

# MEETING OF THE MAYOR AND CITY COUNCIL CITY OF COLUMBUS, MS SEPTEMBER 20, 2016

The Mayor and City Council met in Regular Session on Tuesday, September 20, 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. Also present were the COO, CFO, General Counsel, Police Chief, and the Human Resources Director.

## I. CALL TO ORDER AND INVOCATION

Mayor Smith called the meeting to order and called on Council member Mickens to offer the Invocation.

## II. APPROVE MINUTES FOR THE MEETING OF SEPTEMBER 6 & 13, 2016.

Council Member Mickens made a motion to approve the Minutes for the Meetings of September 6 and 13, 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 SEPTEMBER 20, 2016.

Council Member Taylor made a motion to approve the Docket of Claims for September 20, 2016 in the amount of \$718,108.11. 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 AGENDA:**

Change Item "P" to read – *Approve request for three (3) Fire & Rescue personnel to attend "CPAT Certification" to be held in Jackson, MS, and approve travel expenses.*

Add Item "Q" – *Accept letter of resignation from one (1) CPD Officer, effective October 1, 2016, and approve request for compensation of unused vacation time and to transfer his sick leave day to PERS.*

### **BOARD VACANCIES:**

Add MacArthur Inge as an applicant to the City Planning Commission.

Add Jason Spears to the Golden triangle Link Board of Directors Board.

**POLICY AGENDA:**

Add Item "F" – *Discuss/Approve Bond Resolution for City of Columbus, MS Electric System Revenue Refunding Bonds, Series 2016.*

Add Item "G" – *Discuss/Approve Engagement Resolution for the City of Columbus, MS Electric System Revenue Refunding Bonds, Series 2016.*

Add Item "H" – *Discuss/Approve Lowndes County board of Supervisors' letter concerning CLRA Interlocal Agreement.*

Council Member Taylor made a motion to approve the Agenda as presented, with the above amendments. Council member Jones seconded the motion. The Mayor called for discussion, and there being none, the Council voted unanimously in favor of the same.

**V. CONSENT AGENDA:**

- A. Approve request to refund Pat Clowers the sum of \$400 and Life Church of Columbus the sum of \$645 for cancellation of Trotter Convention Center Rental.
- B. Ratify request for Fire and Rescue personnel Duane Hughes and Michael Chandler to attend the "Minimum Standards Board Hearing" to be held in Jackson, MS, and approve payment of \$50 for travel and \$51.00 for meal expenses.
- C. Ratify request for Fire and Rescue personnel Duane Hughes and Michael Chandler to attend the "CPAT" held in Jackson, MS, and approve payment of \$50 for travel and \$51 for meal expenses.
- D. Approve request for Fire and Rescue personnel Jim Robbins to attend the "Terrorism Response Tactics" to be held in Pearl, MS, and approve payment of \$50 for travel expenses.
- E. Approve request for Fire and Rescue personnel Brett Thompson to attend the "R0390: Fire Inspection Principles I" to be held in Emmitsburg, MD, and approve payment of \$240 for lodging, \$300 for travel and \$510 for meal expenses.
- F. Approve request for Fire and Rescue personnel Michael Miller to attend the "FUNSAR Class" to be held in Meridian, MS, and approve payment of \$75 for travel expenses. All expenses will be reimbursed by the Department of Homeland Security.
- G. Approve request for Public Works Director Casey Bush to attend the "American Public Works Association Fall Conference" to be held in Gulfport, MS, and approve payment of \$200 for registration, \$221.97 for lodging, travel and meal expenses.
- H. Accept letter of retirement from Public Works Heavy Equipment Operator, Jack Wilson, Jr., effective September 22, 2016, and authorize the HR Director to begin the normal recruitment process.

