

**MUNICIPAL MINUTES, CITY OF TUPELO**  
**STATE OF MISSISSIPPI**

**JULY 23, 2013**

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at the City Hall Building on Tuesday, July 23, 2013, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney John S. Hill; and Glenda Muse, Clerk of the Council.

The invocation was led by Councilman Jim Newell, followed by the Pledge of Allegiance led by a group of band students from Tupelo High School and Mooreville High School.

**IN THE MATTER OF CALLING THE MEETING TO ORDER**

President Davis called the regular City Council meeting to order at 6:00 p.m.

**IN THE MATTER OF CONFIRMATION OR  
AMENDMENT OF AGENDA AND AGENDA ORDER**

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

DELETE:      Item 5.1.A  
DELETE:      Routine Item #7.7

**4.      PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA**

**IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS**

No scouts were present to be recognized.

**IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES**

Mayor Shelton recognized Josh Abramson, Executive Director of the Tupelo Airport Authority, and his staff; Tupelo Police Department; Tupelo Fire Department; North Mississippi Medical Center and 911 dispatch for the excellent job they did in responding to a serious situation at the airport last Saturday.

President Davis mentioned several City of Tupelo employees who had been honored at the recent Mississippi Municipal League conference held in Biloxi. These will be recognized in more detail in the Mayor's report to follow. President Davis made several public announcements as to upcoming events in the city.

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**IN THE MATTER OF PUBLIC RECOGNITIONS**

Mayor Shelton announced that Mr. Jason Harris, Principal of Tupelo High School, was one of two Mississippi educators to receive a fellowship under the Ferguson Fellows Program through Delta State University's College of Education and Human Sciences. The fellowship will allow him to attend the Harvard University Leadership Institute next summer. Mr. Harris was present at the meeting and received a round of applause from the council and audience. Dr. Gearl Loden, Superintendent of Tupelo Public School District, was present as well and introduced by Mayor Shelton.

**IN THE MATTER OF RECOGNITION OF HIGH SCHOOL BAND MEMBERS PARTICIPATING IN MISSISSIPPI LIONS ALL-STATE BAND**

Councilman Palmer introduced Tupelo High School Band Director, Tim Matlock, who in turn presented to the audience and City Council seven band students from Tupelo High School and one student from Mooreville High School. These students had qualified for the prestigious Mississippi Lions All-State Band and had gone on to win first place at the 96<sup>th</sup> International Convention Parade of Nations in Hamburg, Germany.

**IN THE MATTER OF MAYOR'S REPORT**

Following are highlights of Mayor Shelton's report to the city and City Council:

--- Had met with Chris Jones, Tupelo High School teacher, who will be working with the Mayor to revamp the Mayor's Youth Council. Sarah Robinson, Communications Specialist, will spearhead the effort at City Hall.

--- Mayor Shelton, several members of the City Council, Department Heads, City Clerk Kim Hanna and other staff members had attended the Mississippi Municipal League Conference last week in Biloxi. Tupelo was the only city in the state to win two awards. The Police Athletic League Program (PAL) led by Officer Michael Russell won the public safety award and was presented a trophy. The Tupelo Public Works Department had won the award for Commitment to Green Infrastructure Through Urban Forestry for its tree farm program. Sid Russell, Director of that Department, along with David Knight was presented a trophy for this honor. Kim Hanna, City Clerk of Tupelo, received plaques upon having successfully completed the requirements of the Certification Training Program for Municipal Clerks and Tax Collectors and is now recognized as a certified Municipal Clerk – Tax Collector.

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--- While in Biloxi, Mayor Shelton had the opportunity to meet football star Deuce McAllister who had been gracious enough to spend some time with the Ezelle family who had recently suffered a tragic loss.

--- Last week Mayor Shelton attended the Convention and Visitors Bureau retreat at the EP Birthplace. This department is doing great things to promote Tupelo and he urged everyone to visit their website – mytupelo.net. Their efforts are bringing new travelers to the city and really helping sell Tupelo to business and civic groups to come here for their conferences.

--- On Thursday, Mayor Shelton will attend the Downtown Tupelo Main Street Association retreat to hear plans for the next fiscal year.

--- The Council of Governments will be meeting August 15 at the Lee County Agriculture Center and council members and their spouses are invited to attend this event.

