

7.1

MUNICIPAL MINUTES, CITY OF TUPELO

STATE OF MISSISSIPPI

JULY 21, 2015

Be it remembered that the regular meeting of the Tupelo City Council was held in Council Chambers at the City Hall Building on Tuesday, July 21, 2015, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Travis Beard, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Councilman Beard, followed by the Pledge of Allegiance led by Councilman Lynn Bryan.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Buddy Palmer 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 L. Bryan, seconded by Councilman Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

DELETE: Routine Item #7.8 Request to Surplus Vehicle and Dispose

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

No city employees were present for recognition.

IN THE MATTER OF PUBLIC RECOGNITIONS

The following public recognitions were made by Council Members:

Councilwoman Davis – Announced that Schneider Electric will host a Tupelo Minority Business Contractor Symposium on Monday, July 27, 2015, at the BancorpSouth Arena. The meeting will be held from 5:30 – 8:00 p.m. The session will include various training and networking opportunities for contractors and individuals to connect with potential employers and support organization.

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Councilwoman Davis – Thanked everyone for giving support to her nephew who had recently held a book signing at Reed’s Book Store.

Councilman Jennings – Expressed appreciation to the City of Tupelo for furnishing ice cream to neighborhoods as they celebrated a “night-out” recently.

Councilman Palmer – Commended Hope Church for hosting a “Night of Honor” that recognized the men and women of the Tupelo Police Department.

IN THE MATTER OF PRESENTATION OF AWARD TO TUPELO WATER AND LIGHT DEPARTMENT

Representatives of Tennessee Valley Authority were present and presented a plaque to Johnny Timmons, Manager of the Tupelo Water and Light Department, for the City of Tupelo having been named the No. 1 performing local power company out of 155 power companies across the Valley as to percentage of sales. The Tupelo Valley Authority is in the midst of an energy efficiency campaign and this is quite an honor to have been named No. 1 out of such a large number. Mr. Timmons expressed appreciation to Tennessee Valley Authority for giving Tupelo the tools to make this kind of thing happen and thanked them for their assistance.

IN THE MATTER OF MAYOR’S REPORT

Following are excerpts from Mayor Shelton’s report for this meeting:

... Plant-a-Seed Reception will be held Thursday, July 23, 2015, at 3:00 p.m. in City Council Chambers. Plant-a-Seed is ending its summer session and this will show appreciation both to them and the many City Departments who help make the program such a success.

... NEWMS is conducting a class in Council Chambers, City Hall Building, on Saturday, July 25, 2015, from 9:00 a.m. to 3:30 p.m. Teen Success Skills is subject of the class featuring speakers Rubye Del Harden, Joy Ballard and Sheriff Jim Johnson, among others.

... “Movie in the Park” is scheduled for Saturday night, July 25, 2015, beginning at approximately 8:30 p.m. at Ballard Park.

... The Opening Ceremony for Tupelo Public School District is scheduled for Tuesday, July 28, 2015, at 8:00 a.m. at the High School Performing Arts Center. Mayor Shelton will give the welcome on this occasion.

... The unveiling of a heritage marker is set for Tuesday, July 28, 2015, at 2:00 p.m. at First Baptist Church. This marker is a part of the Civil War Trail project.

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... Congratulated Councilman Buddy Palmer on having been elected President of the Tupelo City Council for the coming year.

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

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A PUBLIC HEARING REGARDING LOT MOWINGS

No one appeared to address this matter.

5.1.B PUBLIC HEARING REGARDING DEVELOPMENT CODE AMENDMENTS

The following individuals addressed the City Council voicing their support in favor of the proposed Tupelo Development Code Amendments. A petition signed by a large group of residents/owners of homes in the Audubon Woods area of Tupelo was presented to the City Council:

Dr. Ben Hilbun, 1906 Pheasant Run; Mr. Robert Pilgrim, 1907 Pheasant Run;

Mrs. Melissa Sullivan, 1853 Cla-Wood

5.2 CITIZEN'S HEARING

5.2.A Mrs. Mary Thomas, 2667 Edgemont Circle, Tupelo, Mississippi, appeared before the City Council requesting that conversations begin among Tupelo city leaders to take down the State flag and fly only the American flag at all City facilities. Councilman Jennings thanked her for speaking out on this issue, stating he should have already done so.

