

**MINUTES  
TUESDAY  
AUGUST 18, 2009  
5:00 O'CLOCK P.M.**

The Mayor and City Council met in Regular Session on Tuesday, August 18, 2009, at 5:00 p.m. in the Court Chambers of the Municipal Complex. Mayor Robert Smith presided over the meeting. All Council Members were present. Also present were the COO, General Counsel and the CFO/Secretary-Treasurer.

**I. CALL TO ORDER AND INVOCATION**

Mayor Smith called the meeting to order. Council Member Mickens offered the Invocation.

**II. APPROVE MINUTES FOR THE MEETING OF AUGUST 4 & 6, 2009**

Council Member Taylor made a motion to approve the minutes for the meeting of August 4 & 6, 2009. Council Member Karriem seconded the motion.

All Council Members voted in favor of the motion.

The motion passed.

**III. APPROVE DOCKET OF CLAIMS FOR AUGUST 18, 2009**

Council Member Karriem made a motion to approve the docket of claims in the amount of \$444,277.22. Council Member Stewart seconded the motion.

All Council Members voted in favor of the motion.

The motion passed.

**IV. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA:**

**CONSENT AGENDA:**

*Add Item "E" – Approve request for a Building Inspector to attend the "2006 Legal Aspects Training" that will be held in Bay St. Louis, Mississippi, and approve payment for lodging and the reimbursement of meal expenses. There is no registration fee.*

*Add Item "F" – Approve request for the Mayor to attend the "MML Board of Directors Meeting" that will be held in Tunica, Mississippi, and approve payment for lodging and the reimbursement of meal expenses.*

## **POLICY AGENDA:**

*Add Item "F" – Cost Assessment Hearing Objection for clean-up of Dilapidated Properties.*

*Add Item "G" – Discuss/Approve request to Schedule Cost Assessment hearings for September 15, 2009.*

*Add Item "H" - Discuss/Approve the Organizational Chart for the Columbus Police Department.*

*Add Item "I" - Ratify reimbursement of cost for food and flowers for Swearing-In Ceremony for Mayor and New Council, as per § 17-3-1, advertising City Resources.*

*Add Item "J" – Discuss/Approve GTRA Global Industrial and Aerospace Park Memorandum of Cooperation and Collaboration.*

## **REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:**

*Add to Item "J" – Zoning Board of Adjustment and Appeals*

## **EXECUTIVE SESSION:**

*Add Item "A" – Pending Litigation*

*Add Item "B" – Legal Matter*

## **V. CONSENT AGENDA:**

- A. Approve request for Columbus Police Department to solicit donations for the purchase of a riding lawn mower for the Firing Range.**
- B. Approve request to reimburse Ms. Dewanna West for damages done to her vehicle, while Police Officers were attempting to jump start the vehicle with jumper cables. The total amount due is \$315.79.**
- C. Approve request to declare a refrigerator at Station #5 as surplus property.**
- D. Approve request to pay \$81.50 Notary renewal fee for Municipal Court Clerk Tasha Brandon.**
- E. Approve request for Building Inspector Derrick Nash to attend the "2006 Legal Aspects Training" that will be held in Biloxi, Mississippi, on September 15-18, 2009, and approve payment of \$357 for lodging and the reimbursement of meal expenses. There is no registration fee.**

- F. Approve request for Mayor Robert Smith to attend the “MML Board of Directors Meeting” that will be held in Tunica, Mississippi on September 18, 2009, and approve payment of \$62.00 for lodging and reimbursement of meal expenses.**

Council Member Stewart made a motion to approve the Consent Agenda, as amended. Council Member Karriem seconded the motion.

All Council Members voted in favor of the motion.

The motion passed.

## **VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:**

### **A. General Comments from the Mayor and Council Members**

Mayor Smith announced that there will be a Work Session with the Mayor and Council on August 19, 2009 from 8:00 a.m. until 4:00 p.m. in the City Hall on the 2<sup>nd</sup> Floor in the Old Courtroom.

