBLIC FACILITY	R	R	R	R	R	R	R	R	C	C	C	C	C	R	C
Home Occupation		R		R		R		R		R	R		R		R
Hotel		C		C		C		R		R	R				
Library	R	C	C	C	R	C	R	R				R		C	
Light manufacturing					C										
Lodging	C		C		C		R		R			R		R	
Medical Cannabis Dispensary	F	F	F	F	R	R	R	R				R	R		
Medical facility	C		C		R		R					R		C	
Motel										F			C		
Multi-Occupant Non Residential		C		C		F		C		R	R				C
Museum				R*				R		R	R				C+
Office	R	C	R	R*	R	R	R	C	C	C+	C+	R	R	R	R+
Office with storage							C					C	C		
Office, Medical		C		R*		F		C		C+	C+				C+
Outdoor Dining		C		R		C		C		R	R				R
Park and/or Open Space		R		R		R		R		R	R		R		R
Parking facility, OFF-SITE	C			C	R	F	R	F		F	F	R		R	F
Personal/business services	R		R		R		R		C			R		R	
Place of assembly	R		C		R		R		C			R		C	
Postal service	R		R	R	R										
Public safety facility	R		R		R		R		R			R		R	
Recreation	C		C		R		R		C			R		C	
Recreation, Indoor								R		R	R				
Recreation, Outdoor								R		R	R				
Resource Conservation Facility															C
Restaurant	R	R	R	R*	R	C	R	C	R	R	R	R		R	R+
Retail sales	R	C	R	R*	R	C	R		R	C	C	R		R	R+
Social and/or Community Service Facility		C		C		C		C		C	C				
Transportation	R				R		R					R	C		
Utility, Major													F		
Vehicle Sales and/or Rental								C		C	C				
Warehouse/distribution					C							C	F		



\*Allowed by Right if establishment closes after 5pm and is located on the first floor, OR is located on the first floor of a development, AND is not located in a parcel where use is by Compatibility per Section 5.3.4

+Allowed if part of a Multi-Occupant Non-residential development, allowed by flexibility if standard not met

**5.3.4.4 Compatible Uses**

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

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

**5.3.5. Height and area regulations.**

- (1) *Conforming Use:* Within the Mixed Use Downtown Overlay District, the minimum parcel area, minimum parcel dimension (width and depth), minimum yard dimensions (front, side and rear), maximum building height and maximum building coverage applicable to building and structures hereafter erected, constructed or moved shall be determined by reference to adjacent properties as described in the Mixed Use Downtown Overlay District Design Guidelines and in Section 6.10, Infill Development. Where adjacent properties are undeveloped or otherwise do not supply a reference for a lot development or building dimension, the building or structure shall conform to the standards for the Mixed Use Downtown District in Section 4.9 and in Table 4.17, General Development Standards.
- (2) *Nonconforming Use-Improvement:* Nonconforming uses and/or nonconforming buildings and structures shall not be enlarged, extended, or reconstructed subject, except as provided in Section 5.3.5.(3) below for replacement due to damage. Such buildings and structures may be renovated provided they comply with the Mixed Use Downtown Overlay District Design Standards.
- (3) *Nonconforming Use - Replacement Due to Damage:* If a nonconforming use and/or building or structure, taken collectively as a business entity, is damaged or destroyed by fire, explosion, act of nature or other casualty to the extent of less than 50 percent of its appraised value by the County Tax Assessor, exclusive of foundations, it may be restored to its original size provided that all new work conforms with Mixed Use Downtown Overlay District Design Standards. Such restoration must be completed within 12 months of date damaged.

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

SUBDISTRICT	Min. Parcel	Min.Parcel Dimensions	Min. Yard Dimensions	Min. Landscape Buffer	Max. Bldg.	Max. Bldg.
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	Area (SF)								Height (FT) <sup>1</sup>	Coverage (% <sup>2</sup> )
		Width (FT)	Depth (FT)	Front/ Street (FT)	Side (FT)	Rear (FT)	Side (FT)	Rear (FT)		
Judicial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None
City Center Retail Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	35	None
Financial Subdistrict	None	None	None	0 <sup>3</sup>	None	20	None	None	45	None
Coliseum Center Subdistrict	None	None	None	0/10 <sup>4</sup>	None	20	None	None	75	None
<b>Gateway West Subdistrict</b>	<b>15,000</b>	<b>75</b>	<b>100</b>	<b>10/40<sup>5</sup></b>	<b>None</b>	<b>20</b>	<b>None</b>	<b>None</b>	<b>55</b>	<b>None</b>
<b>Downtown Gateway East Subdistrict</b>	15,000	75	100	10/40 <sup>5</sup>	None	20	None	None	55	None
Major development Subdistrict	43,560	200	100	25	None	20	10	5	55	None
Fairgrounds Redevelopment	None	None	None	0	None	0	None	None	None	None

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

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

Subdistrict	Residential Type	Min. Parcel Area <sup>1</sup> (SF)	Max. Density U/AC	Min. Parcel Width (FT)	Landscape Buffer at Perimeter (FT)	Minimum Yard Requirements <sup>2</sup>	Max Bldg Ht. (FT)	Max Bldg Cvrgr (% <sup>8</sup> )

						Front (FT)	Rear (FT)	Side (FT)	Street (FT)		
Judicial Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	50	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
City Center Retail Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Financial Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	30	100	10	25	25	10	25	45	50
Gateway West Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Gateway East Subdistrict	Townhouse	2,500	-	25	10	25	25	10	25	35	50
	Multi-Family	43,560	20	100	10	25	25	10	25	35	50
Coliseum Center Subdistrict	Townhouse	2,500	-	25	10	25	25	10	15	35	50
	Multi-Family	43,560	35	100	10	25	25	10	15	45	60
Downtown Gateway Subdistrict	Residential NOT Permitted										
Major Development Subdistrict	Single Family Detached	4,000		40	10	25	25	10	15	35	50
	Single Family Attached	2,500	-	25	10	25	25	10	15	35	50
	Multi-Family	43,560	35	100	10	25	25	10	15	45	60
	Residential Not Permitted										

Fairgrounds Redevelopment Subdistrict	Single Family Detached	3000	-	30	5	10-20 <sup>4</sup>	20 <sup>6</sup>	5 <sup>3</sup>	15	35	70
	Single Family Attached	2000	-	19	5	0-10 <sup>4</sup>	20 <sup>6</sup>	5 <sup>5</sup>	15	35	50
	Multi-Family	none	25	none	5	0-10 <sup>4</sup>	20 <sup>6</sup>	10	15	50	60

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

### 5.3.6. Design standards

- (1) *Conforming Use*: Within the Mixed Use Downtown Overlay District, no building or structure shall be hereafter erected, constructed or moved unless such use conforms to the Mixed Use Downtown Overlay District Design Standards. Where the Mixed Use Downtown Overlay District Design Standards do not provide a standard, provisions of Chapter 6 and other Chapters of the Development Code shall apply.
- (2) *Nonconforming Use; Improvement*: Nonconforming uses and/or buildings or structures may be renovated provided they comply with the Mixed Use Downtown Overlay District Design Standards.
- (3) *Nonconforming Use - Replacement Due to Damage*: If a nonconforming use and/or building, taken collectively as a business entity, is damaged or destroyed by fire, explosion, act of nature or other casualty to the extent of less than 50 percent of its appraised value by the County Tax Assessor, exclusive of foundations, it may be restored to its original size provided that the new work conforms with the Mixed Use Downtown Overlay District Design Standards. Such restoration must be completed within 12 months of the date damaged.
- (4) **Pedestrian crosswalks within the Mixed Use Downtown Overlay District shall consist of brick pavers or brick-style stamped asphalt.**

### 5.3.7. Review process.

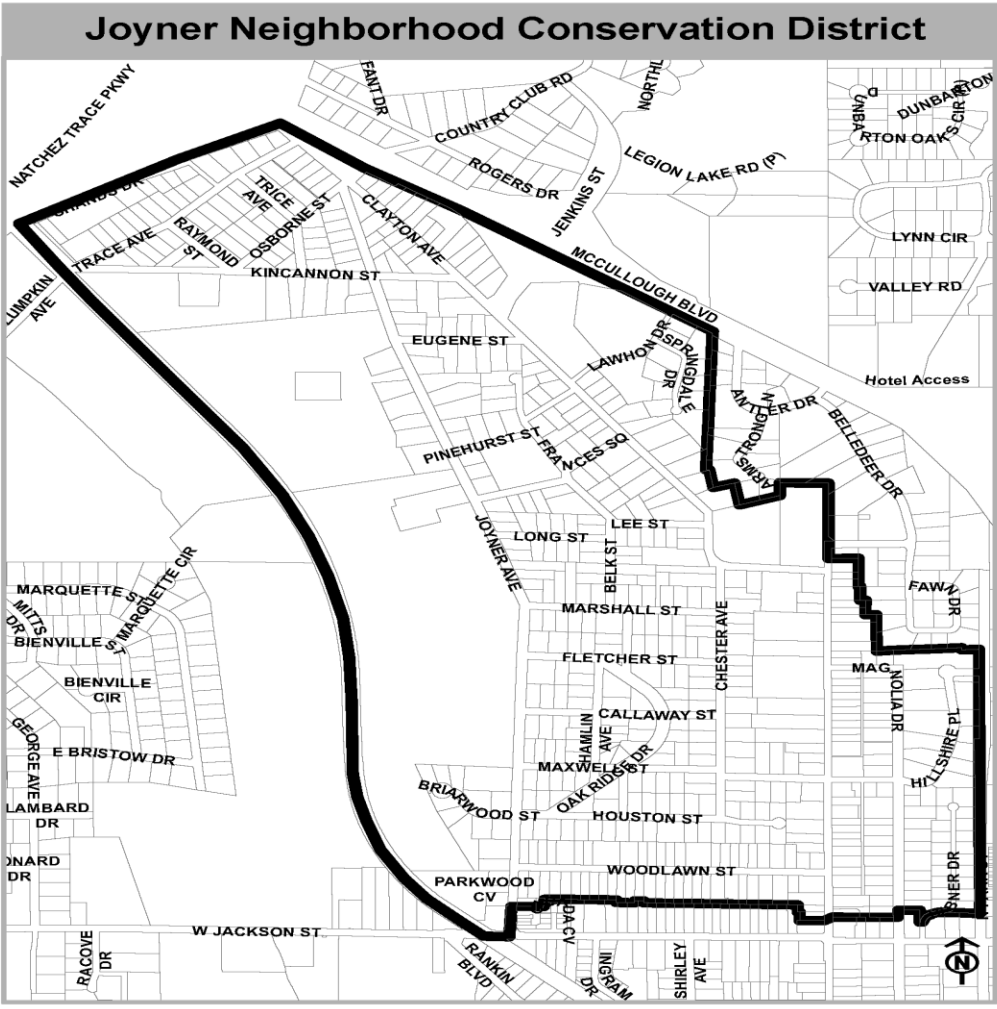
- (1) Within the Mixed Use Downtown Overlay District, the Director of Development Services shall not issue any building permit for construction, alteration, repair, demolition or relocation of a building or structure without first submitting the application of such permit, together with all plans, elevations,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

## 5.4 Watershed or Drainage Basin Overlay (NO CHANGES PROPOSED)

## 5.5 Joyner Neighborhood Conservation Overlay District

### 5.5.1. Purpose and Applicability

- (1) Purpose: It is the purpose and intent of the Joyner Neighborhood Conservation Overlay District to protect the value of property, to enhance the attractiveness of neighborhoods, to prevent development which would be incompatible with the established characteristics of the neighborhood, and to support improvement and investment in the neighborhood housing stock, **and to promote recovery from natural disaster** by:
  - (a) **Ensuring the architectural compatibility of new and existing buildings and structures;**
  - (b) **Prohibit land uses that could through their incompatibility result in adverse impacts on the Joyner Neighborhood Conservation Overlay District.**
- (2) Applicability: The requirements of this section shall apply to all property within the Joyner Neighborhood Conservation Overlay District as shown in Figure 5.5.1.



5.5.2 Use Regulations

Section 4.8.5, Uses in Medium Density Residential districts, shall apply with the following changes: Patio homes/zero lot line homes are allowed by compatibility. Townhouse dwellings are allowed by compatibility. Congregate Living 1 facilities are not allowed.

5.5.3. Review procedures

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

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

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

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

#### 5.5.4 Design Standards

**(1) The design review committee shall be guided by the standards for traditional housing construction (Section 6.4.3) as modified below, by the standards for infill construction (Section 6.10), and by reference to existing architectural features of the immediate vicinity and of the Joyner neighborhood generally. The design review committee may apply more or less restrictive standards as appropriate for the context area. The design review committee may prepare and propose written standards for adoption through amendments of this section.**

##### **(2) Traditional housing standards modifications**

###### **(a) Roofs.**

**Architectural features:** The roof of a principal structure shall include at least one (1) of the following architectural details:

- (i) A gable end, or gabled end of a roof projection, facing the street; or (ii) An offset section either set back from the front façade or with a lower roof line than the main section of the structure.**

**Roof Materials:**

- (i) Roofs of principle structure shall be asphalt shingle and may not be metal.**
- (ii) Roofs for dormers, porches and porticos maybe of decorative metal with approval**

- (b) Exterior finish materials:** Vinyl siding must meet the following specifications: Minimum 40 mil thickness Color throughout, UV rated coating with lifetime fade protection Wood grain pattern on clapboard or shiplap siding, smooth surface on beaded board siding Meet ASTM 5206 wind load testing 50 year warranty from time of installation to new buyer
- (c) Windows and entryways:** At least twenty five (25) percent of the area of a street facing façade must include windows or main entryways.
- (c) Porches.** Porch columns shall be a minimum of six inches wide, and may not be wrought iron or other material that is not solidly opaque. Other standards for porches are not modified.
- (d) Garages.** Garages may be permitted if attached to side or rear of house. If visible from the street, carport columns must be of similar size and material to porch columns. Other standards for garages are not modified.
- (e) Driveways and parking areas are limited to 25 % front of lot, rock/gravel as landscape may not be used to cover more than 1/3 of front yard.**

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

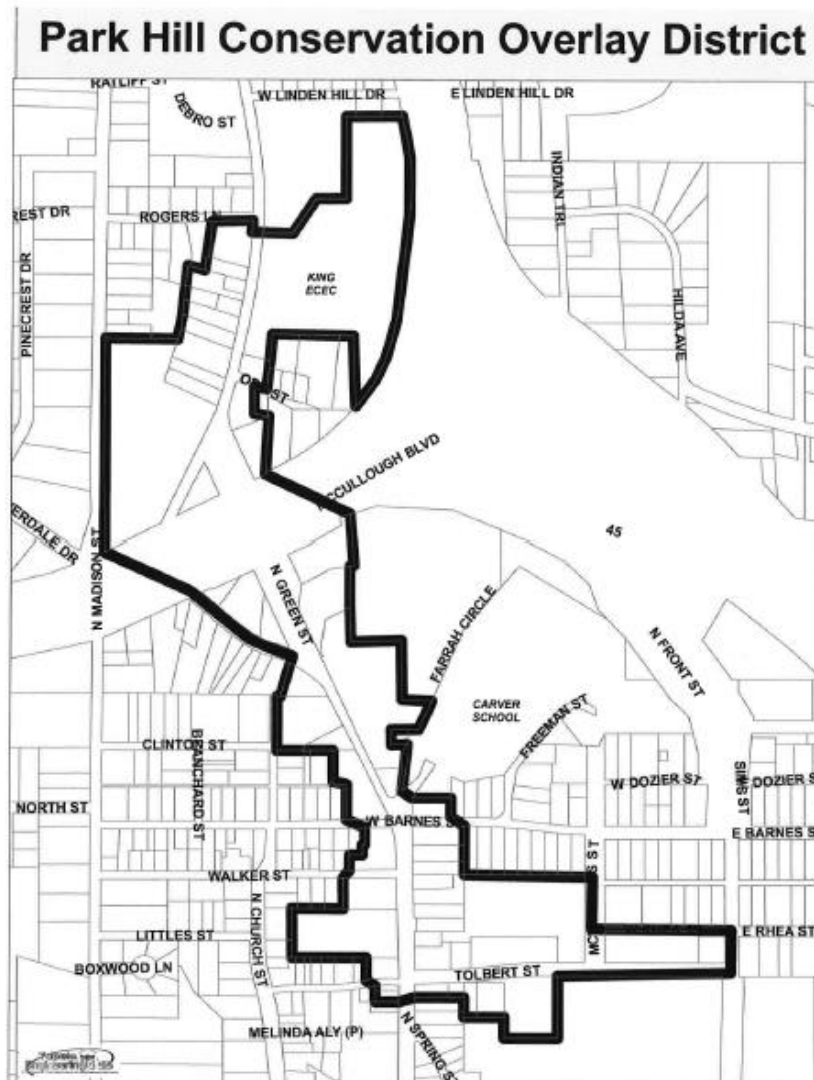
**5.6 Sharon Hills Neighborhood Conservation Overlay District** – (REMOVED DUE TO INACTIVITY)

**5.6 Park Hill Business Overlay District** (CHANGES IN PROCESS, TO BE SUBMITTED BY 9/6 FOR FINAL REVIEW)

**5.6.1 Purpose and Applicability**

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





**5.6.2 Use Regulations**

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

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

**5.6.3 Design Standards**

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

#### 5.6.4 Review Procedures

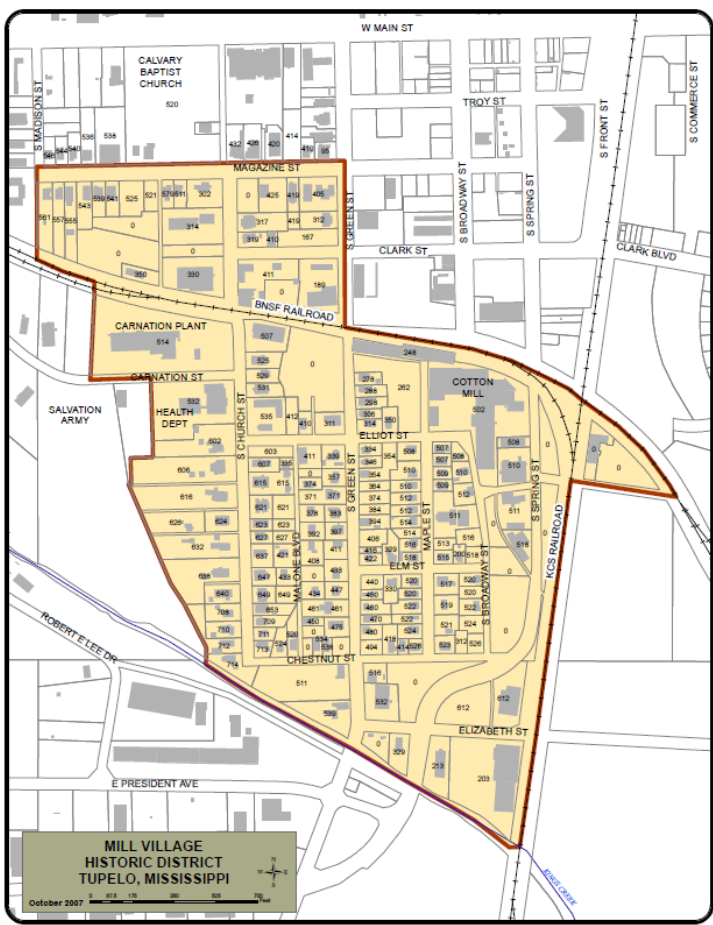
- (1) A design review committee shall be established consisting of five members. Three members shall be residents of the Park Hill Neighborhood, designated by vote of the Park Hill Neighborhood Association. One member shall be designated by the Mayor. One member shall be designated by the City Council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

#### 5.7 Bel Air Neighborhood Conservation Overlay District – (REMOVED DUE TO INACTIVITY)

#### 5.7 Mill Village Historic Preservation Conservation District (TO BE INCLUDED AS EXISTS – CURRENTLY NOT CODIFIED)

##### 5.7.1. Purpose and Applicability

- (1) Purpose: To acknowledge the historic significance of local resources and to protect, enhance and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity; Insure the harmonious, orderly, and efficient growth and development of the City; Strengthen civic pride and cultural stability through neighborhood conservation; Stabilize the economy of the City through the continued use, preservation, and revitalization of its resources; Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided; Promote the use of resources for the education, pleasure and welfare of the people of the City of Tupelo; Provide a review process for the preservation and appropriate development of City resources.
- (1) Applicability: A certified local district designation has been assigned to the Mill Village Historic District, as pictured in Figure 5.7.1 below,



**5.7.2. Use regulations.**

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

**5.7.3 Design Standards**

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

**5.7.4 Review Procedures**

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



### (3) Termination of Member

A committee member shall be removed from membership in the Design Review Committee in the case of:

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

### 5.8.3 Review Procedures

- (1) No permit for new construction or external renovation shall be issued for any property within the West Jackson West Neighborhood Redevelopment Overlay District without approval of the design review committee.
- (2) Applications for construction, exterior renovation, fences, accessory structures, or other exterior changes within the West Jackson Neighborhood Redevelopment Overlay District shall be accompanied by complete Permit package including scaled drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list, as applicable.
- (3) The design review committee shall receive the Application for Construction or Permit with all permit documents either electronically or by hardcopy. The committee shall meet, in person or electronically, to consider and review the documents, returning the review comments to Development Services Department within 7 days of receiving documents. If additional document/s are requested the 7-day review period resets to the date the additional documents are received by the committee.
- (4) The Development Services Department shall provide a report to the design review committee relative to the application for review of the permit application.

### 5.8.4 Appeals

Decisions of the design review committee may be appealed to the Planning Committee.

### 5.8.5 Design standards

- (1) The design review committee shall be guided by the standards for traditional housing construction (Section 6.4.3) as modified below, by the standards for infill construction (Section 6.10), by the compatibility checklist procedure (Section 12.4.5), and by reference to existing architectural features of the immediate vicinity and of the overlay district generally.
- (2) Traditional housing standards modifications
  - (a) Size limitations. Minimum square foot requirements for each residence shall be at a minimum 1,000 sq. ft. heated and cooled living area.
  - (b) Main entrance. This standard is not modified.
  - (c) Porches. A porch shall be provided for each dwelling unit of at least 7' 6" in depth and 12 feet in length. Variations may be approved if the overall square footage exceeds 90sf. Porch columns shall be a minimum of six inches

wide, shall be square or rectangular in section, and may not be wrought iron or other material that is not solidly opaque. Other standards for porches are not modified.

- (d) Covered balconies. This standard is not modified. Alternative roof materials may be considered.
- (e) Garages and Carports:
  - a. Front, side or rear of house is permitted.
  - b. If visible from the street, carport columns must be of similar size and material to porch columns. Other standards for garages are not modified.
  - c. If front facing, cannot be more than 30% of the front-facing linear dimension.
  - d. Roofs shall be the same material of the principal structure.
  
- (b) Roofs
  - a. Slope: Principal structures must have a roof that is sloped, with at least 4 units of vertical rise to 12 units of horizontal run, and not exceeding 12 units of vertical rise to 12 units of vertical run.
  - b. Architectural features: The roof of a principal structure shall include at least one (1) of the following architectural details:
    - i. A gable end, or gabled end of a roof projection, facing the street; or
    - ii. An offset section either set back from the front façade or with a lower roof line than the main section of the structure.
    - iii. Roof eaves must project from the building wall on at least the front and side elevations, and such projections may not exceed 12 inches.
    - iv. No hip roof on front or sides.
  - c. Materials: roofs shall be asphalt shingle. NO metal roofs are permitted for the principal structure.
  - d. Decorative metal covers may be permitted as awnings, over porches or decks. These must be submitted for approval by Design Review Committee.
  - e. Other standards for roofs are not modified.
  
- (c) Foundation:
  - a. Height: Finished floor height, or ground level of the first floor, shall be elevated a minimum of fourteen (14) inches and a maximum of eighteen (18) inches above finished grade, or pad height, to allow for a minimum of two steps front entry onto the first floor. Finished floor height requirements do not apply to elevations at the structures side or rear.
  - b. Fill to achieve pad height should not be utilized without drainage review and should not exceed more than 12" above center line or the point of storm water discharge from the lot.
  - c. Finish material must be brick, stone or other finished surface material.
  - d. Other standards for foundation are not modified.
  
- (d) Exterior finish materials:
  - a. Allowable materials are stone, brick, plaster, EIFS, cedar shakes, wood siding such as Hardie board 6" or less ship lap or equivalent,
  - b. Other standards for Exterior Finish Materials are not modified.
  - (e) Windows and entryways: At least twenty-five (25) percent of the area of a street-facing façade must include windows or main entryways. Each window must be square or vertical and muntins must be in a vertical proportion. A horizontal window opening may be created by grouping two or more vertical windows. Other standards for windows and entryways are not modified.
  - (i) Garage, Storage Building, Pool House, or Accessory Structure of any type: Must have the same roofing and outside wall materials as those used in the principal structure.

- (ii) Fences: All fences and/or screen walls are to be made of wood, masonry, stucco or ornamental metal material or landscape material. No chain link fences visible from the street or adjacent properties shall be permitted.
  - a. Fences located in the front yard shall be no more than 36" high and must be able to see thru 50% of the height.
  - b. Location:
    - i. No fences shall be erected nearer to a street than ten feet (10'). Variances may be considered.