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- I. Approve permit request from Lynn Davis on behalf of First Methodist Church, Annunciation Church and St. Paul's Episcopal Church to host the "Fall Festival Community Block Party" to be held on October 30, 2016 from 4:00 p.m. until 6:30 p.m. and to block off roads at 2:00 p.m. The festival will start at St. Paul's on College Street (3<sup>rd</sup> St. South) and end at Annunciation Catholic Church's Activities Building. (See attached map.)
- J. Accept letter of retirement from CPD Lieutenant, Teresa Songer, effective September 14, 2016, and approve her request to purchase her duty weapon for \$10.00.
- K. Accept letter of resignation from CPD Officer, Christian Benton, effective September 21, 2016, and approve request for compensation of 240 hours unused vacation time.
- L. Accept letter of resignation from CPD Officer, Andres Rodriguez, effective September 26, 2016, and approve request for compensation of unused vacation time.
- M. Accept letter of resignation from CPD Officer, Kenyada Blair, effective immediately, and approve request for compensation of unused vacation time.
- N. Approve request for CPD Captain Brent Swan to attend the "Open Source Intelligence Training" to be held in Ridgeland, MS, and approve payment of \$178.00 for lodging, \$50 for travel and \$127.50 for meal expenses.
- O. Approve request for the Mayor to attend the "North Mississippi Mayors Association Meeting" to be held in Tupelo, MS, and approve travel expenses.
- P. Approve request for Fire & Rescue personnel Eric Summerall, Tyler Jones, and Jacob Faulkner to attend "CPAT Certification" to be held in Jackson, MS, and approve payment of \$80.00 for registration, \$182.00 for lodging, \$50.00 for travel and \$102.00 for meal expenses.
- Q. Accept letter of resignation from (1) CPD Officer, Garrett Mittan, effective October 1, 2016, and approve request for compensation of unused vacation time and to transfer his sick leave days to PERS.

Council Member Taylor made a motion to approve the Consent Agenda as presented, with the above amendments. Council member Jones seconded the motion. The Mayor called for discussion, and there being none, the Council voted unanimously in favor of same.

## **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 Fire & Rescue Department for August 2016**

The Monthly Report from the Columbus Fire & Rescue Department for August 2016 was presented. No action was taken.

**C. Monthly Report from the City Planning and Community Development Department for August 2016**

The Monthly Report from the City Planning and Community Development Department for August 2016 was presented. No action was taken.

**D. Monthly Report from the Municipal Court Division for August 2016**

The Monthly Report from the Municipal Court Division for August 2016 was presented. No action was taken

**E. Monthly Report from the Public Works Department for August 2016**

The Monthly Report from the Public Works Department for August 2016 was presented. No action was taken.

**F. Monthly Report from the Columbus Police Department for August 2016**

The Monthly Report from the Columbus Police Department for August 2016 was presented. Council Member Box remarked that he was concerned with the number of Police Officers that are resigning and asked if Exit Interviews were being conducted. Chief Lewis and Pat Mitchell responded. No action was taken.

**G Monthly Report from the Code Enforcement Division for August 2016**

The Monthly Report from the Code Enforcement Department for August 2016 was presented. No action was taken.

**H. Monthly Report from the Building Inspection Department for August 2016**

The Monthly Report from the Building Inspection Department for August 2016 was presented. No action was taken.

**I. Monthly Financial Report**

Milton Rawle, Jr. gave the Monthly Financial Report and commented that sales taxes increased by \$38,000 for September, which is an increase compared to the same time last year.

**J. Board Vacancies:**

**Board of Adjustment & Appeals**

- One (1) Vacancy
- Fred Kinder resigned 5/31/2016.
- No Applicants at this time
- Appointment can be made immediately.

**Columbus/Lowndes Library Board**

- One (1) Vacancy
- Jennifer Box's 5-Year Term will expire 9/30/2016.
- Appointment will be made 9/20/2016.