(President Palmer closed the Public Agenda and the City Council returned to regular session.)

6. ACTION AGENDA

Begins on next page.

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IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO
BMW OF NEW ALBANY, LLC

Upon a motion by Councilman L. Bryan and a second by Councilman Whittington, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to BMW of New Albany, LLC. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of ten (10) years, beginning January 1, 2015, subject to approval and certification by the Mississippi State Tax Commission. An executed copy of this resolution is attached to these minutes and incorporated herein as APPENDIX A.

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

Upon a motion by Councilman Beard and a second by Councilman M. Bryan, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Cooper Tire & Rubber Company. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of ten (10) years, beginning January 1, 2015, subject to approval and certification by the Mississippi State Tax Commission. An executed copy of this resolution is attached to these minutes and incorporated herein as APPENDIX B.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO
HAWKEYE INDUSTRIES, INC.

Upon a motion by Councilman Jennings and a second by Councilman Whittington, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Hawkeye Industries, Inc. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of ten (10) years, beginning January 1, 2015, subject to approval and certification by the Mississippi State Tax Commission. An executed copy of this resolution is attached to these minutes and incorporated herein as APPENDIX C.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO
LEGGETT & PLATT, INC., BRANCH #0011

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to table this item.

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IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO LEGGETT & PLATT, INC., BRANCH #0341

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to table this item.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO LEGGETT & PLATT, INC., BRANCH #4201

Upon a motion by Councilman Beard and a second by Councilman M. Bryan, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Leggett & Piatt, Inc., Branch #4201. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of ten (10) years beginning January 1, 2015, subject to approval and certification by the Mississippi State Tax Commission. An executed copy of this resolution is attached to these minutes and incorporated herein as APPENDIX D.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION GRANTING AD VALOREM TAX EXEMPTION TO PRECISION MACHINE & METAL FABRICATION, INC.

Upon a motion by Councilwoman Davis and a second by Councilman Jennings, the council voted unanimously to approve a Resolution of the City Council of the City of Tupelo, Mississippi, Granting Exemption from Ad Valorem Taxes to Precision Machine & Metal Fabrication, Inc. This company is hereby granted tax exemption from ad valorem taxes, except State and School District ad valorem taxes, for a period of ten (10) years beginning January 1, 2015, subject to approval and certification by the Mississippi State Tax Commission. An executed copy of this resolution is attached to these minutes and incorporated herein as APPENDIX E.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF REGULAR CITY COUNCIL MEETING

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously to approve the minutes of the regular City Council meeting of Tuesday, July 7, 2015.

IN THE MATTER OF REVIEW/PAY BILLS

Councilman Jennings moved to approve payment of the following checks; the motion was seconded by Councilman Whittington and unanimously approved by a vote of the council. Bills had been reviewed at 4:30 p.m. by Council Members Whittington, Beard, Davis and Palmer:

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Check Nos. 317431 through 317792 (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 APPOINTMENT TO TUPELO AIRPORT AUTHORITY

Mayor Shelton had submitted a request to the City Council recommending approval of the appointment of Mr. Larry Decker to serve on the Tupelo Airport Authority. Upon a motion by Councilman L. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve the appointment of Mr. Decker to serve on the Authority. A copy of his bio is attached to these minutes and incorporated herein as APPENDIX F.

IN THE MATTER OF REVIEW/APPROVE SELECTION OF ENGINEERING REQUEST FOR PROPOSALS FOR KELLEX DIP PROJECT

Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve the three-member committee's recommendation of Engineering Solutions, Inc. for engineering services for the Kellex DIP Project. The committee had met on July 9, 2015, to review three proposals and the committee selected ESI as the company best suited for the project. In June, the City Council had approved a Development Infrastructure Project grant agreement with the Mississippi Development Authority for funding for roof repairs at Kellex which occupies a city-owned building at 115 Industrial Drive. A copy of the proposal submitted by Engineering Solutions, Inc. is attached to these minutes and incorporated herein as APPENDIX G.