(3) All properties and the dwellings constructed thereon shall be used for single-family residential purposes.

(4) No lot can be subdivided and sold in part except as located on the plat of said subdivision previously filed in the Office of Lee County Chancery Clerk. Any combination of platted lots must be approved by the Designed Review Committee.

(5) The design review committee may prepare and propose additional written standards for adoption through amendment of this section.

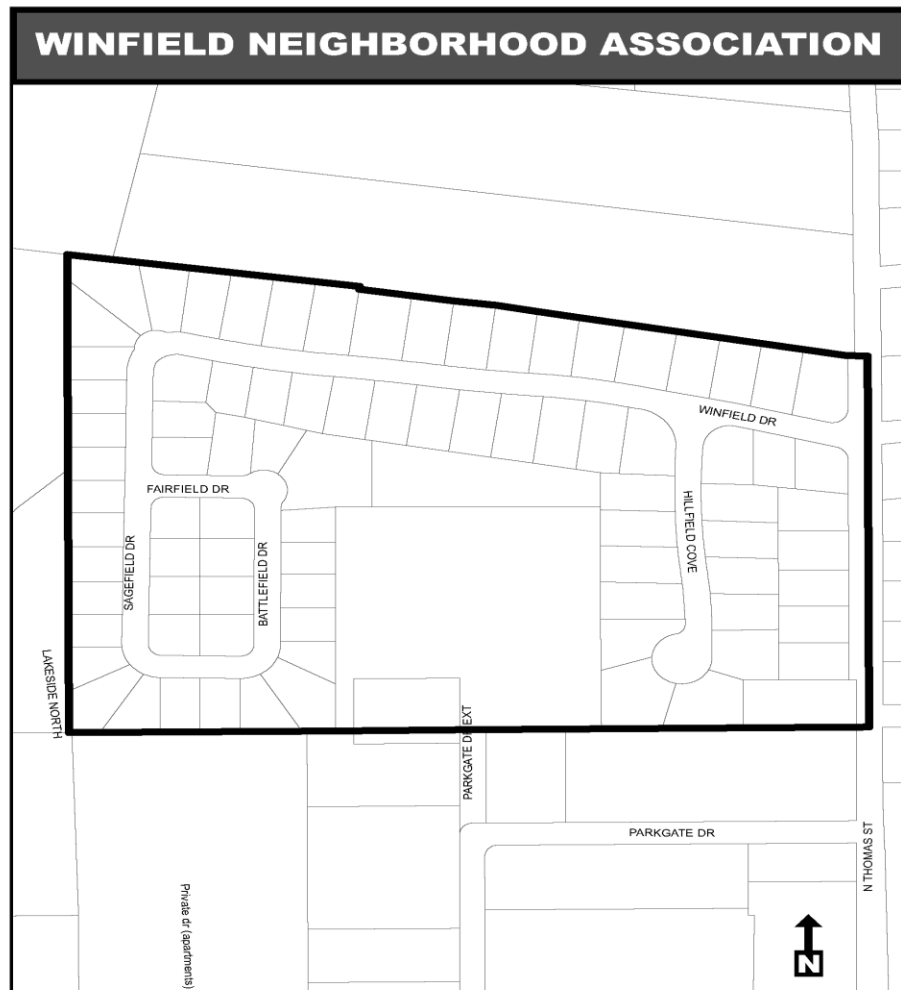
#### 5.8.6 Use Regulations:

(1) Congregate Living Facility 1 and Congregate Living Facility 2 are allowed by Compatibility only in the **West Jackson West** Neighborhood Redevelopment Overlay District and are disallowed on any property with deed restrictions preventing rental occupancy.

### 5.9 Winfield Neighborhood Conservation Overlay District

#### 5.9.1. Purpose and applicability.

- (1) Purpose. It is the purpose and intent of the Winfield Neighborhood Conservation Overlay District to protect the value of property, to enhance the attractiveness of the neighborhood, to prevent development which would be incompatible with the established characteristics of the neighborhood, and to support improvement and investment in the neighborhood housing stock.
- (2) Applicability. The requirements of this section shall apply to all property within the Winfield Neighborhood conservation Overlay District as shown in Figure 5.9.1 below



#### 5.9.2. Use regulations.

5.9.2.1. Section 4.8.5, Uses in Medium Density Residential districts, shall apply with the following changes:

- (1) **Detached dwellings, small home day care, home occupation**, park and/or open space are allowed by right.
- (2) Patio homes/zero lot line homes are **disallowed. allowed by compatibility.**
- (3) Townhouse dwellings are **disallowed. allowed by compatibility.**
- (4) **No accessory dwellings will be allowed**
- (5) **No agricultural uses, including the keeping of livestock, will be permitted.**
- (6) **No subdivision of lots will be permitted.**



**(7) No well, privy, cess-pool, septic tank field or other disposal area shall be erected or maintained.**

5.9.3. Standards.

5.9.3.1. Infill Standards:

Section 6.10, Infill standards, shall apply with the following changes:

- (1) To Section 6.10.5 (1), add: The width of new construction shall not be less than the average width for existing structures in the context area.
- (2) Add Section 6.10.5 (3). Exterior Materials.
  - a. New or renovated dwellings shall provide masonry on building sides facing the street that is equivalent to the highest percentage of masonry on building sides facing the street in the context area. **Exterior facade must be comprised of a minimum of ¾ masonry on the street facing side of any residential structure.**
  - b. **All new residential structures shall be no less than 1700 square feet total, or, if two story, the first floor shall be no less than 1300 square feet and second floor no less than 400 square feet.**

5.9.3.2 Design Standards:

- (1) The design review committee shall be guided by the standards for infill construction (Section 6.10, as modified above), and by reference to existing architectural features of the immediate vicinity and of the Winfield neighborhood generally.
- (2) The design review committee may prepare and propose written standards for adoption through amendment of this section.
- (3) Metal roofs may not be placed on residential buildings.
- (4) Chain link fences are not allowed.
- (5) **No garage apartments. No garage or accessory structure shall be erected with exterior materials not substantially similar to that of the principal structure.**
- (6) Landscaping shall be completed by the lot owner within 12 months after said land owner moves into the residence, **and shall meet minimum growth standards as follows: Understory trees: 7 ½ ft at time of planting, shrubs: 30 in. height in 5 years**
- (7) **Setbacks standards shall be as follows: Front setback – 30 ft; rear setback – 25 ft; Side setback – 12 ft; Side street setback (distance from the corner of the structure closes to a street located on the side of the house) – 30 ft**
- (8) **Only one single family residence shall be constructed or permitted on each lot and it shall be used for residential purposes only at a rate of 1 dwelling per lot maximum.**
- (9) **Accessory structures shall be no more than 180 square feet and shall be located in the side or back yard of the principal structure.**

- (10) Exterior color of new construction and renovations should remain neutral and consistent with the character of the Overlay Design Review District.
- (11) Fence height requirements are as follows: Front yard: 3 ½ ft maximum height, Side and back yard: 6 ½ ft maximum height.
- (12) No window units will be permitted.
- (13) No solar panels may be visible from the street face or visible from adjacent properties.
- (14) All land development and related drainage treatments must be approved by a Licensed Engineer and within compliance of the existing City maintained drainage treatments present within the Overlay Design Review District.

#### 5.9.4. Review procedures.

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

#### 5.10 Historic Downtown Neighborhood Conservation Overlay District (*NO CHANGES PROPOSED*)

#### 5.11 Belledeer Neighborhood Conservation District

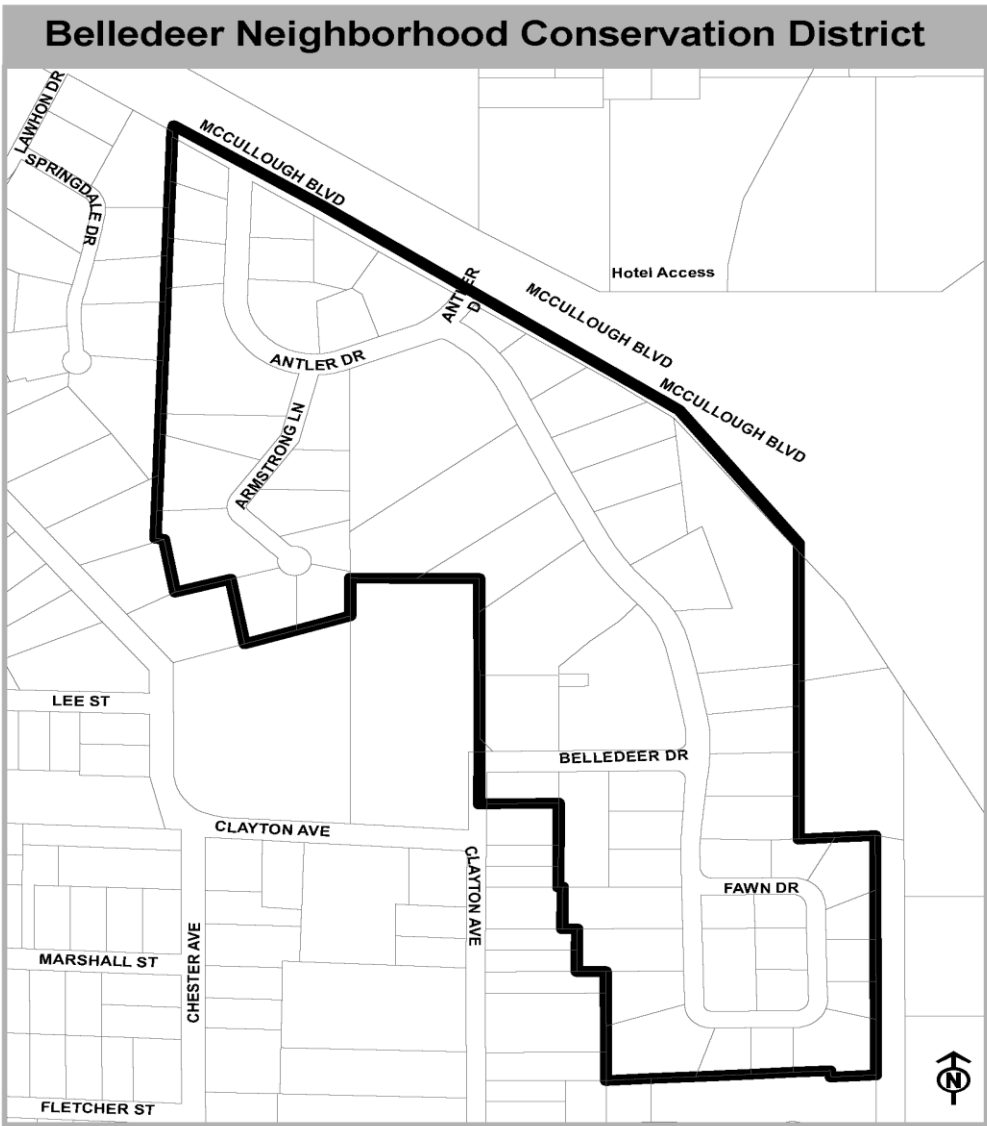
##### 5.11.1 Purpose and Applicability

###### (1) Purpose

**It is the purpose and intent of the Belledeer Neighborhood Redevelopment Overlay District to protect the value of property, to enhance the attractiveness of neighborhoods, to prevent development which would be incompatible with the established characteristics of the neighborhood, and to support improvement and investment in the neighborhood housing stock.**

###### (2) Applicability

**The requirements of this section shall apply to all property within the Belledeer Neighborhood Redevelopment Overlay District as shown in Figure 5.11.1, below:**



(Ord. of 1-2-2019(1) , § 2)

**5.11.2 Membership**

(1) A Design Review Committee shall be established consisting of seven (7) members. Design Review Committee members shall be replaced at the time of their resignation or termination in one of the following methods, as determined by the Design Review Committee: 1) By collaborative nomination from the Councilperson from Ward 1 and the Councilperson from Ward 2 OR 2) Nomination by the Belledeer Neighborhood Association. All committee members are subject to Mayor and City Council approval.

(2) The designated electing/appointing entities shall submit their committee recommendations to the Department of Development Services in September of each year and the City Council shall consider their confirmation at the first meeting in October.

**(3) Termination of Member**

A committee member shall be removed from membership in the Design Review Committee in the case of:

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

**5.11.3 Review Procedures**

- (1) No permit for new construction or external renovation shall be issued for any property within the Belledeer Neighborhood Redevelopment Overlay District without approval of the design review committee.
- (2) Applications for construction, exterior renovation, fences, accessory structures, or other exterior changes within the Belledeer Neighborhood Redevelopment Overlay District shall be accompanied by complete Permit package including scaled drawings of the proposed work, including a site plan, floor plan, full elevation drawings, and exterior materials list, as applicable.
- (3) The design review committee shall receive the Application for Construction or Permit with all permit documents either electronically or by hardcopy. The committee shall meet, in person or electronically, to consider and review the documents, returning the review comments to Development Services Department within 7 days of receiving documents. If additional document/s are requested the 7-day review period resets to the date the additional documents are received by the committee.
- (4) The Development Services Department shall provide a report to the design review committee relative to the application for review of the permit application.

**5.11.4 Appeals**

Decisions of the design review committee may be appealed to the Planning Committee.

**5.11.5 Design standards**

- (1) The design review committee shall be guided by the standards for traditional housing construction (Section 6.4.3) as modified below, by the standards for infill construction (Section 6.10), by the compatibility checklist procedure (Section 12.4.5), and by reference to existing architectural features of the immediate vicinity and of the overlay district generally.
- (2) Traditional housing standards modifications

- (f) **Size limitations.** Minimum square foot requirements for each residence shall be at a minimum 2,000 sq. ft. heated and cooled living area.
- (g) **Main entrance.** This standard is not modified.
- (h) **Covered balconies.** This standard is not modified. Alternative roof materials may be considered.
- (i) **Garages and Carports:**
- a. Garages and carports may be permitted facing the side or rear, but may not be permitting facing the street frontage of a property.
  - b. If visible from the street, carport columns must be of similar size and material to porch columns. Other standards for garages are not modified.
  - c. Roofs shall be the same material of the principal structure.
- (j) **Roofs**
- a. **Slope:** Principal structures must have a roof that is sloped, with at least 4 units of vertical rise to 12 units of horizontal run, and not exceeding 12 units of vertical rise to 12 units of vertical run.
  - b. **Architectural features:** The roof of a principal structure shall include at least one (1) of the following architectural details:
    - i. A gable end, or gabled end of a roof projection, facing the street; or
    - ii. An offset section either set back from the front façade or with a lower roof line than the main section of the structure.
    - iii. Roof eaves must project from the building wall on at least the front and side elevations, and such projections may not exceed 12 inches.
  - c. **Materials:** roofs shall be asphalt shingle. NO metal roofs are permitted for the principal structure.
  - d. Decorative metal covers may be permitted as awnings, over porches or decks. These must be submitted for approval by Design Review Committee.
  - e. Other standards for roofs are not modified.
- (k) **Foundation:**
- a. Fill to achieve pad height should not be utilized without drainage review and should not exceed more than 12" above center line or the point of storm water discharge from the lot.
  - b. Finish material must be brick, stone or other finished surface material.
  - c. Other standards for foundation are not modified.
- (l) **Exterior finish materials:**
- a. Allowable materials are stone, brick, plaster, EIFS, cedar shakes, wood siding such as Hardie board 6" or less ship lap or equivalent,
  - b. Other standards for Exterior Finish Materials are not modified.
- (m) **Windows and entryways:** At least twenty-five (25) percent of the area of a street-facing façade must include windows or main entryways. Each window must be square or vertical and muntins must be in a vertical proportion. A horizontal window opening may be created by grouping two or more vertical windows. Other standards for windows and entryways are not modified.
- (iii) **Garage, Storage Building, Pool House, or Accessory Structure of any type:** Must have the same roofing and outside wall materials as those used in the principal structure.
- (iv) **Fences:** All fences and/or screen walls are to be made of wood, masonry, stucco or ornamental metal material or landscape material. No chain link fences visible from the street or adjacent properties shall be permitted.
- a. Fences located in the front yard shall be no more than 36" high and must be able to see thru 50% of the height.

**b. Location:**

- i. No fences shall be erected nearer to a street than ten feet (10'). Variances may be considered.

(3) All properties and the dwellings constructed thereon shall be used for single-family residential purposes.

(4) No lot can be subdivided and sold in part except as located on the plat of said subdivision previously filed in the Office of Lee County Chancery Clerk. Any combination of platted lots must be approved by the Designed Review Committee.

(5) The design review committee may prepare and propose additional written standards for adoption through amendment of this section.

**5.11.6 Use Regulations:**

(1) Flagpoles are disallowed in the Belledeer Overlay District

(2) Home businesses are disallowed

(3) Short-term rentals are allowed by Compatibility only and must confirm adherence to the following standards for approval:

a. Rental properties renting entire home, accessory building, or bedroom from more than thirty (30) days will be considered a Rental property and subject to City of Tupelo Code of Ordinance Section 7-202.

b. Property shall be owner occupied

c. Entire home rentals limited to 100 days/year for all approved owner occupied short term rental facilities

d. Period of stay should be less than 30 consecutive days for any short term rental

(4) Satellite dish antennae may not be located where visible from the street or frontage of the property.

(5) Accessory dwelling units are allowed by Compatibility only

(6) Day Care Home, Small and Day Care Home, Large are disallowed

(7) Dwelling, Multi-Family 3-8 unit or 9+ unit are disallowed

(8) Duplex Dwellings are disallowed

(9) Office and Office with Storage are disallowed

(10) Vehicle Sales and/or Service is disallowed

4. Include the following and its contents as an Appendix (Appendix A) to the Development Code

**APPENDIX A**

**Table of Contents:**

A.1 - Design Standards and Construction Specifications For Streets, Storm Water, Water Distribution and Sanitary Sewer

A.2 - Fairpark Design District Guidelines [*Place held, in DRAFT*]

A.3 – Downtown Tupelo Design Guidelines adopted by the Downtown Tupelo Main Street Association

A.4 - Tupelo Historic Preservation Commission Design Guidelines for Local Historic Districts

A.5 – Architectural Design Guidelines For the Historic Downtown Conservation Overlay District in Tupelo, Mississippi



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Tanner Newman, Director of Development Services  
**DATE** September 20, 2022  
**SUBJECT:** IN THE MATTER OF REZONING APPLICATION RZ22-03 TN

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**Request: TABLE UNTIL PUBLIC HEARING ON OCT. 4, 2022.**

RZ22-03 – Rezoning of parcels along Main Street within the existing Mixed Use Commercial Corridor (MUCC) and Mixed Use Activity Center (MUAC) Zoning Districts from Hwy 45 to Veterans Boulevard and ALSO of parcels bounded by the existing Mixed Use Commercial Corridor (MUCC) Zoning District, between Madison Street on the East, and parcels within the existing Mixed Use Activity Center (MUAC) Zoning District bounded by Gloster Street to the West into the Mixed Use Downtown (MUD) Zoning District.

**Attachments:**

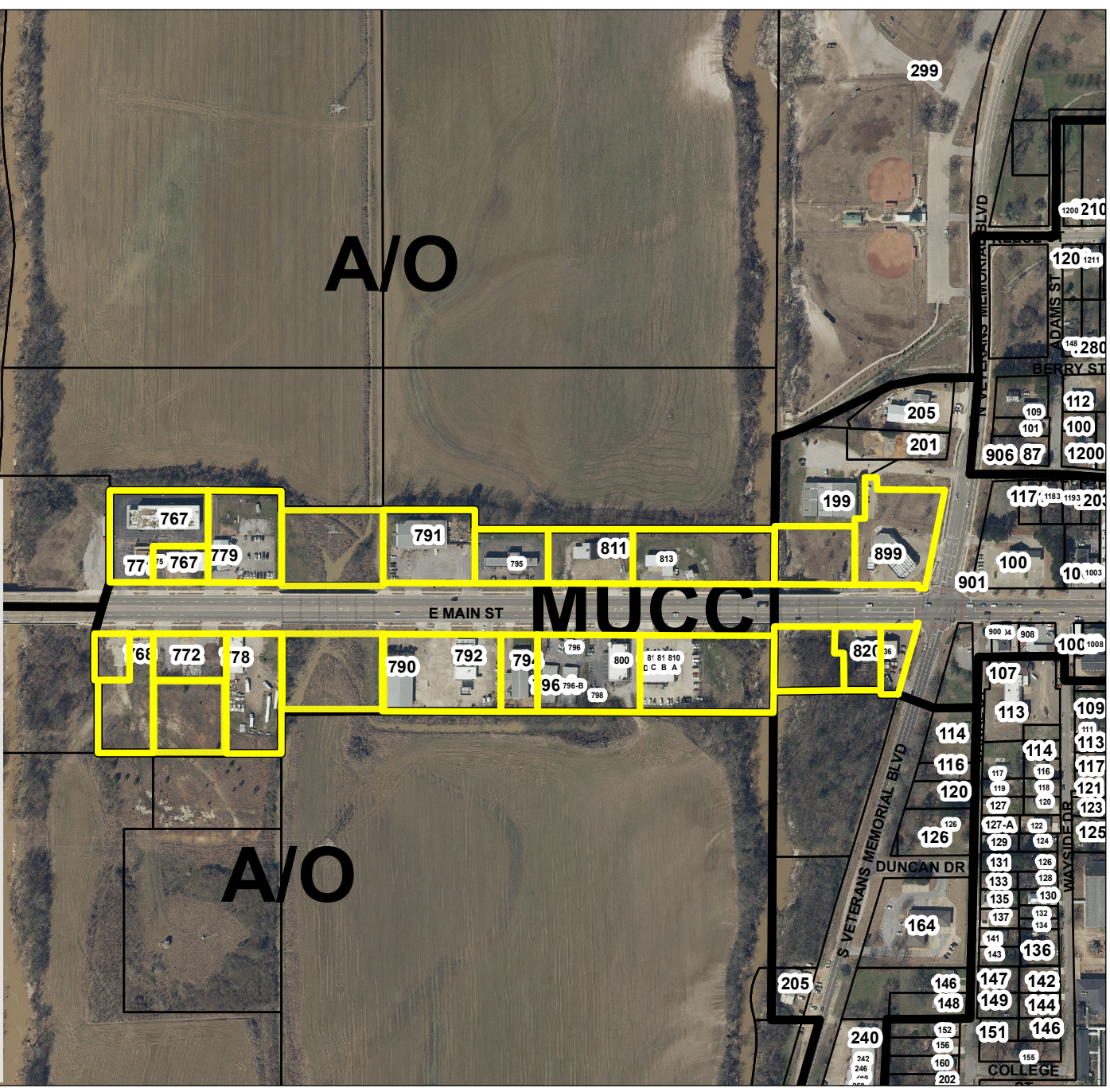
1. East Main Street Rezoning Map
2. West Main Street Rezoning Map
3. Staff Analysis



A/O

CASE NO: RZ22-03  
 LOCATION:  
 EAST MAIN ST  
 HWY 45 TO VETERANS  
 ZONING: MUCC & MUAC  
 FLOODZONE: FLOODWAY  
 HISTORIC DISTRICT: N/A  
 CHICKASAW REVIEW: N/A  
 SUSPECT SOILS: N/A  
 WARD: 5

- PARCELS:  
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 088J3300700  
 088N3300100  
 088N3300200  
 088N3300400  
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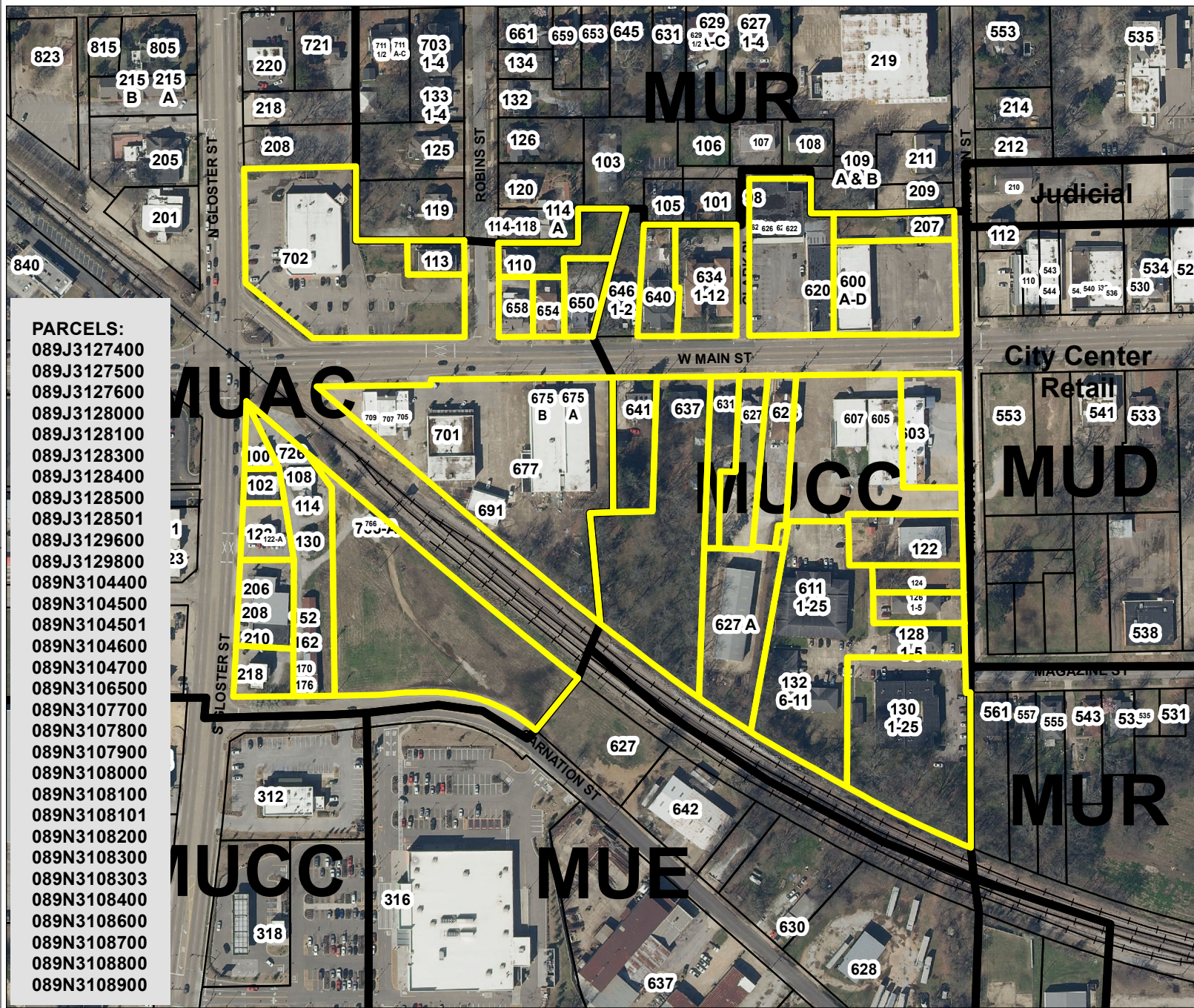
A/O