--- On August 1 – 2, 2013, Mayor Shelton, Council Members Davis, Mike Bryan and Buddy Palmer will attend the Selected to Serve Leadership Retreat in West Point, the event being hosted by the John C. Stennis Institute of Government and Community Development of Mississippi State University.

--- On August 1, “Tupelo Night Out” will be held at neighborhood associations around the city. Mayor Shelton encouraged everyone to get out and visit as many of these gatherings as possible.

--- District Attorney Trent Kelly has extended an invitation to everyone to an open house to be held at the new District Attorney’s office located at 302 Franklin Street. The event will be held on Thursday, July 25, 2013, from 4 – 6 p.m.

(President Davis then closed the regular meeting and opened the Public Agenda.)

### **5. PUBLIC AGENDA**

#### **5.1. PUBLIC HEARINGS**

##### **5.1.B PROPOSED NEW ZONING MAP OF City of Tupelo**

Mr. Randy Groover, owner of Express Lube in Tupelo, appeared to address the council in regard to re-zoning property he owns behind

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his Express Lube on West Main Street. He wants to have the property re-zoned commercial as he has plans to expand his current business at that location.

**5.2 CITIZENS' HEARINGS**

**5.2.A MATTER OF CITATIONS REGARDING  
CITIZEN'S PROPERTY –  
TONYA KING WITHERSPOON**

Ms. Witherspoon did not appear to address this issue.

**5.2.B CONSIDERATION OF BUILDING YMCA  
ON CITY-OWNED PROPERTY**

Mr. Mark Peters had requested to address the City Council on the idea of building a YMCA on city-owned property on West Main Street. He feels this would aid in revitalization of this part of the city, even reaching back as far as the Link Center.

(President Davis closed the Public Agenda and the council returned to regular session.)

**6. ACTION AGENDA**

**IN THE MATTER OF REVIEW/APPROVE "NO PROTEST" RESOLUTION IN  
REGARD TO GENERAL OBLIGATION BOND ISSUE IN AMOUNT OF \$3,000,000**

On July 18, 2013, the Tupelo City Council had adopted a resolution declaring the intention of the City Council of the City of Tupelo to issue a General Obligation Bond in one or more series for purchase by the Mississippi Development Bank or General Obligation Bonds in one or more series in the principal amount not to exceed \$3,000,000 for the purpose of raising money for providing funds for various projects in the city. Notice of the Intent Resolution was published four (4) times in the Northeast Mississippi Daily Journal. As of July 23, 2013, no written protest objecting to and protesting against the bond issue nor any other objection had been filed or presented by the qualified voters of the City.

Having received no objection, Councilman Whittington moved that the following resolution be adopted. The motion was seconded by Councilman Jennings:

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RESOLUTION FINDING AND DETERMINING THAT THE RESOLUTION ENTITLED "RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI (THE "CITY"), TO ISSUE (A) A GENERAL OBLIGATION BOND, OF THE CITY, IN ONE OR MORE SERIES. FOR PURCHASE BY THE MISSISSIPPI DEVELOPMENT BANK, OR (B) GENERAL OBLIGATION BONDS, OF THE CITY, IN ONE OR MORE SERIES, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR; (II) ERECTING, REPAIRING, IMPROVING, ADORNING AND EQUIPPING MUNICIPAL BUILDINGS AND PURCHASING BUILDINGS OR LAND THEREFOR; (III) PURCHASING LAND FOR PARKS, CEMETERIES AND PUBLIC PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF SWIMMING POOLS AND OTHER RECREATIONAL FACILITIES, INCLUDING, BUT NOT ALL INCLUSIVE, IMPROVEMENTS TO GUMTREE PARK; (IV) PURCHASING FIRE-FIGHTING EQUIPMENT AND APPARATUS, AND PROVIDING HOUSING FOR SAME, AND PURCHASING LAND THEREFOR; (V) ERECTING OR PURCHASING WATERWORKS, GAS, ELECTRIC AND OTHER PUBLIC UTILITY PLANTS OR DISTRIBUTION SYSTEMS OR FRANCHISES, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VI) ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS AND REPAIRING, IMPROVING AND EXTENDING THE SAME; AND (VII) PURCHASING MACHINERY AND EQUIPMENT, INCLUDING MOTOR VEHICLES WEIGHING NOT LESS THAN TWELVE THOUSAND (12,000) POUNDS, WHICH HAVE AN EXPECTED USEFUL LIFE IN EXCESS OF TEN (10) YEARS WHICH EXPECTED USEFUL LIFE SHALL EXCEED THE LIFE OF THE BONDS; AND DIRECTING PUBLICATION OR NOTICE OF SUCH INTENTION AS ADOPTED ON JUNE 18, 2013, WAS DULY PUBLISHED AS REQUIRED BY LAW; THAT NO PETITION OR OTHER OBJECTION OF ANY KIND OR CHARACTER AGAINST THE ISSUANCE OF THE BONDS DESCRIBED IN SAID RESOLUTION WAS FILED; AND AUTHORIZING SAID BONDS TO BE ISSUED.

