

Minute Book 32
August 17, 2021
BOARD MEETING
OF THE
MAYOR
AND
BOARD OF ALDERMEN
OF THE
TOWN OF TUNICA, MISSISSIPPI

OFFICERS:

Mayor Andrew T. Dulaney

Alderman Lee B. Turner

Alderman Valerie Hartsfield

Alderman Rebecca P. Fyfe

Alderman Adam Fullilove

Alderman Daniel M. Pierce

Town Attorney Richard W. Ryals, II

Town Clerk Kate Scott Pennock

Chief of Police Kevin Hatton

Town Chaplain Danny Smith

**REGULAR THIRD TUESDAY AUGUST 2021, MEETING
OF THE MAYOR AND BOARD OF ALDERMEN**

BE IT REMEMBERED, that Tuesday, August 17, 2021, being the third Tuesday of said month and the day fixed by Board order for holding the second monthly meeting, said meeting was held in the Boardroom in the Municipal Complex at 909 River Road in the Town of Tunica, Mississippi, beginning at 3:00 p.m. with the following present or absent as indicated below:

Mayor Andrew T. Dulaney	Present
Alderman Lee B. Turner	Present
Alderman Valerie Hartsfield	Present
Alderman Rebecca P. Fyfe	Present
Alderman Adam Fullilove	Present
Alderman Daniel M. Pierce	Present
Town Clerk Kate Scott Pennock	Present
Town Attorney Richard W. Ryals, II	Present
Assistant Police Chief Kevin Hatton	Present
Operations Manager Thomas J. Robinson, III	Present
Town Chaplain Danny Smith	Present
*Via telephone.	

Others in attendance are listed on the attendance sheet.

APPENDIX A – ATTENDANCE SHEET

Mayor Dulaney called the meeting to order and led in the pledge of allegiance. Alderman Pierce led in prayer.

The Board considered the minutes from the meeting held on August 3, 2021. A copy was previously emailed to each Alderman. Alderman Pierce moved to approve the minutes as provided to the Board. Alderman Fullilove seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.

REPORTS:

- **Planning Commission** J Robinson Reported for the planning commission. Mr. Robinson reported that the Planning Commission has held its monthly meeting for August. Mr. Robinson updated the Board on the general issues discussed and approved by the Planning Commission. In particular, Mr. Robinson advised that the Planning Commission has made a recommendation to the Mayor and Board on possible amendments to the Zoning Ordinance relating to cars sales and bail bondsman offices. Once additional details on the recommendation are available, these will be provided to the Mayor and Board of Aldermen for its consideration.
- **Police Report:** Police Chief Hatton reported for the Police Department.
- **Public Works:** Thomas Robinson and Kelvin Cooke reported on public works and other operations.
- **Tunica Mainstreet:** Laura Withers reported for Tunica Mainstreet. Ms. Withers updated the Board on the progress being made for the awning project. All five businesses have been contacted and have advised that they would like to participate in the awning upgrade/replacement program. A fall newsletter will be issued by Tunica Main Street outlining the various upcoming events. Finally, Ms. Withers advised that she is revisiting the idea of a mural downtown. As this concept develops, she will keep the Mayor and Board of Aldermen updated on the progress.

- **Code Report:** David Graves reported on code enforcement.

Citizen Vivian Shelton was present. First, Ms. Shelton thanked the Mayor and Board of Aldermen as well as the public works crew for the work in front of her house. She stated that she appreciates the hard work and is grateful as to how nice it looks following the Town's repair of the utility issues on the side of the road in front of her home. Next, Ms. Shelton thanked the first responders and all those who have helped her following her fall at her house. Ms. Shelton stated that the Town is like one big family and she is appreciative and thankful for all the help, thoughts and calls she received. Mayor Dulaney advised that the Town is happy that it was able to help Ms. Shelton during her time of need. The Town is always available to provide assistance.

Lori Barnes and Tasha Jackson presented on behalf of The First Regional Library pertaining to the FY22 Budget. Following the presentation, Mayor Dulaney thanked the library representatives for the information provided at the meeting. Mayor Dulaney advised that the library is certainly included in the proposed budget.