SUBJECT PROPERTY  
 Zoning Districts  
 1 inch = 417 feet  
 0 40 80 160 240 320 400 480 Feet  
 IMAGE DATE: 2019

The City of Tupelo Development Code and Official Zoning Map can be viewed online at <http://www.tupeloms.gov/development>  
 Tupelo City Hall 71 East Troy Street P O Box 1485 Tupelo Mississippi 38802 662-841-6510

A/O	AGRICULTURAL/OPEN	LDR	LOW DENSITY RESIDENTIAL	MUAC	MIXED USE AC	INTER	MUD	MIXED USE DOWNTOWN	MUR	MIXED USE RESIDENTIAL
I	INDUSTRIAL	MDR	MEDIUM DENSITY RESIDENTIAL	MUCC	MIXED USE CC	L CORRIDOR	MUE	MIXED USE EMPLOYMENT	RC	REGIONAL COMMERCIAL





- PARCELS:**
- 089J3127400
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  - 089J3127600
  - 089J3128000
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  - 089N3108400
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  - 089N3108800
  - 089N3108900

**CASE NO:** RZ22-03

**LOCATION:**  
WEST MAIN ST  
MADISON TO GLOSTER

**ZONING:** MUCC & MUAC

**FLOODZONE:** N/A

**HISTORIC DISTRICT:** N/A

**CHICKASAW REVIEW:** N/A

**SUSPECT SOILS:** N/A

**WARD:** 3

SUBJECT PROPERTY

Zoning Districts

1 inch = 250 feet

0 25 50 100 150 200 250 300 Feet

**IMAGE DATE:** 2019

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 Tupelo City Hall 71 East Troy Street P O Box 1485 Tupelo Mississippi 38802 662-841-6510

A/O	AGRICULTURAL/OPEN	LDR	LOW DENSITY RESIDENTIAL	MUAC	MIXED USE AC	INTER	MUD	MIXED USE DOWNTOWN	MUR	MIXED USE RESIDENTIAL
I	INDUSTRIAL	MDR	MEDIUM DENSITY RESIDENTIAL	MUCC	MIXED USE CC	L CORRIDOR	MUE	MIXED USE EMPLOYMENT	RC	REGIONAL COMMERCIAL

City of Tupelo  
 Planning Committee Meeting  
 September 12, 2022

**Project:** Mixed Used Downtown Zoning District – Rezoning

**Project Proposal Summary:** City of Tupelo Department of Development Services proposes the rezoning of parcels fronting Main Street East of Hwy 45 to the intersection of Veterans Boulevard and Main Street for inclusion into the Mixed Used Downtown Zoning District; and proposes the rezoning of parcels fronting Main Street West of Madison Street to the intersection of Gloster Street.

**Planning Committee Action Required:** Public Hearing to consider adoption or rejection of rezoning requested [zoning districts impacted] on [Parcels] City of Tupelo, MS. Approval requires decision to recommend rezoning approval, approval with contingencies, denial, or tabling.

**Staff Recommendation:** Staff recommends approval

<b>Application Number:</b>	RZ22-03	<b>Application Type:</b> Rezoning	
<b>Parcel Numbers:</b>		Meeting Date: September 12, 2022	
<b>Applicant:</b>	Department of Development Services; Downtown Main Street Association, Convention and Visitors Bureau, Tupelo Redevelopment Agency	City of Tupelo and partners	
<b>Location:</b>	Parcels fronting Main Street East of Hwy 45 to the intersection of Veterans Boulevard and Main Street; parcels fronting Main Street West of Madison Street to the intersection of Gloster Street		
<b>Purpose:</b>	Expansion of the Mixed Use Downtown to include the Main Street Corridor from Crosstown to the intersection of Main Street and Veterans		
<b>Present Zoning:</b>			
<b>Existing Land Use:</b>	Vacant, Non-residential		
<b>Size of Property:</b>			
<b>Surrounding Land Use and Zoning:</b>			
<b>Future Land Use:</b>	MUD		
<b>Applicable Regulations:</b>	Section 12.8, Zoning map changes, 12.16 Variances and Administrative Adjustments, State Law		

**Development Code Section 12.8 Zoning Map Change Requirements:** The proposal to rezone has been set forth by the property owner with a development plan for approval (required for 5+ acre rezoning). TA22-03 amending the Mixed Used Downtown Overlay Design District shall serve as the proposed development plan for purposes of strategic planning required for rezoning.

evaluation of the consistency of the requested classification with adopted plans and the impact of the requested classification on public infrastructure, as well as any specific requirements of the requested classification.

Rezoning is proposed only for lots in the represented in the boundary map of the proposed rezoning included in this analysis of the following parcels: parcels along Main Street within the existing Mixed Use Commercial Corridor (MUCC) and Mixed Use Activity Center (MUAC) Zoning Districts from Hwy 45 to Veterans Boulevard and ALSO of parcels bounded by the existing Mixed Use Commercial Corridor (MUCC) Zoning District, between Madison Street on the East, and parcels within the existing Mixed Use Activity Center (MUAC) Zoning District bounded by Gloster Street to the West into the Mixed Use Downtown (MUD) Zoning District.

A Traffic Impact Analysis is exempt from the development plan per Section 12.5 and is therefore exempt from a Neighborhood Meeting.

All parcels proposed for rezoning must be approved first by the Planning Committee by a 2/3<sup>rd</sup> majority, followed by approval of the City Council.

A notice of this public hearing was published in the Daily Journal, August 26, 2022.

#### **12.8.14. Written Recommendation and Review Criteria.**

The Planning Committee shall provide a written recommendation regarding whether each proposed map change is consistent with the comprehensive plan and other applicable adopted plans. The recommendation shall be based on the reasons articulated by Committee members voting in the majority, and the recommendation shall be developed as determined in the Committee's Rules of Procedure. In addition to plan consistency, Committee members may also consider other matters deemed appropriate by the Committee, which may include but are not limited to:

- (1) Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood;
- (2) Suitability of the subject property for uses permitted by the current versus the proposed district;
- (3) Whether the proposed change tends to improve the balance of uses, or meets a specific demand in the City; and
- (4) The availability of adequate school, road, parks, wastewater treatment, water supply and stormwater drainage facilities for the proposed use.

#### **12.8.15. Action by the Governing Body.**

Before taking action on a zoning map change request, the governing body shall consider any recommendations of the Planning Committee, Director of Development Services or designee, and of staff agencies, and shall conduct a public hearing where interested parties may be heard.

- (1) Notice and public hearing requirements shall be in accordance with Section 12.3, Notice and Public Hearings.
- (2) Continuances may be granted before action on the request.
- (3) Following the public hearing, the governing body may approve the request, deny the request, or send the request back to the Planning Committee for additional consideration.

- (4) In adopting or rejecting a zoning map change, the governing body shall adopt a statement describing whether its action is consistent with the Comprehensive Plan and why the action is reasonable and in the public interest. The governing body may adopt the statement furnished by staff or agencies, including but not limited to the Director of Development Services or the Planning Committee, or it may formulate its own statement.
- (5) The map change request approved by the governing body may include changes from the request presented. Changes to a development plan may be made upon the proffer by the applicant of such changes.
- (6) Approval of a petition gives the applicant the ability to proceed with any additional required approvals.

**Comprehensive Development Plan Compliance (per Section 12.8.14):**

- 1) **Compatibility and conforming uses:** Existing land uses in the immediate vicinity include the existing Mixed Use Downtown Zoning District. With the growth of the Downtown area's influx of development and increasing role as the City of Tupelo's entertainment and social district, rezoning of parcels adjacent to the existing zone allows standards for conformity to the Mixed Used Downtown Zoning district design standards and uses as set forth in City of Tupelo Development Code Chapter 5, Overlay Districts, Section 5.3 Mixed Use Downtown Overlay Design District.
- 2) **Suitability of proposal:** Expansion of the MUD will benefit tourism, quality of life, and the expansion central entertainment district of the City.
- 3) **Balance of use and City demand:** Increasing property values in the City's Downtown and the needed revitalization of adjacent parcels, available land within the zoning district and proposed benefit to the parcels proposed for rezoning provides and opportunity to improve the quality of life for residents as well as to attract development around the City's primary centers of community and social life.
- 4) **Availability of schools, roads, parks, wastewater treatment, water supply, and storm water drainage:** City infrastructure and school district have sufficient capacity to support this development.

Proposed zoning changes are compatible with present zoning and conforming uses of nearby property and the character of surrounding neighborhoods. There is no direct conflict or violation of the comprehensive development plan.

**Allowable Variances and Administrative Adjustments:** None required

**Final Recommendation:** Staff recommends approval of rezoning of recommended parcels into the Mixed Use Downtown Zoning District

**ZONING REQUEST**



CASE NO: RZ22-03

LOCATION:  
EAST MAIN ST  
HWY 45 TO VETERANS

ZONING: MUCC & MUAC

FLOODZONE: FLOODWAY

HISTORIC DISTRICT: N/A

CHICKASAW REVIEW: N/A

SUSPECT SOILS: N/A

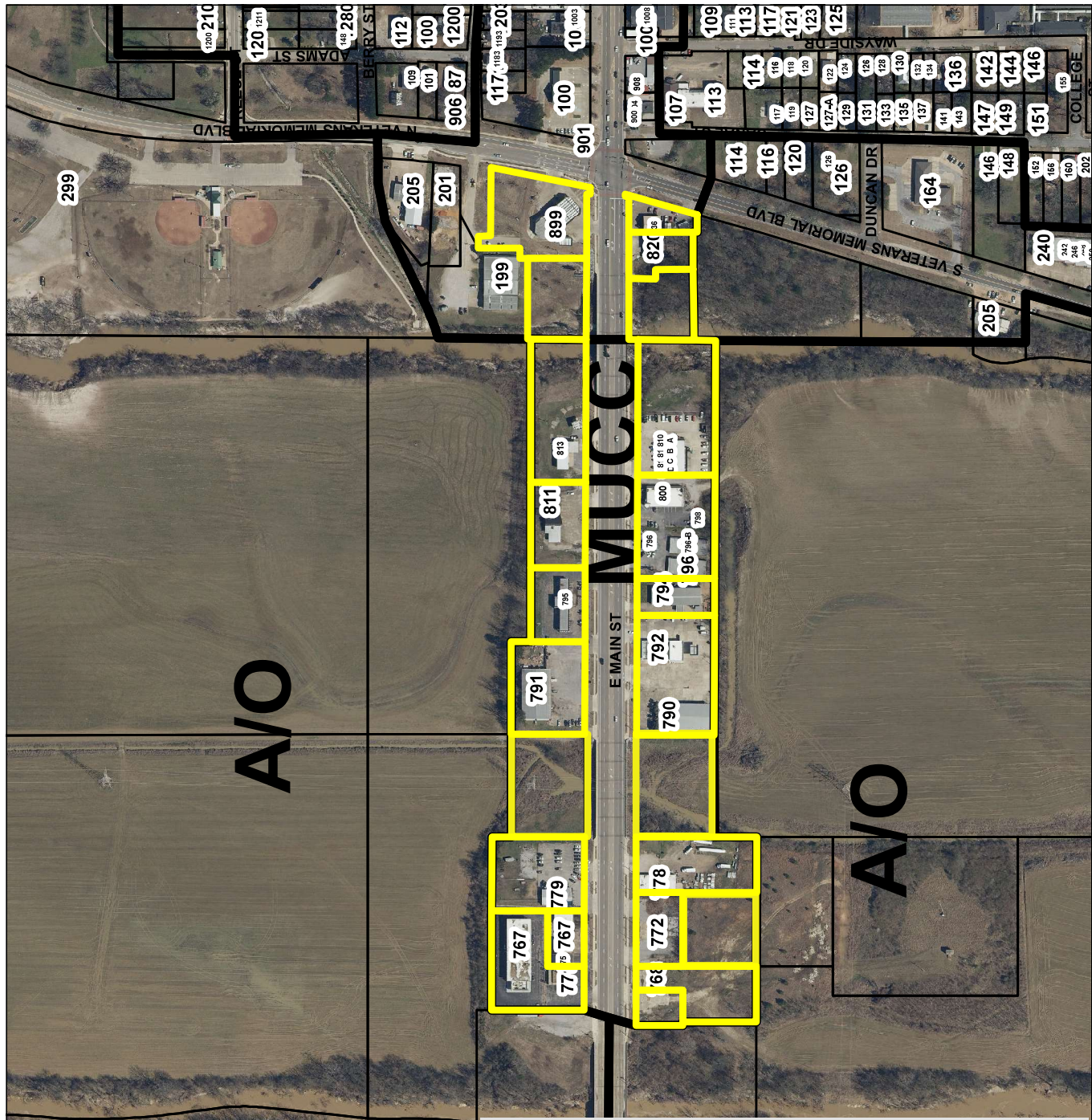
WARD: 5

SUBJECT PROPERTY

1 inch = 417 feet

IMAGE DATE: 2019

Item # 8.



- PARCELS:**
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  - 88N3300400
  - 089V3200200
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 Tupelo City Hall 71 East Troy Street P O Box 1485 Tupelo Mississippi 38802 662-841-6510

- A/O AGRICULTURAL/OPEN
- I INDUSTRIAL
- LDR LOW DENSITY RESIDENTIAL
- MDR MEDIUM DENSITY RESIDENTIAL
- MUAC MIXED USE ACTIVITY CENTER
- MUCC MIXED USE COMMERCIAL CORRIDOR
- MUE MIXED USE EMPLOYMENT
- MUD MIXED USE DOWNTOWN
- MUR MIXED USE RESIDENTIAL
- RC REGIONAL COMMERCIAL

**ZONING REQUEST**



CASE NO: RZ22-03

LOCATION:  
WEST MAIN ST  
MADISON TO GLOSTER

ZONING: MUCC & MUAC

FLOODZONE: N/A

HISTORIC DISTRICT: N/A

CHICKASAW REVIEW: N/A

SUSPECT SOILS: N/A

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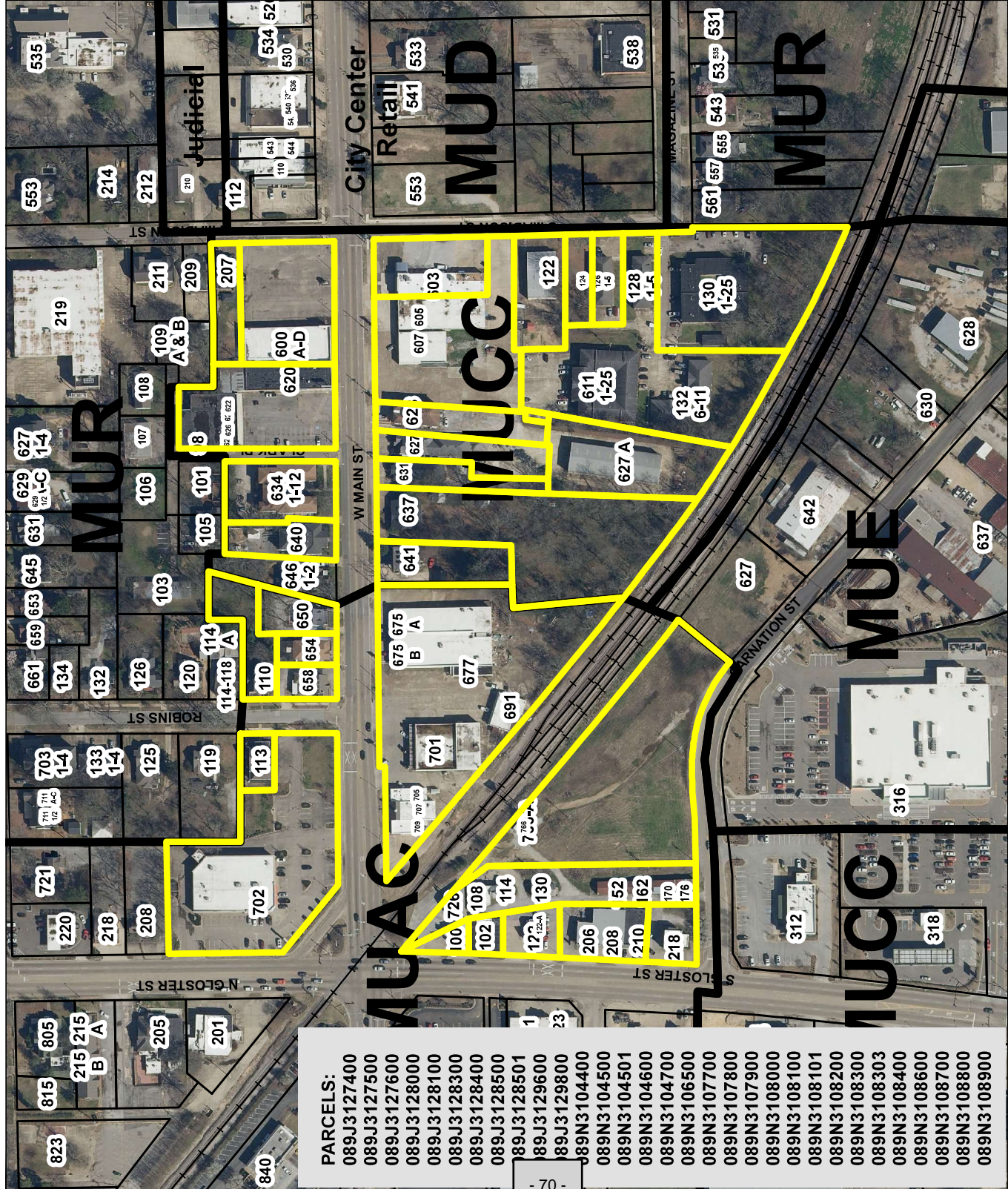
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Zoning Districts

1 inch = 250 feet

IMAGE DATE: 2019

Item # 8.



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Tupelo City Hall 71 East Troy Street P O Box 1486 Tupelo Mississippi 38802 662-841-6510

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- MUR MIXED USE DOWNTOWN
- MUE MIXED USE EMPLOYMENT
- MUD MIXED USE RESIDENTIAL
- MUR MIXED USE RESIDENTIAL
- RC REGIONAL COMMERCIAL

Account: <b>3486</b>	Ad ID: <b>1605688</b>
Name: <b>TIFFANY MAY</b>	Description: <b>#1605688 LEGAL NOTICE NOTICE OF PUBL</b>
Company: <b>CITY OF TUPELO</b>	Run Dates: <b>08/26/22 to 08/26/22</b>
Address: <b>P.O BOX 1485</b>	Class: <b>1401</b>
<b>TUPELO, MS 38802</b>	Orig User: <b>PMW</b>
Telephone: <b>(662) 841-6487</b>	Words: <b>151</b>
	Lines: <b>34</b>
	Agate Lines: <b>34</b>

Other Charges:	<b>\$3.00</b>	Net Cost:	<b>\$21.12</b>	Notes:
Discount:	<b>\$0.00</b>			
Surcharge:	<b>\$0.00</b>	Paid Amount:	<b>- \$0.00</b>	
Credits:	<b>\$0.00</b>			
Bill Depth:	<b>3.347</b>	Amount Due:	<b>\$21.12</b>	

#1605688

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING  
CITY OF TUPELO,  
MISSISSIPPI**

A Public Hearing will be held by the Tupelo Planning Committee to consider comprehensive amendments to Chapter 5, Overlay Districts, of the City of Tupelo Development Code to update, supplement, clarify, and conform the chapter and Chapter 2, Definitions Rules of Construction as related to such amendments.

The Public Hearing will be held in City Council Chambers on the second floor of City Hall, 71 East Troy Street, Tupelo, Mississippi at 6:00 p.m. on Monday, September 12, 2022. All interested parties and citizens are urged to attend.

Copies of the proposed amendments will be available for inspection during regular business hours Tupelo City Hall, Department of Development Services, 71 East Troy Street (3rd Floor), Tupelo, Mississippi as of August 29, 2022.

WITNESS MY SIGNATURE, THIS THE 10th DAY OF August 26, 2022.

/s/Todd Jordan  
TODD JORDAN, MAYOR

August 26, 2022

Account: <b>3486</b>	Ad ID: <b>1606406</b>
Name: <b>TIFFANY MAY</b>	Description: <b>#1606406 LEGAL NOTICE NOTICE OF PUBL</b>
Company: <b>CITY OF TUPELO</b>	Run Dates: <b>08/26/22 to 08/26/22</b>
Address: <b>P.O BOX 1485</b>	Class: <b>1401</b>
<b>TUPELO, MS 38802</b>	Orig User: <b>PMW</b>
Telephone: <b>(662) 841-6487</b>	Words: <b>200</b>
	Lines: <b>44</b>
	Agate Lines: <b>43</b>

Other Charges:	<b>\$3.00</b>	Net Cost:	<b>\$27.00</b>	Notes:
Discount:	<b>\$0.00</b>			
Surcharge:	<b>\$0.00</b>	Paid Amount:	<b>- \$0.00</b>	
Credits:	<b>\$0.00</b>			
Bill Depth:	<b>4.292</b>	Amount Due:	<b>\$27.00</b>	

#1606406

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING  
CITY OF TUPELO,  
MISSISSIPPI**

A Public Hearing will be held by the Tupelo Planning Committee to consider a request to rezone parcels along Main Street within the existing Mixed Use Commercial Corridor (MUCC) and Mixed Use Activity Center (MUAC) Zoning Districts from Hwy 45 to Veterans Boulevard and ALSO of parcels bounded by the existing Mixed Use Commercial Corridor (MUCC) Zoning District, between Madison Street on the East, and parcels within the existing Mixed Use Activity Center (MUAC) Zoning District bounded by Gloster Street to the West into the Mixed Use Downtown (MUD) Zoning District.

A Public Hearing has been scheduled to consider this application on Monday, September 12, 2022 at 6:00 P.M. This Public Hearing will be held in the Council Chambers on the second floor of City Hall, located at 71 East Troy Street.

Copies of the rezoning application, list of impacted parcels, and supporting information are available for inspection during regular business hours at the Department of Development Services on the third floor of City Hall, 71 East Troy Street, Tupelo, Mississippi.

WITNESS MY SIGNATURE, THIS THE 26th DAY OF August 2022.

/s/Todd Jordan  
Todd Jordan, MAYOR

August 26, 2022





# City of Tupelo

Department of Development Services

Tanner Newman, Director

## NOTICE TO ADJACENT PROPERTY OWNERS OF PROPOSED MUD SUB-DISTRICT MAP CHANGE

**Case No.:** RZ22-03

**Location:** Select parcels within the Mixed Use Downtown (MUD) Zoning District

**Proposed By:** Department of Development Services; Downtown Main Street Association, Convention and Visitors Bureau, Tupelo Redevelopment Agency

**Meeting Date:** September 12, 2022 at 6:00 p.m.

A Public Hearing has been scheduled by the Tupelo Planning Committee to consider this proposed Sub-district map change within the existing Mixed Use Downtown (MUD) Zoning District on **September 12, 2022 at 6:00 P.M.** This Public Hearing will be held in the City of Tupelo Council Chambers on the second floor of City Hall, located at 71 East Troy Street. (The elevators are located on the south end of City Hall).