Vote on the adoption of above Resolution was as follows:

VOTING AYE: Whittington, L. Bryan, N. Davis, Palmer, Jennings  
VOTING NAY: Newell, M. Bryan

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An executed copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX A.**

**IN THE MATTER OF REVIEW/APPROVE RESOLUTION TO ISSUE GENERAL OBLIGATION BONDS, SERIES 2013, IN AMOUNT NOT TO EXCEED \$3,000,000 AND AUTHORIZE AND RATIFY PRELIMINARY OFFICIAL STATEMENT FOR SALE OF THE BONDS**

In further reference to the above adopted Resolution, Councilman Whittington moved to adopt the following Resolution. Councilman L. Bryan seconded the motion:

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TUPELO, MISSISSIPPI (THE "CITY"), TO ISSUE GENERAL OBLIGATION BONDS, SERIES 2013 OF THE CITY, (THE "BONDS") IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000) TO RAISE MONEY FOR THE PURPOSE OF PROVIDING FUNDS FOR (I) CONSTRUCTING, IMPROVING OR PAVING STREETS, SIDEWALKS, DRIVEWAYS, PARKWAYS, WALKWAYS OR PUBLIC PARKING FACILITIES, AND PURCHASING LAND THEREFOR; (II) ERECTING, REPAIRING, IMPROVING, ADORNING AND EQUIPPING MUNICIPAL BUILDINGS AND PURCHASING BUILDINGS OR LAND THEREFOR; (III) PURCHASING LAND FOR PARKS, CEMETERIES AND PUBLIC PLAYGROUNDS, AND IMPROVING, EQUIPPING AND ADORNING THE SAME, INCLUDING THE CONSTRUCTING, REPAIRING AND EQUIPPING OF SWIMMING POOLS AND OTHER RECREATIONAL FACILITIES, INCLUDING, BUT NOT ALL INCLUSIVE, IMPROVEMENTS TO GUMTREE PARK; (IV) PURCHASING FIRE-FIGHTING EQUIPMENT AND APPARATUS, AND PROVIDING HOUSING FOR SAME, AND PURCHASING LAND THEREFOR; (V) ERECTING OR PURCHASING WATERWORKS, GAS, ELECTRIC AND OTHER PUBLIC UTILITY PLANTS OR DISTRICTUION SYSTEMS OR FRANCHISES, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (VI) ESTABLISHING SANITARY, STORM, DRAINAGE OR SEWERAGE SYSTEMS, AND REPAIRING, IMPROVING AND EXTENDING THE SAME; (IV) PURCHASING MACHINERY AND EQUIPMENT, INCLUDING MOTOR VEHICLES WEIGHING NOT LESS THAN TWELVE THOUSAND (12,000) POUNDS WHICH HAVE AN EXPECTED USEFUL LIFE IN EXCESS OF TEN (10) YEARS WHICH EXPECTED USEFUL LIFE SHALL EXCEED THE LIFE OF THE BONDS AND (VIII) PAYING THE COST OF BORROWING FUNDS THEREFOR (TOGETHER, THE "PROJECT"); RESOLUTION AUTHORIZING AND RATIFYING THE SIGNING AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT FOR THE SAKE OF THE BONDS; AND FOR RELATED PURPOSES.

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Vote on the adoption of above Resolution was as follows:

VOTING AYE: Whittington, L. Bryan, N. Davis, Palmer, Jennings  
VOTING NAY: Newell, M. Bryan

An executed copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX B.**

**IN THE MATTER OF REVIEW/ADOPT ORDINANCE ESTABLISH MEETING TIMES, ETC. OF THE CITY COUNCIL OF TUPELO, MISSISSIPPI**

On July 2, 2013, the City Council had voted unanimously to adopt an Ordinance Establishing Meeting Times and Places and Establishing the Agenda Process for the Meetings of the City Council of the City of Tupelo, Mississippi. However, after further review, it was determined that **SECTION 2-22. Arrangement, (c) Public Agenda, (1) Public Hearings**, should include the phrase, “unless physically unable to do so”.