Councilman Gavin announced that he will be holding a Community meeting for Ward 6 on Thursday, September 3, 2009 at the Superintendent's Office on McArthur Drive.

### **B. Presentation of Chief's Coins**

Chief St. John, Terri Songer, and Jeff Guyton presented the Chief's Coin to two Citizens, Brandon Gavin and Bryan Fitzgerald for courage and willingness to fight against crime. The third citizen did not appear and did not want public recognition.

### **C. Monthly Report from the Columbus Police Department for July 2009**

The Monthly Report for the Columbus Police Department for July 2009 was presented. No action was taken.

### **D. Monthly Report from the Columbus Fire Department for July 2009**

The Monthly Report for the Columbus Fire Department for July 2009 was presented. No action was taken.

### **E. Monthly Report from the Public Works Department for July 2009**

The Monthly Report for the Public Works Department for July 2009 was presented. No action was taken.

### **F. Monthly Report from the Federal Programs Department for July 2009**

The Monthly Report for the Federal Programs Department for July 2009 was presented. No action was taken.

**G. Monthly Report from the Building & Inspection Department for July 2009**

The Monthly Report for the Building & Inspection Department for July 2009 was presented. No action was taken.

**H. Monthly Report from the Municipal Court Division for July 2009**

The Monthly Report for the Municipal Court Division for July 2009 was presented. No action was taken.

**I. Monthly Financial Report**

Mike Bernsen, CFO, distributed the monthly financial report, including an analysis of sales tax revenues. No action was taken.

**J. Board Vacancies:**

David Armstrong, Chief Operations Officer, announced that there are vacancies on the Columbus-Lowndes Library Board, Historic Preservation Commission, Tree Board and the Zoning Board of Adjustment & Appeals, and that no appointments can be made at this time.

**VII. CITIZENS INPUT AGENDA:**

- A. Herb Billups** – approached the Mayor and Council regarding property taxes on his home. There has been an increase in his house payment, due to property taxes. He stated that the value of his home increased \$26,000 and he is being taxed for an upstairs area that does not exist. He spoke with Greg Andrews and was told that he could only be refunded for up to one year.

Greg Andrews stated that there were renovations done to Mr. Billups' home which caused the value to rise. The Mayor and Council took no action on the request, but took it under advisement.

**VIII. POLICY AGENDA:**

- A. Consider/Approve recommendations from the Columbus Planning Commission's meeting of August 10, 2009.**

**Permitted Use Request P/U 09-08**

**Lee and Geraldine Barlow  
407 – 23<sup>rd</sup> Street North**

The Planning Commission recommends approval to allow a one-chair barber / beauty salon. The Mayor asked if anyone was present to speak against the Request and none appeared.

Council Member Stewart moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to approve the request to allow a one-chair barber/beauty salon be granted. Council Member Box seconded the motion, after which followed discussion, consideration, and review by the Council of the issues and facts presented by this request and the action taken by the City of Columbus Planning Commission.

All Council Members voted in favor of the motion.

The motion passed.

**Permitted Use Request P/U 09-09**

**Leigh Mall Management  
1404 Old Aberdeen Road**

The Planning Commission recommends approval to allow a carnival. The Mayor asked if anyone was present to speak against the Request and none appeared.

Council Member Box moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to approve the request to allow a carnival be granted. Council Member Taylor seconded the motion, after which followed discussion, consideration, and review by the Council of the issues and facts presented by this request and the action taken by the City of Columbus Planning Commission.

All Council Members voted in favor of the motion.

The motion passed.

**Permitted Use Request P/U 09-10**

**Sharp Properties, LLC  
(On behalf of Sallie Swanigan)  
817 – 14<sup>th</sup> Street North**

The Planning Commission recommends approval to allow a half-way home. The Mayor asked if anyone was present to speak against the Request and none appeared.

