

**REGULAR FIRST TUESDAY FEBRUARY 2022, MEETING  
OF THE MAYOR AND BOARD OF ALDERMEN**

**BE IT REMEMBERED** that Tuesday, February 1, 2022, being the first Tuesday of said month and the day fixed by Board order for holding the first 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:

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

**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. Chaplain Smith led in prayer.**

**The Board considered the minutes from the January 18, 24 and 28, 2022, meetings. Alderman Pierce moved to approve the minutes as written and previously provided to the Board. Alderman Hartsfield 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 Board then considered the claims for January, 2022. It was noted that a summary of the claims was previously provided to the Board. Additionally, all claims were available for review by the Board. After a brief discussion of the claims and a review by Mayor Dulaney, Alderman Turner moved to approve the claims as presented. 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 B – JANUARY CLAIMS**

### **REPORTS:**

- **Police Report:** Chief Hatton reported for the Police Department. Following a review of the report and questions relating to the operation of the police department, Chief Hatton was thanked for his report.
- **Public Works:** Thomas Robinson was unable to be at today's meeting. Trentiss Gordon reported for public works. Mr. Gordon discussed the vehicles used by public works and the associated departments. Additionally, Mr. Gordon discussed the trimming of the crepe myrtle trees. Following Mr. Gordon's report, Mr. Gordon was thanked for the information.

Under old business, Mayor Dulaney advised that Dr. Barrett will be at the Board's February 15, 2022 meeting to make his presentation on the proposed water and sewer rates.

The Board of Aldermen next discussed engineering services for the CDBG project. Each Alderman has been provided with a copy of each of the three timely received engineering proposals. Also, each Alderman has been provided with a ranking sheet. Mr. Dixon from North Delta Planning and Development District was present to assist with the selection process. Mr. Dixon collected the ranking sheet that each Alderman had completed after reviewing the proposals. Mayor Dulaney advised that Mr. Dixon will tabulate the results while the Board works through the remaining items on the agenda. A report will be made to the Board prior to the Board's adjourning the meeting so that the most qualified engineering firm can be selected. A copy of the ranking sheets were directed to be included in the minutes as an appendix to the minutes.

## **APPENDIX C – RANKING SHEETS**

The Board of Aldermen next discussed general engineering services. There are times when the Town is in need of professional engineering services for various projects and issues that arise, particularly with water and sewer. Fisher and Arnold, Inc. is a firm of professionally licensed engineers who are qualified, competent and capable of providing the needed services to the Town. The services will be limited in nature and for general questions such as assisting Mr. Robinson on sizing pumps, etc. A proposed contract was provided to the Board members. Following a discussion, Alderman Fyfe moved that the Board of Aldermen approved a general engineering services contract with Fisher & Arnold, Inc. for general projects and issues that arise relating to the operation and maintenance of the Town's water and sewer system, and that Andrew Dulaney and Kate Scott Pennock, Mayor and Clerk of

the Town respectively, be authorized to execute and deliver such contract in substantially the form which is attached hereto as appendix D. 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.

#### **APPENDIX D – GENERAL ENGINEERING SERVICES CONTRACT – FISHER & ARNOLD, INC.**

The Board of Aldermen discussed mosquito control issues. Two competitive written quotes will be required. Mayor Dulaney will work on this and report back to the Board with a recommendation at a future meeting.

The Board of Aldermen next discussed two contracts relating to fire protection. Copies of the agreements were provided to the Board of Aldermen. Mayor Dulaney and Attorney Ryals discussed the contracts with the Board. One contract relates to Town providing mutual aid to Tunica County on fire calls. This allows the two entities to cooperate with each other in the event of significant calls when additional help is needed. The second agreement provides that the Town will provide fire services through cooperation with the Tunica Volunteer Fire Department for the vast majority of Tunica County with the exception of the northern part of the County. Additionally, it provides that the Town will be entitled to certain funds for fire protection such as the ¼ mill tax levy and a portion of the tax rebate funds. Following a discussion relating to the agreements and as the same are in the best interest of the Town of Tunica and its citizens to insure proper and adequate emergency services are provided at a reasonable cost, Alderman Pierce moved that both agreement be approved by the Board of Aldermen and that Andrew Dulaney and Kate Scott Pennock, Mayor and Clerk respectively, be authorized and directed to execute and deliver the same for and on behalf of the Town of Tunica. Alderman Hartsfield 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 – FIRE PROTECTION AGREEMENTS**

The Board of Aldermen next discussed the downtown economic development project. The building which Jeffcoat's Family Market is located in is leased to James Jeffcoat. The address is 862 River Road. This is part of a prior economic revitalization project. Mr. Jeffcoat currently has a lease but the lease has expired and he had continued to operate under the existing lease. A new lease has been prepared by Mr. Ryals, attorney for the Town. A copy of the lease was provided to the Board of Aldermen. Following a review of the lease and after a brief discussion thereof, Alderman Fullilove moved that the lease be approved in substantially the form as presented and that Andrew Dulaney and Kate Scott Pennock,

**Mayor and Clerk respectively, be authorized and directed to execute and deliver the same for and on behalf of the Town of Tunica. 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 F – LEASE WITH JAMES JEFFCOAT**

