

MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS JANUARY 19, 2016

The Mayor and City Council met in Regular Session on Tuesday, January 19, 2016 at 3:00 p.m. in the Court Chambers of the Municipal Complex. Mayor Robert Smith presided over the meeting and all Council Members were present, with the Ward 5 Council seat being vacant. Also present were the COO, CFO, General Counsel, Captain Fred Shelton, and the Human Resources Director.

I. CALL TO ORDER AND INVOCATION

Mayor Robert E. Smith, Sr. called the meeting to order and called upon Council Member Mickens to offer the Invocation.

II. APPROVE MINUTES FOR THE MEETING OF JANUARY 5, 2016

Council Member Mickens made a motion to approve the Minutes for the Meeting of January 5, 2016. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

III. APPROVE DOCKET OF CLAIMS FOR JANUARY 19, 2016

Council Member Taylor made a motion to approve the Docket of Claims for January 19, 2016 in the amount of \$609,839.99. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

IV. CONFIRMATION OF/OR AMENDMENTS TO THE AGENDA

POLICY AGENDA:

Add Item "E" – *Conduct Police Chief Interviews.*

EXECUTIVE SESSION:

Add one (1) Personnel Matter.

Council Member Taylor made a motion to approve the overall Agenda, according to the changes. Council Member Turner seconded the motion.

All Council Member voted in favor of the motion.

The motion carried.

V. CONSENT AGENDA:

- A. Approve request to refund Gloria Conner the sum of \$200 for cancellation of Trotter Convention Center Rental.
- B. Approve request for City Planner Christina Berry and Mayor Smith to attend the "TVA EEM Project Team Meeting-Smart Energy Make-Over Grant" to be held in Knoxville, TN, and approve payment for lodging, travel and meal expenses.
- C. Approve request for the Mayor, Council Members, Chief Operations Officer, CFO and Department Heads to attend the "2016 MML Summer Conference" to be held in Biloxi, MS, and approve payment for registration, lodging, travel and meal expenses.
- D. Accept letter of retirement from Fire and Life Safety Officer, Carole Summerall, effective January 19, 2016, and approve use of nine (9) days unused vacation time, January 3-19, 2016 and to be compensated for the remaining balance of unused vacation time according to City policy.
- E. Approve request for Mayor Smith to attend the 2016 Congressional City Conference to be held in Washington D. C., and approve payment for registration, lodging, travel and meal expenses.
- F. Approve request to advertise for Legal Publications bid, to include proceedings, ordinances, and resolutions.
- G. Approve request to add Advertising Invoices to the Docket of Claims.
- H. Approve request for Fire & Rescue personnel Alan Lewis and Steve Loden to attend "Fire Office 1021-I-II Classes" to be held in Jackson, MS, and approve payment of \$1230.00 for registration, \$75.00 travel and \$460.00 for meal expenses.
- I. Approve request for Fire & Rescue personnel Greg Pack to attend "Confined Space Rescue" to be held in Jackson, MS, and approve payment of \$68.00 for registration, \$50.00 for travel and \$115.00 for meal expenses.
- J. Approve request for Fire and Rescue personnel Duane Hughes & Todd Graham to attend "CPM Level 4 Training" to be held in Jackson, MS, and approve payment of \$700.00 for registration, \$1,068.00 for lodging and \$552.00 for meal expenses.
- K. Approve request for Fire and Rescue personnel Michael Miller, Steve Loden and Damon Estes to attend "Advanced Search & Rescue Training" to be held in Meridian, MS, and approve payment of \$75.00 for travel and \$276.00 for meal expenses.