Council Member Taylor moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to approve request to allow a half-way home be granted. Council Member Gavin seconded the motion, after which followed discussion, consideration, and review by the Council of the issues and facts presented by this request and the action taken by the City of Columbus Planning Commission.

All Council Members voted in favor of the motion.

The motion passed.

**Permitted Use Request P/U 09-11**

**Community Counseling Services  
704 – 4<sup>th</sup> Avenue North**

The Planning Commission recommends approval to allow a day care for elderly citizens. The Mayor asked if anyone was present to speak against the Request and none appeared.

Council Member Karriem moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to approve request to allow a day care for elderly citizens. Be granted. Council Member Stewart seconded the motion, after which followed discussion, consideration, and review by the Council of the issues and facts presented by this request and the action taken by the City of Columbus Planning Commission.

All Council Members voted in favor of the motion.

The motion passed.

**Permitted Use Request P/U 09-12**

**Frank B. Webb  
110 – 21<sup>st</sup> Street North**

The Planning Commission recommends denial of request to allow a live-in mentoring program. The Mayor asked if anyone was present to speak for or against the Request and none appeared.

Council Member Mickens moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to deny request to allow a live-in mentoring program be granted. Council Member Karriem seconded the motion, after which followed discussion, consideration, and review by the Council of the issues and facts presented by this request and the action taken by the City of Columbus Planning Commission.

All Council Members voted in favor of the motion.

The motion passed.

**Permitted Use Request P/U 09-13**

**Barbara Richardson  
(On behalf of George Chandler)  
2315 Highway 45 North**

The Planning Commission recommends approval to allow a food concession. The Mayor asked if anyone was present to speak against the Request and none appeared.

Council Member Box moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to approve request to allow a food concession be granted. Council Member Mickens seconded the motion, after which followed discussion, consideration, and review by the Council of the issues and facts presented by this request and the action taken by the City of Columbus Planning Commission.

All Council Members voted in favor of the motion.

The motion passed.

**Permitted Use Request P/U 09-14**

**Darryl Upton**  
**2022 Main Street**

The Planning Commission recommends approval to allow an ice vendor business. The Mayor asked if anyone was present to speak against the Request and none appeared.

Council Member Karriem moved that the facts and findings of the Planning Commission be adopted as the facts and findings of the Mayor and City Council, and that the recommendation of the Planning Commission to approve the request to allow an ice vendor business be granted. Council Member Stewart seconded the motion, after which followed discussion, consideration, and review by the Council of the issues and facts presented by this request and the action taken by the City of Columbus Planning Commission.

All Council Members voted in favor of the motion.

The motion passed.

**B. Appoint three (3) New Members to the City/County Intergovernmental Relations Committee.**

Volunteers who will serve on this committee are: Council Members Taylor, Karriem and Gavin. No further action was taken.

**C. Discuss/Approve accepting Park Creek Drive as a Public Road.**

The General Counsel presented an Order accepting dedication of Park Creek Drive by GRP Properties, LLC of a road off Bluecutt Road for public use and for acceptance by the Mayor and City Council. Council Member Gavin made a motion to approve the Order to accept Park Creek Drive as a public road for public use. Council Member Taylor seconded the motion to approve the foregoing Order, and the question being put to a roll call vote, the result was as follows:

Council Member Gene Taylor	voted:	<u>Yea</u>
Council Member Joseph Mickens	voted:	<u>Yea</u>
Council Member Charlie Box	voted:	<u>Yea</u>
Council Member Fred Stewart	voted:	<u>Yea</u>
Council Member Kabir Karriem	voted:	<u>Yea</u>
Council Member Bill Gavin	voted:	<u>Yea</u>

The Order follows:

**ORDER ACCEPTING DEDICATION OF PARK CREEK DRIVE**

The next matter that came on for consideration by the Mayor and City Council of the City of Columbus, Mississippi was a dedication by GRP Properties, LLC of a road off Bluecutt Road known as Park Creek Drive for public use and for acceptance by the Mayor and City Council of the road as a public road. Member manager of GRP Investments, LLC, Wythe Rhett, appeared and petitioned the Council to accept the street that GRP Investments, LLC was dedicating.