The Department of Development Services; Downtown Main Street Association, Tupelo Convention and Visitors Bureau, and Tupelo Redevelopment Agency propose subdistrict map changes for select parcels located within the existing Mixed Use Downtown Zoning District. No parcels will be removed from the existing zoning district. Proposed changes impact Sub-district designates utilized by the City of Tupelo Department of Development Services and Mixed Use Downtown Overlay Design Review Committee regarding allowed uses and development standards within each sub-district. Existing uses on effected parcels will not be impacted by this zoning map change. This Sub-district map change is part of a comprehensive development plan to strategically develop infill (undeveloped) parcels, prosed uses, and development standards within the MUD Zoning District corresponding with the 2020 "Main Street Refresh" Initiative developed by the Downtown Main Street Association in partnership with the Mississippi Main Street Association.

A copy of the proposed sub-district map change, Main Street Refresh initiative, and proposed City of Tupelo Development Code amendments (TA22-03) that will codify the proposed development plan are available for inspection at the Department of Development Services, located on the 3<sup>rd</sup> floor of City Hall, 71 East Troy Street, Tupelo, MS. A map on the reverse side of this notice contains further details with the property being considered for rezoning outlined in yellow.

As an owner of property located within 500 feet of the property to be affected by this application, you are invited to attend the scheduled public hearing for further information and to provide feedback to the Planning Committee as part of their review of the proposed zoning map change. If you have any questions or need further information, please contact Jenny Savely at [jenny.savely@tupeloms.gov](mailto:jenny.savely@tupeloms.gov).

Sincerely,

Jenny Savely  
City Planner

- MAYOR  
Todd Jordan
- CITY COUNCIL  
Chad Mims  
Ward One
- Lynn Bryan  
Ward Two
- Travis Beard  
Ward Three
- Nettie Davis  
Ward Four
- Buddy Palmer  
Ward Five
- Janet Gaston  
Ward Six
- Rosie Jones  
Ward Seven



# City of Tupelo

Department of Development Services  
Tanner Newman, Director

### NOTICE TO ADJACENT PROPERTY OWNERS OF PROPOSED REZONING

**Case No.:** RZ22-03

**Location:** **Parcels along Main Street within the existing Mixed Use Commercial Corridor (MUCC) and Mixed Use Activity Center (MUAC) Zoning Districts from Hwy 45 to Veterans Boulevard (see attached map)**

**Proposed By:** **Department of Development Services; Downtown Main Street Association, Convention and Visitors Bureau, Tupelo Redevelopment Agency**

**Meeting Date:** **September 12, 2022 at 6:00 p.m.**


- MAYOR  
Todd Jordan
- CITY COUNCIL  
Chad Mims  
Ward One
- Lynn Bryan  
Ward Two
- Travis Beard  
Ward Three
- Nettie Davis  
Ward Four
- Buddy Palmer  
Ward Five
- Janet Gaston  
Ward Six
- Rosie Jones  
Ward Seven

A Public Hearing has been scheduled by the Tupelo Planning Committee to consider this proposed rezoning on **September 12, 2022 at 6:00 P.M.** This Public Hearing will be held in the City of Tupelo Council Chambers on the second floor of City Hall, located at 71 East Troy Street. (The elevators are located on the south end of City Hall).

The Department of Development Services; Downtown Main Street Association, Tupelo Convention and Visitors Bureau, and Tupelo Redevelopment Agency propose a rezoning of parcels along the Main Street Corridor from their current zoning districts, Mixed Use Activity Center (MUAC) and Mixed Use Commercial Corridor (MUCC), respectively, into the Mixed Use Downtown (MUD) Zoning District with inclusion into the Gateway East Subdistrict.. This rezoning is part of a comprehensive development plan to strategically develop infill (undeveloped) parcels and revitalize properties along the Main Street Corridor. These parcels provide a gateway into the City's central arts and entertainment district and, as part of inclusion into the MUD, will benefit from strategic development and incentives provided by the Mixed Use Downtown Overlay District. Existing uses on effected parcels will not be impacted by this zoning map change.

A copy of the proposed zoning map change and proposed City of Tupelo Development Code amendments (TA22-03) that will codify the proposed development plan are available for inspection at the Department of Development Services, located on the 3<sup>rd</sup> floor of City Hall, 71 East Troy Street, Tupelo, MS. A map on the reverse side of this notice contains further details with the property being considered for rezoning outlined in yellow.

As an owner of property located within 500 feet of the property to be affected by this application, you are invited to attend the scheduled public hearing for further information and to provide feedback to the Planning Committee as part of their review of the proposed zoning map change. If you have any questions or need further information, please contact Jenny Savely at [jenny.savely@tupeloms.gov](mailto:jenny.savely@tupeloms.gov).

Sincerely,  


Jenny Savely  
City Planner



# City of Tupelo

Department of Development Services  
Tanner Newman, Director

### NOTICE TO ADJACENT PROPERTY OWNERS OF PROPOSED REZONING

- MAYOR  
Todd Jordan
- CITY COUNCIL  
Chad Mims  
Ward One
- Lynn Bryan  
Ward Two
- Travis Beard  
Ward Three
- Nettie Davis  
Ward Four
- Buddy Palmer  
Ward Five
- Janet Gaston  
Ward Six
- Rosie Jones  
Ward Seven

**Case No.:** RZ22-03

**Location:** **Parcels along Main Street within the existing Mixed Use Commercial Corridor (MUCC) and Mixed Use Activity Center (MUAC) Zoning Districts bounded by the existing Mixed Use Commercial Corridor (MUCC) Zoning District between Madison Street on the East and parcels within the existing Mixed Use Activity Center (MUAC) Zoning District bounded by Gloster Street to the West (see attached map)**

**Proposed By:** **Department of Development Services; Downtown Main Street Association, Convention and Visitors Bureau, Tupelo Redevelopment Agency**


**Meeting Date:** **September 12, 2022 at 6:00 p.m.**

A Public Hearing has been scheduled by the Tupelo Planning Committee to consider this proposed rezoning on **September 12, 2022 at 6:00 P.M.** This Public Hearing will be held in the City of Tupelo Council Chambers on the second floor of City Hall, located at 71 East Troy Street. (The elevators are located on the south end of City Hall).

The Department of Development Services; Downtown Main Street Association, Tupelo Convention and Visitors Bureau, and Tupelo Redevelopment Agency propose a rezoning of parcels along the Main Street Corridor from their current zoning districts, Mixed Use Activity Center (MUAC) and Mixed Use Commercial Corridor (MUCC), respectively, into the Mixed Use Downtown (MUD) Zoning District with inclusion into the Gateway West Subdistrict. This rezoning is part of a comprehensive development plan to strategically develop infill (undeveloped) parcels and revitalize properties along the Main Street Corridor. These parcels provide a gateway into the City's central arts and entertainment district and, as part of inclusion into the MUD, will benefit from strategic development and incentives provided by the Mixed Use Downtown Overlay District. Existing uses on effected parcels will not be impacted by this zoning map change.

A copy of the proposed zoning map change and proposed City of Tupelo Development Code amendments (TA22-03) that will codify the proposed development plan are available for inspection at the Department of Development Services, located on the 3<sup>rd</sup> floor of City Hall, 71 East Troy Street, Tupelo, MS. A map on the reverse side of this notice contains further details with the property being considered for rezoning outlined in yellow.

As an owner of property located within 500 feet of the property to be affected by this application, you are invited to attend the scheduled public hearing for further information and to provide feedback to the Planning Committee as part of their review of the proposed zoning map change. If you have any questions or need further information, please contact Jenny Savely at [jenny.savely@tupeloms.gov](mailto:jenny.savely@tupeloms.gov).

Sincerely,  
  
Jenny Savely  
City Planner





## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Missy Shelton, Council Clerk

**DATE:** September 12, 2022

**SUBJECT:** IN THE MATTER OF APPROVAL OF SEPTEMBER 6, 2022 REGULAR MEETING MINUTES AND SEPTEMBER 13, 2022 SPECIAL CALLED MINUTES

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**Request:**

For your review and approval.

# **REGULAR CITY COUNCIL MEETING**

## **MUNICIPAL MINUTES CITY OF TUPELO**

### **STATE OF MISSISSIPPI**

**SEPTEMBER 06, 2022**

Be it remembered that a regular meeting of the Tupelo City Council was held in the Council Chambers in the City Hall building on Tuesday, September 6, 2022, at 6:00 p.m. with the following in attendance: Council Members Chad Mims, Lynn Bryan, Travis Beard, Nettie Davis, Buddy Palmer, Janet Gaston and Rosie Jones; Ben Logan, City Attorney and Missy Shelton, Clerk of the Council. Council Member Buddy Palmer gave the invocation, and Council Member Janet Gaston 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 Davis, to approve the agenda and agenda order, with the following addition:

ADD: Item 30

IN THE MATTER OF AMENDMENT TO 2018 INTERNATIONAL RESIDENTIAL CODE AND CODE OF ORDINANCES CHAPTER 7 – BUILDINGS AND BUILDING REGULATIONS ARTICLE XII – RENTAL HOUSING CODE SECTION 7-216 REQUIRING OVERHEAD RANGE HOOD OR DOWNDRAFT EXHAUST EQUIPMENT (FROM THE AUGUST 16, 2022 REGULAR MEETING)

### **IN THE MATTER OF STANDING PROMISE OF TOMORROW PROCLAMATION**

Mayor Todd Jordan introduced Leigh Ann Mattox, who presented the 'Standing Promise of Tomorrow Proclamation'.

### **PUBLIC RECOGNITION**

Council Member Chad Mims recognized Tupelo Water and Light, Public Works, Police Department and Fire Department for their quick response to a lightning strike on a tree, which subsequently fell, blocked the street and knocked out the electricity to the area. He also thanked everyone who responded for how cordial to the citizens they were.

Council Member Janet Gaston thanked Matt Robinson, who had a big part in putting on the Change Festival last weekend in Tupelo.

Council Member Rosie Jones thanked the Council, Administration and all the others for their texts, calls, cards, and other expressions of condolence about the passing of her grandmother. She also thanked the Coliseum for their hard work on the Dru Hill concert last weekend.

Council Member Buddy Palmer thanked everyone who worked in the run-away plane incident on Saturday, September 4. He commended them for their hard work and professionalism. He also said he was grateful that the incident ended with no injuries.

Council Member Travis Beard also acknowledged the Police Department, Fire Department and Administration in their quick response to the theft and threats made by the man who stole the airplane. He described it as an “almost catastrophe” that was handled well.

Council Member Nettie Davis thanked the City departments and Administration for their hand in the airplane incident. She also asked for prayers for Ms. Rosie Jones' family in the loss of her grandmother and in the illness of her father. She mentioned that she heard rave reviews of the Dru Hill concert. Mrs. Davis thanked Mission Mississippi and the other groups that were involved in the gas giveaway last Saturday in East Tupelo.

Council Member Lynn Bryan ended the remarks with a laugh saying that his mother-in-law was amused at the Mayor not being aware he was live and asking someone how his hair looked before going on-air. There was a light-hearted laugh and the Council meeting continued.

### **MAYOR'S REMARKS**

Mayor Todd Jordan said there were local, state and national attention to the City of Tupelo on Saturday and the days following the airplane theft and threats. He stated that the City of Tupelo and other emergency officials handled the situation as well as anyone could have done. He gave kudos to them and thanked them for their service.

### **IN THE MATTER OF PUBLIC HEARING FOR 2022 TAX LEVY**

No one spoke concerning the public hearing for the 2022 tax levy.

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

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

<u>Parcel</u>	<u>Location</u>
089P3100900	407 W MAIN ST
083U0707700	4400 N GLOSTER ST
083U0707600	4432 N GLOSTER ST
077Q3606500	212 S HIGHLAND DR
077F2617900	709 LAR-ELI-DO DR
101B0213600	319 MONUMENT DR
105D1502400	2922 BEASLEY DR
072N0903800	4704 ENDVILLE RD
077F2613400	1830 W JACKSON ST
105D1505100	3091 MOORE AVE
077E2601200	2205 HOLLY HILL DR

101M1202400      2006 FILLMORE DR  
 101H0109800      1001 CLEVELAND ST

**IN THE MATTER OF PUBLIC HEARING FOR PROPERTY CLEANING OF 394 S. GREEN STREET AND 416 S. GREEN STREET**

No one spoke at the public hearing for the following properties on the need for cleaning of:

394 S Green Street  
 416 S Green Street

**IN THE MATTER OF APPROVAL OF MINUTES OF REGULAR MEETING ON AUGUST 19, 2022 AND SPECIAL CALLED MEETING ON AUGUST 23, 2022**

Council Member Beard moved, seconded by Council Member Gaston, to approve the minutes of the Regular City Council meeting held on August 16, 2022 and the Special Called Meeting on August 23, 2022. The vote was unanimous in favor.

**IN THE MATTER OF BILL PAY**

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

**IN THE MATTER OF THE TAX ROLL FOR THE 2022 TAX YEAR**

Council Member Davis moved, seconded by Council Member Beard, to approve the tax roll for the 2022 tax year. The vote was unanimous in favor. APPENDIX C

**IN THE MATTER OF APPROVAL TO SUBMIT 2022 MISSISSIPPI MUNICIPALITY AND COUNTY WATER INFRASTRUCTURE GRANT PROGRAM APPLICATIONS**

Grant Writer Abby Christian, addressed the Council asking for approval to submit the 2022 Mississippi Municipality and County Water Infrastructure Grant Program Applications for reimbursement matching (on a one-to-one) basis for the expenditure of Tupelo's American Rescue Plan Act (ARPA) funds. Council Member Beard moved, seconded by Council member Mims to approve the submission of the applications. The vote was unanimous in favor. APPENDIX D

**IN THE MATTER OF APPROVAL OF SUBMISSION OF RAILROAD CROSSING ELIMINATION (RCE) PROGRAM FY 22**

Grant Writer Abby Christian requested approval to submit the grant application for the Railroad Crossing Elimination (RCE) Program FY 2022. If awarded the grant required a 20% match. Council Member Davis moved, seconded by Council Member Palmer, to approve the submission of this application. The vote was unanimous in favor. APPENDIX E

**IN THE MATTER OF ACCEPTANCE OF 2019 HOMELAND SECURITY REALLOCATION FUNDING**



Grant Writer Abby Christian requested approval to accept a 2019 Homeland Security Reallocation Grant for the Police Academy, in the amount of \$106,568.43. Council Member Beard moved, seconded by Council Member Palmer, to approve the acceptance of the grant. The vote was unanimous in favor. APPENDIX F

**IN THE MATTER OF APPROVAL OF SUBMISSION OF GRANT FOR FIRE DEPARTMENT BALLISTIC VESTS**

Grant Writer Abby Christian requested approval of the application submission of the Firehouse Subs Public Safety Foundation grant. The grant is approximately \$22,000 with no match. Council Member Davis moved, seconded by Council Member Gaston to approve the application submission. The vote was unanimous in favor. APPENDIX G

**IN THE MATTER OF TO ADOPTION OF RESOLUTION AUTHORIZING THE SUBMISSION OF APPLICATIONS AND DESIGNATING AUTHORIZED REPRESENTATIVE OF THE 2022 MISSISSIPPI MCWI GRANT PROGRAM**

Council Member Gaston moved, seconded by Council Member Jones, to adopt a RESOLUTION AUTHORIZING THE SUBMISSION OF APPLICATIONS AND DESIGNATING AUTHORIZED REPRESENTATIVE OF THE 2022 MISSISSIPPI (MCWI) MISSISSIPPI MUNICIPALITY AND COUNTY WATER INFRASTRUCTURE GRANT PROGRAM. The vote was unanimous in favor. APPENDIX H

**IN THE MATTER OF RATIFICATION OF CONTRACT FOR BID NO. 2022-001PW CITY STREET MICRO-RESURFACING**

DDS Director Tanner Newman, on behalf of City Engineer Dennis Bonds, requested the ratification of a contract between the City of Tupelo and Vance Brothers, Inc. for Bid # 2022-001PW City Street Micro-Resurfacing. This bid was awarded at a Council meeting in February, 2022. Council Member Beard moved, seconded by Council Member Mims, to approve the ratification of the contract. The vote was unanimous in favor. APPENDIX I

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

Council Member Palmer moved, seconded by Council Member Beard, to adjudicate the properties on the submitted, final lot mowing list as being in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community and directed city departments to mow them or have them mowed. The vote was unanimous in favor. APPENDIX J

**IN THE MATTER OF APPROVAL OF CLEANING AND DEBRIS REMOVAL OF 394 SOUTH GREEN STREET AND 416 SOUTH GREEN STREET**

Council Member Mims moved, seconded by Council Member Beard, to adjudicate the properties located at 394 South Green Street and 416 South Green Street as being in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community and approve the cleaning and debris removal. The vote was unanimous in favor. APPENDIX K

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

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

3492 Robert Kennedy Dr. (PARCEL: 105H-15-012-00)

The property had been previously adjudicated a menace to the public health, safety and welfare of the community and in need of cleaning and cleaned pursuant to Miss. Code Ann. 21-19-11 (1972 as amended). The vote was unanimous in favor. APPENDIX L

**IN THE MATTER OF APPROVAL OF DEVELOPMENT AGREEMENT FOR BUTLER PARK PHASE II RESIDENTIAL SUBDIVISION**

Council Member Gaston moved, seconded by Council Member Beard, to approve the Real Estate Development Agreement for Butler Park, LLC between Butler Park, LLC and the City of Tupelo. The vote was unanimous in favor. APPENDIX M

**IN THE MATTER OF ACCEPTANCE OF PLANNING COMMITTEE MINUTES OF JULY 25, 2022; EXCEPT APPLICATION TA22-02**

Council Member Palmer moved, seconded by Council Member Beard to accept the Planning Committee minutes of the July 25, 2022 meeting, except application TA22-02. The vote was unanimous in favor. APPENDIX N

**IN THE MATTER OF APPROVAL OF MAJOR SUBDIVISION AND PRELIMINARY PLAT APPLICATION FOR "THE PRESLEY" RESIDENTIAL SUBDIVISION**

Council Member Mims moved, seconded by Council Member Beard, to approve the Major Subdivision and Preliminary Plat Application for "The Presley" Residential Subdivision. The vote was unanimous in favor. APPENDIX O

**IN THE MATTER OF APPROVAL OF DEVELOPMENT AGREEMENT FOR "THE PRESLEY" RESIDENTIAL SUBDIVISION**

Council Member Palmer moved, seconded by Council Member Mims, to approve the Development Agreement for "The Presley" residential subdivision. The vote was unanimous in favor. APPENDIX P

**IN THE MATTER OF SURPLUSING WEAPON FOR RETIREMENT OF JOHN MOSES**

Council Member Beard moved, seconded by Council Member Davis, to surplus the Glock model 45 9mm, SN BKLR988 and allow Lt. John Moses to purchase same in the amount of \$1.00 upon his retirement from the City of Tupelo Police Department, as permissible under Mississippi State Statue 45-9-131. The vote was unanimous in favor. APPENDIX Q

**IN THE MATTER OF BID APPROVAL FOR MATERIALS AND DELIVERY – 12 MOS SUPPLY – 2022-029PW AND ALTERNATES**

Bids were received by the City of Tupelo for Bid # 2022-029PW for Materials and Delivery - 12 Months Supply. Council Member Davis moved, seconded by Council Member Beard, to award the lowest and best bids and designate alternate suppliers if needed as indicated in APPENDIX R. The vote was unanimous in favor. APPENDIX R

**IN THE MATTER OF BID APPROVAL FOR THE CLARK PLACE DRAINAGE – ARCH PIPE REPLACEMENT REBID PROJECT - BID NO. 2022-030PW**

Bids were received for Bid # 2022-030PW - Clark Place Drainage - Arch Pipe Replacement Rebid. Public Works Director Chuck Williams recommended that the bid be awarded to the lowest and best bid of Cook & Son, LLC in the amount of \$292,888.05 and to authorize, after legal review, the Mayor and City Clerk to execute the contract documents subject to subsequent ratification. Council Member Beard moved, seconded by Council Member Gaston, to award the bid, as requested and authorize the execution of the contract documents. The vote was unanimous in favor. APPENDIX S

**IN THE MATTER OF APPROVAL OF BANCORPSOUTH ARENA MINUTES OF JULY 25, 2022**

Council Member Gaston moved, seconded by Council Member Mims, to accept the Bancorpsouth Arena minutes of the July 25, 2022, meeting. The vote was unanimous. APPENDIX T

**IN THE MATTER OF REQUEST FOR APPROVAL OF TUPELO WATER & LIGHT SURPLUS ITEMS AND SALE BY SEALED BID**

TWL Director Johnny Timmons requested that items, no longer needed by the City of Tupelo, be declared surplus and removed from the asset list of Tupelo Water & Light, and to sell these items by sealed bid. The items were:

2001 International 2554 w/Sewer Vactor, VIN 5223 (Unit #2)  
Boring Machine w/Trailer, S/N 2M1810 (Unit BM-1)

Council Member Palmer moved, seconded by Council Member Beard, to find the items no longer needed by the city, surplus the items and dispose of them by a sealed bid process. The vote was unanimous in favor. APPENDIX U

**IN THE MATTER OF APPROVAL OF 2022-2023 LEE COUNTY E911 INTERLOCAL AGREEMENT AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE SAID AGREEMENT**

Council Member Davis moved, seconded by Council Member Beard, to approve the 2022-2023 Lee County E911 Interlocal Agreement and authorize the Mayor and City Clerk to execute said agreement. The vote was unanimous in favor. APPENDIX V

**IN THE MATTER OF ACCEPTANCE OF DEEDS TO REAL PROPERTY FOR 820 BLAIR STREET, 108 ELVIS PRESLEY DRIVE, 202 ELVIS PRESLEY DRIVE, 2983 S. GREEN STREET, 817 BLAIR STREET, 115 LAWDALE DRIVE, 508 N. MADISON STREET, AND 209 TOLBERT STREET**

Council Member Palmer moved, seconded by Council Member Davis to accept the deeds to real property previously purchased or accepted as a donation by the City, as follow:

820 Blair Street  
 108 Elvis Presley Dr  
 202 Elvis Presley Dr  
 2983 S Green St  
 817 Blair Street  
 115 Lawndale Dr  
 508 N Madison St  
 209 Tolbert St

The vote was unanimous in favor of accepting these deeds; copies of the deeds are attached to these Minutes as APPENDIX W.

**IN THE MATTER OF RATIFICATION OF ENGINEERING CONTRACTS FOR AMERICAN RESCUE PLAN ACT (ARPA) AND MISSISSIPPI MUNICIPALITY AND COUNTY WATER INFRASTRUCTURE (MCWI) GRANT PROGRAM**

At a Special Called Meeting on August 23, 2022, the City Council awarded three (3) engineering contracts for the American Rescue Plan Act (ARPA) and Mississippi Municipality and County Water Infrastructure (MCWI) Grant Program to Engineering Solutions, Inc. (ESI); Cook Coggin Engineers (CCE) and to Dabbs Corporation. Council Member Beard moved, seconded by Council Member Gaston to ratify the contracts, as submitted, for the engineering work. The vote was unanimous in favor.  
 APPENDIX X

**IN THE MATTER OF AMENDMENT TO 2018 INTERNATIONAL RESIDENTIAL CODE AND CODE OF ORDINANCES CHAPTER 7 - BUILDINGS AND BUILDING REGULATIONS ARTICLE XII - RENTAL HOUSING CODE SECTION 7-216 REQUIRING OVERHEAD RANGE HOOD OR DOWNDRAFT EXHAUST EQUIPMENT**

Council Member Davis moved, seconded by Council Member Beard, to approve the ORDINANCE AMENDING PROVISIONS OF CHAPTER 7, ARTICLE VIII MECHANICAL CODE, ARTICLE IX RESIDENTIAL CODE AND ARTICLE XII RENTAL HOUSING CODE OF THE CITY OF TUPELO, MISSISSIPPI. The vote was unanimous in favor. APPENDIX Y

**IN THE MATTER OF REZONING APPLICATION RZ22-03**

Upon the unanimous agreement of the City Council, the MATTER OF REZONING APPLICATION RZ22-03 was moved from the Study Agenda to the Active Agenda at the next Regular meeting of the City Council.

**IN THE MATTER OF COMPREHENSIVE DEVELOPMENT CODE UPDATE APPLICATION  
TA22-03**

Upon the unanimous agreement of the City Council, the Rezoning Application RZ22-03 was moved from the Study Agenda to the Active Agenda at the next Regular meeting of the City Council.

**ADJOURNMENT**

There being no further business to come before the Council at this time, Council Member Palmer moved, seconded by Council Member Mims, to adjourn the meeting. The vote was unanimous in favor. This, the 6th day of September, 2022, at 6:38 p.m.

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

ATTEST:

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

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

\_\_\_\_\_  
Date

# **CITY COUNCIL SPECIAL CALLED MEETING**

## **MUNICIPAL MINUTES CITY OF TUPELO**

### **STATE OF MISSISSIPPI**

**SEPTEMBER 13, 2022**

Be it remembered that a special called meeting of the Tupelo City Council was held in the Council Chambers in the City Hall building on Tuesday, September 13, 2022, at 4:00 p.m. with the following in attendance: Council Members Lynn Bryan, Nettie Davis, Buddy Palmer, Janet Gaston and Rosie Jones; Ben Logan, City Attorney and Missy Shelton, Clerk of the Council. Council Member Travis Beard attended by teleconference. Council Member Chad Mims joined the meeting at 4:04 p.m. Council President Lynn Bryan called the meeting to order at 4:00 p.m.