- L. Ratify request for three (3) CPD Officers to attend the "Mississippi Delta Law Enforcement Training Academy" on Saturday, January 16, 2016 instead of Sunday, January 17, 2016 at no cost to the City.
- M. Approve request to reimburse CPD Officer Donnie Elkin the sum of \$62.25 for fuel purchased to attend a training seminar in Columbus, OH.
- N. Declare a superglue cabinet as surplus and donate it to the Mississippi State Forensic Science Program.
- O. Ratify request to pay \$150.00 to the Hyatt Place for facility use for the "Standard Field Sobriety Testing" that was held on Tuesday, January 12-14, 2016.

Council Member Taylor made a motion to approve the Consent Agenda. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

VI. REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:

A. General Comments from the Mayor and Council Members

There were no comments from the Mayor and Council Members.

B. Monthly Report from the Columbus Police Department for December 2015

The Monthly Report from the Columbus Police Department for December 2015 was presented. Interim Chief Fred Shelton updated the Council on the Rickey Ball shooting.

C. Monthly Report from the Columbus Fire & Rescue Department for December 2015

The Monthly Report from the Columbus Fire & Rescue Department for December 2015 was presented. No action was taken.

D. Monthly Report from the Municipal Court Division for December 2015

The Monthly Report from the Municipal Court Division for December 2015 was presented. No action was taken.

E. Monthly Report from the Public Works Department for December 2015

The Monthly Report from the Public Works Department for December 2015 was presented. No action was taken.

F. Monthly Report from the City Planning and Community Development Department for December 2015

The Monthly Report from the City Planning and Community Development Department for December 2015 was presented. No action was taken

G. Monthly Report from the Building Inspection Department for December 2015

The Monthly Report from the Building Inspection Department for December 2015 was presented. No action was taken.

H. Monthly Report from the Code Enforcement Division for December 2015

The Monthly Report from the Code Enforcement Division for December 2015 was presented. No action was taken

I. Monthly Financial Report

Milton Rawle reported that sales taxes collected increased by \$48,823.43 compared to the same time the previous year.

J. Board Vacancies:

Columbus-Lowndes Recreation Authority

- One Vacancy
- Oop Swoope's 5-Year Term expired May 25, 2015.
- Joint Appointment from the Mayor and Board of Supervisors' President

APPLICANT

- Shaun Edwards

GTR Waste Management Authority

- One (1) Vacancy
- Ralph McLain resigned January 5, 2016.
- This 4-Year Term will expire December 31, 2018.
- No Applicants at this time.

Columbus and Visitors Bureau

- One (1) Vacancy
- Dewitt Hicks' 3-Year Term will expire March 1, 2016.
- He serves as the Historic Home Owner Member.
- No Applicants at this time.

Columbus Municipal School District

- One (1) Vacancy
- Glenn Lautzenhiser's 5-Year Term will expire March 7, 2016.
- No Applicants at this time.

Tree Board

- One (1) Vacancy
- Jeffrey C. Wilson's 3-Year Term will expire 4/6/2016.
- He serves as the MSU Extension Service Member.
- No Applicants at this time.

VII. CITIZENS INPUT AGENDA

VIII. POLICY AGENDA:

A. Discuss/Approve Advertising for bids for the Senator Terry Brown Amphitheater.

Kevin Stafford with Neel-Schaffer came forward and requested approval to begin advertising for bids for the Senator Terry Brown Amphitheatre. Council Member Taylor made a motion to approve the request to begin advertising for bids for the Senator Terry Brown Amphitheater. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

B. Consider/Approve hiring of a Municipal Court Judge.

Council Member Mickens made a motion to hire Rhonda Hayes Ellis as Municipal Judge at \$23,448.62 annually. Council Member Turner seconded the motion.

SUBSTITUTE MOTION:

Council Member Gavin made a motion to table this matter until we receive written AG's Opinions to ensure hiring this applicant is not a Separation of Powers issue. Council Member Box seconded the motion.