TOOK UP for consideration the Mayor and Board of Aldermen of the Town of Tunica, Mississippi the issue the condition of the property located at 789 Main Street, Tunica, MS. After a discussion of the matter, Alderman Turner offered and moved for the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF TUNICA, MISSISSIPPI, INITIATING ON ITS OWN MOTION THE HOLDING OF A HEARING TO DETERMINE WHETHER PROPERTY LOCATED AT 789 MAIN STREET, TUNICA, MS, IS IN SUCH A STATE OF UNCLEANLINESS AS TO BE A MENACE TO THE PUBLIC HEALTH, SAFETY AND WELFARE OF TUNICA, AND FOR RELATED MATTERS

The Mayor and Board of Aldermen of the Town of Tunica, Mississippi ("Board") acting for and on behalf of the Town of Tunica, Mississippi ("Tunica") hereby find, determine, and adjudicate as follows:

1. Tunica has received complaints from concerned citizens about the state of the house and lot located at 789 Main Street, Tunica, MS. Based on the information available, the property is owned by Oscar Benner, Jr., et al. The tax parcel identification number is: 5113-05010-0009700. The address used for purposes of mailing ad valorem tax statements is: PO Box 1141, Tunica, MS 38676. The general legal description is Lots 5 & 6, Block B, L.L. Bankston Addition to the Town of Tunica. The lot measures generally 100 feet north and south, 150 feet east and west. The property as described herein is sometime referred to as the "Property."
2. David Graves, Code Officer for Tunica, has viewed the Property and has had contact with the landowner and/or his family concerning the condition of the Property.
3. Following Mr. Graves contact, some of the grass was cut. However, the Property continues to have high grass and dilapidated buildings located on it which could be rodent attractants.
4. Pursuant to Section 21-19-11 of the Mississippi Code of 1972, as amended, and the ordinances of Tunica (34-1, et al.), Tunica has the right to initiate on its own motion a process to determine whether any property or parcel of land located within the Town of Tunica is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community.
5. In order to make any such determination and in order to give the property owner an opportunity to be heard and to clean up the issues, a hearing shall be held on the matter on September 7, 2021, at 3:00 p.m. with a notice to be given to the property owner. The notice to the property owner shall be given as follows:

- a. By United States mail two (2) weeks before the date of the hearing mailed to the address of the subject property, and as the property appears to be vacant, to the address where the ad valorem tax notice for such Property is sent by the office charged with collecting ad valorem tax; and
 - b. By posting notice for at least two (2) weeks before the date of a hearing on the Property and at Town Hall (909 River Road, Tunica, MS) where such notices are posted.
6. A copy of the notice that is mailed and posted as required by this Section 21-19-11 shall be provided to the Mayor and Board of Aldermen at the September 7, 2021, public hearing so that the same can be recorded in the minutes of the Mayor and Board of Aldermen of the Town of Tunica.

Now therefore, based on the above and foregoing, the Mayor and Board of Aldermen of the Town of Tunica hereby resolve as follows:

1. A public hearing concerning whether the Property is in such a state of uncleanness as to be a menace to the public health, safety and welfare of the community shall be held on September 7, 2021, at 3:00 p.m. by the Mayor and Board of Aldermen of the Town of Tunica, Mississippi, at 909 River Road, Tunica, MS 38676.
2. Kathryn C. Pennock, Clerk, shall give notice as indicated above and required by law. A copy of such notice(s) shall be available and provided to the Mayor and Board of Aldermen on September 7, 2021, at the hearing. A copy of the notice to be given is attached hereto as Exhibit "A".
3. If, following the hearing, it is determined that the Property is a menace to the public health, safety and welfare of the community, then it is anticipated that a resolution confirm such will be adopted following the public hearing with the Town to clean such property up and the cost to be assessed as authorized by law.

Following the motion for the adoption of the foregoing resolution, Alderman Pierce seconded the motion. Thereupon, the matter was put to a vote as follows:

Alderman Turner	Ward 1	Aye
Alderman Hartsfield	Ward 2	Aye
Alderman Fyfe	Ward 3	Aye
Alderman Fullilove	Ward 4	Aye
Alderman Pierce	Ward 5	Aye

The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, Andrew T. Dulaney, Mayor, declared the same carried, adopted and approved this the 17th day of August, 2021.

