

MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS FEBRUARY 2, 2016

The Mayor and City Council met in Regular Session on Tuesday, February 2, 2016 at 5:00 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, Interim Chief Fred Shelton, and the Human Resources Director.

I. CALL TO ORDER AND INVOCATION

Mayor Robert 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 19, 2016.

Council Member Mickens made a motion to approve the Minutes for the Meeting of January 19, 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 FEBRUARY 2, 2016.

Council Member Taylor made a motion to approve the Docket of Claims for February 2, 2016 in the amount of \$347,467.38. 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

CONSENT:

Add Item "M" - *Approve request for one (1) Code Enforcement Officer and Administrative Assistant to attend the "Mississippi Association for Code Enforcement Membership Meeting" to be held in Ridgeland, MS and approve payment of \$75.00 each for registration, \$297.00 each for lodging, \$51.12 for Code Enforcement Officer for travel and \$165.56 for travel for Administrative Assistant and \$178.00 each for meal expenses.*

Add Item "N" - *Approve letter of resignation from Police Officer Willis McNeil, effective February 11, 2016.*

Add Item "O" - *Approve request for Drug Court Coordinator Leonardo Dismukes to attend the "Drug Court Coordinator's Meeting" to be held in Pascagoula, MS, and approve payment of \$105.00 for lodging, \$262.22 for travel and \$76.50 for meal expenses.*

REPORTS, PROCLAMATIONS, RECOGNITIONS AGENDA:

Delete Item "B".

Add Hilbert Williams as an applicant for City Utilities Commission

POLICY AGENDA:

Add Item "G" - Discuss/Approve Lehmborg Bridge Repair Quotes.

Add Item "H" – Adopt Resolution naming Highway 182 from MLK to Lehmborg Road Esther Harrison Memorial Blvd.

EXECUTIVE SESSION:

Add acquisition of Real Property – four (4) items.

Council Member Box made a motion to approve the overall Agenda, according to the Amendments. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

V. CONSENT AGENDA:

- A. Approve request for Fire personnel Damon Estes, Steve Loden and Edmund Brock to attend the "Airport Firefighter Training" to be held in Jackson, MS, and approve payment of \$2,370.00 for registration, \$50 for travel and \$115.00 for meal expenses.
- B. Approve request for Fire personnel Matthew Jaynes and Jaquay Sherrod to attend the "Firefighter 1001-I-II Training" to be held in Jackson, MS, and approve payment of \$2,350.00 for registration, \$350.00 for travel and \$1,288.00 for meal expenses.
- C. Approve request for Fire & Rescue Administrative Assistant Tabitha Barham to attend the "Administrative Services Certification Program" to be held in Jackson, MS, and approve payment of \$300.00 for registration, \$267.00 for lodging, \$50.00 for travel and \$184.00 for meal expenses.
- D. Ratify request of payment of \$386.72 to All-Star Printing for envelopes.

- E. Ratify request for the Interim Police Chief Fred Shelton to attend the “Mini-Conference on Policing and Race” to be held in Cincinnati, OH, and approve payment for registration, lodging, and meal expenses.
- F. Ratify request to send an Investigator to travel to Jackson, MS, to take a victim’s statement and also attend an autopsy.
- G. Approve permit request from LeAnn Alexander, Director of Stark Recreation Center, to host a “5K Run/One Mile Fun Run” to be held on April 1, 2016 from 8:00 p.m. until 9:15 p.m. Please see attached route map.
- H. Approve permit request from Brad Atkins to host the “Pilgrimage Half Marathon and 5K Run” to be held on April 2, 2016 from 7:00 a.m. until 11:00 a.m. The route will begin and end at the Tennessee Williams Welcome Center. Please see the attached route map.
- I. Approve request for Interim Police Chief Fred Shelton to attend the “Emerging Legal Trends Training” to be held in Biloxi, MS, and approve payment of \$295.00 for registration, \$158.00 for lodging and \$178.50 for meal expenses.
- J. Approve request for Police Officer Amanda Burrell to attend the “FBI – LEEDA Supervisor Leadership Training” to be held in Birmingham, AL, and approve payment of 650.00 for registration and \$595.00 for lodging expenses.
- K. Approve request for Training Director Elizabeth Patrick to attend the “Taser Risk Management Summit” to be held in Arlington, VA, and approve payment of \$229.00 for lodging, \$276.00 for travel, \$25.00 for taxi service, and \$112.00 for meal expenses.
- L. Ratify request for the City Registrar Brenda Williams to travel to Jackson, MS, to pick up Special Election Ballots and approve payment of \$166.97 for travel expenses and \$38.25 for meal expenses.
- M. Approve request for Code Enforcement Officer Tomarris Jones and Administrative Assistant Jarion Jones to attend the “Mississippi Association for Code Enforcement Membership Meeting” to be held in Ridgeland, MS and approve payment of \$75.00 each for registration, \$297.00 each for lodging, \$51.12 for Code Enforcement Officer for travel and \$165.56 for travel for Administrative Assistant and \$178.00 each for meal expenses.
- N. Approve letter of resignation from Police Officer Willis McNeil effective February 11, 2016.
- O. Approve request for Drug Court Coordinator Leonardo Dismukes to attend the “Drug Court Coordinator’s Meeting” to be held in Pascagoula, MS, and approve payment of \$105.00 for lodging, \$262.22 for travel and \$76.50 for meal expenses.