**Applicants**

- Jennifer Box
- Margaret Ann Evans

Council Member Box recused himself and left the Council Chambers. Council Member Taylor made a motion to reappoint Jennifer Box to the Columbus/Lowndes Library Board for a five (5) year term, until September 30, 2021. Council Member Gavin seconded the motion.

**SUBSTITUTE MOTION:**

Council Member Turner made a substitute motion to appoint Margaret Ann Evans to the Columbus/Lowndes Library Board. Council Member Mickens seconded the motion.

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

The motion failed.

**ORIGINAL MOTION:**

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

The motion carried.

Council Member Box reentered the Council Chambers.

**Historic Preservation Board**

- One (1) Vacancy
- Carolyn Burns Kaye's 4-Year Term expired 5/16/2016.
- Appointment can be made immediately.

**Applicant**

- Carolyn Burns Kaye

Council Member Taylor made a motion to reappoint Carolyn Burns Kaye to the Historic Preservation Board for a 4-Year term, until May 16, 2020. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**Board of Adjustment & Appeals of Development Codes**

- Two (2) Vacancies
- Mike Gibson's 1-Year Term expired 7/6/2016.
- Mike Gibson was appointed as Fire Protection Engineer or Contractor.
- Ralph McLain's 2-Year Term will expire 9/21/2016.
- Ralph McLain was appointed as Electrical Engineer or Contractor.
- Appointments will be made 9/20/2016.

**Applicants**

- Ralph McLain
- Mike Gibson

Council Member Gavin made a motion to reappoint Mike Gibson to the Board of Adjustment & Appeals of Development Codes for a 1-Year Term, until July 6, 2017 and Ralph McLain to the same board for a 2-Year Term, until September 21, 2018. Council Member Jones seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**G. T. Link Board of Directors**

- One (1) Vacancy
- Jim Mauldin's 2-Year Term will expire 9/30/2016.
- Appointment will be made 9/20/2016.

**Applicants**

- Jim Mauldin
- Michael E. Davis
- Doris E. Hardy
- Jason Spears

Council Member Gavin made a motion to appoint Jason Spears to the Golden Triangle LINK Board of Directors. Council Member Mickens seconded the motion.

**SUBSTITUTE MOTION:**

Council Member Jones made a substitute motion to appoint Michael E. Davis to the Golden Triangle LINK Board of Directors. Council Member Turner seconded the motion.

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

The motion carried.

**City Planning Commission**

- Three (3) Vacancies
- Larry Fuller's 3-Year Term will expire 10/7/2016.
- Chuck Bigelow's 3-Year Term will expire 10/7/2016.
- MacArthur Inge's 3-Year Term will expire 10/7/2016.
- One applicants at this time
- Appointments will be made 10/4/2016.

**Applicant**

- MacArthur Inge

**VII. CITIZENS INPUT AGENDA**

**VIII. POLICY AGENDA:**

- A. Discuss/Approve cost of property clean up on cases previously heard by Council and for which remediation has been completed.**

Council Member Taylor made a motion to adjudicate the cost of property clean-up on cases previously heard by Council and for which remediation has been completed. Council Member Box seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**THE ADJUDICATED LIST FOLLOWS:**

**(THIS SPACE LEFT BLANK INTENTIONALLY)**

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**REPORT OF LOT CLEANING ACTIVITY**  
Cases Previously Heard by Council for Which Remediation Has Been Completed