Therefore, the Ordinance had been brought back before the City Council for their consideration. Councilman Palmer moved to adopt the Ordinance as amended; the motion was seconded by Councilman M. Bryan and passed unanimously by a vote of the council. A copy of the Ordinance is attached to these minutes and incorporated herein as **APPENDIX C.**

**IN THE MATTER OF REVIEW/APPROVE FINAL RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO COOPER TIRE & RUBBER COMPANY**

Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted unanimously to approve a Final Resolution of the Council of the City of Tupelo, Mississippi, Granting Exemption from Ad valorem Taxes to Cooper Tire & Rubber Company. By letter dated June 17, 2013, the Department of Revenue, State of Mississippi, Office of Property Tax, certified that the exemption of this property is certified for a period of eight years, from and after January 1, 2013, with a total true value of \$14,249,581.43. A copy of this Final Resolution, together with a copy of letter from the Mississippi State Department of Revenue, is attached to these minutes and incorporated herein as **APPENDIX D.**

**7. ROUTINE AGENDA**

Upon a motion by Councilman Newell, seconded by Councilman M. Bryan, the Council voted unanimously to approve the minutes of the regular city council meeting of Tuesday, July 2, 2013

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**IN THE MATTER OF REVIEW/PAY BILLS**

Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted unanimously to approve payment of the following checks, bills having been approved at 4:30 p.m. by Council Members Whittington, L. Bryan, Newell, Davis, Palmer, and Jennings:

Check Nos. 112503 through 112975 (Pool Cash Fund)

Electronic transfers as shown on the face of the docket.  
Invoices as shown on the face of the docket.  
Requests made by AFLAC to reimburse employees under Flex-One Plan  
as shown on the face of the docket.

**IN THE MATTER OF REVIEW/APPROVE CONTRACT BETWEEN CITY OF  
TUPELO AND WASTE MANAGEMENT OF MISSISSIPPI, INC.**

This item had been tabled by the City Council at its July 2, 2013, meeting; therefore, Councilman Whittington moved that the matter be brought off the table for consideration at this time. Councilman L. Bryan seconded the motion which passed by a unanimous vote of the council.

Upon a motion by Councilman Newell, seconded by Councilman Jennings, the council voted unanimously to approve an Agreement for Collection, Disposal and Removal of Solid Waste between the City of Tupelo, Mississippi, and Waste Management of Mississippi, Inc. The City's current agreement will expire July 31, 2013. The City had previously published a notice of Request for Proposals (RFP) for this service and the City Council voted unanimously at its June 18, 2013, regular meeting to accept the RFP of Waste Management of Mississippi, Inc. to be the best qualified and acceptable in accordance with law.

The agreement shall be for a term of four years beginning August 1, 2013, and terminating July 31, 2017. Contractor agrees also to cooperate fully with the City in its operation of a recycling program if requested by the City and agreed to by the parties. An executed copy of this Agreement is attached to these minutes and incorporated herein as **APPENDIX E.**

Councilman Jennings requested that he be allowed to speak and assure the citizens that this agreement did not provide for any increase in costs and that service would remain as under the previous contract.

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**IN THE MATTER OF REVIEW/ADOPT RESOLUTION AUTHORIZING THE  
CONVEYANCE OF CERTAIN REAL PROPERTY TO THE NEIGHBORHOOD  
DEVELOPMENT CORPORATION**

Upon a motion by Councilman Whittington, seconded by Councilman L. Bryan, the council voted unanimously to approve a Resolution Authorizing the Conveyance of Certain Real Property to Neighborhood Development Corporation (NDC). The City had previously entered into an agreement with Community Development Foundation (CDF) to promote economic

development by revitalizing designated areas in the City and to utilize the services of the Neighborhood Development Corporation to accomplish this.

On July 3, 2013, the City of Tupelo purchased certain property located at 904 West Jackson Street and now desires this property to be revitalized. Said property is not needed by the City and the City has made no use of it. By conveying the same to the NDC, it can be developed and improved and will result in promoting the civic, economic and industrial welfare of the City.