Council Member Taylor made a motion to approve the Consent Agenda, according to the amendments. 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

General Counsel, Jeff Turnage, reported upon an Attorney General's Opinion he had received regarding the Separation of Powers as it related to the Municipal Judge and informed the Mayor, Council and General Public that there was no prohibition for the Municipal Judge to be part time Public Defender. Council Member Gavin thanked the General Counsel for the report.

Council Member Turner announced that there will be a MS Derby Tea Social at Hunt Museum on Saturday, February 6, 2016 from 3:00 p.m. – 6:00 p.m. The admission is free.

B. DELETE

C. Board Vacancies:

David Armstrong announced vacancies on various boards and remarked that no appointment can be made tonight.

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.
- Appointment can be made immediately.

Columbus/Lowndes Convention & Visitors Bureau

- One (1) Vacancy
- Dewitt Hicks' 3-Year Term will expire March 1, 2016.
- He serves as the Historic Home Owner Member.
- Appointment can be made March 1, 2016.

Applicant

- Dewitt Hicks

Columbus Municipal School District

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

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.
- Appointment can be made April 1, 2016.

City Utilities Commission

- One (1) Vacancy
- Andrew Colom resigned January 21, 2016.
- The remainder of this 5-Year Term will expire 06/30/2018.
- Appointment can be made March 1, 2016.

Applicants

- Tiffany Sturdivant
- Hilbert Williams

VII. CITIZENS INPUT AGENDA

Meaghan Rice – New Community Counseling Service Program

Meaghan Rice, Community Director, announced that Open House will be held at 915 Main Street on March 1, 2016 at 2:00 p.m.

VIII. POLICY AGENDA:

A. Discuss/Approve lowest bid to finance the 2016 Caterpillar Excavator.

Milton Rawle, CFO, reported that he advertised for bids for financing the 2016 Caterpillar Excavator and remarked that Trustmark Bank has the lowest Bid.

Council Member Gavin made a motion to award the bid for equipment financing to Trustmark Bank. Council Member Taylor seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

B. Discuss/Approve Proposed Fence for Riverwalk Trail Extension.

Council Member Taylor made a motion to approve erecting a Fence for the Riverwalk Extension. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

C. Discuss/Approve hiring of three (3) Entry-Level Firefighters for the Columbus Fire and Rescue Department upon successful completion of physical examination and drug screen.

Council Member Taylor made a motion to hire Jamie Adams, Donald Buckley, and Wesley Gates as entry-level firefighters, contingent on successful completion of a pre-employment medical exam and drug screen. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

D. Discuss/Approve State Mutual Aid Compact Agreement.

Council Member Box made a motion to approve the State Mutual Aid Compact Agreement. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

THE AGREEMENT FOLLOWS:

E. Discuss/Approve Derelict Property Docket.

JR. Moore
1016 – 3rd Avenue South
Case Number 14-503 Structure

The General Counsel called cause number **14-503**. No one appeared. Code Enforcement Officer Tomarris Jones stated the property was in such a state of uncleanness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** and that an Order be issued for the property. Council Member Taylor made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal

property and other debris no more than twelve (12) times in a twenty-four (24) month period immediately following the Order, with further notice to the owner as required by law. Costs are to be assessed as allowed under Section 21-19-11 of the Mississippi Code. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