TOTAL COST BILLED TO OWNERS THIS REPORT							\$402.00
CASE NO	WARD	OWNER NAME	C/O NAME	SITE ADDRESS	LOT CLEANED BY	BUILDING DEMOLISHED BY	TOTAL CLEANING COST w/Penalty
15-110.2	5	Joe/Vapor Robertson		714 14th Steet North	Public Works	N/A	\$164.00
		ASBESTOS SAMPLES \$0.00	ASBESTOS REMOVAL \$0.00	PUBLIC WORKS \$164.00	ATTORNEY FEES \$0.00	LEGAL ADVERTISING \$0.00	Approved Penalty \$0.00
NOTES							
15-157.2	5	Roy and Dorothy Gandy		702 14th Street North	Public Works	N/A	\$119.00
		ASBESTOS SAMPLES \$0.00	ASBESTOS REMOVAL \$0.00	PUBLIC WORKS \$119.00	ATTORNEY FEES \$0.00	LEGAL ADVERTISING \$0.00	Approved Penalty \$0.00
NOTES							
15-426.2	5	Home Opportunity LLC		1801 5th Ave. North	Public Works	N/A	\$119.00
		ASBESTOS SAMPLES \$0.00	ASBESTOS REMOVAL \$0.00	PUBLIC WORKS \$119.00	ATTORNEY FEES \$0.00	LEGAL ADVERTISING \$0.00	Approved Penalty \$0.00
NOTES							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES							

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**REPORT OF LOT CLEANING ACTIVITY**

Cases Previously Heard by Council for Which Remediation Has Been Completed

CASE NO	WARD	OWNER NAME	C/O NAME	SITE ADDRESS	LOT CLEANED BY	BUILDING DEMOLISHED BY	TOTAL CLEANING COST w/Penalty
15-132.2	2	Ruby Latham		4th Ave. South	Public Works	N/A	\$164.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$164.00	\$0.00	\$0.00	\$0.00
NOTES:							
15-177.3	2	Thomas/Betty Mathis		104 Airline Road	Public Works	N/A	\$179.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$179.00	\$0.00	\$0.00	\$0.00
NOTES:							
15-377.1	4	Flisha Holt		1424 13th Avenue North	Public Works	N/A	\$119.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$119.00	\$0.00	\$0.00	\$0.00
NOTES:							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES:							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES:							
							\$0.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
NOTES:							

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**REPORT OF LOT CLEANING ACTIVITY**

Cases Previously Heard by Council for Which Remediation Has Been Completed

TOTAL COST BILLED TO OWNERS THIS REPORT							\$1,326.00
CASE NO	WARD	OWNER NAME	C/O NAME	SITE ADDRESS	LOT CLEANED BY	BUILDING DEMOLISHED BY	TOTAL CLEANING COST w/Penalty
14-193.5	1	Ernest Davis, III.		1500 (Block) 5th Avenue South	Public Works	N/A	\$164.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$164.00	\$0.00	\$0.00	\$0.00
NOTES							
14-279.6	3	Bell Prop. Design Group, LLC		111 Beech Street	Public Works	N/A	\$179.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$179.00	\$0.00	\$0.00	\$0.00
NOTES							
14-396.1	1	Clara McGregory		2305 Washington Ave	Public Works	N/A	\$119.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$119.00	\$0.00	\$0.00	\$0.00
NOTES							
15-073.1	1	Alanidrew & Arlene Jones		302 19th St, South	Public Works	N/A	\$119.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$119.00	\$0.00	\$0.00	\$0.00
NOTES							
15-127.3	1	David/Carrie Windham		2408 3rd Ave. South	Public Works	N/A	\$119.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$119.00	\$0.00	\$0.00	\$0.00
NOTES							
15-129.3	1	Johnnie Thomas		422 24th Street South	Public Works	N/A	\$164.00
		ASBESTOS SAMPLES	ASBESTOS REMOVAL	PUBLIC WORKS	ATTORNEY FEES	LEGAL ADVERTISING	Approved Penalty
		\$0.00	\$0.00	\$164.00	\$0.00	\$0.00	\$0.00
NOTES							

**B. Discuss/Approve New Recycling Agreement recommendation.**

David Armstrong, COO, commented on the New Recycling Agreement and remarked that the City advertised for RFPs and received two (2) proposals: one from Waste Pro and one from GoBox. The committee that was appointed to review these proposals recommends awarding the contract to GoBox. Council Member Box made a motion to accept the Committee's recommendation to award the New Recycling Contract to GoBox at a cost of \$99,600.00 annually. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**The Agreement follows:**

**AGREEMENT FOR ENVIRONMENTAL AND RECYCLING SERVICES**

This Agreement is made this the 1<sup>st</sup> day of November 2016 by and between the City of Columbus, Mississippi hereinafter called the "City", and Go Box Environmental, LLC, hereinafter called the "Service Provider."

