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## ANALYSIS: Annexation trial draws 'vultures'

by Emily Le Coz/NEMS Daily Journal

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TUPELO – Amid the myriad details of the city's annexation trial has emerged a consistent pattern: City attorneys construct their case, opponents' attorneys then dissect and denounce it.

The pattern repeats regardless of the witness or the area of annexation about which he or she testifies.

Opponents so far have attacked Tupelo's choice of territories to acquire, the methods it used to select them, its plan to provide them municipal services and its ability to afford it.

Like vultures on a lame animal, they pick apart each shred of evidence until nothing remains but bone.

If only it were that interesting. The annexation proceedings, which began March 29 and will last several more weeks, unfold more like C-SPAN than "Wild Kingdom."

The back-and-forth at Lee County Chancery Court often is tedious and redundant, but it reveals much about the city's intentions for the 16.15 square miles it wants.

Tupelo promises to connect newly annexed areas to city services like sewer and, where applicable, water. It will run large water lines to areas without sufficient water capacity or pressure for city fire protection.

Streets will get fire hydrants and lights. Residents will get police and fire protection. Areas will be zoned for planning, codes will be enforced and new construction will meet high standards.

In return, Tupelo will collect property taxes from the roughly 2,800 residents and two dozen businesses located in the six areas eyed for city expansion.

It also will receive utility payments from new sewer – and potentially water – customers.

For nearly a decade, Tupelo has planned its outward growth and tried twice during that time to make it happen. Both those efforts were unsuccessful. The current attempt is the first to reach trial since Tupelo's last annexation in 1989, and thus its most promising chance of success.

But opponents abound. Lee County and the cities of Plantersville and Saltillo all contest Tupelo's proposed expansion and each have attorneys representing them in court.

More than 100 of the residents in the six proposed annexation areas also oppose the move. Many of them testified Monday in court.

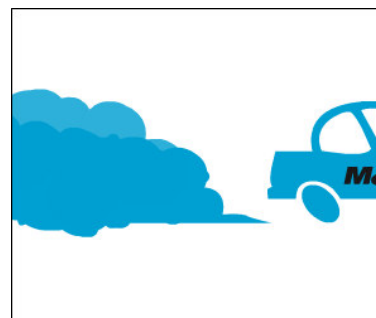
Ultimately, Judge Edward C. Prisock will decide if Tupelo gets to annex all or part of its chosen territories after the jury-less trial concludes. So far, the judge has offered no hint of opinion on the matter. He sits aloft at the bench, expressionless, as he listens intently to the testimony.

Attorneys on both sides have done their best to woo him. But their styles vary dramatically.

City attorneys, led by Guy Mitchell and John Hill from Tupelo law firm Mitchell McNutt & Sams, let their witnesses and documents do most of the explaining. The white-haired duo hasn't yet drawn conclusions for the court, raised their voices, or made powerful "aha" statements.

The county's head attorney, Chad Mask from Jackson law firm Carroll Warren & Parker, is another story. Mask is young and animated and often paces the courtroom while intensifying his pitch. Whoever the witness, whatever the data, Mask flips the city's own evidence to support his opposing points.

Those points often lead to an "aha" moment when Mask strongly implies a fundamental flaw in the city's annexation plans. Then he demands the witness



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Some of Mask’s points bear serious consideration: Why will Tupelo spend \$25 million extending municipal services to newly annexed areas when some inside the existing city limits still have none?

Or: Why is much of the proposed annexed area located in difficult-to-develop flood plains if the main point of annexation is to gain more easily developable land?

Other arguments seem trivial and contrived: It’s unfair to pay for annexation through bonds because bonds are reimbursed with taxpayer money and not all taxpayers will benefit from annexation.

Taxpayers fund a host of municipal projects and services from which they receive no direct benefit, argued city clerk Kim Hanna. That’s just the way it works sometimes.

Or: The city faces financial catastrophe if it annexes because its sales tax collections have dipped since the recession.

Yet, argued Hanna and Chief Financial Officer Lynn Norris, the city is in strong financial shape with \$20 million in a rainy day fund and other revenues sources sitting untapped. Plus, sales tax collections are beginning to pick up.

And the city has fared better than others during the recession, losing 4 percent of its sales tax collections in 2009 versus 6.5 percent each in Biloxi, Hattiesburg and Jackson.

Mask isn’t the only opposing attorney; Jason Shelton represents Plantersville and Jason Herring and Henderson Jones represent Saltillo. All three have followed Mask in their questioning of city witnesses.

But their contentions generally are limited to the proposed annexation areas nearest their client cities.

In any case, by the time these attorneys start their routines, Mask has exhausted most of the arguments – as well as the witness – leaving little left but the clean, white bone.

Contact **Emily Le Coz** at (662) 678-1588 or [emily.lecoz@djournal.com](mailto:emily.lecoz@djournal.com).

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« **WTFDude** wrote on Sunday, Apr 18 at 02:44 PM »

How many police officers and firemen will Tupelo be adding if this annexation is approved?

The city can't seem to provide adequate basic services like fire and police protection to the area they have now. So, how many additional officers and firemen will be added to cover these new areas?

No plans for new officers or firemen? Really?

Since all of the streets in the current city area are perfect, how

Oh, so not everyone in the current city area have great services, or even some of these services at all? Hmmmm.

And you mean that Tupelo doesn't have a complete recycling program (plastic, paper, glass) now? Interesting.

So, I guess this whole annexation plan really makes perfect sense to everyone involved, huh?

NOT!!

« **rikkione** wrote on Sunday, Apr 18 at 02:18 PM »

This annex trial makes Tupelo seem like one big "bully" seeking power and greed at the expense taxpayers. Even the city employees that are witnesses cannot explain where or what most of the money ( taxes,permits,etc.) is spent or wasted on! After all this, Tupelo may have a lot of repairing on the city's image. Hope Tupelo does not become one of those cities that "you may want to visit, but you don't want to live there".

« **americasgone** wrote on Sunday, Apr 18 at 12:21 PM »

So Glad I don't live near Tupelo's borders. Tupelo can't even fix the problems is has and it wants more. More as in tax dollars!

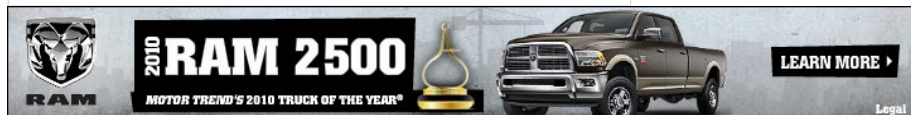
« **strightsense** wrote on Sunday, Apr 18 at 12:00 PM »

It would appear to me that Tupelo is the vulture in this. Hundreds of thousands tax dollars spent over many years trying to take folks property that have no desire to be in Tupelo.

Just because someone opposes it, their opposition efforts are demonized in the press. If it goes through, you will see the real deal later in years. Those behind the scenes etc for private gain will materialize.

« **fwiv** wrote on Sunday, Apr 18 at 07:29 AM »

I have a novel idea for the council, make the city appealing to those in the county. Maybe the city could stop white washing the school situation and really straighten it out. And maybe the chronic situation with deteriorating apartment complexes and their deleterious effects on adjacent neighborhoods. Look around. It's easy to see why families don't want to be in Tupelo.



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