IN THE MATTER OF REVIEW/RATIFY ENGINEERING SERVICES CONTRACT FOR KELLEX PROJECT

Upon a motion by Councilman M. Bryan and a second by L. Bryan, the council voted unanimously to ratify an Agreement for Engineering Services contract between the City of Tupelo, Mississippi, and Engineering Solutions, Inc. to make roof repairs and improvements to the Kellex Seating building which is a public-owned building. This project is partially funded through a \$250,000 Development Infrastructure Program Grant, and the remainder of the cost will be borne by Kellex. See the previous minute entry for more details regarding this project. A copy of the Agreement is attached to these minutes and made a part hereof as APPENDIX H.

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IN THE MATTER OF REVIEW/RATIFY MISSISSIPPI FORESTRY COMMISSION GRANT CONTRACT

Terri Blissard, Grant Administrator, had submitted to the Mayor and City Council a Mississippi Forestry Commission Grant Contract for \$20,000 in Urban and Community Forestry grant funding from the Mississippi Forestry Commission (MFC). This funding will be applied to a GIS-based tree canopy inventory and assessment project to be conducted by the Public Works Department with assistance from Plan-It Geo, a forestry consulting firm which has done similar work for other government entities across the country.

The City is required to provide a one-to-one match for the MFC grant. To meet the match requirement, the Public Works Department will plant and mulch at least seventy 3.5"-caliper trees from the tree farm in City rights-of-way. The value of the installation of the trees, along with a fee reduction from Plan-Geo, will satisfy the match requirement so the City will not have to budget for a cash match.

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to ratify the Contract for Grant Implementation of Urban Forest Challenge Grant: Mississippi Forestry Commission – USDA Forest Service Grant ID #14-DG-11083128-001 between the Mississippi Forestry Commission and the City of Tupelo, Mississippi. An executed copy of the Contract is attached to these minutes and incorporated herein as APPENDIX I.

IN THE MATTER OF REVIEW/APPROVE PLAN-IT GEO CONTRACT FOR PROFESSIONAL SERVICES

Upon a motion by Councilman Beard, seconded by Councilman Whittington, the council voted unanimously to approve a professional services contract between the City of Tupelo and Plan-It Geo, LLC, for a tree canopy assessment and tree inventory management software. The contract is for \$20,000 and is funded through a Mississippi Forestry Commission Urban & Community Forestry Grant. (See previous minute entry.) According to a memorandum dated July 15, 2015, from Terri Blissard, Grant Administrator, Plan-It Geo has provided similar services for government entities across the country, including DeSoto County and the City of Jackson. The company will collaborate with the Tupelo Public Works Department to implement the scope of the work shown in the contract.

An executed copy of this contract is attached to these minutes and made a part hereof as APPENDIX J.

IN THE MATTER OF REVIEW/APPROVE INTENDED USES OF STORM SHELTERS

Tupelo Fire Chief Thomas Walker had submitted a letter dated July 14, 2015, as explanation of intended uses of Monolithic Storm Shelters being constructed in the City of Tupelo. Chief Thomas' letter is based on a third-party inspection of the design plan criteria for these shelters, and the letter

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in particular addresses the non-requirement of a sprinkler and fire alarm system in these storm shelters. Chief Thomas cites the 2012 International Fire Code and various discussions of the matter to define the intended use of the buildings and to use as the basis for his decision.

Upon a motion by Councilman M. Bryan and a second by Councilman L. Bryan, the council voted unanimously to approve Chief Walker's letter dated July 14, 2015, as to intended uses of storm shelters and the non-requirement of a sprinkler and fire alarm system in these buildings. A copy of the same is attached to these minutes as APPENDIX K.

IN THE MATTER OF REVIEW/APPROVE LOT MOWING LIST

Councilman Whittington moved to approve a listing of lot mowings dated July 21, 2015, which had been submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Councilman M. Bryan and unanimously passed by a vote of the council. A public hearing had been held on this matter earlier in the council meeting with no one appearing to address the issue. A copy of the listing is attached to these minutes and made a part hereof as APPENDIX L.