### **IN THE MATTER OF RESOLUTION FOR THE LEVYING OF AD VALOREM TAXES FOR THE CITY OF TUPELO AND THE TUPELO MUNICIPAL SEPARATE SCHOOL DISTRICT FOR THE TAX YEAR 2022 AND THE CURRENT FY 2022-2023**

Council Member Palmer moved, seconded by Council Member Davis, to adopt the resolution for the levying of ad valorem taxes for the City of Tupelo and the Tupelo Municipal Separate School District for the tax year 2022 and the current FY 2022-2023. The vote was, as follows: AYE - Bryan, Beard, Davis, Palmer, Gaston and Jones; ABSENT - Mims. APPENDIX A

### **IN THE MATTER OF FY 2022-2023 CITY OF TUPELO BUDGET**

Council Member Palmer moved, seconded by Council Member Gaston, to adopt the City of Tupelo, Mississippi budget for the fiscal year ending September 30, 2023, under the provision of Section 21-35-1 et. seq. of Mississippi Code of 1972 Annotated. The vote to approve the budget was unanimous in favor. The budget for the City of Tupelo, Mississippi, ending on September 30, 2023 is attached to these minutes as APPENDIX B.

### **ADJOURNMENT**

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

This the 13th day of September, 2022, at 4:06 p,m,

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Lynn Bryan, President  
City Council

ATTEST:

Missy Shelton, Clerk of the Council

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Todd Jordan, Mayor



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Kim Hanna, CFO/City Clerk  
**DATE** September 12, 2022  
**SUBJECT:** IN THE MATTER OF BILL PAY **KH**

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**Request:**

For your review and approval.





# AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Kim Hanna, CFO

**DATE** September 20, 2022

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

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**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:**

NAACP	\$50.00	Ad for the NAACP Freedom Banquet
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## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Kim Hanna, CFO  
**DATE** September 20, 2022  
**SUBJECT:** IN THE MATTER OF BUDGET AMENDMENT #9 FOR FY 2022 **KH**

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**Request:**

Please review and approve amendment #9.

**ITEMS:**

Amendment #9

**City of Tupelo  
Fy 2022 Budget Revision #9**

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 2022 Budget as follows:

	Original Budget	Amendment	Amended Budget
<b>General Fund Revenues</b>			
Local Taxes	7,377,577		7,377,577
Licenses & Permits	1,180,000		1,180,000
Intergovernmental Revenues	33,878,278		33,878,278
Charges for Services	577,000		577,000
Fines & Forfeits	725,000		725,000
Interest Income & Misc. Revenues	801,260		801,260
Other Financing Resources	232,341		232,341
Unreserved Fund Balance	7,051,263	-	7,051,263
<b>Total General Fund Revenues</b>	<b>51,822,719</b>	-	<b>51,822,719</b>

Purpose:

**Expenditures:**

**City Council**

Personnel	298,006		298,006
Supplies	7,500		7,500
Other Services & Charges	204,150		204,150
Capital	-	-	-
<b>Total City Council</b>	<b>509,656</b>	-	<b>509,656</b>

Purpose:

**Executive Dept.**

Personnel	883,082		883,082
Supplies	30,000		30,000
Other Services & Charges	282,975		282,975
Capital	-	-	-
<b>Total Executive Dept.</b>	<b>1,196,057</b>	-	<b>1,196,057</b>

Purpose:

**City Court**

Personnel	932,312		932,312
Supplies	31,600		31,600
Other Services & Charges	109,722		109,722
Capital	-	-	-
<b>Total City Court</b>	<b>1,073,634</b>	-	<b>1,073,634</b>

Purpose:

	Original Budget	Amendment	Amended Budget
<b><u>Finance Department</u></b>			
Personnel	832,473		832,473
Supplies	22,150		22,150
Other Services & Charges	568,860		568,860
Capital	297,149	-	297,149
<b>Total Finance Department</b>	<b>1,720,632</b>	<b>-</b>	<b>1,720,632</b>

Purpose:

<b><u>CVB</u></b>			
Personnel	150,267	-	150,267
<b>Total CVB Expenditures</b>	<b>150,267</b>	<b>-</b>	<b>150,267</b>

Purpose:

<b><u>Human Resources</u></b>			
Personnel	303,560		303,560
Supplies	4,100		4,100
Other Services & Charges	119,946		119,946
Capital	-	-	-
<b>Total Human Resources</b>	<b>427,606</b>	<b>-</b>	<b>427,606</b>

Purpose:

<b><u>Development Services</u></b>			
Personnel	1,534,682		1,534,682
Supplies	44,000	(4,000)	40,000
Other Services & Charges	88,421	4,000	92,421
Capital	-	-	-
<b>Total Development Services</b>	<b>1,667,103</b>	<b>-</b>	<b>1,667,103</b>

Purpose: To transfer supply funds to services for training expenditures.

<b><u>Police Dept</u></b>			
Personnel	9,330,358		9,330,358
Supplies	718,000		718,000
Other Services & Charges	1,598,517		1,598,517
Capital	288,187	-	288,187
<b>Total Police Dept.</b>	<b>11,935,062</b>	<b>-</b>	<b>11,935,062</b>

Purpose:

<b><u>Fire Dept</u></b>			
Personnel	6,671,082		6,671,082
Supplies	359,650		359,650
Other Services & Charges	280,489		280,489
Capital	20,000	-	20,000
<b>Total Fire Dept.</b>	<b>7,331,221</b>	<b>-</b>	<b>7,331,221</b>

Purpose:

	Original Budget	Amendment	Amended Budget
<b><u>Public Works</u></b>			
Personnel	3,116,807		3,116,807
Supplies	363,100		363,100
Other Services & Charges	2,398,308		2,398,308
Capital	17,000	-	17,000
<b>Total Public Works</b>	<b><u>5,895,215</u></b>	<b><u>-</u></b>	<b><u>5,895,215</u></b>
Purpose:			
<b><u>Parks &amp; Recreation</u></b>			
Personnel	2,168,423		2,168,423
Supplies	416,000		416,000
Other Services & Charges	1,131,362		1,131,362
Capital	21,450	-	21,450
<b>Total Parks &amp; Rec</b>	<b><u>3,737,235</u></b>	<b><u>-</u></b>	<b><u>3,737,235</u></b>
Purpose:			
<b><u>Aquatics Facility</u></b>			
Personnel	463,017		463,017
Supplies	103,500		103,500
Other Services & Charges	431,000		431,000
Capital	10,000	-	10,000
<b>Total Aquatics Facility</b>	<b><u>1,007,517</u></b>	<b><u>-</u></b>	<b><u>1,007,517</u></b>
Purpose:			
<b><u>Museum</u></b>			
Personnel	132,652		132,652
Supplies	9,000		9,000
Other Services & Charges	45,350		45,350
Capital	7,850	-	7,850
<b>Total Museum</b>	<b><u>194,852</u></b>	<b><u>-</u></b>	<b><u>194,852</u></b>
Purpose:			
<b>Community Services</b>	<b><u>1,198,904</u></b>	<b><u>-</u></b>	<b><u>1,198,904</u></b>
Purpose:			
<b>Debt Service</b>	<b><u>3,667,862</u></b>	<b><u>-</u></b>	<b><u>3,667,862</u></b>
Purpose:			
<b>Other Financing Uses</b>	<b><u>10,109,896</u></b>	<b><u>-</u></b>	<b><u>10,109,896</u></b>
Purpose:			
<b>Reserves</b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>
<b>Total General Fund Expenditures</b>	<b><u>51,822,719</u></b>	<b><u>-</u></b>	<b><u>51,822,719</u></b>

	Original Budget	Amendment	Amended Budget
<b>Fund #327</b>			
<b>Tupelo Capital &amp; Infrastructure Fund</b>			
<b>Revenues</b>			
Grants	920,000		920,000
Transfer from Other Funds	8,014,354	25,000	8,039,354
Donations	85,000		85,000
Bond Proceeds	-		-
Unreserved Fund Balance	12,444,937	-	12,444,937
<b>Total Revenues</b>	<b><u>21,464,291</u></b>	<b><u>25,000</u></b>	<b><u>21,489,291</u></b>
<b>Expenditures</b>			
<b>Other Services &amp; Charges</b>			
Maintenance Projects	174,654		174,654
Street Overlay	7,428,049		7,428,049
Neighborhood Revitalization	1,265,415		1,265,415
Beautification/Community Projects	15,825		15,825
Contingies/Grant Matches	100,000	-	100,000
<b>Total Other Services &amp; Charges</b>	<b><u>8,983,943</u></b>	<b><u>-</u></b>	<b><u>8,983,943</u></b>
<b>Capital</b>			
Infrastructure Improvements	6,791,720		6,791,720
Purchase of property	162,930		162,930
Equipment	618,051	25,000	643,051
Building Improvements	2,985,269		2,985,269
Park Improvements	1,138,333		1,138,333
Vehicles	258,131		258,131
Police Vehicles/Equipment	396,919		396,919
Fire Equipment/Trucks	128,995		128,995
Contingencies(Grant Matches)	-	-	-
<b>Total Capital</b>	<b><u>12,480,348</u></b>	<b><u>25,000</u></b>	<b><u>12,505,348</u></b>
<b>Other Financing Uses</b>	<b><u>-</u></b>	<b><u>-</u></b>	<b><u>-</u></b>
<b>Total Expenditures</b>	<b><u>21,464,291</u></b>	<b><u>25,000</u></b>	<b><u>21,489,291</u></b>

**Purpose:** Increase budget for signage to be funded through the CVB.

**Fund 102**  
**Tourism Fund**

<b>Revenues</b>			
Intergovernmental Revenues	4,582,745		4,582,745
Interest & Miscellaneous Income	40,621		40,621
Unreserved Fund Balance	1,150,000	-	1,150,000
<b>Total Revenues</b>	<b><u>5,773,366</u></b>	<b><u>-</u></b>	<b><u>5,773,366</u></b>
<b>Expenditures</b>			
Personnel Services	745,375		745,375
Supplies	16,000		16,000
Other Services & Charges	2,229,388	(25,000)	2,204,388
Capital Outlay	7,500		7,500
Other Financing Uses	2,775,103	25,000	2,800,103
<b>Total Expenditures</b>	<b><u>5,773,366</u></b>	<b><u>-</u></b>	<b><u>5,773,366</u></b>

**Purpose** Move funds from "destination development" to the Capital Fund for signage.

	Budget	Amendment	Budget
<b>Fund 400</b>			
<b>Water &amp; Sewer Fund</b>			
<b>Revenues</b>			
Charges for Services	14,000,000		14,000,000
Interest & Misc. Income	300,000		300,000
SRF Loans	12,150,000		12,150,000
Retained Earnings	4,219,780	-	4,219,780
<b>Total Revenues</b>	<b><u>30,669,780</u></b>	<b>-</b>	<b><u>30,669,780</u></b>
<b>Expenditures</b>			
Personnel Services	2,726,667		2,726,667
Supplies	606,100	50,000	656,100
Other Services & Charges	4,696,696	500,000	5,196,696
Capital	16,765,548	(550,000)	16,215,548
<b>Total Operating Expenditures</b>	<b><u>24,795,011</u></b>	<b>-</b>	<b><u>24,795,011</u></b>
<b>Debt Service</b>	<b><u>988,185</u></b>	<b>-</b>	<b><u>988,185</u></b>
<b>Other Financing Uses</b>	<b><u>1,257,983</u></b>	<b>-</b>	<b><u>1,257,983</u></b>
<b>Retained Earnings</b>	<b><u>3,628,601</u></b>	<b>-</b>	<b><u>3,628,601</u></b>
<b>Total Expenses</b>	<b><u>30,669,780</u></b>	<b>-</b>	<b><u>30,669,780</u></b>

Purpose:

<b>Fund 402</b>			
<b>Electric Fund</b>			
<b>Revenues</b>			
Charges for Services	58,772,000		58,772,000
Fines & Forfeits	140,000		140,000
Interest & Miscellaneous Income	1,060,000		1,060,000
Retained Earnings	9,150,000	-	9,150,000
<b>Total Revenues</b>	<b><u>69,122,000</u></b>	<b>-</b>	<b><u>69,122,000</u></b>
<b>Expenditures</b>			
Personnel Services	3,848,884		3,848,884
Supplies	313,500	200,000	513,500
Other Services & Charges	55,441,231		55,441,231
Capital	8,864,154	(200,000)	8,664,154
Debt Service	229,950	-	229,950
<b>Total Operating Expenditures</b>	<b><u>68,697,719</u></b>	<b>-</b>	<b><u>68,697,719</u></b>
<b>Retained Earnings-Ending</b>	<b><u>424,281</u></b>	<b>-</b>	<b><u>424,281</u></b>
<b>Total Expenditures</b>	<b><u>69,122,000</u></b>	<b>-</b>	<b><u>69,122,000</u></b>
<b>Purpose</b>			

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** September 7, 2021  
**SUBJECT:** IN THE MATTER OF THE FIRE & POLICE RETIREMENT **KH**

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**Request:**

I am requesting the approval of the Fire & Police Retirement Resolution for FY 2023.

**ATTACHED:**

Fiscal Year 2023 Fire & Police Retirement Resolution

**RESOLUTION**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI AUTHORIZING AND DIRECTING THERE BE A THREE PERCENT (3%) INCREASE IN THE BENEFITS FOR ALL MEMBERS AND BENEFICIARIES RECEIVING RETIRMENT RELIEF OR DISABILITY RELIEF BENEFITS FROM THE FIREMEN'S AND POLICEMEN'S DISABILITY AND RELIEF FUND FOR FISCAL YEAR 2023.**

**WHEREAS**, the 1996 Regular Session of the Mississippi Legislature enacted Senate Bill No. 3138, local and private legislation (the "Act"); and

**WHEREAS**, the Act authorizes the City of Tupelo to provide a cost-of-living adjustment to members and beneficiaries under the Firemen's and Policemen's Disability and Relief Fund not to exceed five percent (5%) increase in benefits in any one (1) year, provided the Board of Trustees of the Public Employees' Retirement System determines the benefits will not affect detrimentally the actuarial soundness of the system; and

**WHEREAS**, the Board of Trustees of the Public Employees' Retirement System voted unanimously on October 15, 1996, to accept the certification of actuarial soundness applicable to the payment of a three percent (3%) cost of living adjustment for members and beneficiaries under such fund as authorized by the Act; and

**WHEREAS**, on October 1, 1996, October 2, 2001, October 1, 2010, September 16, 2014, September 1, 2015, September 20, 2016, October 3, 2017, October 1, 2019, September 1, 2020 and September 7, 2021 the City of Tupelo found it in the best interest of the public health and welfare to authorize increases and benefits to be paid to the members and beneficiaries under the Firemen's and Policemen's Disability and Relief Fund; and

**WHEREAS**, the City of Tupelo finds that at this time it is in the best interest of the public welfare to authorize a three percent (3%) increased benefit to be paid to the members and beneficiaries under the Firemen's and Policemen's Disability and Relief Fund.

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

1. The prefatory paragraphs of this Resolution are hereby found and determined to be necessary and in the best interest of the public health and welfare and are incorporated herein.

2. Senate Bill No. 3138 authorizes the City of Tupelo to elect to provide an increase in benefits but does not require it to do so.

3. The governing authorities of the City of Tupelo find and determine that the increase in benefits to the members and beneficiaries receiving retired relief and disability relief benefits from the Firemen's and Policemen's Disability and Relief Fund created under Article 3, Chapter 29, Title 21, Mississippi Code of 1972 (the "Fund"), will not require an increase in the milage rate paid by the citizens of the City of Tupelo and is in the best interest of the public welfare.

4. The City of Tupelo hereby finds that, as of October 1, 2022, there shall be an implementation of a three-percent (3%) increase benefit to all members and beneficiaries receiving retired relief or disability relief benefits from the Fund, which shall be effective as of October 1, 2022.

5. This Resolution shall be forwarded to the Board of Trustees of the Public Employees' Retirement System in Mississippi, and the Mayor and the City Clerk are authorized and directed to take such further measures and to execute such other documents as are necessary to affect the purpose and intent of this resolution.

After a full discussion of this matter, Council Member \_\_\_\_\_ moved that the foregoing Resolution be adopted and said motion was seconded by Council Member

\_\_\_\_\_ and upon the question being put to a vote, the results were as follows:

Council Member Mims \_\_\_\_\_  
 Council Member L. Bryan \_\_\_\_\_  
 Council Member Beard \_\_\_\_\_  
 Council Member Davis \_\_\_\_\_  
 Council Member Palmer \_\_\_\_\_  
 Council Member Gaston \_\_\_\_\_  
 Council Member Jones \_\_\_\_\_

The motion having received the affirmative vote of a majority of the members present, the President declared the motion carried and the resolution adopted this the \_\_\_\_ day of September, 2021.

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:** Kim Hanna, CFO  
**DATE:** September 20, 2022  
**SUBJECT:** IN THE MATTER OF FY 2023 PETTY CASH ACCOUNTS **KH**

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**Request:**

I am requesting the approval of the Petty Cash Account for FY 2023.

**ACCOUNTS LISTED:**

Dept.	Amount	Responsible
CVB	\$500.00	Valarie Bradley
Parks & Rec	\$150.00	Deana Carlock
Executive Dept	\$200.00	Tiffany May
Museum	\$100.00	Leesha Faulkner
Public Works	\$200.00	Kristeen Rush
Fire Dept	\$300.00	Tracy Bowen
City Court	\$150.00	Rhonda Cole
Narcotics	\$200.00	Tara Webb
Coliseum	\$300.00	Leslie Bailey
Tupelo Water & Light Plant	\$500.00	Pam Blassingame
Police Department	\$500.00	Robert Vail
Water & Light Collections	\$500.00	Carol Botts
Development Services	\$100.00	Jennifer Roberson
Tupelo Aquatics Facility	\$200.00	Amy Kennedy



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Tanner Newman, Director of Development Services

**DATE:** September 20, 2022

**SUBJECT:** IN THE MATTER OF REVIEW/APPROVE PROPERTIES FOR LOT  
MOWING TN

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**Request:**

Pursuant to Miss. Code Ann. 1972, § 21-19-11, review and approve final lot mowing list.

Preliminary Lot Mowing Report for 9/20/2022

Item # 15.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
1.	43138	075R2207200	3713 LANSDOWNE DR	ROMAN OLIVIA G	3713 LANSDOWNE	BELDEN, MS 38826	JLS
2.	43139	075R2207000	3699 LANSDOWNE DR	BOYD PATSY J	3699 LANSDOWNE	BELDEN, MS 38826	JLS
3.	43140	075R2206300	2058 RICHMOND ST	COGGINS LAVETTE	2058 RICHMOND ST	BELDEN, MS 38826	JLS
4.	43141	113E0602300	S MADISON ST	TUPELO OIL COMPANY INC	837 S MADISON ST	TUPELO, MS 38801	SB
5.	43144	077H2515600	1227 HOUSTON ST	WILSON BOBBY L	604 RACOVE DR	TUPELO, MS 38801	JLS
6.	43147	078D2702800	1466 GUN CLUB RD	MOORE JEREMIAH	1466 GUN CLUB RD	TUPELO, MS 38801	RS
7.	43148	078D2703300	1526 GUN CLUB RD	HIGDON CALEB	1526 GUN CLUB ROAD	TUPELO, MS 38801	RS
8.	43149	075R2217800	3286 FORREST HILL DR	LEEB3 LLC	1020 NORTH GLOSTER STREET	#110	RS
9.	43150	075R2202600	3452 FAIR OAKS DR	TGA INVESTMENTS LLC	1001 SERENITY LANE	NEW ALBANY, MS 38652	RS
10	43152	075R2208600	3713 FAIR OAKS DR	MEDLOCK GARY L & DOROTHY R	3713 FAIR OAKS DR	BELDEN, MS 38826	RS
11	43153	105D1505900	3086 BEASLEY DR	FANT MICHAEL LLC	P O BOX 451	BELDEN, MS 38826	RS
12	43154	106A1404100	2934 MOORE AVE	RAZL PROPERTIES LLC	105 BRIAN CIRCLE	SALTILLO, MS 38866	RS

Preliminary Lot Mowing Report for 9/20/2022

Item # 15.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
13	43156	077K3513900	207 IONE S	SMITH KEITH O & RACHEL R	207 S IONE	TUPELO, MS 38801	JLS
14	43157	077K3513300	208 S IONE ST	BRUMLEY GREGORY B II & CHRISTY L	REYNOLDS	TUPELO, MS 38801	JLS
15	43159	077K3505002	2400 HOLMES ST UNIT 5-8	HOLMES RENTALS LLC	P O BOX 3098	TUPELO, MS 38803	JLS
16	43162	077K3505001	2100-2200 HOLMES ST	TRI-MAX LLC	1185 QUAIL CREEK RD	TUPELO, MS 38801	JLS
17	43163	101H0123900	100 ANDREW CIR	BSLNC INC	5115 NORTH LAMAR	AUSTIN, TX 78751	SB
18	43165	101G0111000	2020 LAWNDALE DR	PERKINS MICHAEL & ELIZABETH A	2020 LAWNDALE DR	TUPELO, MS 38801	SB
19	43166	101M1210708	1201 NIXON DR	COOLEY SHIRLEY A	1440 HWY 245 S	SHANNON, MS 38868	DS
20	43167	077Q3623300	213 ENOCH AVE	GRAB THE MAP LLC	1013 W MAIN ST	TUPELO, MS 38801	SB
21	43168	089N3103600	903 W MAIN ST	FIVE TALENTS PROPERTIES OF MS 1 LLC	P O BOX 535	CRESTVIEW, FL 32536	SB
22	43169	101B0216700	712 MAYNARD DR	KREUZBERGER SHAWN	712 MAYNARD DR	TUPELO, MS 38801	JLS
23	43173	077P3521200	502 S FOSTER ST	MUDDY WATER ENTERPRISES INC	143 LODI RD	WINONA, MS 38967	JLS
24	43175	077P3519800	406 S FOSTER ST	WHITEHEAD CHRIS	377 COUNTY RD 1400	MOOREVILLE, MS 38857	JLS



Preliminary Lot Mowing Report for 9/20/2022

Item # 15.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
25	43176	106C1302800	1010 EVELYN DR	ROBERTS SLANDA M	1010 EVELYN	TUPELO, MS 38801	RS
26	43177	077D2500300	1601 JOYNER AVE	RYDER JERRY & ROBBIE A ORSBORN	1601 JOYNER	TUPELO, MS 38804	SB
27	43183	105D1504100	2972 MOORE AVE	HUBBARD ESSIE	2972 MOORE AVE	TUPELO, MS 38801	RS
28	43185	105D1505400	3037 BEASLEY DR	TUCKER JAMES L & ELNOIS R (LE)	271 COUNTY ROAD 1467	PLANTERSVILLE, MS 38862	RS
29	43186	101C0104000	1002 LAWNSDALE DR	SAVING STATION INT'L MINISTRIES	P O BOX 4434	TUPELO, MS 38803	SB
30	43187	101D0106100	1103 LAWNSDALE DR	DES LLC	P O BOX 423	BELDEN, MS 38826	SB
31	43188	101C0101100	1208 HARRISON ST EXT	BEAN JIMMY D JR & DEIDRAH R	1208 HARRISON	TUPELO, MS 38801	SB
32	43189	101C0102800	1206 QUEENSGATE DR	LEDLOW DUSTIN L	1206 QUEENSGATE DR	TUPELO, MS 38801	SB
33	43190	101C0102400	1201 HARRISON ST	RTODDPROP LLC	2391 N LAURELWOOD LN	TUPELO, MS 38801	SB
34	43193	101C0103700	1205 QUEENSGATE DR	GREER JIMMY WAYNE	1205 QUEENSGATE	TUPELO, MS 38804	SB
35	43195	101D0123400	1301 LAWNSDALE DR	HOPE TRANSPORTATION LLC	P O BOX 3295	TUPELO, MS 38803	SB
36	43197	077N3503100	500 REBEL DR	BAUMGARDNER JAMES F LIVING TRUSTEE	JAMES F BAUMGARDNER TRUSTEE	500 REBEL DR	JLS

Preliminary Lot Mowing Report for 9/20/2022

Item # 15.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
37	43198	077N3504400	511 MAURY CIR	WILSON BRIAN A	511 MAURY CIR	TUPELO, MS 38804	JLS
38	43199	101A0202800	2703 CONFEDERATE AVE	LANDRETH BRUCE L & SANDY P	2703 CONFEDERATE AVE	TUPELO, MS 38801	JLS
39	43200	078H2717100	911 POPLARVILLE ST	SEAY DAPHNE & LEE O	911 POPLARVILLE ST	TUPELO, MS 38801	DS
40	43201	077E2611400	688 ALBANY ST	NEELLY CLAUDIA J	2014 STRAIN ST	TUPELO, MS 38804	DS
41	43204	088N3309200	106 LAKE ST	CLAYTON BILLIE MARTIN (LE)	106 LAKE ST	TUPELO, MS 38804	RS
42	43205	088N3309600	114 LAKE ST	ROWE PAUL SHANE	418 KEITH LN	PONTOTOC, MS 38863	RS
43	43207	101B0219500	2607 BRYAN ST	SHARP JULIA PRENEICE LOWER	205 DOE RUN RD	TUPELO, MS 38801	RS
44	43209	088N3312301	327 LAKE ST	WHITEHEAD STEVE & MELVIN T SCRUGGS & DEA	1104 CR 811	SALTILLO, MS 38866	RS
45	43212	112A0411100	1012 WILSON ST	COONTAIL INVESTMENTS LLC	3900 ESSEX LANE, SUITE 340	HOUSTON, TX 77027	RS
46	43213	112A0413900	705 HILL-N- DALE DR	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
47	43214	112A0413900	705 HILL-N- DALE DR	JM HARRISON PROPERTIES LLC	4098 LINCOLN CIRCLE	TUPELO, MS 38801	RS
48	43215	101B0213000	418 LAKEVIEW DR	TTLBL LLC	4747 EXECUTIVE DR STE 510	SAN DIEGO, CA 92121	JLS