1. Mr. Rhett produced on behalf of GRP Investments, LLC a number of reports from Pritchard Engineering, Inc. including field density, moisture density relation, and receipts from APAC-Mississippi, Inc. relative to the aforesaid property.

2. Mr. Rhett, also produced a survey of the road being dedicated along with a legal description of the same.

The City Engineer, Kevin Stafford, of Neel Schaffer Engineers, was present and announced that he had reviewed all of the aforesaid documentation from Clark Engineers and Surveyors including the survey and the legal description as well as the field density and moisture density relation tests and had viewed and inspected the site of the road to be dedicated and, based upon said inspection, he recommended to the Mayor and Council that the said Park Creek Drive be accepted by the City for public use as a public road.

3. Council member Gavin offered a Motion to Accept the dedication by GRP Properties, LLC of Park Creek Drive, more particularly described as:

2.92 ACRES, MORE OR LESS (being a 60-foot-wide right of way over a paved street known as Park Creek Drive), lying in the Northeast ¼ of Section 4, Township 18 South, Range 18 West, City Limits of Columbus, Lowndes County, Mississippi, and being more particularly described as follows:

Commencing at an iron pin at a fence corner recognized as the Northeast corner of the Southeast ¼ of Section 33, Township 17 South, Range 18 West, Lowndes County, Mississippi, run thence South 89 degrees 49 minutes 42 seconds West for 1305.99 feet to an iron pin recognized as the Northeast corner of the West ½ of the Southeast ¼ of said Section 33; thence South 89 degrees 14 minutes 41 seconds West for 660 feet to an iron pin; thence South for 3308.3

feet; thence East for 231.8 feet; thence South 01 degree 15 minutes East along the west wide of a 60-foot-wide ingress and egress easement for 233.2 feet to a point on the north right of way of the herein described street and the POINT OF BEGINNING; thence Easterly along said north right of way (30 feet from centerline) and a curve to the right (Delta = 17 degrees 35 minutes, Radius = 155.0 feet, Chord = North 81 degrees 13 minutes East - 47.4 feet) for an arc distance of 47.6 feet; run thence East for 316.6 feet; thence South 01 degree 16 minutes East for 1166.1 feet to the north right of way of a public road known as Bluecutt Road; thence Northwesterly along said north right of way and a curve to the left (Delta = 10 degrees 49 minutes, Radius = 583.4 feet, Chord = North 34 degrees 18 minutes West - 109.9 feet) for an arc distance of 110.1 feet; thence North 01 degree 16 minutes West for 1016.1 feet; thence West for 257.9 feet; thence Southwesterly along a curve to the left (Delta = 89 degrees 57 minutes, Radius = 95.0 feet, Chord = South 45 degrees 01 minute West - 134.3 feet) for an arc distance of 149.2 feet; thence South 00 degrees 03 minutes West for 176.8 feet; thence Southerly along a curve to the right (Delta = 27 degrees 41 minutes, Radius = 380.0 feet, Chord = South 13 degrees 53 minutes West - 181.8 feet) for an arc distance of 183.6 feet; thence South 27 degrees 44 minutes West for 206.5 feet to the north right of way of a public road known as Bluecutt Road; thence North 55 degrees 15 minutes West along said north right of way (30 feet from centerline) for 60.5 feet; thence North 27 degrees 44 minutes East for 199.1 feet; thence Northerly along a curve to the left (Delta = 27 degrees 41 minutes, Radius = 320.0 feet, Chord = North 13 degrees 53 minutes East - 153.1 feet) for an arc distance of 154.6 feet; thence North 00 degrees 03 minutes East for 176.8 feet; thence Northeasterly along a curve to the right (Delta = 72 degrees 22 minutes, Radius = 155.0 feet, Chord = North 36 degrees 14 minutes East - 183.0 feet) for an arc distance of 195.8 feet to the point of beginning,

as a public road, that the traveling public and the City would benefit from the public use of said road, and that the said Park Creek Drive be shown on the City official map as a public road, and that a copy of this Order be delivered to the City/County Tax Assessor and recorded on the Official map of the City as a City Street. The Motion was second by Council Member Taylor and after a detailed discussion as to pros, cons, benefits, advantages and as to the health and general welfare of the City of Columbus and its residents to have said road as a public road for use by the public, the Mayor called for the vote and the vote was recorded as follows:

COUNCIL MEMBER TAYLOR  
COUNCIL MEMBER MICKENS  
COUNCIL MEMBER BOX  
COUNCIL MEMBER STEWART  
COUNCIL MEMBER KARRIEM  
COUNCIL MEMBER GAVIN

VOTED YEA:

Yea  
Yea  
Yea  
Yea  
Yea  
Yea

VOTED NAY:

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The Mayor then announced that the Motion to Accept Park Creek Drive as a public road passed and it is therefore ordered that Park Creek Drive, shall from and after this date be declared as a public road accepted by the City of Columbus for all purposes consistent with the use of the public road.

SO ORDERED this the 18<sup>th</sup> day of August, 2009.

CITY OF COLUMBUS, MISSISSIPPI

Robert E. Smith, Sr.  
ROBERT E. SMITH, SR., MAYOR

ATTEST:

Mike Bernsen  
MIKE BERNSSEN, SECRETARY/TREASURER

**D. Approve Resolution for City/County Interlocal Agreement for Issuance of New Development of TIF Bonds.**

Council Member Gavin moved to adopt a Resolution approving the form of and authorizing the execution and delivery of an Interlocal Cooperation Agreement between the City and Lowndes County, Mississippi in connection with the issuance by the city of its Tax Increment Financing Bonds in an aggregate principal amount of not to exceed three million dollars (\$3,000,000), being issued to finance the costs of installing, constructing, and/or reconstructing improvements, construction and/or improvements, and costs incidental to a proposed hotel and restaurant development within the City and said County. Council Member Taylor seconded the motion to adopt the foregoing Resolution, and the question being put to a roll call vote, the result was as follows:

Council Member Gene Taylor	voted:	<u>Yea</u>
Council Member Joseph Mickens	voted:	<u>Yea</u>
Council Member Charlie Box	voted:	<u>Yea</u>
Council Member Fred Stewart	voted:	<u>Yea</u>
Council Member Kabir Karriem	voted:	<u>Yea</u>
Council Member Bill Gavin	voted:	<u>Yea</u>

**THE RESOLUTION FOLLOWS:**

The Mayor and City Council of the City of Columbus, Mississippi (the "City") took up for consideration the matter of entering into an interlocal cooperation agreement with Lowndes County, Mississippi (the "County") in connection with the issuance by the City of tax increment financing bonds for a project to be located in the City and the County.

Thereupon Council Member Gavin offered and moved the adoption of the following resolution:

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF COLUMBUS, MISSISSIPPI APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERLOCAL COOPERATION AGREEMENT BETWEEN THE CITY AND LOWNDES COUNTY, MISSISSIPPI IN CONNECTION WITH THE ISSUANCE BY THE CITY OF ITS TAX INCREMENT FINANCING BONDS IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT TO EXCEED THREE MILLION DOLLARS (\$3,000,000), BEING ISSUED TO FINANCE THE COSTS OF INSTALLING, CONSTRUCTING AND/OR RECONSTRUCTING IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, THE INSTALLATION, CONSTRUCTION AND/OR RECONSTRUCTION OF STREETS, UTILITIES AND OTHER SITE IMPROVEMENTS, AND COSTS INCIDENTAL TO A PROPOSED HOTEL AND RESTAURANT DEVELOPMENT WITHIN THE CITY AND SAID COUNTY; AND FOR RELATED PURPOSES.