IN THE MATTER OF REVIEW/APPROVE NETWORK FLEET PILOT PROGRAM CONTRACT WITH VZW (VERIZON) SUBJECT TO MANDATORY ADDENDUM TO CITY OF TUPELO CONTRACTS

Upon a motion by Councilman M. Bryan, seconded by Councilman Whittington, the council voted unanimously to approve a Network Fleet Pilot Program Contract between the City of Tupelo and VZW (Verizon). The main user of this Fleet Website will be the Tupelo Public Works Department and the duration of the pilot program is sixty (60) days. The contract is subject to the mandatory addendum to City of Tupelo Contracts which is attached to the same as Exhibit A. A copy of the contract is attached to these minutes and made a part hereof as APPENDIX M.

IN THE MATTER OF REVIEW/APPROVE LIST OF VEHICLES TO BE ACCEPTED AS UNMARKED POLICE VEHICLES

This item was tabled at the July 7, 2015, regular City Council meeting and upon a motion by Councilman Beard, seconded by Councilman M. Bryan, the council voted unanimously to bring the matter off the table for consideration at this time.

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to delete this item from the agenda.

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IN THE MATTER OF REVIEW/APPROVE RESOLUTION AUTHORIZING USE OF SPECIFIED, UNMARKED POLICE VEHICLES BY THE TUPELO POLICE DEPARTMENT

The Tupelo Police Department had submitted a Resolution providing a listing of vehicles and requesting that the same be approved for use as unmarked police vehicles. The resolution cites State statute providing that governing authorities of any municipality may authorize the use of specified, unmarked police vehicles when identifying marks would hinder official criminal investigations by the police. Upon a motion by Councilman M. Bryan, seconded by Councilman Beard, the council voted unanimously to approve said Resolution and authorize the listed vehicles for use as unmarked police vehicles by the Tupelo Police Department. An executed copy of the Resolution is attached to these minutes and incorporated herein as APPENDIX N.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION AUTHORIZING USE OF SPECIFIED, UNMARKED POLICE VEHICLES BY THE NORTH MISSISSIPPI NARCOTICS UNIT

The Tupelo Police Department had submitted a Resolution providing a listing of vehicles and requesting that the same be approved for use as unmarked police vehicles. The resolution cites State statute providing that governing authorities of any municipality may authorize the use of specified, unmarked police vehicles when identifying marks would hinder official criminal investigations by police. The Tupelo Police Department is a municipal law enforcement agency in the County of Lee, State of Mississippi, serving as the host agency for the North Mississippi Narcotics Unit. The NMNU is a multi-jurisdictional drug enforcement task force, serving nine agencies, and does use specified unmarked vehicles in instances where such identifying marks will hinder official investigations.

Upon a motion by Councilman M. Bryan and a second by Councilman L. Bryan, the council voted unanimously to approve said Resolution and authorize the listed vehicles for use as unmarked police vehicles by the North Mississippi Narcotics Unit. An executed copy of the Resolution is attached to these minutes and incorporated herein as APPENDIX O.

IN THE MATTER OF REVIEW/APPROVE RESOLUTION TO SURPLUS DAMAGED VEHICLE

Upon a motion by Councilwoman Davis, seconded by Councilman Beard, the council voted unanimously to approve a resolution submitted by the Tupelo Police Department requesting approval of the City Council to declare a certain vehicle as surplus and used for repair parts. Any remaining parts will be sold for scrap. The vehicle has engine damage and said vehicle is no longer useable and repair costs are not feasible. The vehicle referred to is a 2012 Dodge Charger VIN: 2C3DXAG1CH240345. Engine repair parts will exceed \$7,000.00 (not including labor) which will exceed estimated value of the car. A copy of the executed resolution is attached to these minutes as APPENDIX P.