Preliminary Lot Mowing Report for 9/20/2022

Item # 15.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
49	43216	101B0213200	414 LAKEVIEW DR	TTLBL LLC	4747 EXECUTIVE DR STE 510	SAN DIEGO, CA 92121	JLS
50	43217	089J3132100	321 RILEY ST	MORGAN PROPERTY INVESTMENTS LLS	5943 PURNELL RD	BELDEN, MS 38826	SB
51	43218	077R3613901	308 LAWNSDALE DR	SINGH MANJIT	2059 MODEANNIA DR	TUPELO, MS 38801	SB
52	43219	113E0614101	931 S GLOSTER ST	TOWNHOUSE MOTEL LLC	931 S GLOSTER ST	TUPELO, MS 38801	SB
53	43220	084N1904600	1720 N GLOSTER ST	VICTORY PROPERTIES LLC	730 ALABAMA ST	COLUMBUS, MS 39702	SB
54	43222	077Q3617700	1603 W MAIN ST	SE REAL ESTATE GROUP LLC	5717 E THOMAS RD STE 100	SCOTTSDALE, AZ 85251	SB
55	43237	112A0413100	907-A HILL-N-DALE DR	GRAB THE MAP LLC	1013 W MAIN ST	TUPELO, MS 38801	RS
56	43240	112A0412800	912 HILL-N-DALE DR	LONG TRACY KING	408 CHESTNUT DRIVE	NEW ALBANY, MS 38652	RS
57	43245	112A0417001	704 POST ST UNIT A & B	LESLEY CAPITAL INVESTMENTS LLC	PO BOX 812	TUPELO, MS 38802	RS
58	43246	112A0417400	714 POST ST	GRAB THE MAP LLC	1013 W MAIN ST	TUPELO, MS 38801	RS
59	43247	112A0417501	804-806 POST ST	UNDER A ROOF LLC	529 WOOTEN COVE	TUPELO, MS 38801	RS
60	43248	112A0417900	904 POST ST	CHANDLER ROY	2801 EAST CHURCH ST	BOONEVILLE, MS 38829	RS

Preliminary Lot Mowing Report for 9/20/2022

Item # 15.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
61	43249	113E0612300	918 RIDGECREST DR	PILGREEN MICHIAL	PO BOX 1825	TUPELO, MS 38802	RS
62	43256	089F3004701	WALKER ST	MAYHORN STEVEN	7863 KENWICK WAY #103	MEMPHIS, TN 38119	SB
63	43258	089F3008400	638 N CHURCH ST	JOHNSON ANTOINETTA	376 ROAD 1	TUPELO, MS 38804	SB
64	43260	077P3518700	2308 TORREY	JENKINS TOMMY & KAREN	2308 TORREY ST	TUPELO, MS 38801	JLS
65	43261	101B0224700	2317 ENGLEWOOD DR	JOHNSON OLLIE M	2317 ENGLEWOOD DR	TUPELO, MS 38801	JLS
66	43262	089E3017300	901 N MADISON ST	HODGE HUSHEL	901 N MADISON ST	TUPELO, MS 38804	SB
67	43263	106A1406600	2872 TONY MOORE RD	FIELDS MARTHA J	2872 TONY MOORE ROAD	TUPELO, MS 38801	RS
68	43265	077R3613400	203 LAWNDALE DR	WILLIAMS PETE H	203 B LAWNDALE	TUPELO, MS 38801	RS
69	43269	101G0104500	1907 BOBWHITE DR	CLARK CHERYL A	P O BOX 3692	TUPELO, MS 38803	LF
70	43272	089F3005200	523 W BARNES ST	WALLACE NELVIN B & GLORIA D	970 CHESTERVILLE ROAD	BELDEN, MS 38826	SB
71	43273	089F3005400	527 W BARNES ST	BENNETT HILLS INC	P O BOX 3786	MERIDIAN, MS 39303-3786	SB
72	43275	089F3005300	525 W BARNES ST	HEARTLAND PROPERTIES LLC	1336 PALMETTO	TUPELO, MS 38801	SB

Preliminary Lot Mowing Report for 9/20/2022

Item # 15.

	Violation Ref	Parcel	Location	Owner	Owner Address	Owner City State Zip	Inspector
73	43279	085V2201900	2246 OAKVIEW DR	WEBB DEAN	1104 CR 811	SALTILLO, MS 38866	RS
74	43280	085V2201901	2298 OAKVIEW DR	SCRUGGS MELVIN T & BRANDON MCMILLAN	1230 RD 811	SALTILLO, MS 38866	RS
75	43281	088J3302400	1210 KELLY ST	SANDERS SHEILA	2512 SOUTH GLOSTER	TUPELO, MS 38801	RS
76	43282	088J3301002	1203 KELLY ST	RODAS CLAUDIA & LAURO ALBERTO RODAS	1009 HOOVER ST	TUPELO, MS 38801	RS
77	43283	088J3302000	100 ADAMS ST	SMITH ELIZABETH ANN REAGH & WALTER L REA	861 ROSEDALE DRIVE	MARIETTA, GA 30066-5400	RS
78	43284	088F2800900	1979 SIMPSON DR	EVI PROPERTIES LLC	329 COUNTY ROAD 1282	TUPELO, MS 38804	RS
79	43285	112A0416700	768 SCOTT	JONES MICHAEL	768 SCOTT ST	TUPELO, MS 38804	RS
80	43286	112A0417002	702 POST ST	BALL DAVID & AMY	1009 CR 369	NEW ALBANY, MS 38652	RS
81	43288	077P3516500	2303 WOODS ST	MOORE GARY & MURRA GOODE	2963 MILLER'S POND DRIVE	MEMPHIS, TN 38119	DS
82							
83							
84							



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Dennis Bonds, City Engineer  
**DATE** September 8, 2022  
**SUBJECT:** IN THE MATTER OF RATIFICATION OF CONTRACT FOR FEDERAL AID  
PROJECT NO. STP-0430-00(040) LPA 107362-701000 **DRB**

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### **Request: DRB**

This bid was approved at the June 21, 2022 City Council Meeting pending MDOT concurrence.

MDOT notified us of their concurrence by letter on August 11, 2022.

LOCAL PUBLIC AGENCY (LPA)

SECTION 902

CONTRACT FOR THE CITY OF TUPELO

LOCATED IN THE COUNTY OF LEE

STATE OF MISSISSIPPI,

This contract entered into by and between the Local Public Agency THE CITY OF TUPELO

(hereinafter "LPA") on one hand, and the undersigned contractor, on the other witnesseth;

That, in consideration of the payment by the LPA of the prices set out in the proposal hereto attached, to the undersigned contractor, such payment to be made in the manner and at the time of times specified in the specifications and the special provisions, if any, the undersigned contractor hereby agrees to accept the prices stated in the proposal in full compensation for the furnishing of all materials and equipment and the executing of all the work contemplated in this contract.

It is understood and agreed that the advertising according to law, the Advertisement, the instructions to bidders, the proposal for the contract, the specifications, the revisions of the specifications, the special provisions, and also the plans for the work herein contemplated, said plans showing more particularly the details of the work to be done, shall be held to be, and are hereby made a part of this contract by specific reference thereto and with like effect as if each and all of said instruments had been set out fully herein in words and figures.

It is further agreed that for the same consideration the undersigned contractor shall be responsible for all loss or damage arising out of the nature of the work aforesaid; or from the action of the elements and unforeseen obstructions or difficulties which may be encountered in the prosecution of the same and for all risks of every description connected with the work, exceptions being those specifically set out in the contract; and for faithfully completing the whole work in good and workmanlike manner according to the approved Plans, Specifications, Special Provisions, Notice(s) to Bidders and requirements of the LPA.

It is further agreed that the work shall be done under the direct supervision and to the complete satisfaction of the LPA or their authorized representatives, and when Federal Funds are involved subject to inspection at all times and approval by the Mississippi Department of Transportation or Federal Highway Administration, or its agents as the case may be, or the agents of any other Agency whose funds are involved in accordance with those Acts of the Legislature of the State of Mississippi approved by the Governor and such rules and regulations issued pursuant thereto by the Mississippi Transportation Commission and the authorized Federal Agencies.

The Contractor agrees that all labor as outlined in the Special Provisions may be secured from list furnished by Manager, WIN Job Center nearest the project

It is agreed and understood that each and every provision of law and clause required by law to be inserted in this contract shall be deemed to be inserted herein and this contract shall be read and enforced as though it were included herein, and, if through mere mistake or otherwise any such provision is not inserted, then upon the application of either party hereto, the contract shall forthwith be physically amended to make such insertion.

The Contractor agrees that he has read each and every clause of this Contract, and fully understands the meaning of same and that he will comply with all the terms, covenants and agreements therein set forth.

Witness our signatures this the 6th day of AUGUST, 2022.

J. M. Duncan Inc. Contractor(s)

By [Signature] Title PRESIDENT

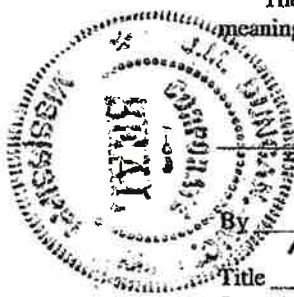
Signed and sealed in the presence of: (Names and address of witnesses)

Robbie Sides 251CR 503 Ripley MS 386063

By [Signature] LPA Official

[Signature] LPA Clerk

Award authorized by the LPA in session on the 21st day of JUNE, 2022, as recorded



**Brad White**  
Executive Director

P. O. Box 1850  
Jackson, MS 39215-1850  
Telephone (601) 359-7249  
FAX (601) 359-7050  
GoMDOT.com



Deputy Executive Director/ Item # 16.  
**Lisa M. Hancock**  
Deputy Executive Director/Administration  
**Charles R. Carr**  
Director, Office of Intermodal Planning

August 11, 2022

Honorable Todd Jordan  
Mayor, City of Tupelo  
P.O. Box 1485  
Tupelo, MS 38802-1485

RE: STP-0430-00(040)LPA/107362-701000  
Lee County

Dear LPA Official:

This is to advise that the Mississippi Transportation Commission has concurred in your request to award the contract for the construction of the subject project and you are hereby authorized to send the Notice of Award Letter and contract documents to J.M. Duncan, Inc., Ripley, MS. Upon execution of the contract, you are authorized to issue the Notice to Proceed/Notice of Execution to the contractor and copies of this Notice should be furnished to the Chief Engineer, State Local Public Agency Engineer, Materials Engineer and Construction Engineer, MDOT, Box 1850, Jackson, Mississippi 39215, and to the District Engineer & District LPA Engineer, P.O. Box 2060, Tupelo, MS 38803. Prior approval by MDOT is required for any Supplemental Agreement and Quantity Adjustment to become part of this contract. See Chapter 7, Item 7.5 Supplemental Agreements in the on-line PDM ([www.gomdot.com](http://www.gomdot.com), Projects, Local Public Agencies).

The LPA's percentage share (20%) will be deducted from each monthly LPA-001 (Generated by MDOT's LPA Site Manager). This project consists of the low bid and contingencies for a total project cost of \$483,125.00. Federal funds in the amount of \$386,500.00 will be applied toward this project. As a reminder, any cost exceeding the federal amount of \$386,500.00 will be borne by the LPA.

The CFDA number, **20.205-Highway Planning and Construction**, is to be used on the Schedule of Federal Expenditures to report the federal project expenditures incurred in the current fiscal year.

As a sub recipient of FHWA pass-through funds, the LPA is required to complete and submit the Single Audit Certification and Exemption Form. The LPA is required to complete and submit this form every fiscal year hereafter until the project close-out.

Your attention is respectfully directed to the on-line PDM as it pertains to engineering and supervision of the construction and sampling and testing of materials. Also, as contained in the PDM, it is requested that ten (10) copies of the executed proposal, contract documents, and half scale plans be furnished to this office for distribution. One of these copies must be certified by the LPA as a true and correct copy of the original.

Attached are the original OCR-481-LPA Forms for the referenced project. Copies of this original, approved form must be inserted into each of the executed contracts. The LPA must retain the Original OCR-481-LPA Form for their files.




There are several forms used to monitor the contractor's progress in administering the Disadvantaged Business Enterprise requirements in this contract: OCR-482-LPA, OCR-483-LPA, OCR-484-LPA, OCR-487-LPA. If you have questions concerning usage of these forms and what you should do with them, you may contact the Civil Rights Division, Box 1850, Jackson, Mississippi, or @ (601) 359-7466.

Also, included in the attachments are the following forms:

- RPS-1 (Rev. 6-19) - Request for Permission to Subcontract, which we are recommending that LPA's utilize unless they have their own form. Please do not use the MDOT CAD-720 form.
- NRAA-1 (Rev 6-19) - Notice of Requirements for Affirmative Action to Ensure Equal Employment Opportunity (Executive Order 11246).
- SCC-1 (Rev. 6-19) - Sub-Contract Certification for Federal Aid Projects.

It will be necessary to hold a preconstruction conference **before the contract time is scheduled to begin and before the beginning of any construction** on this project. Please contact your District LPA Engineer for the persons that should be included in attendance at the preconstruction conference.

Sincerely,



Lee Frederick, P. E.  
State LPA Engineer

TLF:phm

cc: Commissioner John Caldwell  
LPA Division Project File  
LPA Administrator (Baker)  
Construction Engineer  
Materials Division  
District Engineer

Civil Rights DBE Coordinator  
Federal Highway Administration  
District LPA Engineer (Wampler, Wages)  
Central File  
City of Tupelo - NON-PARTICIPATING  
Office File



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Dennis Bonds, City Engineer  
**DATE** May 20,2022  
**SUBJECT:** IN THE MATTER OF BID AWARD FOR FEDERAL AID PROJECT NO. STP-0430-00(040) LPA 107362-701000 **DRB**

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### **Request: DRB**

Bid Award for the Federal Aid Project No STP-0430-00(040) LPA 107362-701000 Sidewalk Connectivity at existing Railroad Crossings to J.M. Duncan Construction for \$439,204.50.

The low bid amount is within total amounts allocated for the project including contingencies, but **10.2% ABOVE** the Engineer's estimate of \$398,539.95. This precludes negotiation with the lowest and best bidder.

**RECOMMENDATION:** Grant authority for the Mayor and City Clerk/CFO to sign the bid documents contingent upon MDOT concurrence with Council Approval before the job is officially awarded.

August 16, 2022

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

ADD Item #18

IN THE MATTER OF CORRECTION OF MINUTES OF JUNE 21, 2022

June 21, 2022

**IN THE MATTER OF AWARD OF BID # 2022-020PW - SIDEWALK CONNECTIVITY AT EXISTING RAILROAD CROSSINGS**

Bids were received for Bid # 2022-020PW - Sidewalk Connectivity at Existing Railroad Crossings. City Engineer Dennis Bonds requested that the Council award the bid to the lowest and best bid of J.M. Duncan for \$439,204.50. Mr. Bonds explained that this bid will also have to be awarded by MDOT, but that the City must approve it first. Council Member Davis moved, seconded by Council Member Bryan to approve the bid, as requested. Of those present, the vote was unanimous in favor. APPENDIX D

Correction

**IN THE MATTER OF AWARD OF BID # 2022-020PW - SIDEWALK CONNECTIVITY AT EXISTING RAILROAD CROSSINGS**

Bids were received for Bid # 2022-020PW - Sidewalk Connectivity at Existing Railroad Crossings. City Engineer Dennis Bonds requested that the Council award the bid to the lowest and best bid of J.M. Duncan for \$439,204.50 and to authorize the Mayor to enter into contracts for the project subject to ratification by the City Council at a later date. Mr. Bonds explained that this bid will also have to be awarded by MDOT, but that the City must approve it first. Council Member Davis moved, seconded by Council Member Bryan to approve the bid, as requested, and to allow the Mayor to enter into contracts for the project subject to ratification by the City Council at a later date. Of those present, the vote was unanimous in favor. APPENDIX D



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Don Lewis, COO  
**DATE:** September 15, 2022  
**SUBJECT:** IN THE MATTER OF AMENDMENT TO POLICE ADVISORY BOARD  
ORDINANCE ESTABLISHING ABSENCES OF MEETINGS **DL**

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**Request:**

Request to make a change regarding attendance to SEC. 108 of the Ordinance establishing the Board to read as follows:

***Any Board member who fails to attend two (2) consecutive meetings or fails to attend three (3) regular or duly called special meetings in one calendar year shall be automatically suspended and a vacancy shall be declared .....***

Don,

At the regular PAB Board meeting on 14 September 2022, since we are now meeting only every other month, the Board voted to request the City Council to make a change regarding attendance to SEC. 108 of the Ordinance establishing the Board to read as follows: ***"Any Board member who fails to attend two (2) consecutive meetings or fails to attend three (3) regular or duly called special meetings in one calendar year shall be automatically suspended and a vacancy shall be declared ....."***

In a private discussion with Mayoral Appointee Bridgette Wilson, she agreed to transfer her appointment from the Mayoral position to the Position as Board Representative from Ward 4 which is being vacated by Aaron Washington who has completed serving two consecutive terms. This move would provide another Mayoral Appointee Position that can be filled. With these moves being made and this Mayoral Appointee being filled, we only need a new appointee from Ward 5 to replace Larry Presley who has completed serving two consecutive terms.

As a point of information for the Council, the Board also voted to change the meeting time and date to 5:30 P.M. on the second Thursday of each scheduled meeting month beginning with the next meeting on 10 November 2022.

Previously, I submitted the name of Bob Baughn to be appointed to fill the Mayoral Position that was vacated by Michael Stegall, and it is my understanding that Mayor Jordan has approved this recommendation and it is to be submitted to the Council for their approval.

Please present these recommendations to the City Council as soon as possible and I would appreciate a response on the actions taken for our records.

Regards,

Bill Allen, Chair  
Tupelo Police Citizen's Advisory Board



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Todd Jordan, Mayor

**DATE** September 8, 2022

**SUBJECT:** IN THE MATTER OF APPOINTMENT OF BOB BAUGHN TO THE POLICE ADVISORY BOARD AS THE MAYOR'S APPOINTEE EFFECTIVE 9-20-2022 **TJ**

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**Request:**

Mr. Baughn will replace Michael Stegall who requested not to be reappointed.

## Bio For Bob Baughn

Retired Human Resource Professional with Lifetime Senior Human Resoure Professional certification. Served on the Board of Directors of the Mississippi Prison Industries Corporation until it was dissolved by legislative action this year, Currently serving on Board of Directors of Crime Stoppers of Northeast Mississippi and on the Board of Commissioners of the Northeast Mississippi Regional Water Supply District, Previously served as Ward 3 representative on the Police Advisory Board,

I am pro Tupelo and pro law enforcement and served on the Mayor's committee to help interview candidates for our Police Chief after Chief Aguire retired. I have attended the Citizens Police Academy and strongly encourage each citizen as well as each Council Person to attend the academy .

I returned to Tupelo in 1984 and have lived here since. I am married to Stephanie Baughn and we live at 2010 Hummingbird Lane. I have been a member of Harrisburg Baptist Church since 1988 and I am currently a Deacon and Chairman of HBC's Personnel Committee. When not serving on a committee. I am usually on the golf course at Tupelo National Golf Club or cooking something for my family.



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Don Lewis, COO  
**DATE** September 15, 2022  
**SUBJECT:** IN THE MATTER OF TRANSFER OF WARD APPOINTEE/MAYOR APPOINTEE **DL**

---

**Request:**

Move Bridgette Wilson from the Mayoral Appointee position to the Board Representative for Ward 4.



Don,

At the regular PAB Board meeting on 14 September 2022, since we are now meeting only every other month, the Board voted to request the City Council to make a change regarding attendance to SEC. 108 of the Ordinance establishing the Board to read as follows: ***"Any Board member who fails to attend two (2) consecutive meetings or fails to attend three (3) regular or duly called special meetings in one calendar year shall be automatically suspended and a vacancy shall be declared ....."***

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Please present these recommendations to the City Council as soon as possible and I would appreciate a response on the actions taken for our records.

Regards,

Bill Allen, Chair  
Tupelo Police Citizen's Advisory Board



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Todd Jordan, Mayor

**DATE:** September 15, 2022

**SUBJECT:** IN THE MATTER OF APPOINTMENT OF JACKIE CLAYTON TO POLICE ADVISORY BOARD AS MAYORAL APPOINTEE **TJ**

---

**Request:**

Appoint Jackie Clayton to the vacant position on the Police Advisory Board for the Mayoral appointment effective 9-21-2022.

1092 Countrywood Cove  
Tupelo, MS 38801

[jackie.clayton@tupeloms.gov](mailto:jackie.clayton@tupeloms.gov)  
phone:662-871-3525

# Jackie M. Clayton

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**Objective** To serve the citizens of Tupelo, Mississippi in the capacity of Interim Chief of Police

**Summary of Work Experience**

1979 – 2021 Tupelo Police Department

1979 – 1986 Patrol Officer

1986 – 1992 Traffic Division

1988 – 1992 Commander of the Traffic Division

1990 Promoted to Lieutenant (Traffic Division)

1992 Transferred to Patrol Division

1994 Promoted to Shift Captain

2005 Chief Chaffin assigned me as the Assistant to the Major of Patrol

2005 (Oct.) Promoted to Major of Patrol (Operations)

2011 to 2013 – Served as Major of Operations. Administrator duties consist of Patrol, Criminal Investigations, and Narcotics division.

2013 to 2019 – Continued as Major of Operations. Administrator duties consist of Patrol, Narcotics, Crime Lab and civilian personnel.

2019 – Promoted to Deputy Chief of Operations.

2019 to Present – Deputy Chief of Operations - Administrative duties continue to be the same as Major but administrative duties expanded to Criminal Investigations. I directly supervised four division Captains who supervise approximately 80% of Tupelo police and civilian personnel.

**While serving in the Tupelo Police Department, other duties that I have been assigned responsibility for include:**

- Served as chairman of the Tupelo Traffic Committee from 1988-1992
- Taught at the North Mississippi Training Academy basic classes from 1992 to 2000
- Press and media releases – 2005 to present
- Taught ethics at the North Mississippi Training Academy to the Reserve and Jr Police Academy classes 2010-2012
- Attending and speaking at Tupelo Neighborhood Association meetings.
- Represented the Chief of Police on various occasions at Tupelo City council meetings 2005 – present. (Last 3 Chiefs)
- Represented the Chief of Police at various Department Head meetings 2005 – present.
- Work closely with Mayor, city council members, and all city Department Heads in police matters – 2005 – present.

**OTHER ACCOMPLISHMENTS**

Assigned by the Chief of Police in 1998 to develop the 1<sup>st</sup> Field Training Officer (F.T.O.) Program. This program has evolved and changed over the years, but the basic core model is still in use.

Assigned by the Chief of Police in 1998 to develop the 1<sup>st</sup> police related evaluation program used by the police department. This program has evolved and changed over the years, but the basic core model is still in use.

Assigned by the Chief of Police in 2016 to a task group whose mission was to develop a fair and impartial system of hiring personnel. This task was accomplished and approved by the cities legal department/Mayor. It has been in use for the last five years.

Assigned by Chief of Police in 2016 to help develop an impartial system of promoting within the Tupelo Police Department. This task was accomplished and approved by the cities legal department/Mayor. I currently still serve in both of these capacities.

I have a good personal relationship with Lee Co. Sheriff Jim Johnson and his staff along with federal, state and local law enforcement officials to include area Sheriff Departments, Chiefs of Police, FBI, DEA, ATF, ABC, MBN, MBI and Homeland Security etc.

2018 to present – have personally interviewed all employees in the Tupelo police department (no administration) in order to develop their individual career goals.

I have been a member of and currently in good standing with the Joint Terrorism Task Force (established by the FBI) since 2014.

I have been in numerous meetings with Chief Aguirre to obtain an understanding of his future vision for the police department in training, promotions, public awareness, and general attitude. I have attended meetings concerning the police budget at various times since 2005.

**Education**

1974 Graduate of Pontotoc High School

1978 Graduate of the University of Mississippi with a B.P.A. degree in Criminal Justice

1984 Graduate of Jackson Police Department Training Academy

**Professional Memberships**

I served on the National Board of Minimum Standards on Accreditation for Law Enforcement in 1993, Washington, D.C.