The General Counsel stated he was confident that service as part-time public defender and municipal Court judge would not create a separation of powers issue under the Mississippi Constitution because a public defender did not exercise core powers in any branch of government. Further, he stated it was his opinion there would be no Ethics in Government prohibition since the work of the two jobs were funded by separate entities of local government. He also stated he had conferred with the general counsel for the Commission on Judicial Performance who advised there was no prohibition so long as the judge did not preside over cases in which she had acted as counsel for the accused. Nonetheless, the General Counsel stated he had asked for an AG opinion as a safety measure.

Council Members Box and Gavin voted in favor of the motion to table.
Council Members Taylor, Mickens and Turner opposed the motion.

The motion failed.

ORIGINAL MOTION:

Council Members Taylor, Mickens and Turner voted in favor of the original motion. Council Members Box and Gavin opposed the motion.

The motion carried.

C. Consider/Approve hiring of a City Prosecutor.

Council Member Taylor made a motion to hire Dennis Harmon as Prosecutor at \$25,751.70 annually. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

D. Discuss/Approve recommendations from the Planning Commission Meeting of January 11, 2016.

Permitted Use Request P/U 16-01

**Lori Wilson
On Behalf of Sheniynah Richardson**

1919 Bell Avenue

The Planning Commission recommends approval of request to allow a Tutorial Program.

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 the request to allow a Tutorial Program as a Permitted Use, be approved. Council Member Turner seconded the motion. The Mayor asked if anyone in the audience objected to the permitted use application. Nobody answered. There 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 carried.

E. Conduct Police Chief Interviews.

The Mayor and Council then began to interview applicants for the position of Police Chief. The interviews were open and televised. Each applicant is allowed up to one hour for the interview. The applicants are:

**OSCAL J. LEWIS, III
ARTHUR MCCLUNG**

FREDERICK SHELTON

Following the interviews, Council Member Taylor made a motion to go into **CLOSED SESSION** to determine whether it is necessary to go into Executive Session. Council Member Mickens seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

All members of the public, with the exception of the Mayor, the Council, the General Counsel, the COO, and the HR Director exited the Council Chambers.

Mayor Smith apprised the Council of one (1) personnel matter concerning the job performance of a particular person. He remarked that selection of a police chief warrants being heard in executive session.

Council Member Mickens made a motion to go into Executive Session to discuss the job performance of a particular person. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

The Chief Operations Officer then announced to the general public outside the Council Chambers that the Council was going into Executive Session to discuss a personnel matter involving the job performance of a particular person.

IX. EXECUTIVE SESSION:

Personnel Matters (1):

Mayor Smith asked the Council if they wanted to schedule a special meeting to give them an opportunity to digest what they have heard from the Chief applicants. Council Member Gavin stated he would like to wait and make the decision later. The remaining Council Members stated that they wished to make the decision tonight.

Council Member Box made a motion to appoint Interim Chief Fred Shelton as Chief of Police. Council Member Gavin seconded the motion.

SUBSTITUTE MOTION:

Council Member Mickens made a substitute motion to appoint Oscar J. Lewis, III as Chief of Police. Council Member Turner seconded the substitute motion.

Council Members Taylor, Mickens and Turner voted in favor of the motion. Council Members Box and Gavin opposed.

The motion carried to appoint Oscar J. Lewis, III as Chief of Police with a majority vote.

OPEN SESSION:

Council Member Gavin made a motion to return to Open Session. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

The Chief Operations Officer then announced to the general public outside the Council Chambers that the Council was back in Open Session.

Mayor Smith announced that the Council voted to go in Executive Session, discussed the interviews for Police Chief and voted to appoint Oscar James Lewis, III as Chief of Police.

ADJOURNMENT:

The Mayor then asked if there was any other business to come before the Mayor and City Council. There being none, Council Member Karriem moved that the meeting be adjourned. Upon second by Council Member Turner and unanimous vote, the Mayor announced that the meeting was ADJOURNED.

Approved by: _____
Robert E. Smith, Sr., Mayor

**Milton Rawle, Jr.,
CFO- Secretary-Treasure**