**WITNESSETH**

**WHEREAS**, During August 2016, and thereafter, the City did advertise for proposals for the contract work of operation of an environmental and recycling program; and

**WHEREAS**, Service Provider submitted a responsive proposal; and

**WHEREAS**, the City of Columbus did negotiate with Service Provider and Lowndes County to enter into an Agreement with Service Provider at a cost to be equally split by the County and the City;

**NOW THEREFORE**, the parties hereto agree as follows:

**1. PREMISES**

Service Provider agrees to specify six sites within the municipal limits for pickup of papers, corrugated boxes and steel and aluminum cans and two sites outside the municipal limits in Lowndes County. Service Provider shall place containers and lids at the specified locations for drop-off by City and County tax-payers of such recyclable materials.

The Service Provider shall also provide its own site for collection and recycling of papers, corrugated boxes, aluminum cans, plastic bottles, scrap tires, steel and aluminum cans, rechargeable batteries, used motor oil, "electronic-waste" and large appliances and, from designated parking lot areas, papers, corrugated boxes and aluminum cans and the delivery of these materials to suitable disposal/recycling facilities, and related management and

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oversight responsibilities. Electronic waste is "e-waste" or "Waste Electrical and Electronic Equipment" ("WEEE"), which is a waste type consisting of any broken or unwanted electrical or electronic appliances.

## **2. TERM OF AGREEMENT**

This Agreement shall commence on November 1, 2016, and shall continue in effect for three (3) years, until October 31, 2019. This Agreement shall be subject to being automatically renewed at the option of the City and/or the Service provider under the same terms and conditions for additional terms of one-year, beginning on November 1 and ending October 31 of succeeding years. In the event either party wishes to prevent this Agreement to automatically renew, that party shall notify the other not less than thirty (30) days before expiration that it does not wish to renew the Agreement. All terms and conditions of any renewal term shall be subject to the same terms and conditions as set forth in this Agreement.

## **3. CONSIDERATION**

In consideration of this Agreement, the City of Columbus shall pay to the Service Provider, the total sum of Ninety-Nine Thousand, Six Hundred Dollars (\$99,600.00). This amount will be paid in equal monthly installments of Eight Thousand, Three Hundred Dollars and 00/100 Cents (\$8,300.00). If the parties elect to renew this Agreement as set forth above, the annual amount shall be for Ninety-Nine Thousand, Six Hundred Dollars (\$99,600.00), payable in equal monthly payments at the end of each month in the amount of Eight Thousand, Three Hundred Dollars and 00/100 Cents (\$8,300.00). Should the County of Lowndes cease to reimburse the City for those services offered outside the municipal boundaries, the City shall have the right to terminate the recycling services being delivered by the Service Provider outside the City limits and may continue the Agreement for those services being provided within the corporate limits of the City, at a fee equal to six-eighths (6/8) of the total annual sum set forth herein.

## **4. REVENUE SHARING**

Service Provider shall share revenues with the City as follows: Thirty percent (30%) of revenue, less transport cost, that Go Box recovers from selling recycled goods, and thirty percent (30%) of revenue, less transport cost, that Go Box recovers from selling wood chips to Weyerhaeuser.

## **5. PERMITTED EQUIPMENT**

The Service Provider shall maintain a place for a compactor/baler on a concrete pad, and a dumpster or other appropriate container for mixed paper in a parking space on its premises which it specifies for recycling. The Service Provider shall be allowed to place totes for mixed containers in an enclosure. The Service Provider will contract independently for this equipment and shall be responsible for all costs associated therewith. No contract made by the Service Provider will be considered an obligation to or of the City or County.