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IN THE MATTER OF REVIEW/APPROVE RESOLUTION TO SURPLUS TORNADO DAMAGED VEHICLE

Chief Aguirre of the Tupelo Police Department submitted a Resolution to Surplus Tornado Damaged Vehicle and requested that the City Council declare the same as surplus and sold for scrap. This vehicle was damaged by a tornado on April 28, 2014, and is no longer useable by the Department. The vehicle referenced is a 2000 Ford Crown Victoria, VIN: 2FAFP71WO1X129138, Asset #G06038. Upon a motion by Councilman Whittington, seconded by Councilman Jennings, the council voted unanimously to approve the Resolution declaring this vehicle as surplus and to be sold as scrap. An executed copy of this document is attached to these minutes as APPENDIX Q.

IN THE MATTER OF REVIEW/APPROVE CONTRACT BETWEEN TUPELO WATER AND LIGHT DEPARTMENT AND ONLINE UTILITY EXCHANGE

Upon a motion by Councilwoman Davis, seconded by Councilman M. Bryan, the council voted unanimously to approve a Subscriber Service Agreement between Tupelo Water and Light Department and ONLINE Utility Exchange, subject to the Mandatory Addendum to City of Tupelo Contracts. ONLINE Utility Exchange will furnish services to the Water and Light Department involving the supply of business and consumer information, consumer reports, credit worthiness scores, fraud detection, information pertaining to unpaid utility bills and other services that may become available. This agreement is for a period of twelve (12) months. An executed copy of this Agreement is attached to these minutes and made a part hereof as APPENDIX R.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF TRAFFIC COMMITTEE MEETING

Upon a motion by Councilman Whittington, seconded by Councilman M. Bryan, the council voted unanimously to accept the minutes of the Traffic Committee meeting of July 14, 2015, a copy being attached to these minutes as APPENDIX S.

IN THE MATTER OF REVIEW/APPROVE SRF SANITARY SEWER SYSTEM IMPROVEMENTS AND WWTP ADDITIONS

Upon a motion by Councilman Beard, seconded by Councilman M. Bryan, the council voted unanimously to adopt an Ordinance to Provide for the Collection of User Charges from Users of the Public Sewage Works. According to a memorandum dated July 15, 2015, from Johnny Timmons, Manager, Tupelo Water and Light Department, to the Mayor and City Council, this ordinance is required by Mississippi Department of Environmental Quality (MDEQ) to show financial viability of the above referenced projects (SRF FY 13 Sanitary Sewer System Improvements and WWTP Additions) under the current rates. The ordinance has been reviewed and approved by officials of MDEQ. An executed copy of the ordinance is attached to these minutes and made a part hereof as APPENDIX T.

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IN THE MATTER OF REVIEW/APPROVE WRITE-OFF OF TUPELO WATER & LIGHT COLLECTIONS TO BAD DEBT FILE

Upon a motion by Councilman Jennings, seconded by Councilman Whittington, the council voted unanimously to approve the write-off of a listing of Tupelo Water & Light Collections accounts to the bad debt file. The total amount of the write-off is \$59,486.80, representing a percentage of loss of .00175% for the period January 2014 through June 2014. Efforts will continue to be made to collect these accounts even though they have been transferred.

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

Upon a motion by Councilwoman Davis, seconded by Councilman M. Bryan, the council voted unanimously to accept the minutes of the Tupelo Major Thoroughfare Program meeting of June 8, 2015, a copy being attached hereto as APPENDIX U.

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

Upon a motion by Councilwoman Davis, seconded by Councilman M. Bryan, the council voted unanimously to accept the minutes of the Planning Committee meeting of July 6, 2015, a copy being attached hereto as APPENDIX V.

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS DEVELOPMENT CODE TEXT AMENDMENTS

Upon the request of two council members, this item will be moved to the next agenda. A work session is planned for discussion of the matter before the next regular City Council meeting.

9. EXECUTIVE SESSION

Councilwoman Davis moved to close the regular meeting to determine the need for an executive session, and the motion was seconded by Councilman L. Bryan. However, City Attorney Logan stated there was no need for an executive session at this time, and the council remained in open meeting.

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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 Beard and a second by Councilman Jennings, the council voted unanimously to adjourn the regular meeting at 6:45 p.m.

PRESIDENT

ATTEST:

CLERK OF THE COUNCIL

APPROVED:

MAYOR