BRYAN L. ROBERTS
100 – 21st Street
Case Number 15-421 Structure

The General Counsel called cause number **15-421** Patricia Roberts, the property owner's mother came forward and requested a **45-day extension** to remediate the property. Code Enforcement Officer Tomarris Jones concurred with this request and recommended the 30-day extension to remediate the property and recommends entering an Order under Section 21-19-11 of the Mississippi Code, finding that this property is in such a state of uncleanliness as to be a menace to the public health and safety of the community. This Order should give the owner seven (7) days on remediation of vegetation and forty-five (45) days to remediate the exterior property and provide for such re-entry as the Statute allows. Council Member Turner made a motion to grant the extension in accordance with Section 21-19-11, and for an Order stating the City may remediate the property with respect to cutting grass and weeds and removing rubbish, personal property, and other debris no more than twelve (12) times in a twenty-four (24) month period and remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order, with further notice to the owner as required by law. Costs are to be assessed as allowed under Section 21-19-11 of the Mississippi Code. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Wilma F. Webber Colbert
1096 Southdown Parkway
Case Number 14-0506 Structure

The General Counsel called cause number **14-0506**. No one appeared. Code Enforcement Officer Tomarris Jones stated the property was in such a state of uncleanliness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** and that an Order be issued for the property. Council Member Turner made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal

property and other debris no more than twelve (12) times in a twenty-four (24) month period immediately following the Order, with further notice to the owner as required by law. Costs are to be assessed as allowed under Section 21-19-11 of the Mississippi Code. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

Leon Smith
2205 Bell Avenue
Case Number 14-0514 Structure

The General Counsel called cause number **14-0514**. Leon Smith appeared and requested a **45-day extension**. Code Enforcement Officer Tomarris Jones remarked that the abatement of this case has been in progress since 2013 and stated the property was in such a state of uncleanness as to be a menace to the public under Section 21-19-11 of the Mississippi Code and asked the Mayor and Council to adjudicate the property as such and that an Order be entered to such effect, requested **immediate abatement** and that an Order be issued for the property. Council Member Taylor made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order stating the City may remove dilapidated buildings or dilapidated fences up to six (6) more times in the twelve (12) month period immediately following the Order and cutting grass and weeds and removing rubbish, personal property and other debris no more than twelve (12) times in a twenty-four (24) month period immediately following the Order, with further notice to the owner as required by law. Costs are to be assessed as allowed under Section 21-19-11 of the Mississippi Code. Council Member Turner seconded the motion.

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

The motion carried.

Heather Deckley, et al
207 Jones Circle
Case Number 14-0526 Vegetation

The General Counsel called cause number **14-0526**. No one appeared. Code Enforcement Officer Tomarris Jones stated the property has been **remediated** and recommends that enter into the proposed Order. Council Member Gavin made a motion in accordance with Section 21-19-11 of the Mississippi Code, and for an Order finding that this property was in such a state of uncleanness as to be a menace to the public and health and safety of the community. This Order should provide for such re-entry as the statute allows. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

F. Discuss/Approve Assignment and Assumption Agreement.

The Council discussed the acquisition of the Old Regal Cleaners building and suggested that the City approve an Assignment and Assumption Agreement whereby the prior owner assigns its obligations and rights under the agreement to the City and the City assume the lessor's obligations under the lease as Lessor and the tenant agrees and consents to the Assignment and Assumption by the seller and the City. Council Member Gavin made a motion to take over the building as Lessor on a month-to-month basis. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

G. Discuss/Approve Lehmburg Bridge Repair Quotes.

Kevin Stafford, with Neel-Schaffer, came forward and remarked that he advertised for bids for the Lehmburg Bridge Piling Rehabilitation and recommends awarding the bid to Weathers Construction, Inc. at a cost of \$46,400.00, which is the lowest and best bid.

Council Member Box made a motion to award the bid for the Lehmburg Bridge Piling Rehabilitation to Weathers Construction, Inc. at a cost of \$46,400.00. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

H. Discuss/Approve adopting Resolution naming Highway 182 from MLK to Lehmburg Road Esther Harrison Memorial Blvd.

The Council discussed the request to adopt a Resolution naming Highway 182 from MLK to Lehmburg Road "Esther Harrison Memorial Blvd." Council Member Turner made a motion to adopt same said Resolution. Council Member Mickens seconded the motion and then the question was 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 MARTY TURNER voted:	<u>YEA</u>
COUNCIL MEMBER BILL GAVIN voted:	<u>YEA</u>

THE RESOLUTION FOLLOWS:

There came on for consideration the matter of the City of Columbus, Mississippi passing the proposed resolution and Council Member TURNER offered and moved that the following resolution be adopted by the Mayor and City Council:

**RESOLUTION SUPPORTING LEGISLATION
DEDICATING HIGHWAY 182 FROM
ITS INTERSECTION WITH DR. MARTIN LUTHER KING, JR. BOULEVARD
TO ITS INTERSECTION WITH LEHMBERG ROAD
IN COLUMBUS, LOWNDES COUNTY MISSISSIPPI AS
REPRESENTATIVE ESTHER HARRISON MEMORIAL HIGHWAY**