## **6. SERVICE PROVIDER'S RESPONSIBILITY FOR MAINTENANCE**

The Service Provider shall be required to provide inspection of and collection services for all containers at sufficiently frequent intervals and on an "as-needed" basis to prevent accumulation of litter, debris, nuisance conditions, odors or vectors in the area of the equipment.

The Service Provider shall, at all times, keep its premises free of trash, debris, or any other dangerous, unhealthy, or unsightly accumulations. Upon notification by the designated City Official or the designated County Official that a collection or drop-off area is unacceptable in terms of safety or cleanliness, the Service Provider shall, within four (4) business hours of said notice, abate the conditions giving rise to said notice. If the Service Provider fails to take action within the four (4) hours, the City may abate the conditions and charge the cost of said work to the Service Provider.

## **7. SERVICE PROVIDER'S LIABILITY**

The Service Provider shall be solely responsible for any personal injury or property damage which may result from the location of its refuse containers or enclosure for containers on the premises. The Service Provider shall hold harmless and indemnify the City and/or the County, and any incorporated City or township within Lowndes County as well as their officers, agents, and employees from any and all liability, damages, actions, causes of actions and suits, whatsoever, arising out of the presence of the refuse containers or enclosure for containers on the premises, and shall provide the City, the County and any incorporated City or township within Lowndes County with a Certificate of Insurance naming them as additional insureds at the limits set forth in the Request for Proposals.

### **7.1 INDEPENDENT CONTRACTOR**

Service Provider shall at all times be considered an independent contractor of the City and County and not an employee. Neither City nor County shall have the right to control the details of the work to be performed under this Agreement, nor the means, methods or sequences of the work of the Service Provider or any of its agents, contractors,

subcontractors, vendors, licensees, officers, directors, managers or employees. The Service Provider shall have the sole right to hire and fire its agents, contractors, subcontractors, vendors, licensees, officers, directors, managers or employees. The Service Provider shall be solely responsible for determining the hours of the work of its employees. The Service Provider shall carry its own accident burden, and such coverage shall protect City and County and any incorporated City or township within Lowndes County from any liability in the premises and shall indemnify and hold harmless the City and County for work performed pursuant to this Agreement. Except as set forth herein, the Service Provider shall provide all tools, equipment, and appliances necessary to carry out the work described by this Agreement. The Service Provider shall have the sole right to terminate its employees.

## **8. TERMINATION**

This Agreement may be terminated upon ninety (90) day's written notice if the Service Provider or the City fails to adhere in any material way to any of the terms of this Agreement.

## **9. NOTICE**

The Service Provider will designate an individual who will be responsible for management services in the City and County, and shall provide this individual's contact information to the City and County and to all customers.

### **9.1 CORPORATE AUTHORIZATION AND CONTINUING OBLIGATIONS.**

The Persons executing this Agreement on behalf of the respective entities have been authorized to enter into this Agreement by their respective governing bodies at a lawfully called meeting where a quorum of its governing bodies voted in favor of it. This Agreement shall also be binding on the successors and assigns of the entities entering into this Agreement, to the extent provided by law.

## **10. MISCELLANEOUS**

A. Except as may be otherwise set forth herein, the Request for Proposals for Recycling and Collection Services, and the Proposal of the Service Provider submitted in response to the Request for Proposals, shall be considered a part of this Agreement as if fully copied herein.

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B. Service Provider shall use regular efforts to inform the public of the existence of its recycling business through advertising and educate and encourage recycling within Columbus and Lowndes County.

C. While Service Provider is expected to accept large appliances at its primary location during normal business hours, the Service Provider agrees to hold "White Days" twice a year in the City and in Artesia, Caledonia and New Hope for the drop-off by tax-payers of the County to dispose of large appliances at drop-off locations.