The Mayor and Board of Aldermen next discussed the state of the building located at 1335 Main Street, Tunica, MS. Mayor Dulaney advised that he has discussed the matter with Ms. Mangum. Ms. Mangum has indicated that she is willing to donate the buildings to the Town of Tunica. This will be pursued, but the buildings will not be accepted by the Mayor and Board of Aldermen until additional investigation is undertaken.

The Mayor and Board of Alderman of the Town of Tunica then discussed and considered the proposed amendment to the Zoning Regulations of the Town of Tunica relating to various issues including, but not necessarily limited to, car lots/sales, bail bondsman, and short-term rentals. No action was taken and it was decided to postpone the discussion until a future meeting.

APPENDIX B – WATER ADJUSTMENTS

The Mayor and Board of Alderman of the Town of Tunica then discussed and considered the water adjustments for the last month due to leaks that have now been repaired. Alderwoman Hartsfield moved to accept this motion and Alderwoman Fyfe seconded. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.

APPENDIX C – MDOT ALTERNITIVES

The Mayor and Board of Alderman of the Town of Tunica then discussed and considered approving and authorizing applying for MDOT Transportation Alternatives Grant. Alderman Pierce moved to accept this motion and Alderman Turner seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the mayor declared the same carried and adopted.

APPENDIX D – CHARGING STATION

The Mayor and Board of Alderman of the Town of Tunica then discussed and considered the resolution relating to have a charging station installed in Downtown Tunica. Alderman Turner moved that Mayor Dulaney be authorized to initiate the process to apply for and have a charging station installed at an appropriate location in Downtown. Alderman Fullilove seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the mayor declared the same carried and adopted.

APPENDIX E – DRAFT NOTICES TO BE GIVEN FOR BUDGET/TAX LEVY HEARINGS

Next, the Mayor and Board of Alderman of the Town of Tunica discussed and considered approving the budget adoption schedule and notices for hearings and budget/tax levy adoption (Board meeting/work session August 24, 2021, at 6:00 p.m. and Board meeting/public hearing – August 31, 2021, at 5:30 p.m.) The hearing to adopt the budget will be September 7, 2021, at 3:00 p.m. Alderman Pierce moved to accept this motion with notices in substantially the form as attached hereto as Exhibit E to be posted/give as required by law. Alderman Fyfe seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted.

The Mayor and Board of Aldermen next considered holding an Executive Session, as authorized pursuant to Section 25-41-7, Mississippi Code of 1972, as amended. Alderman Pierce moved that a closed determination be held to discuss whether an executive session is needed to be held and is appropriate. Alderman Turner seconded the motion. Thereupon, the matter was put to a vote with the results as follows: Alderman Turner, yea; Alderman Hartsfield, yea; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the motion carried and the Mayor and Board held a closed determination on the issue of whether an executive session is necessary. Mayor Dulaney stated that the purpose for holding the executive session would be to discuss possible acquisition of real property (the “Executive Session Matter”).

Based on this, Alderman Pierce moved that the Mayor and Board of Alderman hold an executive session to discuss, consider and act on the Executive Session Matter. Alderman Turner seconded the motion. The matter was put to vote with the results as follows: Alderman Turner, yea; Alderman Hartsfield, yea; Alderman Fyfe, yea; Alderman

Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of the Town of Tunica, the Mayor declared the motion carried and the Mayor and Board held an executive session to consider the Executive Session Matter. Present for the executive session were the Mayor, all members of the Board of Alderman, Town Clerk Pennock, and Town Attorney Ryals.

During the executive session, the Executive Session Matter was discussed. Aldermen Pierce moved that Mayor Dulaney be authorized to negotiate for the acquisition for the 1335 Main Street and to report back to the Board at a future meeting on the same. Aldermen Turner seconded the motion. Thereupon, the matter was put to a vote with the result as follows: Alderman Turner, yea; Alderman Hartsfield, yea; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of Tunica, the Mayor declared the same carried, adopted and approved.

Following the action taken, Alderman Turner moved to leave executive session. Alderman Fyfe seconded the motion. The matter was put to a vote with the result follows: Alderman Turner, yea; Alderman Hartsfield, yea; Alderman Fyfe, yea; Alderman Fullilove, yea; and Alderman Pierce, yea. The matter having received the majority affirmative vote of the Board of Aldermen of Tunica, the Mayor declared the same carried and the Board ended the executive session and returned to open meeting. Mayor Dulaney announced the action that was taken during executive session.