An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX F.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS ITEM AT  
NORTH MISSISSIPPI LAW ENFORCEMENT TRAINING CENTER**

The North Mississippi Law Enforcement Training Center had submitted a request through the Tupelo Police Department to surplus the firearm training target system currently in use at the training center. The system is obsolete and beyond repair. The function of this system is critical for operation of the training center. According to memorandum dated July 11, 2013, a new system has been selected and steps have been made to acquire it; therefore, the old system needs to be declared as surplus property.

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to declare the firearm training target system at the training center as surplus property in order to procure a new system.

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO MAJOR  
THOROUGHFARE PROGRAM MEETING**

Upon a motion by Councilman M. Bryan, seconded by Councilman Newell, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of June 10, 2013, a copy being attached to these minutes as

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**APPENDIX G.**

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TUPELO REDEVELOPMENT  
AGENCY MEETING**

Upon a motion by Councilman M. Bryan, seconded by Councilman Palmer, the council voted unanimously to accept the minutes of the Tupelo Redevelopment Agency meeting of April 30, 2013, a copy being attached to these minutes as **APPENDIX H.**

**IN THE MATTER OF REVIEW/APPROVE REQUEST FOR OUT-OF-COUNTRY TRAVEL**

Todd Hunt, Director of the BancorpSouth Arena, had submitted a request dated July 8, 2013, to Kim Hanna, City Clerk, for approval to travel to Toronto, Canada, on September 6 – 11, 2013, to attend the IAVM Arena Management Conference. Mr. Hunt is Chair of the arenas committee for this organization and responsible for all aspects of the meeting. This is the preeminent conference in the world focusing on arenas. In addition, he will attend educational sessions on topics relevant to the facilities management industry and will meet directly with promoters, agents and other venue managers who provide events for Tupelo’s arena. He will lead two committee meetings and an educational session titled, “The Show Must Go On”.

Upon a motion by Councilman Newell, seconded by Council M. Bryan, the council voted unanimously to approve this request for this out-of-country travel for Mr. Hunt on September 6 – 11, 2013.

**IN THE MATTER OF REVIEW/APPROVE CONTRACT FOR IDA STREET DRAINAGE PROJECT**

On June 18, 2013, the City Council had awarded the bid for the Ida Street Drainage Improvements Project to Encor Construction Company as the low bidder at \$338,186.00. The contract between the city and this company is now before the council for their consideration.

Upon a motion by Councilman Jennings, seconded by Councilman Newell, the council voted unanimously to approve the contract between the City of Tupelo, Mississippi, and Encor Construction Company for the completion of the construction of the Ida Street Drainage Improvements Project. A copy of the executed contract is attached hereto as **APPENDIX I**.

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**IN THE MATTER OF REVIEW/APPROVE ESTIMATE/FEE PROPOSAL FOR ENGINEERING SERVICES RELATED TO DEVELOPMENT OF DOWNTOWN QUIET ZONES ALONG RAILROADS**

This item was tabled at the May 21, 2013, City Council meeting and will remain on the table at this time for further consideration.

**IN THE MATTER OF REVIEW/AWARD/REJECT BID FOR CONVENTION & VISITORS BUREAU**

Upon a motion by Councilman M. Bryan, seconded by Councilman Jennings, the council voted unanimously to award the following bid for the Tupelo Convention & Visitors Bureau:

Bid No. 1297CV – Historical Markers for the remainder of Phase 1 and all of Phase 2 of the Heritage Trail Program to the lone qualified bid submitted by The Southwell Company in the amount of \$4,840.00 per marker.

A copy of the bid package is attached to these minutes and incorporated herein as **APPENDIX J.**

**IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING**

Upon a motion by Councilman Newell, seconded by Councilman Palmer, the council voted unanimously to accept the minutes of the Planning Committee meeting of July 1, 2013. A copy of the same is attached hereto as **APPENDIX K.**

**8. STUDY AGENDA**

**IN THE MATTER OF REVIEW/DISCUSS NEW CITY ZONING MAP**

This item will remain on the Study Agenda at this time.

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**IN THE MATTER OF ADJOURNMENT**

There being no further business to come before the City Council, upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to adjourn the regular meeting at 6:45 p.m.

\_\_\_\_\_  
PRESIDENT

ATTEST;

\_\_\_\_\_

CLERK OF THE COUNCIL

APPROVED:

\_\_\_\_\_  
MAYOR