D. While Service Provider is expected to accept "electronic waste" at its primary location during normal business hours, the Service Provider agrees to accept e-waste on "White Days" twice a year in the City and in Artesia, Caledonia and New Hope.

E. While Service Provider is expected to accept old paint, paint containers at its primary location during normal business hours, the Service Provider agrees to accept such waste on "White Days" twice a year in the City and in Artesia, Caledonia and New Hope.

Any notices under this Agreement shall be sent by regular mail:

To the City: David Armstrong, COO  
City of Columbus  
P.O. Box 1408  
Columbus, MS 39703  
darmstrong@columbusms.org

To the Service Provider:

Rob Graham, Member/Manager  
Go Box Environmental, LLC  
100 Rosecrest Lane  
Columbus, MS 39701  
rgraham@getgobox.com

If either party wishes to designate a different person to whom notice should be directed, that party shall notify the other party of said change by email or regular mail.

In witness thereof, the parties have executed this Agreement on the day and year first above written.

GO BOX ENVIRONMENTAL, LLC

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BY: \_\_\_\_\_

MEMBER/MANAGER OF  
GO BOX ENVIRONMENTAL, LLC

CITY OF COLUMBUS

BY: \_\_\_\_\_

MAYOR OF CITY OF COLUMBUS

**C. Discuss/Approve request to hire one (1) CPD Officer contingent upon successful completion of physical examination and drug screen.**

Council Member Taylor made a motion to hire Samuel Jackson as a Police Officer, contingent on successful completion of a pre-employment medical examination and drug screen. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**D. Discuss/Approve Health Insurance Renewal for FY2016-2017.**

Pat Mitchell, Human Resources Director, requested approval of the 2016-2017 Employee Benefits Renewal to include Health, Dental and Life Insurance and approve Tim Cox and Russell Brown as Insurance Agents of Record.

Council Member Turner made a motion to approve the 2016-2017 Employee Benefits Renewal to include Health insurance with Blue Cross Blue Shield, Dental Insurance with Delta Dental and Life Insurance with Assurant Life, and approve Tim Cox and Russell Brown as Insurance Agents of Record. Council Member Gavin seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**E. Approve “Declaration of Necessity” to Issue Bonds and Resolution.**

Council Member Box made a motion to approve the “Declaration of Necessity” to issue Bonds and Resolution. Council Member Turner 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 Taylor voted:	<u>YEA</u>
Council Member Mickens voted:	<u>YEA</u>
Council Member Box voted:	<u>YEA</u>
Council Member Turner voted:	<u>YEA</u>
Council Member Jones voted:	<u>YEA</u>
Council Member Gavin voted:	<u>YEA</u>

The motion having received the affirmative vote of a majority of the members of the Governing Body present, being a quorum of said Governing Body, the Mayor declared the motion carried and the Resolution adopted this 20<sup>th</sup> Day of September, 2016.

**THE RESOLUTION FOLLOWS:**

**F. Discuss/Approve Bond Resolution for City of Columbus, MS Electric System Revenue Refunding Bonds, Series 2016.**

Council Member Taylor made a motion to approve the Bond Resolution for the City of Columbus, MS Electric System Revenue Refunding Bonds, Series 2016. Council Member Box 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 Taylor voted:	<u>YEA</u>
Council Member Mickens voted:	<u>YEA</u>
Council Member Box voted:	<u>YEA</u>
Council Member Turner voted:	<u>YEA</u>
Council Member Jones voted:	<u>YEA</u>
Council Member Gavin voted:	<u>YEA</u>

The motion having received the affirmative vote of a majority of the members of the Governing Body present, being a quorum of said Governing Body, the Mayor declared the motion carried and the Resolution adopted this 20<sup>th</sup> Day of September, 2016.