Member of the FBI National Academy Associates and MS Chapter since 1998

Member of MS LEAPS (Peer Group)

Member of the IACP (International Association of Chiefs of Police)

**Leadership Training**

Graduate of CDF Community Leadership Institute Class 2002-2003

1998 Graduate of FBI National Academy, Quantico, VA session #192.

Graduate of the Mississippi Command College (University of Mississippi) 2012

Attended FBINAA national conference on leadership 2007-2009, 2014 – 2017.

Seven Habits for Highly Effective People – Franklin Covey

Seven Habits for Law Enforcement–Franklin Covey

Interacting with the Public in a Positive Way – Community Oriented Policing Services, U. S. Dept. of Justice

Threat and Risk Assessment – Dept. of Homeland Security

**Other Training**

Developing Relations in Diverse Communities

Police Management Liability

Human and Race Relations

Common Sense Supervision

Managing Early Warning Systems

Critical Incident Management

Performance Based Interviewing

Establishing Employee Accountability

LE Guide to Arabic Culture, Islam, & Name Analysis

DEA training, Critical Incidents, Police Civil Liability, Lawsuit Risk Avoidance

Completed "Ignite" leadership course

**Volunteer Experience**

Member of the North Mississippi Medical Center "CISM" Volunteer Group

Tupelo Animal Shelter

Red Cross

Former member of the Tupelo Luncheon Civitan Club

Boy Scouts of America

**Recognitions and Awards**

"Supervisor of the Year" Award---2004

Received recognition for services from the following organizations:

March of Dimes – Walk America – United Blood Services of MS

Elvis Presley Tour Groups

**Hobbies and  
Interests**

Physical Fitness; Running with the Basic Police Cadet classes; gardening, traveling, and spending time with my family.

**Personal**

I am actively involved at Northeast Church of Christ where I currently serve as one of four church appointed elders since 2006. I am an active teacher for High School, College and Adult Classes as well as an occasional song leader.

My wife Karen and I have lived in Tupelo since 1978. We have two married sons, one daughter, and four grandchildren. It has been my pleasure to serve the city of Tupelo in the police department since August of 1979. If approved, I would be honored to serve as Interim Chief of Police.



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** John Quaka, Chief

**DATE** September 15, 2022

**SUBJECT:** IN THE MATTER OF AWARD OF BID NUMBER 2022-032PD **JQ**

---

**Request:**

Please accept this letter of request to approve bid number 2022-032PD to Cannon Chevrolet Nissan for \$110,500.00, for the equipment up fit to nine new Ford Explorer Police Vehicles.



## CITY OF TUPELO

### Nine (9) Ford Explorer Police Unit Upfit Packages

Bid Specification Lump Sum price for all units  
Bid Start Date / Time Sep 15, 2022 10:00 AM US/Central  
Bid End Date / Time Sep 15, 2022 10:30 AM US/Central  
Bid Duration 00:30 [hh:mm]



### Nine (9) Ford Explorer Police Unit Upfit Packages

Company	Bid Amount	Bidding Date / Time	IP Address
Cannon Chevrolet Nissan	\$ 110,500.00 USD	Sep 15, 2022 10:07:55 AM US/Central	216.170.70.82



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Chuck Williams, Director of Public Works

**DATE:** September 14, 2022

**SUBJECT:** IN THE MATTER OF CONTRACT APPROVAL FOR THE PROFESSIONAL SERVICES OF THE ENDVILLE ROAD SAFETY IMPROVEMENTS PROJECT NO. DC NO. 2226-01 - **CW**

---

**Request:**

Request to approve the contract with Dabbscorp for professional services of the Endville Road Safety Improvements Project No. DC No. 2226-01 in the amount of \$162,500.00 and authorize the mayor and city clerk to sign on behalf of the city, the contract documents subject to subsequent ratification.

**CITY OF TUPELO, MS**  
**Professional Services Agreement for**  
**Endville Road Safety Improvements**

**PROJECT NUMBER:** DC No. 2226-01

**DATE:** SEPTEMBER 14, 2022

**A. GENERAL**

This Agreement is for professional services by Dabbs Corporation (*1050 N. Eason Blvd., Tupelo, MS 38804*), after this called “CONSULTANT”, to be provided to the City of Tupelo, Mississippi (*71 East Troy Street, Tupelo, MS 38804*), after this called the “CITY”, to include Professional Engineering Services related to the PROJECT identified as “Endville Road Safety Improvements” for the City of Tupelo Public Works Department. The Project will include design phase, bidding/contracting and construction phase services related to the development and construction of the proposed roadway improvements.

A more detailed scope of services that shall be included for this Agreement is included in Section B – Scope of Work.

**B. SCOPE OF WORK**

**1.0 INTRODUCTION**

**1.1 Project:** Endville Road Safety Improvements

**1.2 Purpose:** The purpose of this Scope of Work (SOW) is to provide professional services related to future roadway improvements for Endville Road as proposed by the City of Tupelo and as defined within this Agreement. The City of Tupelo intends to widen Endville Road from a two-lane section to a three-lane section and add curb and gutter and related drainage infrastructure within the project corridor. This shall include transition sections on each end of the project in order to provide transitions between the two-lane and three-lane sections along Endville Road. The final limits of the proposed project improvements will be determined during the design phase of the project as approved by the City of Tupelo upon submission/approval of the preliminary site layout as defined in Section 2.0 of this Agreement.

**1.3 Project Location:** All work shall be within the existing Tupelo City Limits. The limits of the project shall be within existing / future rights-of-way (ROW) owned and maintained by the City of Tupelo for Endville Road approximately between Walsh Road (approximate eastern boundary) and Countrywood Rd. (approximate

western boundary) as schematically represented on the attached Exhibit A – Schematic Project Area, which is attached hereto and made part of this Agreement.

- 2.0 SCOPE OF SERVICES:** The Project Services shall include the following:
- 2.1 *ROW Assessment*** – The Consultant shall provide office and field survey to support the design phase of the project, including the assessment of existing/future ROW. Survey services shall include acquiring the land deeds from adjacent properties along the project corridor to assess existing ROW and to assess the need for future temporary or permanent ROW as required to complete the project. It is anticipated that there is an existing 50’ road ROW owned by the City of Tupelo along the project corridor and that this will be sufficient for the proposed roadway and related drainage improvements. *Should additional ROW be required in order to complete the project, the Consultant shall, as directed by the City, provide the necessary plats and descriptions as required for proposed ROW acquisition as Additional Services on a Time and Materials Basis or, if required by the City, under a separate Agreement.*
- 2.2 *Topographic Survey*** – The Consultant shall provide office and field survey to collect the topographic information as required to complete the design phase of the project. *Any field survey that is required during the construction phase of the project to support the contractor’s activities, including construction staking, ROW markers, etc., shall be provided by the Consultant as Additional Services on a Time and Materials Basis or, if required by the City, under a separate Agreement.*
- 2.3 *Preliminary Site Layout*** – in order to assess the proposed roadway improvements to be completed as part of the project, the Consultant will establish design criteria and evaluate existing and proposed improvements to provide a preliminary site layout to the City for review/approval. Upon the approval of the design criteria and the preliminary site layout, the Consultant will initiate the final design services.
- 2.4 *Final Design Phase*** – the Consultant, based on the approval of the design criteria and the preliminary site layout, will complete the project drawings, technical specifications, and related Contract Documents for the project. Project drawings will include cover sheet, existing conditions layout, proposed site layout plan, grading/drainage plan, utility improvements plan, traffic striping plan, erosion control plan and related standard detail sheets. The consultant shall, if curb and gutter is required by the City, include the design of proposed stormwater infrastructure (i.e. curb inlets, drainage pipe, etc. as required to facilitate the installation of curb and gutter along the project corridor. The Contract Documents shall include the technical specifications and all sections required for the bidding and construction phases to be facilitated and completed per local, state and federal requirements.
- 2.5 *Bidding/Contracting Phase*** – upon the approval of the final design documents and, if required, following the acquisition of any proposed ROW required for the project, the Consultant will coordinate with the City of Tupelo in order to advertise the project for construction bids. The Consultant shall assist the City in the receiving of bids for the project and during the project award / contracting phase of the project to procure

a construction contract for the project. Construction phase services shall be initiated with the issuance of a Notice to Proceed to the Contractor for the project.

- 2.6 *Pre-Construction Conference*** – the Consultant will schedule and conduct a meeting with representatives of the Owner and Contractor to review/discuss the Contract Documents, Project Schedule, Site/Traffic Coordination, Erosion Control Permitting and related requirements, etc.
- 2.7 *Construction Representative***– the Consultant will represent the City of Tupelo during the construction phase of the project in order to coordinate with the Contractor to provide assistance to the Owner and to the Contractor for the duration of the construction period. The Consultant shall review/approve material submittals, review and monitor construction schedule, coordinate with the Contractor in regards to the Erosion Control requirements (SCNOI, etc.), coordinate between the City and the Contractor with regards to traffic control and work periods, etc. The Consultant shall review partial and final pay estimates as submitted by the Contractor and make recommendations to the City for payment during the construction phase of the project.
- 2.8 *Construction Inspection*** – the Consultant shall provide part-time inspection during the construction phase of the project. An inspector shall be provided by the Consultant as needed to support the Contractor and monitor the project improvements with regards to field conditions, compliance with the project drawings and technical specifications and pay items/quantities. The Consultant shall not provide full-time inspection for the project as part of this Agreement.
- 2.9 *Final Inspection*** – the Consultant will coordinate with the City and the Contractor to schedule a final walk-through / inspection following the completion of the construction activities. Representatives of the City and the Contractor shall meet on site to review the final improvements and compile a check-list of any items that need to be addressed and/or completed by the Contractor prior to the final closeout of the project. The Consultant shall issue a punch list of items to be addressed and/or completed to the contractor and shall coordinate on behalf of the City for the completion of the punch list items.
- 2.10 *Project Closeout*** – upon the completion of the construction activities by the contractor and the approval of the City of Tupelo, the Consultant shall coordinate with the City and the contractor for final project closeout.
- 2.11** This scope of services does not include pre-project planning components; traffic study/analysis; warrant analysis; environmental services or related permitting services; cultural resources investigation/study or related services; ROW acquisition services, full-time construction inspection or any other services not specifically identified in this section of the Agreement.

**3.0 SPECIAL CONSIDERATIONS:**

**3.1** All original materials, visual aids, materials, and text developed in performance of the tasks listed herein will be the property of the OWNER, and will not be used, distributed, or published without the specific authorization of the OWNER.

**3.2** The Consultant may provide additional services if directed by the City. Should additional services related to project be required/requested by the City, the Consultant shall complete additional services on a time and materials basis or via a separate agreement approved by the Owner.

**4.0 SCHEDULE OF WORK:** Upon the execution of this Agreement, the CONSULTANT shall initiate the services necessary to complete the tasks related to the Project as defined herein and produce the associated deliverables according to the following schedule:

ROW Assessment	2 weeks
Topographic Survey	2 weeks
Preliminary Site Layout	2 weeks
Review / Approval of Preliminary Site Layout	2 weeks
Final Design Phase	4 weeks
Review / Approval of Final Design Documents	2 weeks
Bidding / Contracting Phase	8 weeks
Construction Phase	T.B.D.
<hr/>	
<b>TOTAL</b>	<b>22 weeks</b>

**5.0 PAYMENT FOR SERVICES:** Professional services completed under this Agreement shall be provided on a fixed fee basis. The total fixed fee shall be based on the percentages defined in the CDBG Fee Schedule to the proposed project budget of \$1,300,000.00 as defined by the City of Tupelo. Per the CDBD Project Fee Schedule, engineering services shall include \$109,200 (8.4%) for design phase services and \$53,300.00 (4.1%) for construction phase services. The total fixed for the project shall be \$162,500.00 (12.5%).

The Owner agrees to pay the Consultant based on the approximate percentage of work completed at the end of each monthly pay period. Payment shall be made based on no other consideration other than the Consultant’s ability to provide the services as defined herein.

**6.0 ADDITIONAL SERVICES:** Should the Owner direct Dabbs Corporation to provide Additional Services that are not included within the scope of this Agreement, these services shall be provided by the Consultant under the terms & conditions defined under this Agreement but on an time and materials basis in accordance with Exhibit B – Rate Schedules, which is attached hereto and made part of this Agreement.

If required, any sub-consultants that are required as associated with additional services shall be reimbursed at the actual cost of the work provided by the sub-consultant.

**7.0 ATTACHMENTS:**

Exhibit A – Schematic Project Area

Exhibit B – Rate Schedules

**C. ACCEPTANCE**

**IN WITNESS WHEREOF**, the parties hereto have made and executed this **AGREEMENT** as of the day and year first above written.

**CITY OF TUPELO**

**DABBS CORPORATION**

\_\_\_\_\_  
**Honorable Todd Jordan**  
**Mayor, City of Tupelo**

\_\_\_\_\_  
**Mr. Dustin D. Dabbs, PE**  
**PRESIDENT**

**ATTEST:**

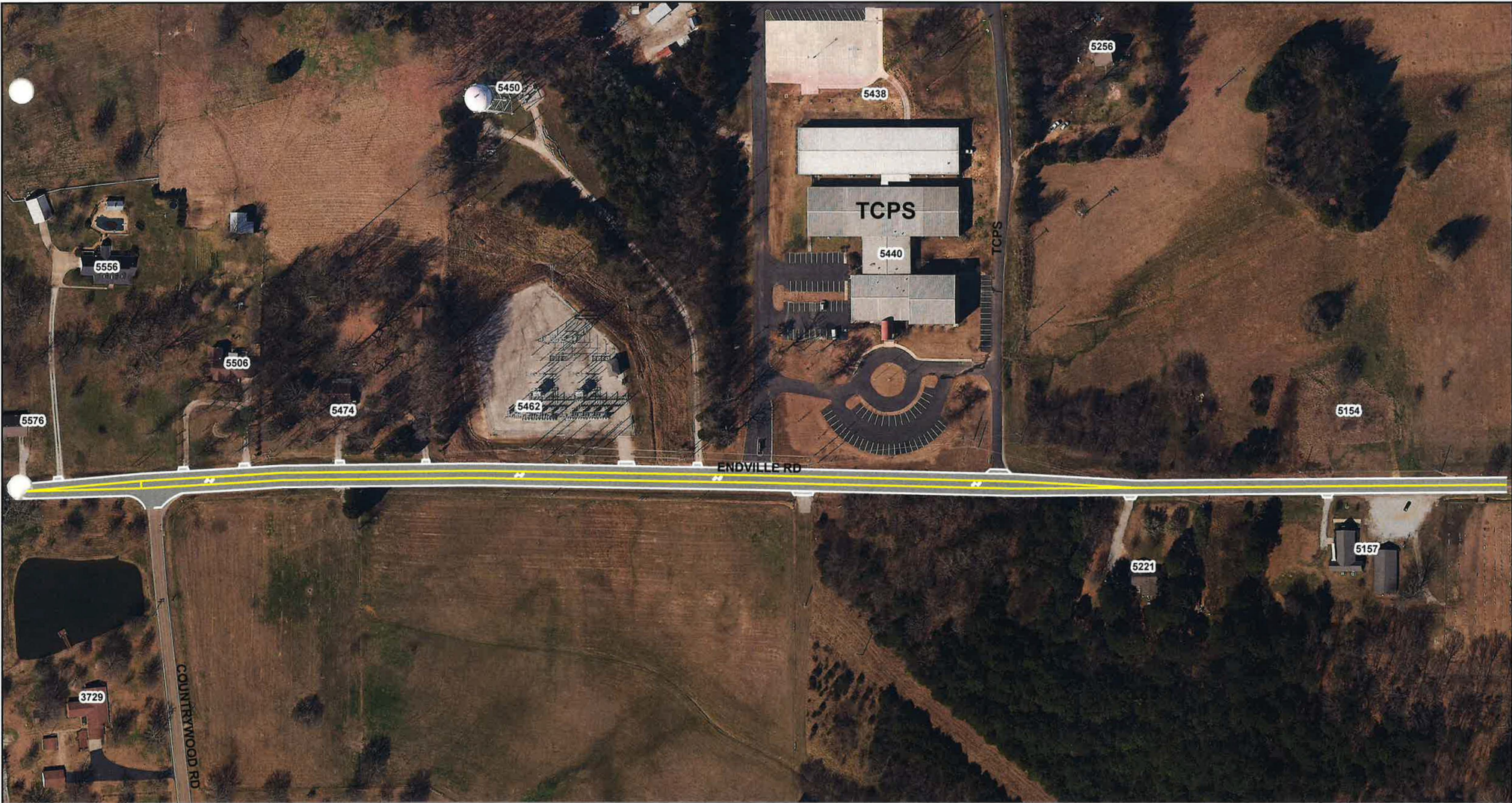
**ATTEST:**

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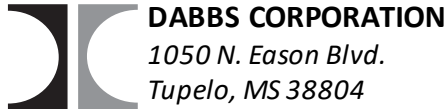
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**EXHIBIT A - SCHEMATIC PROJECT AREA**

Item # 22.





**EXHIBIT B - RATE SCHEDULES**

<b>DIRECT SERVICES</b>	
<b>DESCRIPTION</b>	<b>RATE</b>
PRINCIPAL	\$150.00
PROJECT MANAGER / SR. ENGINEER	\$125.00
GEOTECHNICAL ENGINEER	\$125.00
PROFESSIONAL LAND SURVEYOR	\$130.00
DESIGN ENGINEER	\$100.00
FIELD TECHNICIAN	\$75.00
DESIGN TECHNICIAN	\$75.00
CONSTRUCTION INSPECTOR	\$50.00
TWO-MAN SURVEY CREW	\$140.00
ONE MAN SURVEY CREW	\$90.00
<b>REIMBURSEABLE SERVICES</b>	
<b>DESCRIPTION</b>	<b>RATE</b>
ATV / UTV PER DAY	\$150.00
PRINTING - Letter Size (B&W / Color)	\$0.50 / \$1.00
PRINTING - Half Scale Size (B&W / Color)	\$1.00 / \$2.00
PRINTING - Full Scale Size (B&W / Color)	print shop cost
Vehicle Mileage	\$0.60 / mile



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Chuck Williams, Director – Public Works

**DATE:** September 13, 2022

**SUBJECT:** IN THE MATTER OF RATIFICATION OF CLARK PLACE DRAINAGE –  
ARCH PIPE REPLACEMENT REBID PROJECT - BID NO. 2022-030PW - **CW**

---

**Request:**

Ratification of Contract for Bid No. 2022-030PW Clark Place Drainage – Arch Pipe Replacement Rebid Project

The bid was approved on September 6, 2022.

CONTRACT AGREEMENT

This Agreement, made this the 7th day of September, 2022, by and between COOK & SON, LLC, hereinafter called the Contractor, and the CITY OF TUPELO, hereinafter called the Owner.

WITNESSETH:

That the Contractor and Owner for the consideration hereinafter named agree as follows:

Article 1 SCOPE OF WORK

The Contractor shall furnish all materials for the construction of CLARK PLACE DRAINAGE IMPROVEMENTS REBID for the Owner, all in the manner provided for in the Specifications and Contract Documents, dated AUGUST 2022 and Construction Plans entitled CLARK PLACE DRAINAGE IMPROVEMENTS REBID Sheets 1 through 10, dated AUGUST 2022, which are fully incorporated herein as if hereto attached or herein repeated.

Article 2 THE CONTRACT SUM

The Owner shall pay the Contractor for the complete performance of this Contract a total amount of Two Hundred and Ninety-Two Thousand, Eight Hundred and Eighty-Eight 05/100----- Dollars (\$292,888.05-----) being the amount of the accepted proposal for CLARK PLACE DRAINAGE IMPROVEMENTS REBID subject to proper additions and/or deductions at the lump sum and/or unit price as stated in the proposal or otherwise provided for by Modification, the corrected amount referred to being full compensation for furnishing, installing and connecting all of the items of materials, labor and equipment necessary for the Work and the completion of the Project in full accordance with the Plans and Specifications and Contract Documents.

Payment therefore to be made in accordance with applicable specifications, provided: That the Engineers have certified to the Owner that all of the work has been completed and that payment is due therefore and provided further that the Contractor has submitted evidence satisfactory to the Owner and all payrolls, materials bills and other indebtedness, labor and materials liens connected with the work have been paid.

Article 3 TIME OF COMPLETION

The Contractor shall commence work at the time stated in the Notice to Proceed issued by the Owner and shall complete the work within 45 working days from and including the starting date stated in said notice unless this period is extended by Modification by the Owner and the Engineers, due to delays beyond the control of the Contractor and/or extensions to the Contract.

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Agreement

2022.06.23

Page 1 of 3

It is mutually agreed between the parties hereto that time is the essence of this contract; and in the event construction of the work is not completed within the time specified herein, it is agreed that from the compensation otherwise to be paid to the Contractor, the Owner may retain the sum of \$500.00 per day for each calendar day thereafter that the work remains uncompleted, which sum shall represent the actual damages which the Owner will have sustained per day by failure of the Contractor to complete the work within the time stipulated; and this sum is not a penalty, being the stipulated damage the Owner will have sustained in event of such default by the Contractor.

Article 4. ADDITIONAL SURETY

It is further mutually agreed between the parties hereto that if, at any time after the execution of this agreement and the Surety Bond hereto attached for its faithful performance, the Owner shall deem the surety or sureties upon such bond to be unsatisfactory, or if for any reason such bond, in the opinion of the Owner, ceases to be adequate to cover the performance of the work, the Contractor, at his expense, within five days after receipt of the notice from the Owner to do so, shall furnish additional bond or bonds in such form and amount, not in excess of the original amount, and with surety or sureties as shall be satisfactory to the Owner.

Article 5 ROYALTIES AND PATENTS

It is further mutually agreed between the parties hereto that the contract price of the Contractor shall include payment by the Contractor of all royalties and license fees, if any; and the Contractor shall defend all suits or claims for infringement of any patent rights and shall save the Owner harmless from loss on account thereof.

Article 6 DAMAGE TO PERSONS AND PROPERTY

It is further mutually agreed that the Contractor shall indemnify and hold harmless the Owner and the Engineer and their agents and employees from and against any and all liability of every nature, kind and character which may be incurred in connection with the performance or fulfillment of the Work or such other liability resulting from negligence or otherwise on the part of the Contractor, including but not limited to injury to persons and damage to properties, and the structures and improvements thereon, adjacent to the Project, and shall indemnify and hold harmless the Owner from all costs and damages, including attorney's fees, which may be suffered by reason of the failure to fully and completely perform under the Contract Documents and shall fully reimburse Owner for all expenditures of every kind, character and description, including attorney's fees, which may be incurred by Owner in making good any and every default which may exist on the part of the Contractor in connection with its performance under the Contract Documents.

Article 7. GENERAL CONDITIONS

The Contractor has read, understands and accepts the General Conditions and Special Conditions as set forth in the Specifications and Contract Documents.

In witness whereof, the parties hereto have executed this Agreement on the day and year first mentioned in 3 counterparts, each of which shall, without proof or accounting for the other counterparts, be deemed an original contract.

OWNER: CITY OF TUPELO

CONTRACTOR: COOK & SON, LLC

By Todd Jordan  
Title Mayor Todd Jordan

By Kenneth M. Cook  
Title Kenneth M. Cook, Owner

ATTEST: Kimberly Hanna  
Title Kimberly Hanna, City Clerk

ATTEST: Kandyle C. Donahue  
Title HR



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Neal McCoy, Director  
**DATE** September 8, 2022  
**SUBJECT:** IN THE MATTER OF CVB BOARD MINS. SEPTEMBER 6, 2022 NM

---

**Request:**

Review September Board Mins.



Tupelo Convention & Visitors Bureau Board Meeting  
Tuesday, September 6, 2022

The Tupelo Convention & Visitors Bureau met Tuesday, September 6, 2022, at 2 p.m. in the Tupelo CVB boardroom. Board members present were Neal McCoy, Steven Blaylock, Dimple Patel, Louis Britton and Chauncey Godwin. Tupelo CVB staff members present were Jan Pannell, Jennie Bradford Curlee and Stephanie Moody-Coomer. Kim Hanna represented the City of Tupelo.

Neal McCoy called the meeting to order at 2 p.m.

Louis Britton moved for approval of the agenda, Chauncey Godwin seconded the motion. All voting aye, the motion carried.

Dimple Patel moved for approval of the minutes from the board meeting held in August 2022. Louis Britton seconded the motion. All voting aye, the motion carried.

Kim Hanna presented the financial report.

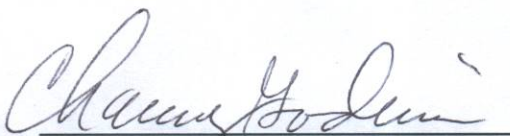
Jan Pannell, Jennie Bradford Curlee and Stephanie Coomer presented staff reports.

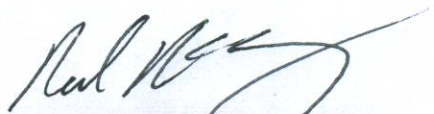
Neal McCoy addressed the board about a plan for the CVB to fund a conceptual drawing and financial estimate on a new pickleball facility. The cost for the conceptual plan is forthcoming and will be emailed to the board for a decision or presented at the next board meeting.

Neal McCoy addressed the board about a plan for the CVB to fund a second conceptual plan and financial estimate on a new farmers' market and food truck venue. The cost for the conceptual plan is forthcoming and will be emailed to the board for a decision or presented at the next board meeting.