With no other business, Alderman Turner moved to adjourn the meeting. Alderman Pierce seconded the motion. Thereupon, the matter was put to a vote and the same having received the unanimous affirmative vote of all Aldermen present, the Mayor declared the same carried and adopted, and the meeting adjourned at 3:53 p.m. this 17th day of August 2021.

Andrew T. Dulaney, Mayor

ATTEST:

Kate Scott Pennock, Town Clerk

APPENDIX A – ATTENDANCE SHEET

APPENDIX B – WATER ADJUSTMENT RECOMMENDATIONS

APPENDIX C – MDOT ALTERNATIVES

APPENDIX D – CHARGING STATION

APPENDIX E – DRAFT NOTICES TO BE GIVEN FOR BUDGET/TAX LEVY HEARINGS

**BOARD MEETING
ATTENDANCE SCHEDULE
3:00 P. M.
AUGUST 17, 2021**

NAME	EMAIL/ORGANIZATION
1. Vivian Shelton	Res.
2. Mark Chua	Res
3. Quataria J. Low	Librarian
4. Nancy Anderson	Librarian
5. Marie Warner	Tunica Airport
6. Lori Barnes	FRL System
7. Jennifer Stephenson	FRL System
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____

8-17-2021 Adjustment Review

CUSTOMER NAME	ACCOUNT #	SERVICE ADDRESS	TOTAL ADJUSTMENT
Inside City Limits			
Nichols, George	01-0045000	927 Academy Dr.	\$156.36
Poore, Blanche	01-0078000	1041 Garland Ave.	\$237.86
McLean, Douglas	01-0181000	860 School St.	\$187.00
Parker, Larry	02-0315000	1181 Houston Cir.	65.55 (POOL FILL UP)
Presbyterian Church	02-0333000	1115 Main St.	\$798.10
Walker, Stephanie	03-0066001	769 Monroe Al.	\$485.76
Davis, Eddie Bell	03-0067000	757 Monroe Al.	\$156.00
Freeman, Christine	03-0074001	723 Main St.	\$112.46
		Total Inside City	\$2,133.54
Outside City Limits			
Washington, Cassandra	03-0174001	1260 Henderson Dr. Apt. E-8	\$763.41
Ankston, Lucindy	03-0181000	1261 Bankston Rd. Apt # 5	\$332.15
Hawkins, Felicia	04-0067000	1168 Prichard Rd.	\$40.04
Ross, Ramon	04-0071000	1199 Prichard Rd.	\$75.34
Nickson, Lashunna	04-0244002	1063 Cumberland St.	\$1,156.54
Watts, Earnest	05-0283001	1390 Bankston Rd. Apt#302	\$36.30
Williams, Lawanda	05-0308000	1390 Bankston Rd. Apt#108	\$188.22
		Total Outside City	\$2,592.00
		Total Adjustments Amount	\$4,725.54

RESOLUTION

**Authorizing
North Delta Planning and Development District
to Prepare and Submit
a Mississippi Department of Transportation
Transportation Alternatives Program Application
for
the Town of Tunica, Mississippi**

WHEREAS, the Town of Tunica, Mississippi has certain pressing Economic and Community Development needs; and

WHEREAS, the Mississippi Department of Transportation (MDOT) has funds under the Transportation Alternatives Program (TAP) for fiscal year 2021; and

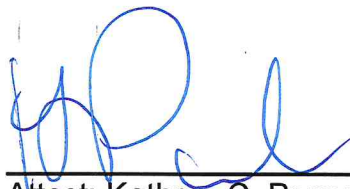
WHEREAS, the Town of Tunica, Mississippi is eligible to apply for said MDOT TAP assistance; and

WHEREAS, North Delta Planning and Development District, Inc. (NDPDD) has sufficient, experienced professional staff to prepare necessary application documents, and facilitate a funded MDOT TAP grant

THEREFORE, BE IT RESOLVED, by the Board of Aldermen of the Town of Tunica:

- (1) That the North Delta Planning and Development District is hereby authorized to prepare a FY- 2021 MDOT TAP Application on behalf of the town; and
- (2) That Andrew T. Dulaney, in his official capacity as the mayor, is authorized to sign all necessary documents, including Grant Agreements with MDOT, upon approval of said applications by the Mississippi Department Transportation. In Mayor Duaney's absence, Daniel M. Peirce, Vice Mayor, is authorized to execute such documents.