**THE RESOLUTION FOLLOWS:**

**G. Discuss/Approve Engagement Resolution for the City of Columbus, MS Electric System Revenue Refunding Bonds, Series 2016.**

Council Member Box made a motion to approve the Engagement Resolution for the City of Columbus, MS Electric System Revenue Refunding Bonds, Series 2016. Council Member Jones 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 Taylor voted:	<u>YEA</u>
Council Member Mickens voted:	<u>YEA</u>
Council Member Box voted:	<u>YEA</u>
Council Member Turner voted:	<u>YEA</u>
Council Member Jones voted:	<u>YEA</u>
Council Member Gavin voted:	<u>YEA</u>

The motion having received the affirmative vote of a majority of the members of the Governing Body present, being a quorum of said Governing Body, the Mayor declared the motion carried and the Resolution adopted this 20<sup>th</sup> Day of September, 2016.

**H. Discuss/Approve Lowndes County Board of Supervisors' letter concerning CLRA Interlocal Agreement.**

Mayor Smith reported that he had received a letter from the Board of Supervisors, giving the City a one-year notice of intent to terminate the Interlocal Agreement between the City of Columbus and Lowndes County concerning the Columbus-Lowndes Recreation Authority.

Council Member Jones made a motion to schedule a meeting with Lowndes/County Supervisors to discuss the matter and establish a dialogue. Council Member Turner seconded the motion.

All Council Members voted in favor of the motion.

The motion carried.

**CLOSED DETERMINATION:**

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

Mayor Smith apprised the Council of one (1) personnel matter, and remarked that this matter warrants being heard in Executive Session.

Council Member Jones made a motion to go into Executive Session to discuss a personnel matter. 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 a personnel matter.

## **IX. EXECUTIVE SESSION:**

### **PERSONNEL MATTER (1):**

The first matter to come before the Mayor and Council involves police department employee, I. D. number 936, who was invited in the Council Chambers, along with his legal Counsel, Attorney Zack Bonner. Attorney Bonner began by stating that he wished to offer a compromise and settlement option on behalf of his client. Employee, I. D. number 936 remarked that he understands that he violated the department's SOP as it refers to Body Cameras and stated that he takes pride in his work and appearance, and what occurred is a great tragedy to the City of Columbus and to the Ball family. Attorney Bonner requested the Council to consider reducing the number of days of suspension to eight (8) to be reflected in the employee's personnel file, drop the appeal to the Civil Service Commission over same, and waive back pay. The parties were asked to exit the Court Chambers for deliberation. The Council discussed what occurred on October 16, 2016.

Council Member Box asked the Chief if he was agreeable to a compromise and Chief Lewis stated that the officer had been an excellent employee and he had no problem with a compromise. Council Member Box made a motion to counter offer as follows: a suspension of ten (10) days without pay and that any claims for back-pay for the 20 days already served be waived by the employee and that the employee sign a covenant not to sue, signed by the City and the employee. Council Member Mickens seconded the motion.

Mayor Smith said he would not be in favor and if it was a tie, he would have to vote against it. Council Members Mickens, Box, Jones and Gavin voted in favor of the motion. Council Members Taylor and Turner opposed.

The motion carried with a 4/2 vote.

Employee, I. D. number 936, and Attorney Zac Bonner were invited back in the Court Chambers. General Counsel Jeff Turnage apprised Attorney Bonner and employee, I. D. Number 936, that the Council voted 4/2 to counter offer as stated above.

Employee, I.D. number 936 and his legal counsel conferred and announced that they agreed to the terms offered and would sign a release and waiver agreement regarding same.

MINUTES  
FOR MEETING OF  
September 20, 2016

**OPEN SESSION:**

Council Member Jones made a motion to return to Open Session. 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 back in Open Session.

The General Counsel reported that the Mayor and Council heard one (1) personnel matter and entered into a compromise on a suspension.

**ADJOURNMENT:**

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

Approved by: \_\_\_\_\_  
Robert E. Smith, Sr., Mayor

\_\_\_\_\_  
Milton Rawle, Jr.,  
CFO- Secretary-Treasurer