The meeting adjourned at 2:32 p.m.

Submitted by:

  
Chauncey Godwin, Secretary

  
Neal McCoy, Executive Director



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Stephen N. Reed, Assistant City Attorney

**DATE** September 15, 2022

**SUBJECT:** IN THE MATTER OF THE RATIFICATION OF THE AMENDED AND RESTATED MEMORANDUM OF UNDERSTANDING BETWEEN TUPELO PUBLIC SCHOOL DISTRICT AND TUPELO POLICE DEPARTMENT REGARDING THE SCHOOL RESOURCE OFFICER PROGRAM 2022

---

**Request:**

Please move to ratify the MOU between the City of Tupelo and the Tupelo Public School District concerning the school resource officer program 2022, as amended.

This matter was previously brought before the Council and approved on August 11, 2022. Subsequently, the TPSD requested a change to Section IX., Subsection 39 which shall now read the following: *“TPD currently provides eight (8) SRO officers and the SLS to TPSD. To help defray the costs to TPD of the SRO program, TPSD will provide annually the sum of \$205,966.37, one-half payable beginning July 1, 2022 and one-half payable December 31, 2022, and thereafter on said dates. This provision will be reviewed annually by the parties and may upon written agreement be adjusted to eliminate, reduce, or expand the parties’ obligations.”*



AMENDED AND RESTATED  
MEMORANDUM OF UNDERSTANDING

BETWEEN

TUPELO PUBLIC SCHOOL DISTRICT  
AND  
TUPELO POLICE DEPARTMENT

REGARDING THE

SCHOOL RESOURCE OFFICER PROGRAM

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## MEMORANDUM OF UNDERSTANDING

**WHEREAS**, the purpose of this Memorandum of Understanding (MOU) is to establish a School Resource Officer Program and to set forth guidelines to ensure that officers of the Tupelo Police Department, Tupelo Public School District (TPSD) officials, and the communities they serve have a shared understanding of the goals of the School Resource Officer (SRO) Program and that SROs receive the necessary support and training to ensure a safe school environment while respecting the rights of students and improving the overall school climate;

**WHEREAS**, the parties agree that an effective SRO Program sets forth: the role of the SRO within the context of the educational mission of the school; distinctions between disciplinary misconduct to be handled by school officials and criminal offenses to be handled by law enforcement; respect for the rights of students; transparency and accountability; minimum SRO training requirements; and promotion of non-punitive approaches to student behavior;

**WHEREAS**, this agreement shall amend the previous MOU adopted June 18, 2020.

**NOW, THEREFORE**, by incorporating the prefatory findings contained herein, the parties agree as follows:

**I. ROLE OF THE SCHOOL RESOURCE OFFICER IN THE CONTEXT OF THE EDUCATIONAL MISSION OF THE SCHOOL**

1. The mission of the SRO Program is to improve school safety and the educational climate at the school, not to enforce school discipline or punish students.
2. The School Resource Officer is a sworn TPD police officer employed by TPD and assigned to provide the law enforcement expertise and resources required to assist the school administrators in maintaining safety and order within the assigned school. TPD shall provide and assign nine SROs to TPSD schools.
3. The SRO will be considered an active member of the administrative team of his/her assigned school. As such, discipline normally imposed upon students for violations of law or school policy committed against a staff member, such as insubordination or assault, will be equally applied by school administrators to similar situations involving a student and an SRO.
4. The school buildings, grounds, and surroundings assigned to the SRO will be the equivalent of the SRO's police service area, and he/she assumes primary responsibility for handling all calls for service and coordinating the response of other police resources to the school.
  - a. Pursuant to MCA §43-21-261, certain types of criminal activity that comes to the attention of the principal or school staff shall be reported immediately to the police department.
  - b. In an emergency situation, the school shall call 911 and also notify the SRO.
  - c. In a non-emergency situation, the school should notify the SRO or call the non-emergency police department number. Information that is not of an emergency or urgent nature may be held for action by the SRO in the normal course of duty.
5. The SRO shall wear the regulation police uniform and operate a marked police cruiser while on duty unless otherwise authorized by a supervisor for a specific purpose. The SRO provides a visible deterrent to crime while bringing a positive impression of the TPD to students and staff in a non-confrontational setting.
6. The SRO shall also be responsible to assist with training for the school administration in law enforcement and related areas, such as disseminating pertinent information about crime trends and changes in law to the school administrative staff to assist them in effectively providing safe school environments.
  - a. SROs shall be integrated into the school community through participation in faculty and student meetings and assemblies as directed by school administration.
  - b. As coordinated through the administration, SROs may become involved in the school's curriculum and provide instruction that will enhance the student's understanding of the police mission. However,

responding to incidents or conducting investigations will always take precedence over instructing in the classroom. Lesson plans for all formal organized presentations shall be forwarded to the principal and approved prior to the presentation.

7. A critical element of the SRO Program is an open relationship and strong communication between the school principal and the SRO.

a. Each SRO shall meet weekly, or more frequently, if necessary, with the assigned school principals for the purpose of exchanging information about current crime trends, problem areas, cultural conflicts, or other areas of concern that may cause disruption at the school(s), or within the community.

b. SROs shall meet with building-level school administrators, teachers, parents, and student representatives at least annually to discuss issues of school safety.

8. SROs shall be responsible for monitoring cultural and social influences and activities in an effort to identify emerging youth gangs. All information concerning gangs shall be provided to the TPD Criminal Investigation Division.

9. Building-level school administrators shall participate in periodic performance reviews of the SRO.

10. SROs shall maintain daily activity reports and prepare summaries of these reports every nine weeks.

a. The summaries shall include, for each SRO, the numbers and descriptions of all incidents or calls for service; names of school officials involved (referring teachers, principals, etc.); student searches; student questioning; tickets, citations, or summonses; filing of delinquency petitions; referrals to a probation officer; actual arrests; and other referrals to the juvenile justice system.

b. The summaries shall be provided to building-level school administrators, District-level school administrators, and the relevant law enforcement agency within 10 days after the end of each nine-week term.

11. Absent a real and immediate threat to student, teacher, or school/public safety, and absent the situations described herein where formal law enforcement intervention is deemed appropriate, building-level school administrators shall have final authority in the building.

12. School Liaison Supervisor. The TPD will designate one SRO to serve as the School Liaison Supervisor (SLS).

a. The SLS will ensure coordination of resources, responses and effective information sharing between the TPSD Director of Security, the building administrators and the SROs.

b. The SLS will establish and maintain a working knowledge of and adhere to all laws, ordinances and regulations of city, state and federal governments as well as the written policies and procedures of the TPSD and laws regarding student safety and conduct.

c. The SLS will be a sworn Tupelo Police Department officer assigned to and tasked to work in coordination with the TPSD Superintendent or designee and Director of Security. As a sworn TPD police officer, the SLS reports to the Chief of Police through the TPD chain of command, and the SLS's reporting authority will be the Chief of Police or designee. However, for day-to-day operations, directives and general duties and responsibilities, the SLS's reporting authority will be the superintendent or designee.

d. The SLS will be the direct point of contact between the TPD and TPSD for operational and administrative school safety and security issues that are outside the established scope of control of the TPD structure. The SLS will manage and coordinate school security and safety issues and attempt to anticipate problems before they occur by providing research, analyses and recommendations to the TPSD Superintendent or designee.

e. The SLS will establish and maintain effective relationships with school personnel and law enforcement agencies to ensure a continued commitment to keep schools safe for all students to reach their learning potential in an environment that leaves teachers free to help accomplish this goal.

f. The SLS will assist the TPSD in developing policies, procedures and training programs to enhance the professional development of the SROs and school personnel.

g. Upon request, the school shall provide information to the station commander and the SLS to assist in preparing the annual personnel evaluation of the assigned SRO.

## **II. DISTINGUISHING DISCIPLINARY MISCONDUCT TO BE HANDLED BY SCHOOL OFFICIALS FROM CRIMINAL OFFENSES TO BE HANDLED BY LAW ENFORCEMENT**

13. SROs are responsible for criminal law issues, not school discipline issues.

14. Typically, incidents involving students that relate to minor public order offenses shall be considered school discipline issues to be handled by school officials, rather than criminal law issues warranting formal law enforcement intervention. However, SROs may be called to enforce criminal law violations just as they would for crimes that occur off campus (e.g., issuance of criminal citation, ticket, or summons, filing of delinquency petition, referral to a probation officer, or actual arrest).

### III. RESPECT FOR THE RIGHTS OF STUDENTS

15. SRO Search. Absent a real and immediate threat to student, teacher, or school/public safety, an SRO may conduct or participate in a search of a student's person, possessions, locker and/or car only where there is probable cause to believe that the search will turn up evidence that the child has committed or is committing a criminal offense.

a. The SRO shall inform school administrators prior to conducting a probable cause search where practicable.

b. The SRO shall not ask school officials to search a student's person, possessions, locker or car in an effort to circumvent these protections.

16. School Official Search. School officials may conduct searches of a student's person, possessions, locker or car when there is reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law or District / school policy, procedures or rules. The standard for the search is reasonable suspicion and the search must be justified in scope given such suspicion.

a. The SRO shall not become involved in school related searches unless specifically requested by the school official to provide security, protection or for the handling of contraband.

b. These searches must be at the direction and control of the school official.

17. Strip searches of students by either school officials or SROs is prohibited.

18. Absent a real and immediate threat to student, teacher, or school/public safety, other physically invasive searches by a school official or SRO shall not be conducted on a student.

19. Absent a real and immediate threat to student, teacher, or school/public safety, an SRO shall not use physical force (including but not limited to Tasers, Mace, or other physical or chemical restraints) on a student. However, in all cases, SROs will follow Tupelo Police Department standard procedures when making an arrest, including the use of handcuffs.

20. Police Investigation and Questioning.

a. While an SRO has the authority to stop, question, interview and take police action without the prior authorization of the principal or contacting parents, the investigation and questioning of students during school hours or at school should be limited to situations where the investigation is related to the school. Investigations and questioning of students for offenses not related to the operation of, or occurring at the school, should occur only in such situations where, for example, delay might result in danger to any person, flight from the jurisdiction by a person suspected of a crime, or destruction of evidence.

b. The SRO shall inform school administrators prior to questioning the student where practicable, SROs should coordinate their activities so that action between the TPD and TPSD is cooperative and in the best interest of the school and public safety.

c. Absent a real and immediate threat to student, teacher, or school/public safety, an SRO may question or participate in the questioning of a student about conduct that could expose the student to court-involvement or arrest only after informing the student of his or her Miranda rights and only in the presence of the student's parent or guardian.

d. The SRO shall not ask a school official to question a student in an effort to circumvent these protections.

e. Absent a real and immediate threat to student, teacher, or public safety, a school official shall not ask an SRO to be present or participate in the questioning of a student that could expose the student to court-involvement or arrest.

### IV. RELEASE OF STUDENT INFORMATION

21. The release of student education records is governed by the Family Educational Rights and Privacy Act (FERPA). "School officials" may access and disclose education records only as authorized by FERPA. SROs

will be familiar with TPSD policies and applicable laws and regulations concerning the confidentiality of student records.

a. For purposes of access to student records, the SROs are considered "school officials" and may be provided student information as needed to carry out their duties related to the school environment. On a routine basis, the SRO's access to student records shall be limited to a system-wide TPSD look-up of directory information (defined on the TPSD notice attached hereto), that will include information on all students in the school system who have not opted-out of the disclosure of directory information.

b. Relative to students attending the school at which the SRO works, the SRO may access additional items of information, such as class schedule, that an SRO may need to perform his/her duties, but which are not designated as directory information. The SROs may have access to other student records only when needed to carry out his/her duties in the school environment and only as approved by the school principal.

c. SROs, as "school officials" may not disclose student records protected under FERPA, except as provided by FERPA.

**22. "Law enforcement records"** are those records, files, documents and other materials that are created and maintained by the SROs for the purpose of ensuring the physical safety and security of people and property in TPSD and/or the enforcement of any local, state or federal law, even if such records also serve the dual purpose of investigating and enforcing school disciplinary rules.

a. Because "law enforcement records" are not "education records" under FERPA, they are not subject to the disclosure restrictions of FERPA.

b. Law enforcement records shall not be comingled with education records maintained by the schools.

c. Copies of law enforcement records that are provided to school administrators for the purpose of school discipline become the education records of that student, and thus are subject to the disclosure restrictions of FERPA.

NOTE: The original law enforcement record maintained by the SRO, however, remains exempt from the disclosure restrictions of FERPA.

d. Any record that is created and maintained by the SRO exclusively for the purpose of a possible school disciplinary action against the student would fall outside the definition of "law enforcement records." Such records would be subject to FERPA restrictions.

**23. TPD officials** who are not assigned to the schools as part of the SRO Program and other law enforcement officials may have access to education records without parent consent only if:

a. TPSD has designated the information as directory information; or

b. the knowledge of the education record is needed to protect the health and safety of a student or other person in an emergency situation; or

c. TPSD is presented with a search warrant, subpoena or other valid court order requiring the release of education records to the law enforcement official or agency.

**24. Health and Safety Emergency.** Law enforcement officials seeking access to education records under the health and safety emergency exception should contact the student's principal and must present sufficient information for the principal to make the determination that a health and safety emergency, within the requirements of FERPA, exists. If an education record is disclosed under this exception, the student's file must contain a record of the basis for the disclosure (the "articulable and significant threat to the health or safety of a student or other individuals") and the parties to whom the information was disclosed.

**25. Court Orders, Subpoenas, and Search Warrants.** FERPA requires that school officials take reasonable steps to notify the parent(s) or student (if he/she is 18 or older) before any records are disclosed pursuant to a court order, subpoena or search warrant.

a. Such notice will not be provided if the court order, subpoena or search warrant indicates that it has been issued *ex parte*, or if it contains direction that the subject of the records should not be notified.

b. School officials will retain original education records and will provide copies in response to any court order, subpoena or search warrant.

c. Except where the court order, subpoena or search warrant indicates that it has been issued *ex parte* or if it contains direction that the subject of the records should not be notified, a record of any disclosure under his exception will be made in the student's file.

## V. ARREST PROCEDURES

26. SROs are expected to be familiar with school policies/rules and their application within the school system. Routinely, policy/rule infractions will not be handled as violations of law, but rather referred to the principal or designee for action. Any questions related to the enforcement of policies/rules versus laws within schools should be discussed with the principal. The specifically applies to general standards of conduct.

27. Students shall not be arrested at school, except where (a) the student poses a real and immediate threat to another student, teacher, or public safety; or (b) a judicial warrant specifically directs the arrest of the student in a school. In all other instances, the execution of an arrest warrant shall be undertaken at a location other than a school.

28. When an arrest of a student must occur at school, it should be done in a manner that minimizes disruption to the school and embarrassment to the student. Upon the arrest of a student, the SRO should immediately make a reasonable attempt to notify the student's parent/guardian of the arrest and the location to which the student will be taken. The following procedures will be followed where arrests of students or staff become necessary:

- \* The arrest of a student or employee of the TPSD with a warrant should be coordinated through the principal and accomplished after school hours, whenever practical.

- \* Persons whose presence on school grounds has been restricted or forbidden or whose presence is in violation of the Mississippi Code should be arrested for trespassing.

- \* Arrest of students or staff during school hours or on school grounds shall be reported fully to the principal as soon as practical.

## VI. ACCOUNTABILITY

29. The SRO Program shall set forth a simple and straightforward mechanism for any student, parent, teacher, principal, or other school administrator to submit a complaint, orally or in writing, of abuses or misconduct by an SRO. Any such complaint shall be made to the Tupelo Police Department in accordance with TPD SOP 4.04 Professional Compliance.

- a. Parents and students shall be permitted to submit a complaint in their native language.

- b. The complaint system shall be confidential only in accordance with the Tupelo Police Department Internal Affairs Division and consistent with the SRO's due process rights.

- c. Complaints shall be promptly investigated and resolved, and complainants shall be furnished with a written explanation of the investigation and resolution in accordance with TPD SOP 4.04 Professional Compliance.

- d. Where serious allegations of abuse or misconduct are raised, the SRO shall be temporarily removed from having contact with students as appropriate.

- e. Where allegations of abuse or misconduct are substantiated, the SRO shall be suspended or permanently removed from school assignments or receive additional training as appropriate.

30. Every student, parent, and guardian in the school system shall be informed of the complaint procedure.

## VII. MINIMUM SRO TRAINING REQUIREMENTS

31. It is the intention of the parties that SRO officers be of the rank of PO III or above, but it is the understanding of the parties that staffing availabilities may necessitate the utilization of officers of senior PO II rank or officers with at least five (5) years law enforcement experience. Every SRO shall complete the required School Resource Officer training as required by, and in accordance with, state law and regulation prior to working on a TPSD campus. In addition, every SRO will complete annual in-service training offered at the Mississippi Association of School Resource Officers ("MASRO") annual meeting on relevant topics including the following topics:

- a. Child and adolescent development and psychology;

- b. Positive behavioral interventions and supports (PBS), conflict resolution, peer mediation, or other restorative justice techniques;

- c. Children with disabilities or other special needs; and

- d. Cultural competency.

32. TPSD will reimburse TPD for the cost of annual MASRO training for SROs, including paying for travel expenses incurred in accordance with TPSD policies, and will provide in-service training to the SROs, when available, in areas that will increase the effectiveness of the officers and their ability to accomplish their respective duties and responsibilities.

### VIII. PROMOTING NON-PUNITIVE APPROACHES TO STUDENT BEHAVIOR

33. The SROs shall be familiar with and trained in programs adopting non-punitive approaches to discipline available in the TPSD. If a school has implemented a specific program designed to improve the overall school climate or respond to student behaviors in specific ways, the SROs shall participate in trainings associated with that program.

### IX. STRUCTURE AND FUNDING FOR SRO PROGRAM

34. The selection of the SRO is the most critical aspect of the SRO Program. The TPD Police Chief shall select officers who have demonstrated the ability, interest, and skills necessary to work with youth, school staff, and the public. The following criteria should be considered when selecting officers for the Program:

- \* Ability to work with diverse groups
- \* Ability to work cooperatively in a non-law enforcement environment with little supervision
- \* Knowledge of departmental resources
- \* Creative problem-solver
- \* Conflict resolution skills
- \* Knowledge of the Juvenile Code and Juvenile Court procedures
- \* Ability to effectively provide instruction to youths
- \* Organization and communication skills
- \* Completion of required training before or after selection
- \* Supervisory recommendation

35. All SROs are employees of the Tupelo Police Department. No SRO is an employee of TPSD. It is agreed by both parties in this MOU that the TPD will bear the cost of salary, overtime and fringe benefits for the SROs (including the SLS), including their equipment and training. Additional SRO officers, their salary, overtime, fringe benefits, equipment and training may be provided by supplemental/amended, written agreement of TPD and TPSD. However, TPSD will also provide training as mutually agreed upon, and appropriate. SROs will be paid in accordance with the TPD salary structure and are subject to all Human Resources policies of the TPD. This MOU shall not be construed to create a relationship of employer and employee, principal and agent, or partnership or joint venture between the TPSD and the SROs. This agreement or any supplemental/amended agreements shall not alter the practice by which TPSD applies for MCOPs grants and provides the proceeds to TPD.

36. The SRO's duty schedule will be determined by the SLS, but generally will be arranged to provide coverage throughout the school day including peak arrival and departure times before and after school. Whenever possible, SROs will be visible patrolling the exterior and interior grounds, particularly during the opening or closing of school and during the lunch periods.

37. TPSD will provide at each school a work area for the SRO that is equipped with a telephone and computer. It is recommended that the area accommodate seating for a minimum of three people in privacy for interviewing purposes. The school shall also provide the SRO a locked storage area for securing contraband recovered in the school by staff.

38. During summer break and school term vacations, SROs will not have any responsibilities to TPSD; they will report for duties as assigned by the TPD.

39. TPD currently provides eight (8) SRO officers and the SLS to TPSD. To help defray the costs to TPD of the SRO program, TPSD will provide annually the sum of \$205,966.37, one-half payable beginning July 1, 2022 and one-half payable December 31, 2022, and thereafter on said dates. This provision will be reviewed annually by the parties and may upon written agreement be adjusted to eliminate, reduce, or expand the parties' obligations.



**X. CERTIFICATION REGARDING CRIMINAL CONVICTIONS**


40. By the signature of its authorized official on this MOU, the TPD certifies that none of the TPD employees who will have direct contact with students has been convicted of a felony or any offense involving the sexual molestation or physical or sexual abuse or rape of a child. The TPD agrees to remove from this Program any employee who has been determined by TPSD to be disqualified from service due to such convictions or the failure to truthfully report such convictions.


**XL. DURATION OF MOU**

41. This MOU shall become effective immediately upon execution by the parties and remain effective until such time as either party withdraws from the agreement by delivering ninety (90) days written notification of such termination to the other party. Termination by either party shall eliminate the presence of Tupelo Police Department SROs at the Tupelo Public School District.

42. The parties will review the MOU prior to July 1<sup>st</sup> annually and amend it as necessary to meet the needs of the parties.

Signed on this 15 of September, 2022.

  
\_\_\_\_\_  
Robert J. Picou, Ph.D.  
TPSD Superintendent

  
\_\_\_\_\_  
Todd Jordan  
Mayor of the City of Tupelo



## AGENDA REQUEST

**TO:** Mayor and City Council  
**FROM:** Todd Jordan, Mayor  
**DATE** September 12, 2022  
**SUBJECT:** IN THE MATTER OF REAPPOINTMENT OF WESLEY WELLS TO TUPELO HOUSING AUTHORITY BOARD

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**Request:**

Please confirm the reappointment of Wesley Wells to the Tupelo Housing Authority Board for a 5 year term to begin immediately. His last term expired on June 30, 2022 and the new term will expire on June 30, 2027.



## TUPELO HOUSING AUTHORITY

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

COMMISSIONERS  
GEORGE TAYLOR, CHAIRPERSON  
TILLMON CALVERT, VICE-CHAIRPERSON  
WESLEY WELLS, COMMISSIONER  
KRISTY LUSE, COMMISSIONER  
JASON MARTIN, COMMISSIONER

EXECUTIVE DIRECTOR  
TABITHA SMITH

September 9, 2022

Mayor Todd Jordan  
City of Tupelo  
P. O. Box 1485  
Tupelo, Mississippi 38802-1485

Dear Mayor Jordan:

Mr. Wesley Wells term as Commissioner of the Tupelo Housing Authority expired on June 30, 2022. Mr. Wells has done an outstanding job representing the interest of low-income families in our public housing communities. Mr. Wells has a keen interest in housing low income people. Through his stewardship, the Housing Authority has grown and progressed in a manner that has improved the living conditions of low-income people in the City of Tupelo.

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

Please contact me should you have any questions.

Sincerely,

Tabitha Smith  
Executive Director

Enclosure

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

WHEREAS, Wesley Wells current term of office expired on June 30, 2022; and

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

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

That Wesley Wells is hereby reappointed to serve a five-year term on the Board of Commissioners of the Tupelo Housing Authority, and/or until his successor succeeds him in office, and that the term of this appointment shall begin on July 1, 2022 and shall expire on June 30, 2027.

DONE BY ORDER OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI, on this the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

**CLERK’S CERTIFICATE**

I, \_\_\_\_\_, Clerk for the City Council of the City of Tupelo, Mississippi, do hereby certify that the foregoing resolution is a true and correct copy of a resolution which was approved by the City Council of the City of Tupelo, Mississippi, in a meeting held on \_\_\_\_\_, 2022, and that a copy of the resolution appears in the recorded minutes of that meeting.

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



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Debbie Brangenberg, TRA

**DATE** September 15, 2022

**SUBJECT:** IN THE MATTER OF REAPPOINTMENT OF REED HILLEN TO TUPELO REDEVELOPMENT AGENCY **DB**

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**Request:**

Reappointment of Reed Hillen to TRA to expire on March 1, 2024



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Debbie Brangenberg, TRA

**DATE** September 15, 2022

**SUBJECT:** IN THE MATTER OF REAPPOINTMENT OF CHERYL RAINEY TO  
TUPELO REDEVELOPMENT AGENCY **DB**

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**Request:**

Reappointment of Cheryl Rainey to TRA to expire on June 20, 2027



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Debbie Brangenberg, TRA

**DATE** September 15, 2022

**SUBJECT:** IN THE MATTER OF REAPPOINTMENT OF SHANE HOMAN TO TUPELO REDEVELOPMENT AGENCY **DB**

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**Request:**

Reappointment of Shane Homan to TRA to expire on June 20, 2027



## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Debbie Brangenberg, TRA

**DATE** September 15, 2022

**SUBJECT:** IN THE MATTER OF APPOINTMENT OF BRANNON KAHLSTORF TO  
TUPELO REDEVELOPMENT AGENCY **DB**

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**Request:**

Reappointment of Brannon Kahlstorf to TRA to expire on September 21, 2027





## AGENDA REQUEST

**TO:** Mayor and City Council

**FROM:** Debbie Brangenberg, TRA

**DATE** September 15, 2022

**SUBJECT:** IN THE MATTER OF APPOINTMENT OF BENTLEY NOLAN TO TUPELO REDEVELOPMENT AGENCY **DB**

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**Request:**

Reappointment of Bentley Nolan to TRA to expire on September 21, 2027