**The Board of Aldermen next discussed the sale and disposal of surplus property. The Board is considering the purchase of two new trucks for the public works department. The current age of some of the Town’s public works trucks is such that the Town is spending significant funds on repairs. Also, the down time cost the Town of Tunica. After a discussion of the matter, Alderman Hartsfield moved that upon receipt of two new trucks, Trucks 2, 24 and 25 be declared surplus and sold at auction to the highest and best bidder with the proceeds to be deposited into the general fund, and that Andrew Dulaney and Kate Scott Pennock, Mayor and Clerk respectively, be authorized to execute such documents, including titles, as necessary to carry out the intent of the Board. 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.**

#### **APPENDIX G – COPY OF TRUCK TITLES FOR TRUCKS TO BE SOLD**

**The Board of Aldermen next discussed the purchase of two new trucks for the public works department. Mr. Gordon previously discussed the vehicle situation with the Board. This will provide the Town with a safe, more efficient fleet of vehicles. The trucks will be Dodge trucks purchased on State Contract. The estimated cost will be \$35,000 per truck. After a discussion of the matter, Alderman Turner moved that the Town authorize and approve the purchase of two new Dodge trucks on state contract to be assigned to and used by the public works department. 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 H – COPY OF STATE CONTRACT PRICING FOR TWO NEW TRUCKS.**

**The Mayor and Board next discussed and considered the following official travel request:**

- Kate Scott Pennock-Basic Municipal Liability and Workers Compensation Risk Management program (February 17, 2022, Starkville, MS)**
- Thomas J. Robinson – 2022 Alabama-Mississippi Water Joint Annual Conference (April 10-13, 2022, Mobile, AL);**

- Mayor, Aldermen, Clerk & Attorney – 2022 MML Annual Conference (June 27-29, 2022, MS Gulf Coast);
- Christy Young (Municipal Court Clerk) - 2022 MS Municipal Court Clerk Association (June 27-28, 2022, MS Gulf Coast); and
- Investigator Cheslock to attend the Certified Investigator Program at MDCC LETA, Moorehead, MS. The course is broken up into seven (7) 40-hour sessions which are scheduled once a month beginning in January and ending in July. The cost of tuition for the course is \$3,000.00 which includes meals and lodging.

Following a discussion of the travel and a finding that the best interest of the Town will be served and benefited from the educational opportunities afforded to the those traveling, Alderman Turner moved that the reference travel request be approved. And, to the extent requested, a travel advance shall be made as authorized by law. 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.

Mr. Dixon with North Delta Planning and Development District presented the engineering recommendation. Based on Mr. Dixon's analysis of the ranking sheets, the Town has deemed Fisher and Arnold, Inc. to be the most qualified for this project. Based on this, Mr. Dixon recommended that the Board of Aldermen adopt a resolution designating Fisher & Arnold, Inc. as the most qualified engineering firm and enter into negotiations with them for the engineering contract for the CDBG project. After a discussion of the matter, Alderman Turner moved that the recommendation be accepted and that the Board of Aldermen designate Fisher & Arnold, Inc. as the most qualified for the Town's proposed CDBG project, and that Andrew Dulaney, and Wes Ryals, Mayor and Attorney respectively, be authorized to negotiate a contract with Fisher & Arnold, Inc. The final contract will be presented to the Board for approval prior to execution. 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.

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 Hartsfield moved that a closed determination be held to discuss whether an executive session is needed to be held and is appropriate. Alderman Pierce 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 the hiring of two individuals – one for the sanitation department and one for water/sewer/public works, and to discuss pending litigation (the “Executive Session Matter”).

Based on this, Alderman Turner moved that the Mayor and Board of Aldermen hold an executive session to discuss, consider and act on the Executive Session Matter. Alderman Fyfe seconded the motion. 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 and the Board entered executive session to consider the Executive Session Matters. Present during the executive session were the Mayor, all members of the Board of Aldermen, Town Clerk Pennock, and Town Attorney Ryals. Mr. Gordon was present for the discussion relating to the hiring of two individuals.

Mayor Dulaney discussed the current employees and structure of the public works department – sanitation/streets/water/sewer, etc. Based on this, it was recommended that Devota Robinson be hired for the sanitation department at an hourly rate of \$10 per hour for the first 90 days after which, it will be recommended that his salary be increased to \$12 per hour if his work performance is strong. Additionally, it was recommended that Matthew Williams be hired part time to assist with various projects including GPS work on the water and sewer system. Following the discussion, Alderman Pierce moved that the recommendation be accepted and Devonta Robinson be hired for the sanitation department at \$10 per hour, and that Matthew Williams be hired as a part time employee. Alderman Turner seconded the motion. 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 and approved.

The Board of Aldermen were made aware of the filing a federal lawsuit by Lawyer Porter against the Town of Tunica. Attorney Ryals briefly reviewed the allegations with the Board. The matter has been turned in to the Town’s insurance carrier. Following a discussion, Alderman Turner moved that Mr. Ryals be authorized to defend the Town of Tunica and provide assistance as he deems necessary to the attorneys assigned by the insurance company. Mr. Ryals will be paid additional compensation for this work at this hourly rate as specified in his contract. Alderman Fyfe seconded the motion. The matter having received the majority affirmative vote of the Board of Aldermen of Tunica, the Mayor declared the same carried and approved.

**Following the discussion, Alderman Turner moved to leave executive session. Alderman Hartsfield 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 Hartsfield moved to adjourn the meeting. 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, and the meeting adjourned this 1<sup>st</sup> day of February 2022.**

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**Andrew T. Dulaney, Mayor**

**ATTEST:**

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**Kate Scott Pennock, Town Clerk**