WHEREAS, Representative Esther Harrison was born on June 10, 1946 in Columbus, Mississippi, and was a dedicated public servant with the central theme of her life being a commitment to education, advancement of civil rights and support of disadvantaged people; and

WHEREAS, Representative Harrison was educated in the Columbus Public School system and graduated with honors from R.H. Hunt High School and attended Alcorn State University and Mississippi University for Women; and

WHEREAS, Esther Harrison's dedication to the advancement of minorities and disadvantaged people lead her to courageously stand up and work with the NAACP during the turbulent period 1960s to register African American voters; and

WHEREAS, Representative Harrison gave comfort and aid to others who risked their lives and safety to protect and advance the interests of people who had been victimized by discrimination; and

WHEREAS, Representative Harrison's thirst to assist others lead her to be elected to the Mississippi Legislature in 2000, where she worked quietly but effectively to advance the interest of the people of District 41; and

WHEREAS, the family, friends and residents of Columbus will always remember Esther Harrison for her steadfast commitment to excellence in education, professional ethics, commitment of purpose, and as well, for the love and compassion she displayed to all those who had the privilege to know her, and for the example she set for all; and

NOW THEREFORE, BE IT RESOLVED, that the Mayor and City Council that, via passage of this resolution, the City of Columbus supports the dedication of Mississippi State Highway 182 from its intersection with Dr. Martin Luther King, Jr. Boulevard to its intersection with Lehmborg Road in Columbus, Lowndes County, Mississippi as follows:

Representative Esther Harrison Memorial Highway.

THE FOREGOING RESOLUTION was seconded by COUNCIL MEMBER MICKENS, and the vote to adopt was as follows:

Council Member	AYE	NAY
Ward 1 – Gene Taylor	<u> X </u>	<u> </u>
Ward 2 – Joseph Mickens	<u> X </u>	<u> </u>
Ward 3 – Charlie Box	<u> X </u>	<u> </u>
Ward 4 – Marty Turner	<u> X </u>	<u> </u>
Ward 5 – Vacant Seat	<u> X </u>	<u> </u>
Ward 6 – Bill Gavin	<u> X </u>	<u> </u>

The Mayor then announced that the above and foregoing resolution passed upon a vote of 5 to 0 and thereby announced that the above and foregoing

Resolution was **ADOPTED, THIS 2nd DAY OF February , 2016.**

ROBERT E. SMITH, SR.
MAYOR

ATTEST:

MILTON RAWLE, Jr.
CHIEF FINANCIAL OFFICER

CLOSED DETERMINATION:

Council Member Mickens made a motion to go into closed session to determine whether it is necessary to go into Executive Session. Council Member Gavin 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, the Interim Police Chief and the HR Director exited the Council Chambers.

Mayor Smith apprised the Council of one (1) Pending Litigation matter, one (1) matter concerning Acquisition of Real Property, one (1) Prospective Litigation matter and discussion of the parking lot behind the Gilmer Inn, and remarked that these items warrant being heard in executive session.

Council Member Gavin made a motion to go into Executive Session. Council Member Turner 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 the aforementioned matters.

IX. EXECUTIVE SESSION:

Pending Litigation:

Mr. Mauldin presented a matter of possible acquisition of real property regarding approximately 220 Acres of land that may be for sale. The Council discussed this matter and took it under advisement.

Acquisition of Real Property (3):

The first matter concerning the Acquisition of Real Property involves the Jones' Property in Catfish Alley. The Council previously authorized the General Counsel to obtain appraisals and prepare Eminent Domain papers. The General Counsel reported that after doing so, the Jones Family agreed to sell the property and Therefore, the matter is now settled.

The second matter concerning the Acquisition of Real Property involves the Amphitheater, The Council discussed some conflicts that have arisen in the Acquisition of certain property and the Mayor asked for approval to pursue an appraisal and negotiations for some other property near the amphitheater.

The third matter concerning the Acquisition of Real Property involves the purchase of the parking lot behind the Gilmer. The owner wants to sell the property. The Council requested the General Counsel to engage Steve Holcombe to appraise the property and to enter into negotiations with the owner.

Prospective Litigation:

The Council discussed a matter of Prospective Litigation regarding the property where the Amphitheater will be located.

OPEN SESSION:

Council Member Gavin made a motion to return to Open Session. Council Member Turner 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.

The General Counsel announced that the Council discussed four (4) matters dealing with property acquisition and prospective litigation and voted to go in Executive Session but took no action.

ADJOURNMENT:

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

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

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

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