SO ORDERED. THIS THE 17th day of August, 2021, by the Board of Aldermen of the Town of Tunica, Mississippi in a Regularly Scheduled Meeting.



Attest: Kathryn C. Pennock, Town Clerk



Andrew T. Dulaney, Mayor, Town of Tunica

**NOTICE OF A PUBLIC HEARING ON THE PROPOSED BUDGET AND
PROPOSED TAX LEVIES FOR THE UPCOMING FISCAL YEAR FOR THE
TOWN OF TUNICA, MISSISSIPPI
AUGUST 31, 2021, AT 5:30 PM**

The Town of Tunica will hold a public hearing on its proposed budget and proposed tax levies for fiscal year 2022 on August 31, 2021, at 5:30 pm in the Boardroom of the Mayor and Board of Aldermen located at 909 River Road, Tunica, MS.

The Town of Tunica is operating with projected total general fund budget revenue of \$2,003,185.00. At present, 9.1 percentage, or \$182,500.00 of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed general fund budget has total projected revenue of \$2,435,765.00. Of that amount, 7.2%, or \$183,415.00, is proposed to be financed through a total ad valorem tax levy of 20 mills (MCA § 27-39-307); .5%, or approximately \$12,000.00, for the library funded through an ad valorem tax levy of 1.5 mills (MCA § 39-3-5); and 1.2%, or \$25,000.00, for solid waste will be funded by an ad valorem tax levy of 3mills (MCA § 21-19-2) for a total of 24.5 mills. The \$2,435,765.00 includes \$400,000.00 of revenue to be transferred in for capital acquisitions for fire/emergencies services. It is anticipated the Mayor and Board of Aldermen will take final action on the budget and tax levy at its meeting on September 7, 2021, at 3:00 p.m. in the Boardroom located in Town Hall, 909 River Road, Tunica, MS.

The decision to not increase the ad valorem tax millage rate for fiscal year 2022 above the current fiscal year's ad valorem tax millage rate means you will not pay more in ad valorem taxes on your home, automobile tag, utilities, business fixtures and equipment and rental real property unless the assessed value of your property has increased for fiscal year 2022.

Any citizen of the Town of Tunica is invited to attend this public hearing on the proposed budget and tax levies for fiscal year 2022 and will be allowed to speak for a reasonable amount of time and offer tangible evidence before any vote is taken.

**NOTICE OF A PUBLIC HEARING ON THE PROPOSED BUDGET AND
PROPOSED TAX LEVIES FOR THE UPCOMING FISCAL YEAR FOR THE
TOWN OF TUNICA, MISSISSIPPI
SEPTEMBER 7, 2021, AT 3:00 PM**

The Town of Tunica will hold a public hearing on its proposed budget and proposed tax levies for fiscal year 2022 on September 7, 2021, at 3:00 pm in the Boardroom of the Mayor and Board of Aldermen located at 909 River Road, Tunica, MS.

The Town of Tunica is operating with projected total general fund budget revenue of \$2,003,185.00. At present, 9.1 percentage, or \$182,500.00 of such revenue is obtained through ad valorem taxes. For next fiscal year, the proposed general fund budget has total projected revenue of \$2,435,765.00. Of that amount, 7.2%, or \$183,415.00, is proposed to be financed through a total ad valorem tax levy of 20 mills (MCA § 27-39-307); .5%, or approximately \$12,000.00, for the library funded through an ad valorem tax levy of 1.5 mills (MCA § 39-3-5); and 1.2%, or \$25,000.00, for solid waste will be funded by an ad valorem tax levy of 3mills (MCA § 21-19-2) for a total of 24.5 mills. The \$2,435,765.00 includes \$400,000.00 of revenue to be transferred in for capital acquisitions for fire/emergencies services.

The decision to not increase the ad valorem tax millage rate for fiscal year 2022 above the current fiscal year's ad valorem tax millage rate means you will not pay more in ad valorem taxes on your home, automobile tag, utilities, business fixtures and equipment and rental real property unless the assessed value of your property has increased for fiscal year 2022.

Any citizen of the Town of Tunica is invited to attend this public hearing on the proposed budget and tax levies for fiscal year 2022 and will be allowed to speak for a reasonable amount of time and offer tangible evidence before any vote is taken.